

ORDINANCE NO. 2198

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FINANCIAL PLANNING, INVESTMENT AND INSURANCE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33,073 SQUARE FEET, MORE OR LESS

WHEREAS, on the 28th day of January 2011, a conditional use application, denominated Conditional Use No. 1892 was filed on behalf of Revocable Trust of Donald F. Claycomb; and

WHEREAS, on the 12th day of May 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. 1892 be approved with conditions; and

WHEREAS, on the 7th day of June 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. 1892 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 Cedar Creek Hundred, Sussex County, Delaware, and lying north of Road 207 (Johnson Road) 135 feet east of Railroad Avenue in Lincoln and being more particularly described in Deed Book 3832, Page 51, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 33,073 square feet, 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. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- 2. Any security lighting shall be screened so that it does not shine on roadways or neighboring properties.**
- 3. The Applicant shall comply with all DelDOT requirements.**
- 4. 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. 2198 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF JUNE 2011.


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 to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a financial planning, investment, and insurance office to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, Delaware, containing 33,073 square feet, more or less, lying north of Road 207 (Johnson Road) 135 feet east of Railroad Avenue in Lincoln.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service C of Johnson Street will not change as a result of this application.**
- 3. Donald Claycomb was present and stated that he is proposing an office for financial planning, investment and insurance; that he is the owner of Trinity Financial Services; that the existing lot has a paved driveway and gravel parking area; that there is a small pedestal in the front yard for the placement of a sign; that the business will be operated by himself and an assistant; that he anticipates 3 or 4 clients per day at the office; that the site is across from the Lincoln General Store and in close proximity to the Lincoln Post Office and offices of Richard Johnson Contracting; and that the building was constructed in 1897.**

4. **The use is of a public or semi-public character. The Applicant performs services for both residential and agricultural uses.**
5. **Other than the Applicant, there were no parties present in support of or in opposition to the Application.**
6. **The use will not adversely affect traffic or area roadways.**
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 four conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**