

**ORDINANCE NO. 2723**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 (GENERAL COMMERCIAL DISTRICT) FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS**

**WHEREAS, on the 30th day of December 2019, a conditional use application, denominated Conditional Use No. 2219 was filed on behalf of 32630 DuPont Boulevard, LLC; and**

**WHEREAS, on the 11th day of June 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of June 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2219 be approved with conditions; and**

**WHEREAS, on the 14th day of July 2020, 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 XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2219 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 situated in Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of DuPont Blvd., approximately 0.51 miles south of Nine Foot Road and being more particularly described in the attached legal description prepared by Axiom Engineering, LLC, said parcel containing 11.80 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 hours of operation shall be from 8:00 a.m. until 5:00 p.m., seven days per week.**
- B. Since this property is located within the C-1 General Commercial District, it shall comply with the signage requirements of the C-1 District.**
- C. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. The Final Site Plan shall designate the areas set aside for outside display of the stone materials, and this area shall be clearly marked on the site itself.**
- E. All grinding and fabrication operations shall occur indoors.**
- F. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.**
- G. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- H. 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. 2723 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JULY 2020.**

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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 32630 Dupont Boulevard, LLC for a Conditional Use in a C-1 General Commercial District for stone and granite retail, fabrication, cutting, displaying & selling of granite, stone and quartz to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 11.80 acres, more or less (land lying on the west side of DuPont Blvd., approximately 0.51 miles south of Nine Foot Road) (Tax I.D. No. 233-16.00-27.00 (portion of) (911 Address: 32630 DuPont Blvd., Dagsboro).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Enes Celik, Ms. Victoria Hodgins and Mr. Charlie Rodriguez were present at the Planning and Zoning Commission hearing by teleconference on behalf of the Applicant, 32630 Dupont Boulevard, LLC, and in person at the Sussex County Council hearing; that Stonegate Granite plans to purchase this property of approximately 22 acres; that 11.8 acres of the property is zoned C-1 and the balance is zoned AR-1; that the wooded area of the property on the south and west will create a natural buffer; that Rudy's Marine is adjacent to this property on the north; that granite and stone retail is a permitted use in the General Commercial Zoning; and that the request is for a Conditional Use for the fabrication portion of the business.**
- C. 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 - H), as amended, Council found that:**

- 1. The property is situated along Route 113 and is zoned C-1 General Commercial.**
- 2. The adjacent parcels to the north and south are also zoned as C-1. This is an appropriate location for this use.**
- 3. The Sussex County Comprehensive Plan indicates that the property has the land use designation of “Commercial Area” with the southwestern portion of the parcel designated as a “Developing Area”. Both of these classifications are appropriate for this type of use.**
- 4. The property has previously been used for commercial purposes. This application will utilize some of the existing buildings on the site for the use.**
- 5. The use will not adversely affect neighboring properties or roadways.**
- 6. No parties appeared in opposition to the application.**
- 7. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to the following eight (8) conditions (A - H), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**