

ORDINANCE NO. 2465

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.7 ACRES, MORE OR LESS

WHEREAS, on the 19th day of October 2015, a conditional use application, denominated Conditional Use No. 2055 was filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman; and

WHEREAS, on the 25th day of August 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of September 2017 said Planning and Zoning Commission recommended that Conditional Use No. 2055 be approved with condition; and

WHEREAS, on the 4th day of October 2016, 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. 2055 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the southerly right-of-way of Mills Road (Road 205) 0.95 mile southeast of Cedar Neck Road (Road 206) and being more particularly described as follows:

BEGINNING at a point on the southerly right-of-way of Mills Road (Road 205) 0.95 miles southeast of Cedar Neck Road (Road 206), a corner for this subject leased land and lands, now or formerly, of Jeff and Molly Chorman; thence South 87°21'42" East 39.33 feet along the southerly right-of-way of Mills Road to a point; thence by and with a meandering lease boundary across lands of Sharp Farms Limited Partnership, the following seven (7) courses:

North 79°52'50" East 8.98 feet to a point;

South 06°41'32" West 15.03 feet to a point;

South 79°24'14" East 2,375.79 feet to a point;

South 10°35'46" West 90.00 feet to a point;

North 79°24'14" West 2,217.08 feet to a point;

South 06°41'32" West 150.00 feet to a point; and

North 83°78'28" West 200.00 feet to a point on a corner for lands of the aforementioned Chorman lands; thence North 06°41'32" East 260.50 feet along the aforementioned Chorman lands to the point and place of beginning, said leased parcel containing 5.7 acres, more or less, per survey/site plan prepared by Transition Engineering Surveying, 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:

- A. The use shall be limited to a private airport as permitted in an Agricultural Preservation District under Title 3 Section 909 of the Delaware Code.**
- B. No chemicals associated with aerial spray operations shall be stored on the site.**
- C. There shall be no more than four (4) aircraft parked on the premises on a permanent or semi-permanent bases.**
- D. 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. 2465 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF OCTOBER 2016.

**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 Jeffrey Allen Chorman and Molly Murphy Chorman to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a private airport with landing field with tie-down and parking area to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 5.7 acres, more or less. The property is located on the southerly right-of-way of Mills Road (Road 205) 0.95 mile southeast of Cedar Neck Road (Road 206) (911 Address: Not Available) (Tax Map I.D. 330-8.00-46.00 (Part of)).**
- B. Council found that DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service “A” of Mills Road will not change as a result of this application.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the property is not in a current County operated or maintained sanitary sewer or water district; that the property is located in the North Coastal Planning Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; and that a Concept Plan is not required.**
- D. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Jeff Chorman was present with Robert Gibbs, Esquire of Morris James Wilson Halbrook & Bayard, LLP and stated that this application is for a private landing strip for personal use; that the area being leased for the landing strip, tie-down and parking areas contains approximately 5.7 acres; that the FAA has approved the location for the landing strip; that the Applicant lives on the adjacent property; that the landing strip is not intended to be associated with the family owned chemical and fertilizer air spraying business; and that the Applicant has spoken to his neighbors and received no negative responses.**
- E. Based on the Planning & Zoning Commission’s Findings (1 through 6) and four (4) Conditions (7A– D), as amended, and the record created before the Sussex County Council, Council found that:**
 - 1. The use is for a private airport on land that is subject to a long-term land lease.**
 - 2. The airport will be for private use. The applicants live adjacent to the site and intend to use it for their personal use.**
 - 3. The Applicant stated that the FAA has approved the airfield.**
 - 4. The use is authorized in an Agricultural Preservation District, where this is located.**
 - 5. The use will not adversely affect neighboring properties or roadways.**
 - 6. No parties appeared in opposition to this application, and several people were present in support of it.**
 - 7. Based on the record and recommendations of the Planning & Zoning Commission and the record created before Council, the Conditional Use is approved subject to the following four (4) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties:**
 - a. The use shall be limited to a private airport as permitted in an Agricultural Preservation District under Title 3, Section 909, of the Delaware Code.**

- b. No chemicals associated with aerial spray operations shall be stored on the site.**
- c. There shall be no more than four (4) aircraft parked on the premises on a permanent or semi-permanent basis.**
- d. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**