



Kent County

Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

Phone: 302/744-2471
FAX: 302/736-2128

KRISTOPHER S. CONNELLY, AICP
Assistant Director

STAFF RECOMMENDATION REPORT February 7, 2019

Ordinance	:	LC19-01
Application	:	CZ-19-01 Alexander, Kevin
Present Zoning & Comprehensive Plan Map Designation	:	IG (General Industrial) Industrial
Proposed Zoning & Comprehensive Plan Map Designation	:	BG (General Business) Highway Commercial
Area and Location	:	7.4± Acres of land located on the south side of Sudlersville Rd. (Delaware Route 300), approximately 2,350 ft. east of Downs Chapel Rd, west of Kenton.

I. STAFF RECOMMENDATION:

Based on the information presented, the Kent County Code, and the Comprehensive Plan, staff recommends **approval** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map. The following are the findings of fact for staff's recommendation of **approval**:

- The most recent Kent County Comprehensive Plan (2018) does not designate the surrounding area for commercial uses. The closest compatible use with the proposed zoning is approximately 9.7 acres, zoned BN (Neighborhood Business), located .67± miles to the northeast.
- The proposed re-zoning does meet the conditions for approval of a zoning change under Section 205-408 B of Kent County Code:

- A. *There was a mistake in the Zoning Map, or the character of the neighborhood has changed to such an extent that the Zoning Map should be changed.*

There was no mistake in the Zoning Map. When the zoning regulations and district maps were adopted in 1972, a junkyard existed on the northernmost 1.4± acre parcel and therefore was originally zoned IG. In 1977, the junkyard owner requested and received rezoning of the remaining 6± acres adjacent to and southeast of the existing junkyard to expand the business. Commercial uses for this property may not be compatible with the agricultural/residential uses that are located nearby, and ordinarily staff would not support this proposal. However, industrial uses that are permitted under the current zoning would also not be compatible and could be more impactful to the surrounding uses if it were to continue under the IG zoning.

- B. *The new zoning classification conforms to the Comprehensive Plan for Kent County in relation to land use, number of dwelling units or type and intensity of nonresidential buildings and location.*

The proposed BG zoning district does not conform to the Comprehensive Plan in relation to the land uses that border the subject site. The Plan designates the subject site for industrial use, but the surrounding area for low-density residential use. It can be argued that an industrial use in this location would bring a higher intensity of non-residential uses than would be experienced in a general business district.

- C. *Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.*

These facilities are not available for the subject site, but the size of the zoning area and the current improvements will limit the size of any future use that can be located on the property. This will mean that car trips may not overwhelm the transportation facilities and that the existing well and septic can handle the use of the building as is.

- D. *There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.*

There would be compatibility between the uses of the property as reclassified and the surrounding land uses that would promote the health, safety, and welfare of present and future residents of the county. Even though there are no other commercial uses bordering the subject site, the requested zoning will fit better into the residential and agricultural character of the area than the existing zoning. As mentioned above, there will be limited potential for an increase in traffic and the existing fence offers a buffer from many of the adjacent properties.

II. BACKGROUND INFORMATION:

- The applicant requests an amendment to the Comprehensive Plan Future Land Use Map to revise the area of petition from Industrial to Highway Commercial and a rezoning of the subject site from IG to BG.
- The subject site consists of two parcels totaling 7.4± acres zoned IG. The surrounding area is predominately zoned AR (Agricultural Residential) and is being used residentially or agriculturally. In addition to the subject site, there is one parcel zoned IG in the general vicinity approximately 1.14 acres in size located southwest of the subject site.
- The subject site is currently improved with a single-family dwelling and two accessory buildings. It is currently being used as a sales lot for recreational vehicles.
- The subject site is located outside of the Growth Zone overlay district.
- A Support Facilities Request Form Response was returned from DelDOT (see attached). It states that no Traffic Impact Study (TIS) is required for the rezoning request, but may be when a land development plan is proposed.
- There has been one previous rezoning application on the subject site. Application Z-77-24 rezoned 4.5± acres from AR to IG in 1977, allowing for the expansion of a previously existing junkyard.
- There has been one rezoning application within a ½ mile radius of the subject site. Application Z-74-54 rezoned 1.14± acres of AR to IG in 1974. This property is located approximately 0.3 miles southwest of the subject site on Sudlersville Rd. and is currently operating as Dunning's Body Repair.
- There has been one previous conditional use application on the subject site. Application A-77-54 conditionally approved the expansion of a previously existing junkyard, a potentially hazardous use. The approval was conditioned upon an eight foot high chain link fence with filler strips and three strands of barbwire at the top. It appears that some of this fencing still remains on site.

III. AGENCY COMMENTS:

A. KENT COUNTY, DELAWARE DEVELOPMENT ADVISORY COMMITTEE

Kent County Department of Public Works, Engineering Division

Contact: Brian L. Hall

Requirement & Source:

1. N/A

Comment:

1. The Engineering Division grants "Approval".

B. DELAWARE DEPARTMENT OF TRANSPORTATION (DelDOT)

Contact: Joshua J. Schwartz

Comment:

1. No Objection to the Zoning change.

2. Plans were submitted to DeIDOT's Subdivision section. A Letter of No Impact was issued September 21, 2018.
3. If property redevelops/develops plans shall be submitted to DeIDOT subdivisions for review. The entrances shall be designed in accordance with the DeIDOT Development Coordination Manual.

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: Ordinance LC19-01
Data Sheet
Exhibit A – Location and Zoning map
Exhibit B – Comprehensive Plan Map
Exhibit C – Rezoning Areas
Support Facilities Response from DeIDOT 12/26/18
PLUS Comments 12/3/18