

ORDINANCE NO. 2194

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CHURCH OPERATED AND OWNED THRIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.55 ACRES, MORE OR LESS

WHEREAS, on the 31st day of January 2011, a conditional use application, denominated Conditional Use No. 1890 was filed on behalf of Conley's United Methodist Church; and

WHEREAS, on the 28th day of April 2011, 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. 1890 be approved with conditions; and

WHEREAS, on the 17th day of May 2011, 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. 1890 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 Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of the intersection of Road 280B (Conley's Chapel Road) and Road 277 (Robinsonville Road) and being more particularly described in Deed Book 1715, Page 264, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.55 acres, 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 a thrift shop operated by the Applicant.**
- 2. The Applicant shall comply with all DelDOT entrance requirements.**
- 3. All parking areas and spaces shall be marked on the Final Site Plan and on the site itself.**
- 4. No permanent outdoor displays of merchandise shall be permitted on the site.**
- 5. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2194 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF MAY 2011.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

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

- 1. This is an Application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a church operated and owned thrift shop to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, Delaware, containing 3.55 acres, more or less, lying on the southwest corner of the intersection of Road 280B (Conley's Chapel Road) and Road 277 (Robinsonville Road).**
- 2. The County Engineering Department, Utility Planning Division, commented that the site is located in the Angola Neck Planning Area; that wastewater capacity is not available at this time; that an on-site septic system is proposed; that the site is not capable of being annexed into a County operated Sanitary Sewer District at this time; that when the County provides sewer service, a connection to the system is mandatory; and that a concept plan is not required.**

- 3. Edwin B. Perry was present on behalf of the Applicant and testified that the Church has been on this site for 188 years; that they recently built a new Church and now proposed to utilize the original Fellowship Hall as a thrift shop; that Church ministries include a soup kitchen, social events, a living nativity display and activity, and a living Easter display and activity; that the area is in need of a thrift shop to serve those in need; and that there is adequate parking on the site.**
- 4. The use is of a public or semi-public character. The Applicant performs services for both residential and agricultural uses.**
- 5. The proposed use will not adversely affect the neighboring or adjacent properties.**
- 6. The use will not adversely affect traffic or area roadways.**
- 7. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to five conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**