

ORDINANCE NO. 2146

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DELI AND SMALL CONVENIENCE STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.41 ACRE, MORE OR LESS

WHEREAS, on the 6th day of May 2010, a conditional use application, denominated Conditional Use No. 1865 was filed on behalf of Randy L. Hill; and

WHEREAS, on the 26th day of August 2010, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1865 be approved with conditions; and

WHEREAS, on the 21st day of September 2010, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1865 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying at the intersection of Route 24 (Sharptown Road), southerly side, and Road 510 (Horsey Church Road), northerly side, and being more particularly described in Deed Book 3750 at Page 79 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.41 acre, more or less

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- 1. The use shall be limited to the existing one story building and the two story masonry building, to be used in concert with the deli as storage and office space.**
- 2. The use shall be limited to a deli and small convenience store as well as the two story masonry building, to be used in concert with the deli as storage and office space.**
- 3. Parking shall meet or exceed the parking requirements contained in the Zoning Code.**
- 4. The hours of operation shall be limited to the hours between 6:00 a.m. and 7:00 p.m. Sunday through Thursday and 6:00 a.m. and 9:00 p.m. Friday and Saturday.**
- 5. One double-sided, lighted sign, not to exceed 32 square feet per side shall be permitted.**
- 6. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- 7. The sale or storage for sale of gas, diesel or kerosene is prohibited.**
- 8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2146 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF SEPTEMBER 2010.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- 1. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a deli and small convenience store to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, Delaware, containing 0.41 acres, more or less, lying at the intersection of Route 24 (Sharptown Road), southerly side, and Road 510 (Horsey Church Road), northerly side.**

2. **DelDOT commented that a Traffic Impact Study was not recommended and that the current level of service "A" of Route 24 and the current Level of Service B of Horsey Church Road will not change as a result of this application.**
3. **The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; and that it is not likely that off-site drainage improvements will be required, and that it may be likely that on-site drainage improvements will be required.**
4. **The County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area No. 4; that an individual on-site septic system is proposed to be utilized; and that conformity to the Western Sussex Planning Study will be required.**
5. **Ten letters were received in support of the application and witnesses also appeared in support of the application. There were no parties present in opposition to the application.**
6. **This site was the historic location of a country store since 1942 until 2005, when it was destroyed by fire.**
7. **The proposed use will not adversely affect the neighboring and adjacent properties.**
8. **Based on the record and recommendations of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**