

ORDINANCE NO. 2240

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE GARAGE FOR TRUCKS AND EQUIPMENT AND A PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2011, a conditional use application, denominated Conditional Use No. 1920 was filed on behalf of Collins 54, LLC; and

WHEREAS, on the 12th day of January 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of January 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1920 be approved with conditions; and

WHEREAS, on the 7th day of February 2012, 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. 1920 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 Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of the intersection of Route 54 and Road 389 and being more particularly described as:

BEGINNING at the northeast corner of the intersection of Route 54 and Road 389; thence north 10°10'02" west 198.18 feet along the easterly right-of-way of Road 389 to a concrete marker; thence south 85°39'05" east 212.65 feet to a point; thence south 01°29'54" west 45.49 feet to a point; thence south 18°49'05" west 104.77 feet to a concrete marker; thence south 57°45'36" east 224.69 feet to a fence post; thence south 28°17'48" west 98.75


feet to the northerly right-of-way of Route 54; thence north 58°50'26" west 333.41 feet along the northerly right-of-way of Route 54 to the point and place of beginning and containing 1.35 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 for vehicle and equipment storage inside the storage building and outside parking of employee vehicles. No other outside storage shall be permitted.
2. Any security lights shall be screened so that they do not shine on neighboring properties.
3. No chemicals or other hazardous materials shall be stored on the premises, except those chemicals normally found on the vehicles.
4. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.
5. The Final Site Plan shall indicate all parking spaces and driveway areas.
6. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from Road 389 with an internal driveway to the site.
7. Any dumpsters or trash receptacles utilized on the site shall be screened from neighboring properties or roadways.
8. The 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. 2240 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF FEBRUARY 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

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

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a storage garage for trucks and equipment and a parking area to be located on a certain parcel of land, lying in Baltimore Hundred, Sussex County, containing 1.35 acres, more or less, lying on the northeast corner of the intersection of Route 54 and Road 389.

- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service "C" of Route 54 and the current Level of Service "A" of Bunting Road will not change as a result of this application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Fenwick Planning Area; that the use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a Concept Plan is not required.**
- 4. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it will not be necessary for any off-site drainage improvements; that it may be possible that on-site drainage improvements will be required; and that they will comply with all Sussex Conservation District requirements.**
- 5. The proposed use is an appropriate extension of the Applicant's business operations that have existed on its adjacent property for many years. The Applicant has stated that access to this property will also be through the existing business.**
- 6. Business hours are typically from 6:00 a.m. to 7:00 p.m.; there is adequate space for employee parking; the site is located in the Environmentally Sensitive Developing District according to the Comprehensive Plan Update and is an appropriate use according to the Plan since it serves the residents and the agricultural needs of the County; that the existing entrance to the business site will be utilized; and a new entrance will not be required.**
- 7. The use is not out of character since it is adjacent to a business and since other non-residential uses (service and retail) already exist in the area.**
- 8. The proposed building will be similar in appearance to the existing buildings on the adjacent site.**

- 9. The site has an approved Conditional Use and will not have an adverse impact on the neighboring roadways, properties or community and the operation will not generate a significant increase in traffic or noise.**
- 10. The use is of a public or semi-public character.**
- 11. Based on the record and recommendations of the Planning and Zoning Commission and the record created before Council, the Conditional Use is approved subject to eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**