



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT February 7, 2019

Application Number : C-19-01
Present Zoning District : BG (General Business)
Present Use : Vacant
Proposed Use : Billboard
Relation to Growth Zone : Inside
Area and Location : 0.33± acres on the south side of W Lebanon Rd (DE Rt. 10), and the west side of Coursen Road, 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 County Code and shown in Section A below. The applicant also must meet the code requirements listed under section B. The staff has outlined a condition under section C.

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. Code Requirements

1. The plot plan submitted with this application shows the billboard to be placed 27.3 feet from the side property line. §205-227.F. states that all permanent non-residential signs shall be located not less than 50 ft. from any residential property line. The property to the west, owned by Capitol City Church of Christ, is zoned RS1 (Single Family Residential) so the billboard must be moved at least 22.7 feet to the east.
2. The applicant had a billboard on the adjacent property to the east approved in May of 2018. This sign has not been constructed. The location of that sign and the proposed sign as part of this application would not meet the 1,200 sq. ft. separation distance required in section F. If the commission decides to approve this request, the previous approval of application C-18-01 must be vacated.

C. 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. During the rezoning hearing for the subject site, testimony was given on the impact of an electronically variable message billboard to an adjacent residential area. The initial impact is visual due to the light that is emitted from the billboard that crosses the property line. Secondly, a report published in 2011 titled "Beyond Aesthetics: How Billboards Affect Economic Prosperity" states that homes within a 500 ft. radius of an electronic billboard are valued approx. \$30,000 lower than those outside of that radius.

When commercial site plans are approved by the County, there is a requirement that the "...outdoor lighting shall be shielded or directed downward so that light intensity and glare do not adversely affect neighboring property owners..." Although this requirement is generally applied to site lighting on a building or

parking area, in this case the sign lighting may be of greater concern than a normal light pole that is shielded downward due to the fact that the light is oriented off-site and will be changing in color and intensity with each advertisement shown. Based on the surrounding uses and the character of the area around the subject site, an electronic variable billboard may not be appropriate and could have a negative impact on surrounding residential properties. To this end, the 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.

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 property with no signage.
- 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 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.
- If approved a building permit is required for the sign, which will include the approval of DelDOT, in addition to any other documentation that is required. Contact the Division of Inspection and Enforcement at (302) 744-2471 for details.

III. AGENCY COMMENTS

A. DELAWARE DEPARTMENT OF TRANSPORTATION:

1. No Objection to the Conditional Use
2. Plans were submitted to DelDOT's Outdoor Advertising/Roadside Control Manager. The Shopping Center shall build it per the specs submitted.
3. If property redevelops/develops plans shall be submitted to DelDOT subdivisions for review. The entrances shall be designed in accordance with the DelDOT Development Coordination Manual.

B. KENT COUNTY DEPARTMENT OF PUBLIC WORKS

- Engineering Division:

Requirements & Sources:

1. This property is "legally" located in Kent County Sewage Disposal District Number One (KCSDD1), Tidbury Branch Area.

2. "Technically", there are no existing, sanitary sewer mains, with easements, situated on/touching this property. Please contact this office for the details.
3. As this proposal progresses, all applicable provisions of the Kent County Code, specifically Chapters 128 and 180 must be adhered to/addressed.

Comment:

1. The Engineering Division grants "Approval".

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
Letter from Watchfire Signs