

**ORDINANCE NO. 2492**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL LANDSCAPING MATERIAL SALES AND STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS**

**WHEREAS, on the 23rd day of September 2016, a conditional use application, denominated Conditional Use No. 2067 was filed on behalf of Stockley Materials, LLC; and**

**WHEREAS, on the 23rd day of February 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of March 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2067 be approved; and**

**WHEREAS, on the 11th day of April 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. 2067 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Lewes Georgetown Highway (Route 9) 0.3 mile southwest of Coastal Highway (Route 1) and being more particularly described as follows:**

**BEGINNING at an iron rebar on the southerly right-of-way of Lewes Georgetown Highway (Route 9), a corner for these subject lands and lands, now or formerly, of Renate Helena Coursey; thence South 24°26'49" East 221.10 feet along said Coursey lands to an iron pipe; thence North 66°03'11" East 132.27 feet along said Coursey lands to an iron pipe; thence South 29°05'43" East 17.78 feet along lands, now or formerly, of W&C Catts Family Limited Partnership, to an iron pipe; thence South 45°42'39" West 223.13 feet along lands, now or formerly, of Lena D. Winstead, lands, now or formerly, of Vera Bundick, and**

lands, now or formerly, of Reginald Quinton Bowden to an iron pipe; thence South 44°20'48" West 53.56 feet along lands, now or formerly, of M&M Properties, LLC to an iron rebar; thence South 57°42'51" West 80.80 feet along lands, now or formerly, of Braven O. Duffie to an iron pipe at the easterly right-of-way of Stingey Lane, a private dirt lane; thence North 24°29'14" West 125.01 feet and North 24°26'49" West 221.10 feet along the easterly right-of-way and then the centerline of said Stingey Lane to an iron pipe on the southerly right-of-way of Lewes Georgetown Highway; thence North 65°33'11" East 206.25 feet along the southerly right-of way of Lewes Georgetown Highway to the point and place of beginning, said parcel containing 1.65 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.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2492 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF APRIL 2017.**

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**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 Stockley Materials, LLC for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a commercial landscaping material sales and storage facility to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.65 acres, more or less (lying southeast of Lewes Georgetown Highway (Route 9), 0.3 mile southwest of Coastal Highway (Route 1) (Tax I.D. No. 334-5.00-192.00) (911 Address: 32402 Lewes Georgetown Highway, Lewes).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mark Davidson, of Pennoni Associates, and Bob Stickles, General Manager of Stockley Materials, LLC, were present on behalf of the application; that in September 2015, Conditional Use No. 2024 was approved by the County Council; that during settlement it was discovered the parcel was a different shape; that the final site plan excluded the triangle part of the parcel which would have increased the size of the previously approved Conditional Use; that this application is to include that portion of the project; that all the conditions County Council required from the original Conditional Use will be met; that the landscaping will still be followed; that the existing dwelling was found not feasible to use as an office; and that they obtained a Special Use Exception to place a manufactured home type structure on the site.

**C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5), Council found that:**

- 1. This is not an application for a new use on this property. It is for the correction or adjustment of the boundaries of a prior Conditional Use, being Conditional Use No. 2024, which was adopted by County Council as Ordinance No. 2417. That prior approval allowed commercial landscaping material sales and storage on the property, with conditions.**
- 2. After the Ordinance was adopted, it was determined that the property lines for the Conditional Use area were incorrect and required adjustment. This application makes that adjustment.**
- 3. Because the underlying approved Conditional Use has not changed, this application will have no adverse effect on the area.**
- 4. This Conditional Use is subject to the conditions set forth in Ordinance No. 2417.**
- 5. A Final Corrective Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**