

ORDINANCE NO. 2735

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS

WHEREAS, on the 18th day of December 2019, a conditional use application, denominated Conditional Use No. 2216 was filed on behalf of Kenneth Dominic Alton Drummond; and

WHEREAS, on the 23rd day of July 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of August 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2216 be approved with conditions; and

WHEREAS, on the 25th day of August 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2216 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 southwest side of Hopkins Road, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 3.57 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 home remodeling and home construction services with light material storage associated with that use. Maintenance and repair of the business' equipment shall be permitted to occur on the site. An office for the business only with a residence for the business manager or senior employee shall also be permitted. No other business shall be conducted from the site, and no retail sales shall be permitted on the site.**
- B. As stated by the Applicant, all construction materials will be stored indoors.**
- C. The Applicant shall comply with all DelDOT requirements, including any entrance and roadway improvements that are directed by DelDOT.**
- D. No outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.**
- E. All dumpsters, storage bins and stockpile locations shall be screened from view of neighboring properties and roadways.**
- F. One indirectly lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- G. All security lights shall be fully screened and downward so that they do not shine on neighboring properties or adjacent roadways.**
- H. The hours of operation shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. There shall not be any Sunday hours of operation.**
- I. There shall not be any dumping on the site. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways and shall be located at least 50-feet from the property boundaries.**
- J. The Final Site Plan shall clearly show all loading and storage areas and areas for vehicle parking and equipment storage and these areas shall be clearly marked on the site itself. These areas shall be screened and shall be at least 50-feet from the property boundaries.**
- K. All required screening or buffering shall be shown on the Final Site Plan.**
- L. Failure to comply with any of these conditions shall be grounds for the termination of this Conditional Use.**
- M. 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. 2735 ADOPTED BY THE COUNTY COUNCIL ON THE 25TH DAY OF AUGUST 2020.

**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 Kenneth Dominic Alton Drummond for a Conditional Use in an AR-1 Agricultural Residential District for home remodeling and repair services, storage, repair and maintenance, light building material and storage and general office for Quality Care Homes and manager’s residence to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.57 acres, more or less (land lying on the southwest side of Hopkins Road, approximately 0.58 mile northwest of Beaver Dam Road (Route 23)) (Tax I.D. No. 234-5.00-46.04) (part of) (911 Address: 20366 Hopkins Road, Lewes).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Mark Davidson, with Pennoni Associates, was present on behalf of the Applicant, Kenneth Dominic Alton Drummond, together with the Applicant and Mr. Alan Decktor, also with Pennoni Associates; that the application is for a conditional use of land in an AR-1 zoning district located on 3.57 acres of a 6.34-acre parcel; that the property is located on the west side of Hopkins Road; that the Applicant is the owner of the subject property and of Quality Care Homes; that the subject property is bordered on the north and west by agricultural fields, on the south by wooded lands, and on the east by Hopkins Road; that Hopkins Road is a local road with connections to Fisher Road and Beaver Dam Road which provides easy access to neighboring towns.**
- C. Council also found that since 2015, Quality Care Homes has been a local Delaware company which has been delivering home improvement and general contracting services; that there are two (2) full-time employees and eight (8) subcontractors with plans to grow to twenty (20) full-time employees in the future; that the site plan shows how the Applicant plans to use this property for his business; that Applicant’s residence is located on the site; that the Applicant has planted approximately eighty (80) trees bordering the property; that the building’s parking and storage will begin approximately 1,000 feet back from Hopkins Road; that the conditional use area of the property will be screened from adjacent properties by a vegetative buffer; that stormwater management will be within the conditional use area of the property and will provide for 100% infiltration and groundwater recharge and will meet the Sussex Conservation District’s and DNREC’s regulations; that there will be a new onsite waste disposal system; and that there will be a new onsite domestic well meeting all the requirements for DNREC for the proposed uses.**
- D. Council further found that the entrance for the application will share the same entrance as the single family home on the property; that the Applicant will provide upgrades to the entrance as required by DelDOT; that the Applicant is proposing two (2) additional buildings to provide storage for materials, for repairs to vehicles and for the day-to-day office and business operations for Quality Care Homes; that the second story of one of the buildings will be for the general office and for living quarters for the manager that the Applicant plans to hire; that in the 2019 Sussex County Comprehensive Plan, the area for the proposed conditional use is identified to be in a low-density area; that the focus of business uses in low-density areas should be providing services to nearby residences and commercial areas; that the 2015 Delaware Strategies for State Policies and Spending identifies the site as Investment Level 4; that the proposed use meets the general purpose of the Zoning Ordinance as it is located in an appropriate location and meets the purpose of the AR-1 District; that the use meets the purpose of the Comprehensive Plan by providing sufficient space in appropriate**

locations for certain uses which cannot be well-adjusted to their environment in particular locations with full protection offered to the surrounding properties by the rigid application of the district, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

E. 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 (A - N), Council found that:

- 1. The proposed location is appropriate for a business such as this. It is a 6.34-acre parcel surrounded by farmland and woods. The buildings associated with this use are approximately 1000 feet from the roadway.**
- 2. The use will not have an adverse impact on adjacent or neighboring properties, roadways or the community in general.**
- 3. The Applicant has planted approximately 80 trees on the property to act as a screen from other properties in the area.**
- 4. The site is in a Low-Density Area according to the Sussex County Comprehensive Plan, and this type of low impact use is appropriate in the area according to the Plan.**
- 5. The Applicant testified that he will continue to reside on the property while the business is operating.**
- 6. No parties appeared in opposition to this 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 thirteen (13) conditions (A - M) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**