



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 March 7, 2019

Application Number	:	C-19-03
Present Zoning District	:	BG (General Business)
Present Use	:	Vacant Lot
Proposed Use	:	Fast Food (Permanent Food Truck)
Relation to Growth Zone	:	Inside
Area and Location	:	1.2+ acres on the east side of S. DuPont Highway (US Rt. 13) and the west side of Palmer Rd., approx. 108 ft. south of Voshells Mill Star Hill Rd., east of Camden.

I. STAFF RECOMMENDATION:

The staff recommends **APPROVAL** of the application based on the information submitted, as the application demonstrates compliance with conditions outlined in with the conditions for approval as outlined in the County Code and shown in Section A below. The staff has outlined recommendations under section B.

A. Code Requirements

1. No more than 75 percent of each lot in a General Business District (BG) shall be covered by man-made impervious surfaces.
2. Each lot in a BG - General Business District shall have:
 - a. A front building line at least 60 feet from and parallel to the front line of a street right-of-way.
 - b. Side setbacks at least 20 feet wide, with a total combined width

of at least 50 feet.

c. A rear setback at least 40 feet deep.

3. All building lines of each lot shall be at least 75 feet from the right-of-way of an abutting major roadway (as defined by the Delaware Functional Classification Map, prepared by the Delaware Department of Transportation) and at least 75 feet from the right-of-way of a limited or denied access highway.
4. For off-street parking that abuts a residential district or property the setback area shall be planted with a continuous visual screen at least six feet in height which shall consist of a compact evergreen hedge or foliage planting with one deciduous shade or ornamental tree planted every 30 linear feet. A combination of planting and an opaque fence, wall or berm will satisfy requirements. This requirement is also in line with §187-79 – Buffer Requirements of the Kent County Code. This section states that visual and sound screening shall be provided on nonresidential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.

B. Staff Recommendations

1. A Letter of No Objection (LONO) from the Delaware Department of Transportation (DelDOT) must be obtained prior to opening of the business.
2. A Letter of No Objection (LONO) must be obtained from Delaware Division of Public Health.
3. Per §205-224A(3), and as described above, screening is required from the residential lot located to the rear of the subject site. Staff recommends screening for the back side of this property and a 30ft wraparound of the north corner of the subject site.
4. A traffic management plan be provided to ensure there is no vehicular access to the subject site via Palmer Rd.

II. BACKGROUND INFORMATION:

- The subject site is 1.2± acres in size and is zoned BG. The surrounding area is predominately zoned BG.
- Currently, the parcel is a vacant lot.
- The character of the surrounding area is predominately business-related along US Rt. 13, with a residential area located to the south and east of the subject site.
- The subject site is located inside of the Growth Zone overlay district.
- The applicant desires to operate a Chick-fil-A fast food truck on the subject site. This request was made due to the high customer demand at their main restaurant location, located on N. DuPont Hwy, and a need to offer customers another location with easy access. The truck will only sell food during lunch hours, on weekdays.

- The applicant has stated that only waffle fries will be cooked on the truck, while all other products will be prepared at their main store and transferred over using their time management holding systems.
- The applicant stated there will be trash receptacles for customers on site to ensure the site is kept clean. The applicant further stated that all trash created from the food truck (including cardboard boxes) and trash from the receptacles for customers will be transferred over to the main store in their catering van on a daily basis.
- There have been seven conditional use applications within a ¼ mile radius of the subject site. These include:
 1. Application C-88-15 approved the conditional use for a child care center in 1988.
 2. Application C-93-11 conditionally approved an automobile sales and repair shop with site plan in 1993.
 3. Application CS-00-04 approved the conditional use with site plan for a child care center in 2000.
 4. Application C-04-22 approved the use of a tire sales facility in 2004.
 5. Application CS-05-26 approved the condition use with site plan of a retail sales facility with outside storage in 2005.
 6. Application CS-10-01 approved a conditional use with site plan for Glasgow Reformed Presbyterian Church in 2010.
 7. Application C-19-02 approved the conditional use for a pawn shop in 2019.

III. AGENCY COMMENTS:

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

Requirements & Source:

1. N/A Property is “legally” located in KCSDD1, Tidbury Branch Area.
2. Property has “technical” means to be served by Kent County Sewer.
3. If sanitary sewer disposal is required for this application, then what are the proposed means?
4. If Kent County Sewer is required then all applicable requirements of the Kent County Code, Chapters 128 & 180, must be adhered to.

Comment:

1. The Engineering Division grants “Conditional Approval”.

B. DELAWARE DEPARTMENT OF TRANSPORTATION (DeIDOT) Contact: Joshua J. Schwartz

Comment:

1. DeIDOT had a pre-submittal meeting. Approval will be required by DeIDOT.

C. DIVISION OF AIR QUALITY (DOA)

Delaware Department of Natural Resources & Environmental Control (DNREC)
Contact: Valerie A. Gray

Comment:

1. DOA has no comment regarding the change conditional use.

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