

Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT October 5, 2017

Application Number	:	C-17-04 – Angus Park, LLC
Present Zoning District	:	AR (Agricultural Residential)
Present Use	:	Church
Proposed Use	:	Retail sales of farm hardware and miscellaneous farm supplies, machinery and equipment <i>(with incidental service and repair)</i>
Relation to Growth Zone	:	Outside
Area and Location	:	5.917± acres on the northeast corner of Victory Chapel Rd. (Co. Rd. 163) and Forrest Ave. (DE Rt. 8), west of Dover

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Code, as follows:

§205-338. Retail sales of farm hardware and miscellaneous farm supplies, machinery and equipment

Conditions of this use shall be as follows, based on the above referenced Conditional Use as well as the modifications approved by the Kent County Board of Adjustment on September 21, 2017 under application A-17-36:

Requirements:

- A. To assure preservation of the agricultural character of the neighborhood, the sales activity shall be designed so that the appearance of the premises remains that of an agricultural area.
- B. The operation shall be conducted 75 feet from all adjacent property lines, with the

- exception of the additional building sitting 45.5± ft. from the eastern property line.
- C. Parking shall be provided in accordance with the provisions contained in Article XVII, Parking.
 - D. Any outside storage shall be screened from view from the northern and eastern residential property lines with fence not to exceed seven feet in height. All materials stored within the area shall not exceed the height of the fence.
 - E. No junk (as defined in this chapter) shall be stored on-site.
 - F. The number of delivery vehicles shall not exceed two.
 - G. All requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.

Recommendations:

Pursuant to §205-251 General guidelines and standards for Conditional Uses, Staff further recommends the following in order to preserve the residential and agricultural character of the area and limit potential impact on neighboring properties:

- A. All service and repair shall be incidental and accessory to the primary use of Retail sales of farm hardware and miscellaneous farm supplies, machinery and equipment, and as such shall take place within a completely enclosed structure.
- B. Prior to issuance of building permit(s), the applicant must provide Letters of No Objection from DNREC due to the location of the existing on-site septic area being below existing pavement on the northwest portion of the subject site.
- C. To improve aesthetics of the developed subject site, Staff recommends the installation of landscaped islands at the ends of established parking aisles, and foundation plantings along the northern, western and southern sides of the existing building.
- D. The limiting of storage and display of machinery and equipment to four (4) pieces along Forrest Avenue.
- E. Detached signage shall not exceed size or height of existing signage, and shall remain static in nature (no electronic variable signage permitted).

II. BACKGROUND INFORMATION:

- The applicant met with Staff on or around August 1, 2017 to discuss the proposed use on the subject site, which currently has approval as a church. The subject site is currently being utilized as a church minimally pending sale to the applicant.
- The Comprehensive Plan calls for low density residential uses in this area, with some highway and neighborhood commercial further to the east.
- If approved, the proposed use would be conducted within an existing 20,000± square foot church with a 100' x 100' enclosed outdoor storage area, and would remain compliant with the existing zoning district and the Comprehensive Plan.
- The 5.917± acre subject site is currently improved with a one-story nonresidential building. The character of the surrounding area is primarily residential in nature, being just north of the Blue Ribbon Inc. strip subdivision and the Hidden Acres subdivision. Lots to the north and east are also developed residentially, and properties to the west are

- primarily agricultural in nature with exception of one nonresidential use of a legal nonconforming church and cemetery directly across Victory Chapel Rd.
- There have been two site plans approved for the subject site, including S-77-02 and S-80-03, both for the church with proposed additions.

III. AGENCY COMMENTS

A. KENT COUNTY – Department of Public Works, Division of Engineering – Contact: Brian L. Hall, Engineering Project Manager II

Requirement & Source:

1. N/A

Comment:

1. The Engineering Division grants “Approval with No Objection to Recordation.”

B. DNREC: Division of Fish and Wildlife - Species Conservation and Research Program-

Contact: Kate Fleming, Wildlife Biologist/Environmental Review Coordinator

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Plot Plan