

**ORDINANCE NO. 2696**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AMENDMENTS TO CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2127 (ORDINANCE NO. 2600) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS**

**WHEREAS, on the 15th day of July 2019, a conditional use application, denominated Conditional Use No. 2196, was filed on behalf of Wine Worx, LLC; and**

**WHEREAS, on the 14th day of November 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2196 be approved with conditions; and**

**WHEREAS, on the 17th day of December 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 VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2196 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 Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Blackwater Road, approximately 1,007 feet north of Burbage Road, and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., said parcel containing 25.60 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. All events shall end no later than 10:30 p.m. and clean up after 10:30 p.m.**
- B. Food and beverage service and music or similar entertainment is permitted.**

- C. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.
- D. All entrance locations shall be subject to the review and approval of DelDOT.
- E. 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. 2696 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF DECEMBER 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 Wine Worx, LLC for a Conditional Use of land in an AR-1 Agricultural Residential District to allow for amendments to conditions of approval for Conditional Use No. 2127 (Ordinance No. 2600) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 25.60 acres, more or less (lying on the west side of Blackwater Road, approximately 1,007 feet north of Burbage Road (Tax I.D. No. 134-11.00-53.00) (911 Address: 32512 Blackwater Road, Frankford).
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that David Hutt, Esquire, with Morris James, LLP, was present on behalf of the Applicant, Wine Worx, LLC, and that Adrian Mobilia, one of the Principals of Wine Worx, LLC, was also present on behalf of the application; that the application is to amend conditions of approval of Conditional Use No. 2127 which was approved by the Sussex County Council on September 25, 2018; and that Council had imposed ten (10) conditions of approval that the Applicant now seeks to amend to those conditions originally recommended by the Planning and Zoning Commission.
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6), Council found that:
  - 1. As part of Conditional Use No. 2127, the Planning and Zoning Commission recommended six conditions of approval that were all reasonable given the proposed use and because no parties appeared in opposition to the application.
  - 2. County Council substantially revised the recommended conditions as part of Ordinance No. 2600.
  - 3. The conditions included an Ordinance No. 2600 appear difficult to enforce.
  - 4. Where the conditions imposed by the Ordinance No. 2600 appear to have been drafted to protect the neighboring property owners. All of the property owners have signed a petition supporting conditions nearly identical to the Planning and Zoning Commission's original recommended conditions, not the more restrictive conditions imposed by County Council.
  - 5. No parties appeared in opposition to this request.
  - 6. For all of these reasons, the conditions of approval for Conditional Use No. 2196 and Conditional Use No. 2127 shall revert back to what the Planning and Zoning Commission originally recommended in its decision of May 24, 2018 for this site as part of Conditional Use No. 2127, as amended by the County Council by striking Planning and Zoning Commission recommended Condition C which stated, "As stated by the Applicant, there shall be no more than 200 people at any event." The above five conditions (A – E) shall now apply.