

ORDINANCE NO. 2614

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR SOCCER FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.67 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of May 2018, a conditional use application, denominated Conditional Use No. 2146, was filed on behalf of Jose Carrillo; and

WHEREAS, on the 11th day of October 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of October 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2146 be approved with conditions; and

WHEREAS, on the 13th day of November 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. 2146 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 on Speed Street that is on the west side of Marshall Street approximately 1,655 feet north of Johnson Road and being more particularly described in the attached deed prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 9.67 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 use shall be limited to an indoor and outdoor soccer facility. As stated by the Applicant, there will be up to two (2) outdoor fields. The indoor soccer shall utilize the existing building.**
- B. The Final Site Plan shall clearly show the location of the outdoor fields and a vegetated buffer next to the residential properties.**
- C. All parking areas shall be clearly marked on the site.**
- D. The Applicant shall comply with all DelDOT entrance and roadway improvement requirements.**
- E. One unlighted sign shall be permitted. It shall not exceed 16 square feet in size. The location of the sign shall take into account how it may affect neighboring properties along Marshall Street. The location of the sign shall be shown on the Final Site Plan.**
- F. The hours of operation shall be limited to 10:00 a.m. through 10:00 p.m., 7 days a week.**
- G. The outdoor field shall not be lighted for nighttime use.**
- H. Any security lights on the property shall be downward screened so that they do not shine on neighboring properties or roadways.**
- I. Any violation of these conditions shall be grounds for termination of the Conditional Use.**
- J. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2614 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF NOVEMBER 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 Jose Carrillo for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for an indoor/outdoor soccer facility to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 9.67 acres, more or less (lying on Speed Street, on the west side of Marshall Street, approximately 1,655 feet north of Johnson Road) (Tax I.D. No. 330-15.00-10.00) (911 Address: 19008 Speed Street, Lincoln).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Diana Carrillo was present on behalf of the application at the public hearing before the Planning and Zoning Commission and that Jose Carrillo was present on behalf of the application at the**

public hearing before the Sussex County Council; that they purchased the property with a warehouse to use as an indoor soccer facility and an outdoor facility; that the building has had many uses which include an old cannery, cheerleading gym, baseball facility, and paint place; that they have talked with the neighbors and they are okay with it; that there would like two outdoor fields; that they would have a couple of games at night and then Saturday in the morning; that it is mostly adults right now; that they have outdoor lighting on the building; that there would not be any night play outside; that the building is about 17,000 square feet; that the hours of operation are 10:00 a.m. to 10:00 p.m., Sunday through Saturday; that they would like a lighted sign; that there would be approximately 10 cars per game; and that the games last about 1 1/2 to 2 hours.

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8A – 8J), as amended, Council found that:

1. The use will be a soccer facility that will include an outdoor field. The indoor soccer will be played within an existing building on the property.
2. The property was previously approved as a canning operation under Conditional Use #757. That use no longer occurs on the site.
3. The property is more than 9.5 acres in size. The outdoor soccer fields will be located more than 200-feet off of Marshall Street. It is in an area where other open fields currently exist.
4. The Applicant stated that they desire two outdoor fields and they will only use the existing building. With this limitation, the property will not become a large-scale sports facility.
5. The Applicant has stated that there is a need in this area of Sussex County for soccer fields for use by residents of Sussex County.
6. The Applicants testified that they have discussed the application with residents in the immediate area, and they have no objection to the use.
7. The use will not have an adverse impact upon traffic, area roadways or the community.
8. 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 ten (10) conditions (A – J), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.