

ORDINANCE NO. 2299

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WAREHOUSING AND RELOCATION OF A HELICOPTER PAD AS EXTENSION TO CONDITIONAL USE NO. 1679 (OFFICE AND WAREHOUSING) AND CONDITIONAL USE NO. 1858 (HELICOPTER LANDING SITE, PRIVATE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 8.46 ACRES, MORE OR LESS (Tax Map I.D. 4-33-7.00.15.01 & 15.02)

WHEREAS, on the 10th day of January 2013, a conditional use application, denominated Conditional Use No. 1958 was filed on behalf of Omar Road, LLC; and

WHEREAS, on the 28th day of February 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. 1958 be approved with conditions; and

WHEREAS, on the 26th day of March 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. 1958 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 Dagsboro Hundred, Sussex County, Delaware, and lying north of Omar Road (Route 54) approximately 1,692 feet east of the intersection of Omar Road and Dukes Road (Road 354) and being more particularly described as:

BEGINNING at the a point on the northerly right-of-way of Omar Road (Route 54), a corner for these subject lands and other lands of Omar Road, LLC; thence south 76°00'11" west 313.37 feet along the northerly right-of-way of Omar Road to a point; thence north 32°02'38" west 1,032.27 feet along lands, now or formerly, of Dean T. Baker

and lands, now or formerly, of Harold and Elizabeth Tiffany to a point; thence continuing along said Tiffany lands north 57°53'46" east 385.87 feet to a point; thence south 32°30'18" east 555.27 feet along lands, now or formerly, of Howard and Lana Rae Bowden to a point; thence south 76°00'11" west 105.00 feet along other lands of Omar Road, LLC to a point; and thence south 32°44'49" east 607.07 feet continuing along other lands of Omar Road, LLC to the point and place of beginning, and containing 8.46 acres, more or less, as plotted by Civil Engineering Associates, LLC.

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 Conditional Use shall be subject to the existing conditions of Conditional Use No. 1679 (office and warehousing) and Conditional Use No. 1858 (helicopter landing site, private).
2. 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. 2299 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF MARCH 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 Fact:

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for warehousing and relocation of a helicopter pad as an extension to Conditional Use No. 1679 (office and warehousing) and Conditional Use No. 1858 (helicopter landing site, private) to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 8.46 acres, more or less, lying north of Omar Road (Route 54) approximately 1,692 feet east of the intersection of Omar Road and Dukes Road (Road 354) (Tax Map I.D. 4-33-7.00-15.01 & 15.02)
2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "C" of Omar 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 Dagsboro/Frankford Planning Area; that sewer service has not been extended to the area at this time; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District at this time; that conformity to the Dagsboro/Frankford Planning Study will be required; that the parcel is in a planning area for sewer service; that when sewer service is provided to the area, connection is mandatory; that the County does not have a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- 4. 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; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.**
- 5. George Herker was present along with Ron Sutton, Professional Engineer with Civil Engineering Associates, LLC and they stated that additional warehousing is proposed to allow for expansion of Mr. Herker's landscaping business; that the helicopter pad is being moved approximately 15 feet to accommodate the location of the new warehouse building; that the warehouse building will be utilized for the storage of trucks, equipment and materials; that no new entrances are proposed; that DelDOT did not require a Traffic Impact Study; that the company has 8 to 10 regular employees; that the maximum number of employees anticipated in the future will be 16 to 20; that the proposed warehouse building will be similar to the existing warehouse; and that the business has been in operation for approximately eight (8) years.**
- 6. This use is an extension of an existing Conditional Use; it will not require any new entrances on Omar Road and it will not have an adverse effect on traffic or neighboring properties. The relocated helipad will not have any material effect on the site or the area and it is centrally located on the site.**
- 7. The use as a landscaping company, with warehouses for that use, provides a benefit to Sussex County businesses and residents. The application represents a reasonable expansion of the Applicant's business to meet the growing needs and economy of Sussex County.**

- 8. There were no parties present in opposition to this application.**
- 9. Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to two (2) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**