

ORDINANCE NO. 2578

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS, SALE AND STORAGE (EXTENSION OF CONDITIONAL USE NO. 1242) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.0011 ACRES, MORE OR LESS

WHEREAS, on the 18th day of December 2017, a conditional use application, denominated Conditional Use No. 2125, was filed on behalf of RS Cordrey Farms, LLC; and

WHEREAS, on the 26th day of April 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of May 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2125 be approved; and

WHEREAS, on the 22nd day of May 2018, 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. 2125 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 on the northeast side of Cordrey Road, approximately 0.3 mile southeast of Mount Joy Road, and being more particularly described per the attached deed prepared by David W. Baker, Esq., P.A., said parcel containing 10.0011 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. 2578 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF MAY 2018.

**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 RS Cordrey Farms, LLC to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a landscape business, sale and storage (extension of Conditional Use No. 1242) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 10.0011 acres, more or less (lying on the northeast side of Cordrey Road, approximately 0.3 mile southeast of Mount Joy Road) (Tax I.D. No. 234-28.00-59.00 (portion of) and 234-28.00-60.00 (portion of) (911 Address: Not Available).**

- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that James Fuqua, Esquire with Fuqua, Willard, Stevens & Schab, P.A., was present on behalf of the application; that this is a request to use a 10-acre parcel for sales and storage related to a landscaping business and nursery; that the business already exists and this would be an extension to Conditional Use #1242; that the landscaping business is across the street from the 10 acres; that the use is to be an extension for additional storage; that the properties are zoned AR-1; that most uses are permitted and the conditional use will address the products not grown on the site; that the Conditional Use was approved in 1998; that over time the business has grown and the demand has grown; that they have over 100 employees; that the expansion of the Conditional Use on the 16 acres to the 10-acre site will be the same type of activity; that there were no conditions with the original Conditional Use and the Applicant would like no new conditions to avoid any issues; that the Cordreys own the surrounding lands; that this is needed and desirable; and that they will keep it as is but across the street.**

- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7), Council found that:**
 - 1. This is a 10-acre expansion of Conditional Use No. 1242, which is the Applicant's landscaping business located on 16 acres on the opposite side of Cordrey Road. The landscaping business has been in business for approximately 20 years at this location.**

 - 2. The proposed expansion is on land owned by the Applicant, and is surrounded by other large tracts of land owned by the Applicant.**

 - 3. This Conditional Use will allow the reasonable expansion of the Applicant's existing business at an appropriate location for it.**

 - 4. The current landscaping business, like the expansion, is very much compatible with the underlying AR-1 Agricultural Residential zoning of expansion.**

 - 5. The Applicant is not seeking any additional signage for this expansion.**

 - 6. The use will not adversely affect neighboring properties or area roadways.**

 - 7. Since there were no conditions imposed as part of Conditional Use No. 1242, there are not any recommended conditions imposed as part of this expansion of that original approval. However, the expansion area covered by this Conditional Use No. 2125 shall be subject to Final Site Plan approval by the Sussex County Planning and Zoning Commission.**