

ORDINANCE NO. 2394

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS

WHEREAS, on the 21st day of November 2014, a conditional use application, denominated Conditional Use No. 2011, was filed on behalf of Douglas Hitchens, T/A Hitchens Auto Sales, LLC; and

WHEREAS, on the 26th day of February 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of March 2015, said Planning and Zoning Commission recommended that Conditional Use No. 2011 be approved with an amendment to Condition No. 2 of Conditional Use No. 1667; and

WHEREAS, on the 14th day of April 2015, 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. 2011 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 Nanticoke Hundred, Sussex County, Delaware, and lying northeast of Route 18 (a.k.a. Route 404 and Seashore Highway), 950 feet northwest of Road 527 (Wilson Hill Road), and being more particularly described in Deed Book 2485, Page 250, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.0 acre, 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 condition:

- A. Condition #2 of Conditional Use #1667 shall be amended to state “The maximum number of vehicles to be displayed shall not exceed thirty (30).”**
- B. All of the other conditions of Conditional Use #1667 shall remain in effect.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2394 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF APRIL 2015.



**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 Douglas Hitchens, t/a Hitchens Auto Sales, LLC, to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automotive sales lot expansion to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.0 acres, more or less, land lying northeast of Route 18 (a.k.a. Route 404 and Seashore Highway) 950 feet northwest of Road 527 (Wilson Hill Road) (911 Address: 12769 Seashore Highway, Georgetown, DE) (Tax Map I.D. 231-5.00-7.06).**
- B. Council found that the Applicant submitted the same survey as his previously approved site plan for Conditional Use No. 1667, approved by the County Council on January 9, 2007 and that the Planning and Zoning Commission did not request comments from DelDOT since the use is not changing, only the number of vehicles to be displayed for sale is changing.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #1; that use of 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 has a schedule to provide sewer at this time; and that a Concept Plan is not required.**
- D. Based on testimony before the Planning & Zoning Commission, Council found that Douglas Hitchens was present at the Planning and Zoning Commission hearing and stated that he is requesting to change the number of vehicles displayed for sale from 10 to 30 vehicles; that he has been open for four (4) years since receiving approval and has only displayed up to 10 vehicles; that the vehicles displayed are parked on an area improved with stone millings; that he is not changing the display area, only adding additional vehicles for display; that the Sussex Conservation District approved his site plan; that a trucking company exists to the west of the site; and that he would also like to be able to repair vehicles owned by others.**
- E. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission’s Findings (1 through 5) and Condition of Approval, Council found that:**

- 1. Conditional Use #1667 for an automotive sales lot was approved by County Council on January 9, 2007. The approval limited the use to 10 cars for sale at any one time.**
- 2. The use has been open for 4 years with only 10 vehicles for sale at any one time without complaint.**
- 3. The additional cars would be located on the area of the site that is currently improved with stone millings and the site improvements will not change as a result of this request.**
- 4. The expansion will not adversely affect neighboring properties, which includes a trucking company to the west of the site.**
- 5. No parties appeared in opposition to the application.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to two (2) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**