

ORDINANCE NO. 2466

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of June 2016, a conditional use application, denominated Conditional Use No. 2056 was filed on behalf of Raynol E. Garcia; 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 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2056 be approved with conditions; 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. 2056 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 east of Marshall Street (Road 225) 2,800 feet north of Johnson Road (Road 207) and being more particularly described in Deed Book 4488, Page 69, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.06 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 of land shall be limited to an office, storage of vehicles and equipment, and indoor repair of equipment.**
- B. There shall be no retail sales or services on the property.**
- C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. Any dumpsters on the site are to be screened from view of neighboring properties and roadways, and located behind the existing building.**
- E. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- F. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 6:00 p.m.**
- G. Signage shall not exceed 32 square feet on each side and shall not be lighted.**
- H. No mixing or crushing of materials shall occur on the site.**
- I. Temporary short-term storage of materials shall be allowed on the site. No permanent storage of materials shall be allowed on the site.**
- J. Any equipment repairs must occur inside of the buildings on the site.**
- K. Substantial buffers shall be installed on the property to screen it from view. A landscape plan shall be included with the Final Site Plan.**
- L. 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. 2466 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 Raynol E. Garcia to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office, storage of vehicles and equipment and repair equipment to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 1.06 acres, more or less. The property is located at the east of Marshall Street (Road 225) 2,800 feet north of Johnson Road (Road 207) (911 Address: 7411 Marshall Street, Lincoln) (Tax Map I.D. 330-15.00-20.01).**

- B. Council found that DelDOT commented that a Traffic Impact Study is not recommended.**
- C. Council found 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 Daniel Perez was present on behalf of Raynol Garcia and stated that they are requesting an office, storage of vehicles and equipment and repair of equipment for their foundation business; that they will not be mixing concrete or crushing any materials on the site; that there will be minimal storage of materials, rebar and some concrete blocks on skids; that they will not be storing any chemicals on the property; that they have spoken to the neighbors; that employees come to the site, park their vehicles, and then leave in work trucks from the site; that the site was previously used as an auto repair business; that they have obtained a permit for fencing and installed the fence; that business activity hours are from 6:00 a.m. to 6:00 p.m. Monday through Saturday; that they are willing to add additional landscaping; that there are no retail sales performed on the site; that a 32 square foot sign, unlighted, is proposed; that the dumpster behind the storage building will be screened; and that they do not intend to have more than 15 vehicles on the site at any one time.**
- E. Based on the Planning & Zoning Commission's Findings (1 through 4) and twelve Conditions (5A – L), and the record created before the Sussex County Council, Council found that:**
- 1. The site was previously approved for automobile repair with a Conditional Use. The use will be similar to the prior approval.**
 - 2. The use is situated on a 1.06 acre parcel of land. The use, with conditions imposed on it, is compatible with the surroundings and will not have a negative impact on the neighboring properties or roadways.**
 - 3. No work is done at the site, and all employees start the workday from their own homes. The existing building will be used to store equipment and vehicles.**
 - 4. The Applicant has stated that no permanent storage of materials on the site will occur.**
 - 5. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use is approved subject to twelve (12) conditions (A – L) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**