

ORDINANCE NO. 2493

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 24.9784 ACRES, MORE OR LESS

WHEREAS, on the 29th day of September 2016, a conditional use application, denominated Conditional Use No. 2068 was filed on behalf of Charles J. Short; 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. 2068 be approved with conditions; 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. 2068 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 Indian River Hundred, Sussex County, Delaware, and lying southeast of Cordrey Road (Road 308) 0.72 mile southwest of Mount Joy Road (Road 297) and being more particularly described as:

BEGINNING at an iron pipe on the southeasterly right-of-way of Cordrey Road (Road 308) 0.72 mile southwest of Mount Joy Road (Road 297) a corner for these subject lands and lands of R. S. Cordrey Farms, LLC; thence South 34°40'29" West 230.00 feet along the southeasterly right-of-way of Cordrey Road to a point; thence southwesterly along the curve of the southeasterly right-of-way of Cordrey Road 99.70 feet to a concrete monument; thence South 34°32'42" west 551.49 feet along lands, now or formerly, of Messick Investments, LP to a concrete monument; thence South 37°57'20" East 1,420.76 feet along the aforesaid Messick lands to a metal axle; thence North 26°46'39" East 872.54 feet along the rear line of lots within Indian Summer Village Subdivision to an iron pipe; thence North 35°47'36" west 1,254.03 feet

along lands of R. S. Cordrey Farms, LLC to the point and place of beginning, said parcel containing 24.9784 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. One non-illuminated 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 the neighboring properties and roadways.
- C. Any dumpsters shall be screened from view of neighbors and the roadways. The dumpster locations shall be shown on the Final Site Plan.
- D. All repairs 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 7 cars shall be parked outside on the site for repairs at any one time.
- G. The area of the Conditional Use shall be limited to the "Paved Driveway", the "Stone Driveway/Entrance" and existing "Metal Building" shown on the "Conditional Use Plan" submitted with the Conditional Use application or approximately 2 acres. These areas shall be clearly identified on the Final Site Plan as "Area of Use". The use shall not expand beyond these areas without an additional public hearing.
- H. The rear perimeter of the Conditional Use area shall be screened from view of neighboring properties with a fence or vegetation. This screen shall be shown on the Final Site Plan.
- I. No cars shall be sold on the property.
- J. The site shall be subject to all DelDOT entrance and roadway requirements.
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall depict the boundaries of the 2 acres, more or less, subject to the Conditional Use as set forth in Condition G and upon Final Site Plan approval, the Conditional Use granted on the remainder of the parcel shall terminate.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2493 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF APRIL 2017.

**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 Charles J. Short for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for an auto repair shop to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 24.9784 acres, (lying southeast of Cordrey Road (Road 308), 0.72 mile southwest of Mount Joy Road (Road 297) (Tax I.D. No. 234-28.00-146.00) (911 Address: 30226 Cordrey Road, Millsboro).

- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Charles Short was present on behalf of the application; that this is an auto shop being used as a hobby at this current time; that Mr. Short would like to extend the auto shop after he retires: that the property is not an active violation; that he lives on the property now, that there is some auto repair on the property currently; that the Conditional Use will be limited to a smaller area around the house; that in the future there is a possibility to have additional employees: that there will be no used car sales; that there will be no more than five (5) cars on the property to be repaired; that the driveway is paved; that when the auto shop gets up and running, there will be recycling of materials; that most of the work would be inside the auto shop; that some outside work will take place on nice days; that there will be a sign placed on the property; that the dumpster will have to be screened with a fence; that the recycling of waste oil and automotive fluids will be per state regulations; and that the next door neighbors are a garden center and the Applicant's parents.**
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 3) and Conditions (4A – K), as amended, Council found that:**
- 1. This automobile repair facility is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or community.**
 - 2. The site is located on a 24.978-acre property. With the conditions imposed upon this approval, the conditional use will only occupy a small portion of the site.**
 - 3. The use as an automotive repair facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
 - 4. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to eleven (11) conditions (A - K), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**