



# Kent County

## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT April 5, 2018

<b>Application Number</b>	:	C-18-01
<b>Present Zoning District</b>	:	BG (General Business)
<b>Present Use</b>	:	Vacant Commercial Building
<b>Proposed Use</b>	:	Billboard
<b>Relation to Growth Zone</b>	:	Inside
<b>Area and Location</b>	:	1.1± acres on the south side of W Lebanon Rd (DE Rt. 10), approx. 435± ft. west of S State St. (DE Rt. 10A), east of Camden

#### **I. STAFF RECOMMENDATION:**

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

#### **A. §205-266. Billboards on divided highways only**

Conditions of this use shall be as follows:

- A. If an on-premises sign is located on an individual parcel in a BG - General Business District, no off-premises sign (billboard) is permitted.**
- B. All billboards must be set back 25 feet from the street right-of-way.
- C. Billboards shall not exceed 288 square feet in area.
- D. No more than one double-faced billboard is permitted per parcel, with no more than one advertisement per side.
- E. Billboards shall be no more than 35 feet in height.

F. No billboard shall be closer than a one-thousand-two-hundred-foot radius from another billboard, except that the Levy Court may approve a lesser distance in cases of existing nonconforming billboards seeking conditional use approval; however, for static message billboards a minimum five-hundred-foot separation distance shall be maintained on controlled access highways and a minimum three-hundred-foot separation distance shall be maintained on noncontrolled access roads, and for electronic variable message billboards, a separation distance of 2,500 feet shall be maintained from another electronic variable message billboard, and a separation distance of 500 feet shall be maintained from a static message billboard.[Amended 1-25-2011 by Ord. No. 11-01]

### **B. Staff Recommendation**

The subject site is located on the south side of West Lebanon Road (DE Rt. 10) and is surrounded by medium density residential uses as well as neighborhood commercial uses. Based on the surrounding uses and the character of the area around the subject site, an electronic variable may not be appropriate and could have a negative impact on surrounding residential properties.

Staff recommends that the application be approved with the condition that the billboard be limited to static messages as opposed to an electronic variable sign. Additionally, it appears to be the intent to utilize the remainder of the parcel as a shopping center. The applicant should be advised that signage options will be limited should the billboard be installed on the parcel.

## **II. BACKGROUND INFORMATION:**

- A pre-application conference was conducted to discuss the Conditional Use process and the specifics of this application for a billboard.
- The subject site is currently a vacant commercial shopping center with no signage. The subject site has been advertised for a new construction shopping center. The applicant is aware that once the billboard is installed, no signage (including any attached signage for a shopping center) will be permitted on site.
- The applicant is proposing a 12' x 24' (288 sq. ft.) located approx. 25' feet from the right-of-way of West Lebanon Road (DE Rt. 10). The proposed sign is 35' in height.
- The billboard must be located at least 50' from a residential property line.
- The BG zoning district allows for this use through the Conditional Use process, but does not require a site plan review; therefore it does not fall under the purview of the Adequate Public Facilities Ordinance. [§187-90.2 (D) (8)]
- The Comprehensive Plan calls for highway commercial uses in this area.
- The subject is currently a vacant commercial shopping center with no signage.
- The subject site has been part of the following Land Use applications:
  - **Z-82-35 The First National Bank of Wyoming** was approved for a rezoning request to rezone the subject site from RS1 to BG.

- **S-86-12 W. Charles Paradee, Sr.** was approved for a site plan with a proposed use of retail
- **A-88-127 W. Charles & Eleanor C. Paradee, Sr.** were denied a request for relief from the 50' minimum front yard setback requirement to permit the construction of an 80' x 102' building 20' from the easterly right of way line of Coursen Road.
- **A-89-10 Video Scene of DE (Owners Charles & Eleanor Paradee)** were approved a request from the required 25' front yard setback for signs greater than 32 sq. ft. to legalize a 48 sq. ft. sign that comes within 3' of the southern right of way line along DE Rt. 10.
- **S-89-10 W. Charles Paradee** was approved for site plan with a proposed use of retail.
- **A-00-61 Mark Dunkle** was approved a request from the requirement that all wall-mount signs not extend 16" from the building wall and from the historical interpretation of the office of Planning and Zoning staff that any wall mount sign be confined in placement within the measurements of the wall used to calculate the sign's allowable square footage.

### **III. AGENCY COMMENTS**

#### **A. DELAWARE DEPARTMENT OF TRANSPORTATION**

**Reviewer: Joshua J. Schwartz**

**Contact: (302) 760-2768**

1. DelDOT, Subdivision has no comments at this time. Plans were submitted to DelDOT's Outdoor Advertising/Roadside Control Manager. The Shopping Center shall build it per the specs submitted.

#### **B. KENT CONSERVATION DISTRICT**

**Reviewer: Jessica L. Verchick, EIT**

**The reasons and conditions applied to this project and their sources are itemized below:**

**Source:**

2014 Delaware Sediment and Stormwater Regulations

**Requirements:**

1. The Kent Conversation District has no objection to the proposed billboard conditional use plan approval for the above referenced property.

**Comments:**

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet a detailed Sediment and Stormwater Control plan must be submitted and approved to the Kent Conversation District.

**C. KENT DEVELOPMENT ADVISORY COMMITTEE**  
**Kent County Department of Public Works, Engineering Division**  
**Reviewer: Brian L. Hall, Project Manager II**

**Requirement & Source:**

1. Notify Miss Utility of Delmarva at 1-800-282-8555, prior to any digging/excavation activities.
2. Related; the existing, central sanitary sewer (SS) system is generally located at the rear of the property.

**Comment:**

1. The Engineering grants "Approval with No Objection to Recordation"

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 – Zoning and Location Map  
Exhibit B – Plot Plan  
Survey provided by applicant  
DelDOT Permit Application  
Commercial Shopping Center Advertisement