

ORDINANCE NO. 2294

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DELDOT MAINTENANCE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 30 ACRES, MORE OR LESS (Tax Map I.D. 5-30-16.00-11.01)

WHEREAS, on the 30th day of November 2012, a conditional use application, denominated Conditional Use No. 1955 was filed on behalf of the State of Delaware (DelDOT); and

WHEREAS, on the 24th day of January 2013, 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. 1955 be approved with conditions; and

WHEREAS, on the 19th day of February 2013, 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. 1955 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 Northwest Fork Hundred, Sussex County, Delaware, and lying north of Newton Road (Route 404A) and east of the railroad and being more particularly described in Deed Book 3806, Page 308, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 30.0 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 entrance shall be secured by a gate when the maintenance yard is not in use.**
- 2. One lighted sign, not to exceed 48 square feet per side, shall be permitted.**
- 3. Any dumpster pads shall be screened from view and shown on the Final Site Plan.**
- 4. Days and hours of operation shall be Monday through Friday, 7:00 a.m. to 3:00 p.m., except as emergency conditions dictate.**
- 5. Any security lighting shall be downward focused so as to not impact neighboring properties.**
- 6. Areas designated for parking shall be shown on the Final Site Plan and shall be clearly marked on the site.**
- 7. The Final 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. 2294 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF FEBRUARY 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 DelDOT maintenance yard, to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 30 acres, more or less, lying north of Newton Road (Route 404A) and east of the railroad. (Tax Map I.D. 5-30-16.00-11.01)**
- 2. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #1; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated**

Sanitary Sewer District; 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.

- 3. Edwin Tennefoss was present on behalf of DelDOT and stated in his presentation that the parcel is located just north of Bridgeville and is proposed to be for a DelDOT maintenance yard to replace the current yard site north of Seaford; that the current site is out of date, does not have enough room for materials storage and has some flooding issues; that the site of the proposed use will be a more centralized location for service to meet the needs of the district; that the site allows for railroad access in the future; that they did submit an application to the Preliminary Land Use Service (PLUS) review; and that landscaping and fencing is proposed.**
- 4. Mr. Tennefoss further stated that the entrance to the site is already in place; that they would like to erect a lighted sign at the entrance; that they have no objection to a limitation on signage; that dumpsters will be provided; that the entire maintenance yard will be screened; that the entrance will be gated; that the number of employees will remain the same; that adequate space is available for parking for employees; that two of the spaces will be handicapped spaces; that the use will be operational Monday through Friday, and for emergency use only (i.e. snow removal); that they are proposing two truck sheds for approximately 10 trucks; that across Route 404A near the entrance is an industrial/commercial area; and that the location is more centralized in the service area than the current Seaford maintenance yard.**
- 5. There were no parties present in support of or in opposition to this application.**
- 6. The need is of a public nature and promotes the health, safety and general welfare of the public.**
- 7. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to 6 (six) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**