

**ORDINANCE NO. 2350**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6327 ACRES, MORE OR LESS (Tax Map I.D. 134-15.00-118.00 part of) (911 Address: 32745 Roxanna Road, Frankford)**

**WHEREAS, on the 10th day of February 2014, a conditional use application, denominated Conditional Use No. 1985 was filed on behalf of Eugenia Athan; and**

**WHEREAS, on the 27th day of March 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of April 2014, said Planning and Zoning Commission recommended that Conditional Use No. 1985 be approved with conditions; and**

**WHEREAS, on the 20th day of May 2014, 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. 1985 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 southeast of Route 17 (Roxanna Road) 3,200 feet northeast of Road 365 (Peppers Corner Road) and being more particularly described as follows:**

**BEGINNING at a point on the easterly right of way of Rt. 17, at the centerline of Beaver Dam Ditch, the dividing line between these subject lands and lands now or formerly of Millville Town Center, LLC; thence following the right of way line south 37°36'31" west 684.18 feet to a point; thence departing the right of way south 82°15'26" east 842.21 feet to a point; thence north 71°24'00" east 189.98 feet to a point; thence north 65°10'31" east 306.32 feet to a point that makes the division line of these lands and lands now or formerly of Millville**

Town Center, LLC; thence north 10°26'14" west 150.04 feet to a concrete marker; thence continuing north 10°26'14" west 20.17 feet to the center point of Beaver Dam Canal; thence with the center of Beaver Dam Canal in a north-westerly direction, the following fourteen courses, north 61°00'09" west 32.23 feet to a point; thence north 49°30'00" west 78.29 feet to a point; thence north 68°20'49" west 61.11 feet to a point; thence north 76°39'51" west 99.67 feet to a point; thence north 69°28'23" west 101.94 to a point; thence north 83°49'22" west 72.58 feet to a point; thence north 55°20'15" west 55.45 to a point; thence south 88°58'56" west 29.10 feet to a point; thence south 64°54'43" west 77.26 feet to a point; thence north 82°17'58" west 67.20 feet to a point; thence north 81°25'47" west 62.89 feet to a point; thence north 65°58'55" west 62.71 feet to a point; thence north 29°56'16" west 72.54 feet to a point; thence north 60°40'41" west 78.21 feet to the point and place of beginning and containing 11.6327 acres, more or less, as surveyed by Vista Design, Inc., dated February 12, 2014.

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:

- A. The use shall be limited to 3 units within the existing stable buildings.
- B. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
- C. No outside storage shall be allowed on the premises.
- D. No chemicals shall be stored on the premises.
- E. The storage building and garage shall not be used as a workshop or for the operation of power tools or other machinery.
- F. The site plan shall be subject to the approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2350 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MAY 2014.



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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:

- A. This is the application of Eugenia Athan to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a storage facility to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.6327 acres, more or less, land lying southeast of Route 17 (Roxana Road) 3,200 feet northeast of Road 365 (Peppers Corner Road). (Tax Map I.D. 134-15.00-118.00 part of).

- B. Council found that DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service “E” of Route 17 will not change as a result of this application.**
- C. Council found the Sussex County Engineering Department Utility Planning Division commented that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will not be required; that central sewer has not been extended to the area at this time; that conformity to the South Coastal Area Planning Study – 2005 Update will be required; that the Planning and Zoning Information Sheet indicates that the proposed use will connect to the County central sewer, but central sewer is not readily available at this time; that the County does not have a schedule to provide sewer service to the area at this time; that the County is not aware of plans or schedules for others to extend sewer to the area in the near future; and that a Concept Plan is not required.**
- D. Based on testimony before the Planning & Zoning Commission, Council found that Steve Engle of Vista Design, Inc. was present on behalf of the Applicant and stated that the Applicant proposes to develop the existing large stable buildings into three (3) storage units for the indoor storage of materials; that DelDOT has advised that it will not be necessary for any improvements to the entrance for the proposed use; that a dwelling exists on the property for the purpose of a care-taker or on-site manager; that there will not be any outside storage of vehicles, RVs or boats; that the closest fire station is either Roxana Volunteer Fire Company or Millville Volunteer Fire Company; that the site will remain in appearance as it now exists; that no signage is proposed; that the storage units will be utilized during daytime business hours from approximately 8:00 a.m. to 5:00 p.m.; that no contractor storage is proposed; and that the two larger buildings, one being 5,794 square feet and one being 13,999 square feet, will be divided into a total of three (3) storage units.**
- E. Council found that Rich Polk with Vista Design, Inc. was present on behalf of the Applicant and stated that the Conditional Use application is for up to three (3) storage units on the AR portion of the property (1 in the small building and 2 in the large building); that the site was previously used as a commercial stables; that access to the property will be via Route 17 at the existing entrance to the property; that no additional improvements are proposed on the property; and that the Applicant is in agreement with the conditions recommended by the Commission.**
- F. Based on the Findings (1 through 6) and the Conditions (a through f) of the Planning & Zoning Commission, Council found that:**
- 1. The proposed Conditional Use is within existing large stable buildings on an 11 acre tract.**
  - 2. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
  - 3. The operation of the business will not generate a significant increase in traffic or noise.**
  - 4. There is a dwelling on the property for an on-site caretaker or manager.**
  - 5. No parties appeared in opposition to this application.**
  - 6. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to six (6) conditions (A through F) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**