

ORDINANCE NO. 2482

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS

WHEREAS, on the 26th day of August 2016, a conditional use application, denominated Conditional Use No. 2063 was filed on behalf of Michael and Faith Whaley; and

WHEREAS, on the 12th day of January 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2063 be approved with conditions; and

WHEREAS, on the 14th day of February 2017, 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. 2063 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 west of Cedar Creek Road (Route 30), 130 feet north of Fork Road (Road 270A), and being more particularly described as Lot Number 1 on plot of lands of Michael A. Whaley and Faith M. Whaley as recorded in Plot Book 198, Page 79, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 34,788 square feet, 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. There shall not be any building contractors' or subcontractors' offices or workshops within the site.**
- B. There shall not be any storage of building materials or other construction materials on the site.**
- C. Any security lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.**
- D. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the storage areas are screened from view from any residential properties.**
- E. No U-Haul vehicles shall be parked or stored within the front yard setbacks of the property.**
- F. Only one [lighted] sign shall be permitted on the property. It shall not exceed 32 square feet in size per side.**
- G. All vehicle and trailer parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself.**
- H. Hours of operation shall be between 10:00 a.m. and 4:30 p.m., Monday – Friday, and Sundays 6:00 a.m. to 9:00 a.m.**
- I. No more than (20) U-Haul vehicles or trailers (or similar vehicles and trailers for rent) may be stored on the site at any one time, subject to the Planning and Zoning Commission's final site plan review. And, some months there will be none at all.**
- J. No vehicle or trailer repairs shall be performed on the site.**
- K. 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. 2482 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF FEBRUARY 2017.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Conditional Use is appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Michael and Faith Whaley to consider a Conditional Use of land in an AR-1 Agricultural Residential District for an office and storage area for U-Haul vehicles and trailers to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 34,788 square feet, more or less (located on the west side of Cedar Creek Road (Route 30), approximately 130 feet north of Fork Road (Road 270A) (Tax I.D. No. 330-15.00-60.01) (911 Address: 7512 and 7524 Cedar Creek Road, Lincoln).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Michael and Faith Whaley were present on behalf of their application; that the maximum amount of vehicles at a time being stored will be no more than twenty (20) but there will be many months without any; that the equipment in a rural area is an issue; that there will not be any repairs on site, all repairs will be taken to another location to be worked on; that U-Haul provides a sign to show there is equipment; that the sign is currently unlit, unless provided otherwise by U-Haul; that they request permission to allow for a lighted sign if need be; that the area is one (1) mile from the proposed hospital; that the area is not fenced in because the property north of and behind is owned by the Applicant; that the Applicant understands the Conditional Use is contained only on the lot that is part of the application and not on the adjacent lots owned by the Applicant; and that there is a hair salon on the property.**
- C. Based on the Planning & Zoning Commission's Findings (1 through 3) and the Conditions (4A through 4K), as amended, and the record created before the Sussex County Council, Council found that:**
 - 1. The project is located on the west side of Cedar Creek Road in close proximity to Route One. It is also in the same area where a new hospital is being constructed. With the conditions imposed on this use, this is an appropriate location for the Conditional Use.**
 - 2. The project, with the conditions and limitations placed upon it, will not have an adverse impact on the neighboring properties or community.**
 - 3. The use as a U-Haul office and storage area is of a public or semi-public character and is desirable for the general convenience and welfare of residents of Sussex County.**
 - 4. 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 eleven (11) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**