

**ORDINANCE NO. 2527**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOBILE AND TRUCK SALES, SERVICE, AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS**

**WHEREAS, on the 17th day of April 2017, a conditional use application, denominated Conditional Use No. 2097, was filed on behalf of Christopher Lopez; and**

**WHEREAS, on the 14th of September 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of September 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2097 be approved with conditions; and**

**WHEREAS, on the 24th day of October 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. 2097 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Route 113), approximately 1,297 feet south of Wood Branch Road, and being more particularly described per the attached legal description, said parcel containing 1.01 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 Final Site Plan shall show all required parking areas for customers and for cars and trucks that are for sale. These areas shall be clearly designated on the site itself.**

**No customer parking shall be permitted within the front yard setback.**

- B. There shall not be any outside storage of junked vehicles, automobile parts, equipment, tires, or other materials used to repair cars or trucks.**
- C. The only repair work allowed at the shop will be for automobiles, trucks and farm equipment.**
- D. As proposed by the Applicant, the business will only be operated between the hours of 7:00 a.m. until 6:00 p.m. Monday through Friday, and 7:00 a.m. until 5:00 p.m. on Saturday.**
- E. There may only be one lighted sign on the property advertising the business, not to exceed 32 square feet in size on either side.**
- F. Any security lights shall be screened so that they do not shine on neighboring properties or roadways.**
- G. All loading areas and storage areas shall be screened with a 6-foot high privacy fence.**
- H. The area for a dumpster shall be located behind the building and shall be screened from view. Its location shall also be shown on the Final Site Plan.**
- I. All entrances, intersections, roadway improvements, and multi-modal required by DelDOT shall be completed by the Applicant as required by DelDOT and within the time periods required.**
- J. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with all applicable State and County requirements and shall be operated utilizing Best Management Practices.**
- K. As stated by the Applicant, there shall be no more than 5 cars or trucks on site for servicing at any one time.**
- L. The Final Site Plan shall allow for interconnectivity with adjacent properties if they are ever developed or redeveloped.**
- M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2527 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 24TH DAY OF OCTOBER 2017.**

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**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 Christopher Lopez for a Conditional Use of land in an AR-1 Agricultural Residential District for automobile and truck sales, service, and repair to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.01 acres, more or less (located on the east side of DuPont Blvd. (Route 113) approximately 1,297 feet south of Wood Branch Road) (Tax I.D. No. 133-2.00-21.00) (911 Address: 24487 DuPont Boulevard, Georgetown).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Mark Davidson with Pennoni Associates, Inc. and Mr. Christopher Lopez, owner were present on behalf of the application; that this is an extension to an existing Conditional Use to allow for auto sales and repair; that they received final approval in 2012 for the site; that Mr. Lopez has another location for the auto sales; however, the lease was not renewed and he was able to purchase additional land to his existing site; that the site is in Level 2 per the State Strategies; that they have been working on renewing permits; that there are less than 50 trips a day and that a Traffic Impact Study was not required; that there will be a right-in and a right-out only; and that they will relocate the entrance per DelDOT.**
- C. Council also found that the septic system will be relocated to the rear of the property; that stormwater management will be done through infiltration; that there will be between eighteen (18) and twenty (20) vehicles on site for sale; that the hours of operation are from 7 a.m. - 6 p.m. Monday through Friday and 7 a.m. – 5 p.m. on Saturday; that there is no outside storage or items; that he would like one (1) thirty-two (32) square foot sign with ground lighting; that it is a family business which consists of himself, his two (2) sons and one (1) other employee; that there are two (2) bay doors on the building; that there are no more than five (5) vehicles being worked on at the site at one time; and that he will comply with all regulations relating to recycling of oil and other materials.**
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission’s Findings (1 through 6) and Conditions (7A through 7M), as amended, Council found that:**

  - 1. This is an expansion of Conditional Use #1901 which permitted automobile service and repairs. This will also permit truck sales and service to occur on the site.**
  - 2. The site is located along U.S. Route 113, which is appropriate for this type of use.**
  - 3. The expanded Conditional Use will have no significant impact upon traffic.**
  - 4. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
  - 5. The site is in a Developing Area and it is also near the Town of Georgetown.**
  - 6. The use will continue to provide a service to Sussex County residents and local businesses.**
  - 7. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to thirteen (13) conditions (A - M), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**