

**ORDINANCE NO. 2354**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CROSS FIT TRAINING GYM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.50 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of February 2014, a conditional use application, denominated Conditional Use No. 1987 was filed on behalf of Brian and Kelly DeLeon; and**

**WHEREAS, on the 8th day of May 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of May 2014, said Planning and Zoning Commission recommended that Conditional Use No. 1987 be approved with conditions; and**

**WHEREAS, on the 15th day of July 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 V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1987 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 Indian River Hundred, Sussex County, Delaware, and lying southwest of Route 30 (Gravel Hill Road) 1,605 feet southeast of Route 47 (Springfield Road) and being more particularly described in Deed Book 3282, Page 82, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 8.50 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:**

- a. The use shall be limited to the hours of 5:30 a.m. to 7:00 p.m. Monday through Friday, and 8:30 a.m. to Noon on Saturday and Sunday.**
- b. One lighted sign not to exceed 32 square feet per side shall be permitted.**
- c. Any security lights shall be downward screened so that they do not shine on neighboring properties or communities.**
- d. Parking shall comply with Sussex County parking regulations. All parking spaces shall be clearly marked on the Final Site Plan as well as the site itself.**
- e. 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. 2354 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF JULY 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 Brian and Kelly DeLeon to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a cross fit training gym to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 8.50 acres, more or less, land lying southwest of Route 30 (Gravel Hill Road) 1,605 feet southeast of Route 47 (Springfield Road) (Tax Map I.D. #2-34-8.00-51.00).**
- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service B of Route 30 will not change as a result of this application.**
- C. Council found that 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 and/or water district; that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed to be**

utilized; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.

**D. Council found that the Sussex Conservation District commented that the Applicants will need to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that the project should not necessitate any off-site drainage improvements; that it is not likely that the project should require any on-site drainage improvements; and that no tax ditches are affected.**

**E. Council found that Brian DeLeon was present and stated that his business started as a home occupation instructing one client at a time and that the business has grown; that he is open for his clients seven (7) days per week with hours Monday through Thursday from 5:30 a.m. to 7:00 p.m., Fridays from 8:00 a.m. to 6:00 p.m., Saturdays from 8:30 a.m. to 9:30 a.m. and Sundays from 10:00 a.m. to 11:00 a.m.; that he has three (3) other trainers that assist him and are paid in membership hours to use the facility; that he would like to be able to erect a lighted sign; that he has motion lights on the building for security; that he resides in the dwelling on the premise; that an on-site septic system exists for the dwelling and a porta-toilet is available for the clients; that he does sell t-shirts and sports drinks at the facility; that he hopes to average 60 to 65 clients per day with a maximum of 5 to 15 clients per hour; that the facility is located within the pole barn; that he would have no objection to reducing the size of the requested area of the Conditional Use; that the only outdoors activity is an occasional running or jogging out to the entrance and back to the facility; that he has spoken to James Wilson at Wilson's Store and heard no objections; and that a parking area exists in the lot in front of the pole barn.**