

ORDINANCE NO. 2248

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND TRUCKING STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.54 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of December 2011, a conditional use application, denominated Conditional Use No. 1925 was filed on behalf of Piedmont Leasing; and

WHEREAS, on the 8th day of March 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of March 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1925 be approved with conditions; and

WHEREAS, on the 3rd day of April 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. 1925 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 Gumboro Hundred, Sussex County, Delaware, and lying at the northeast corner of Bethel Road (Road 54 and Road 414) and Parker Road (Road 415) (Tax Map 3.33-15.00-20.00 and 21.02 (part of)) and being more particularly described as follows:

BEGINNING at an iron pipe located at the northeast corner of Bethel Road (Road 54 and Road 419) and Parker Road (Road 415); thence north 14°18'20" east 397.55 feet along the easterly right-of-way of Parker Road to an iron pipe, a corner for these lands and Lot #5 of the S&J Villari Subdivision; thence south 75°10'54" east 200.04 feet along said

Lot #5 to an iron pipe; thence by and along the rear of Lot 5, 4, 3, 2 and 1 of the S&J Villari Subdivision the following four (4) courses: north 16°15'55" east 326.14 feet to an iron pipe; north 16°38'05" east 162.58 feet to an iron pipe; north 16°39'56" east 144.56 feet to an iron pipe; and north 17°27'16" east 145.63 feet to a point in center of a ditch along lands of Helen and Stephen Smith; thence south 77°59'55" east 492.14 feet along the centerline of said ditch to a point; thence south 19°57'27" west 603.27 feet along a ditch and along lands of Moore Farms, Inc. to a point; thence continuing along said ditch south 19°54'25" west 92.61 feet to a point; thence by and along Lots 7 and 6 of the S&J Villari Subdivision the following five (5) courses: north 80°53'25" west 321.81 feet to an iron pipe; south 56°17'00" west 78.96 feet to an iron pipe; south 21°54'43" west 59.32 feet to an iron pipe; south 31°17'19" east 90.26 feet to an iron pipe, and south 17°54'25" west 264.33 feet to an iron pipe on the northerly right-of-way of Bethel Road; thence north 80°53'20" west 313.85 feet to the point and place of beginning and containing 10.54 acres, more or less, as surveyed by Miller Lewis, Inc.

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 trucking storage operation and an office as stated by the Applicant.
2. All security lighting shall be downward screened so that it does not shine on neighboring properties and roadways.
3. The hours of operation shall be from noon to midnight, Monday through Saturday.
4. No livestock shall be kept on the land at any time.
5. There shall be no manure handling or storage on site.
6. There shall only be light mechanical work allowed on the site and it shall occur within the existing building for the Applicant's equipment and vehicles only.
7. There shall not be any outside storage of permanently inoperable, junked or abandoned vehicles or equipment.
8. Used oil and greases shall be disposed of off-site via an approved environmentally safe method.

9. There shall be no more than 2 tractors, 4 vans, and 35 forklifts and 12 low-boy trailers on the site at any one time.
10. The areas set aside for vehicles, equipment and employee parking shall be clearly delineated on the Final Site Plan and on the site itself. There shall be parking for at least 3 employees.
11. A forested buffer of at least 10 feet wide shall be provided along the perimeter of the use except for the boundaries along County roadways. The location of this forested buffer and a landscape plan shall be included as part of the Final Site Plan.
12. Any dumpsters on the site shall be screened from view from neighboring properties or roadways.
13. Upon approval of this Conditional Use by Sussex County Council, all prior Conditional Uses for this property shall automatically terminate.
14. The Final Site Plan for this use 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. 2248 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 3RD DAY OF APRIL 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

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

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office and trucking storage to be located on a certain parcel of land lying and being in Gumboro Hundred, Sussex County, containing 10.54 acres, more or less, lying at the northeast corner of Bethel Road (Road 54 and 414) and Parker Road (Road 415).
2. DelDOT commented that a Traffic Impact Study is not required and that the current Level of Service "A" of Parker Road will not change as a result of this Application.

3. The Sussex Conservation District commented that there are three soil types on this property; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; that it is not likely that off-site drainage improvements will be required; that it is possible that on-site drainage improvements will be required; and that it is not likely that any tax ditches are affected.
4. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #5; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.
5. Howard Hudson, Esquire, of Haller and Hudson, P.A. and Don Hayes, Operations Manager of Piedmont Leasing, appeared on the Applicant's behalf.
6. The site has historically been used for agribusiness operations with two prior Conditional Use approvals as a livestock market and as a stockyard and slaughter house.
7. The use is important to the agricultural and poultry operations in Sussex County; that it is appropriate for this site as redevelopment of the previously approved agribusiness operations; and that the use is consistent with the underlying AR-1 Agricultural Residential zoning of the property.
8. The use is of a public or semi-public character.
9. There is no indication that the use will adversely affect neighboring properties or roadways.
10. 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 fourteen (14) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.