

ORDINANCE NO. 2287

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 14,964 SQUARE FEET, MORE OR LESS (Tax Map I.D. # 1-32-2.00-133.00)

WHEREAS, on the 25th day of July 2012, a conditional use application, denominated Conditional Use No. 1945 was filed on behalf of Alfonso Matos; and

WHEREAS, on the 20th day of September 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 11th day of October 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1945 be denied; and

WHEREAS, on the 9th day of October 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 Sussex County 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. 1945 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 Broad Creek Hundred, Sussex County, Delaware, and lying southwest of Route 20 (Concord Road) 392 feet southeast of Haven Drive, the entry into Broad Acres Subdivision, approximately 1.0 mile east of U.S. Route 13 and being more particularly described in Deed Book 2622, Page 304, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,964 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. There shall only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.**
- 2. Any security lighting shall only be installed on the building and shall be screened so that they do not shine on neighboring properties.**
- 3. The hours of operation of the storage facility shall be from 8:00 a.m. to 6:00 p.m., Monday through Friday, except for administrative use.**
- 4. There shall not be any tractor trailer truck activities on any Saturday or Sunday.**
- 5. All entrance and roadway improvements required by DelDOT shall be completed by the Applicant as required by DelDOT.**
- 6. The Applicant shall comply with any and all Federal, State, and County regulatory agencies having authority and jurisdiction over the proposed use, i.e. Sussex County Building Code, DelDOT, Sussex Conservation District, Department of Natural Resources and Environmental Control, Office of State Fire Marshal, etc.**
- 7. There shall be no storage of materials outside of the building.**
- 8. Any dumpsters on the site shall be screened from view of neighboring properties, Route 20 and Cassell Lane by privacy fencing at least six (6) feet high.**
- 9. The location of all buildings, parking areas, loading areas, and driveways shall be shown on the the Final Site Plan.**
- 10. 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. 2287 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF JANUARY 2013.


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 a small storage facility to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 14,964 square feet, more or less, lying southwest of Route 20 (Concord Road) 392 feet southeast of Haven Drive, the entry into Broad Acres Subdivision, approximately 1.0 mile east of U.S. Route 13.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and the current Level of Service "C" of Route 20 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 sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard area or tax ditch is affected; and that it is not likely that it will be necessary for any on-site or off-site drainage improvements.**
- 4. The Sussex County Engineering Department, Utility Planning Division, commented that the site is not located in a proposed or current County operated and maintained sanitary sewer district; that the site is located in the Blades Planning Area #1; that it is not in an area where Sussex County currently has a schedule to provide sewer service; and that a Concept Plan is not required.**
- 5. The Applicant, Alfonso Matos, was present and stated that they are proposing a small storage facility for receiving, processing and the packing of boxes of clothing and small household items to be shipped to the Dominican Republic; that there will not be any retail sales operations from the facility; that items are delivered by truck, boxes are loaded, and then shipped from the site by truck for shipment; that there will be an office for administrative paperwork and preparing items for Customs; that there are two entrances to the site, one from Route 20 and one from Cassell**

Lane, a private drive; that there are several business type uses in close proximity between U.S. Route 13 and Concord; that no one resides on the site; that they would like to have a sign on the property; that the hours of operation are intended to be from 8:00 a.m. to 6:00 p.m. Monday through Friday; that they would have at least three (3) employees; and that the site has been previously used as a grocery store and as a tire business.

- 6. The site has historically been used for small business uses, i.e. grocery store, fish store, tire business, etc.**
- 7. Council found that, with the proposed conditions, the use will be as secure and unobtrusive as possible and will not adversely affect neighboring properties or the community.**
- 8. The use is of a public or semi-public character.**
- 9. There were no parties present in opposition to this application at the Public Hearing before the Council.**
- 10. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to ten (10) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**