

**ORDINANCE NO. 2648**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS**

**WHEREAS, on the 7th day of December 2018, a conditional use application, denominated Conditional Use No. 2165, was filed on behalf of Vanderwende Acres, LLC; and**

**WHEREAS, on the 14th day of March 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of March 2019, said Planning and Zoning Commission recommended that Conditional Use No. 2165 be approved with conditions; and**

**WHEREAS, on the 16th day of April 2019, 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. 2165 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 Seaford Hundred, Sussex County, Delaware, and lying on the southwest corner of Briarhook Road and Atlanta Road also being the northwest corner of Atlanta Road and Owls Nest Road and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, said parcel containing 8.99 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. Food and beverage service and music or similar entertainment is permitted.**
- B. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**

- C. All entrance locations shall be subject to the review and approval of DelDOT.**
- D. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2648 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF APRIL 2019.**

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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 Vanderwende Acres, LLC to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an event venue to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 8.99 acres, more or less (lying on the southwest corner of Briarhook Road and Atlanta Road also being the northwest corner of Atlanta Road and Owls Nest Road (Tax I.D. No. 531-6.00-72.00 (portion of) (911 Address: 22304 Atlanta Road, Seaford).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. D. J. Hughes and Mr. Zac Crouch, with Davis, Bowen, and Friedel, were present at the Planning and Zoning Commission hearing, and Mr. Hughes was present at the Sussex County Council hearing, on behalf of the application; that the proposed Conditional Use is for a special event venue on a site which is 8.99 acres; that the Applicant owns the land on both sides of the proposed Conditional Use area; that the barn sits back away from the road; that they have received approval from the Office of the State Fire Marshal; that the proposed use, as per the State Fire Marshal requirements, is for the first floor of the barn only, and not the second floor; that there are 40 parking spaces in the area and there is ample room for overflow parking; that there is a long drive that goes back to the property; that there are no homes within 1/4 mile of the site; that there are no known wetlands on the site; and that DelDOT did not require a Traffic Impact Study.**
- 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 through D), Council found that:**
  - 1. The site is an 8.99-acre parcel of land owned by the Applicant. It is surrounded by farmland owned by the family that owns the LLC that is the Applicant here. This use will occur within a renovated barn and the surrounding area, including pavilions.**
  - 2. The use is an extension of the historical agricultural use of this property and it is consistent with the surrounding farmland.**
  - 3. The Applicant intends to hold events that include weddings, birthday parties, and similar events.**
  - 4. The site will have 40 parking spaces, plus plenty of room for overflow parking.**
  - 5. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**
  - 6. This use promotes agricultural activities in Sussex County and is an innovative agritourism destination.**
  - 7. No parties appeared in opposition to this application.**

8. **Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to four (4) conditions (A - D), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**