

ORDINANCE NO. 2424

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 1.3 ACRES, MORE OR LESS

WHEREAS, on the 20th day of July 2015, a conditional use application, denominated Conditional Use No. 2031 was filed on behalf of East Coast Auto, Inc.; and

WHEREAS, on the 24th day of September 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 15th day of October 2015, said Planning and Zoning Commission recommended that Conditional Use No. 2031 be approved with conditions; and

WHEREAS, on the 3rd day of November 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. 2031 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 Seaford Hundred, Sussex County, Delaware, and lying south of Stein Highway (Route 20) 0.29 mile east of Woodland Ferry Road (Route 78) and being more particularly described as follows:

BEGINNING at a railroad spike on the southerly right-of-way of Stein Highway (Route 20), a corner for these subject lands and lands, now or formerly, of Jimmy Lee McWilliams and Barbara Ann McWilliams; thence North 81°21'00" East 204.91 feet along the southerly right-of-way of Stein Highway to a point; thence South 05°02'09" East 559.47 feet along lands, now or formerly, of Gary A. Lowe to a point; and thence North 25°33'00" West 583.56 feet

along lands of the aforesaid McWilliams to the point and place of beginning, said parcel containing 1.313 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 with the following conditions:

- A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
- D. Any repairs (for repairs only on cars sold as part of this business) shall be performed indoors. No automobile parts shall be stored outside.
- E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
- F. No more than 12 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked on the site in preparation for the sales lot.
- G. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
- H. The site is subject to all DelDOT entrance and roadway requirements.
- I. 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. 2424 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 3RD DAY OF NOVEMBER 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 East Coast Auto, Inc. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for used car sales to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 1.3

acres, more or less. The property is located south of Stein Highway (Route 20) 0.29 mile east of Woodland Ferry Road (Route 78) (911 Address: None Available) (Tax Map I.D. 531-11.00-40.00).

- B. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Brenda Johnson was present at the Planning & Zoning Commission hearing and Ron Johnson was present at the Council hearing; that they stated that the property has been in the family for many years; that there is an auto sales lot on the adjacent property that they used to own; that it was sold with the stipulation that there would be no competition for a three (3) year period; that the property was sold eight (8) years ago; that there is a commercial property in the area; that an existing detached garage with a 2-bay garage will be used for the sales office; that there is ample parking behind the building; that cars will be parked along Stein Highway and down the side property line; that they only propose to perform light repairs on vehicles they have for sale and no other repairs to automobiles done on the property; that they have been in the auto sales business for twenty-five (25) years; that the hours of operation will be 9:00 a.m. to 6:00 p.m.; that occasionally the office will stay open until 8:00 p.m., since they live on the property; that there will be no deliveries to the property; that the existing lighting on the property will be adequate; that the property was used for similar uses throughout the years; that there are numerous commercial properties in the area; that they plan to have ten to twelve cars on the lot for sale at a time; that they have had no complaints from the neighbors in the past; and that they do not plan to have a sign on the property.**
- C. Council found that the surrounding properties are zoned AR-1 (Agricultural Residential District); therefore, other businesses are either non-conforming or have received Conditional Use approvals.**
- D. Council also found that the Site Plan provided shows fourteen (14) parking spaces will be provided; however, the Commission felt that twelve (12) was adequate with five (5) additional vehicles allowed to be parked on the site in preparation for the sales lot; that the paved driveway provides adequate customer parking; and that no inoperable vehicles can be stored on the property.**
- E. Based on the Findings (1 through 5) and the Conditions (6a through j) of the Planning & Zoning Commission and the record created before the Sussex County Council, Council found that:**
- 1. The project, with the conditions and stipulations so placed upon it, will not have an adverse impact on the neighboring properties or roadways.**
 - 2. The area has a history of automotive sales uses. This applicant's family formerly owned and operated a used car business on the adjacent property many years ago. That use continues under other ownership.**
 - 3. The use will not adversely affect area roadways.**
 - 4. There are other business and commercial uses in the area, including the car sales facility next door. This use is consistent with the nature and character of the neighborhood.**
 - 5. No parties appeared in opposition to the application.**
 - 6. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Council, the Conditional Use is approved subject to nine (9) conditions (A – I) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**