

**ORDINANCE NO. 2742**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.024 ACRES, MORE OR LESS**

**WHEREAS, on the 13th day of February 2020, a conditional use application, denominated Conditional Use No. 2226 was filed on behalf of Jonathan E. & Karen M. Hearn; and**

**WHEREAS, on the 27th day of August 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of September 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2226 be approved with conditions; and**

**WHEREAS, on the 29th day of September 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. 2226 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the north side of Cannon Road approximately 0.92 mile west of Sussex Hwy. (Route 13) and being more particularly described in the attached legal description prepared by Miller-Lewes, Inc. Land Surveying, said parcel containing 3.024 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. As stated by the Applicant, food and beverage service shall be provided by catering services, as there will not be any kitchen facilities on-site.**
- b. All parking areas shall be 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. All events shall conclude prior to 10:30 at night.**
- 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. 2742 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH DAY OF SEPTEMBER 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 Johnathan E. and Karen M. Hearn for a Conditional Use in an AR-1 Agricultural Residential District for an events venue to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 3.024 acres, more or less (land lying on the north side of Cannon Road approximately 0.92 mile west of Sussex Highway (Route 13) (Tax I.D. No. 131-18.00-33.00 (Part of) (911 Address: 8275 Cannon Road, Seaford).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that John Murray of The Kersher Group was present on behalf of the application, along with the Applicants, Jonathan and Karen Hearn; that the Hearn Group, which is owned by Jonathan and Karen Hearn, is proposing a 4,800 square foot reception hall/venue on the subject parcel; that it is located on 3.024 acres and located on the north side of Cannon Road; that it is approximately 0.86 mile to Route 13 and 3 miles to the center of Bridgeville town center; that the venue could be rented for wedding receptions, reunions, parties and other gatherings; that the Applicant has spoken with neighbors and has their support, including 8 letters of support that were submitted from neighboring properties; that the proposed hall is situated towards the rear of the property; that in accordance with the Sussex County Code, 84 parking spaces are required; that the Applicant is proposing 96 parking spaces; that the front of the property will be landscaped to screen the parking lot from Cannon Road; that the property would be served by a private well and septic system; and that this was approved by DNREC on March 13, 2020.**
- C. Counsel also found that that the chicken houses located near this property are no longer in use; that no wetlands will be within the subject parcel as the proposal is only on part of Tax Parcel 131-18.00-33.00; that the Sussex County Future Land Use Map identifies the property as being within the developing area; that the property is in the Level 3 Investment Area according to the Delaware Strategies for State Policies and Spending; that the Level 3 Investment Area is defined as an area which is suburbanizing and is a growth area; that stormwater management has been discussed with the Sussex County Conservation District; that following a meeting with DelDOT,**

the entrance to the site will be moved to share the entrance to the residential site which is the Applicant's dwelling; that DelDOT does not require a Traffic Impact Study; that the preliminary site plan has been approved by the State Fire Marshall's office; that the hours of operation would be Monday through Friday, 12:00 Noon – 10:30 p.m. and Saturday and Sunday 8:00 a.m. – 10:30 p.m.; that the parking lot will be paved; that the building will have sound damping devices and good acoustics; that the Applicant requests permission to place a sign; and that all lighting will be downward screened.

**D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 8) and Conditions (a – e), Council found that:**

- 1. The site is 3.024 acres of a larger 17.26-acre parcel of land owned by the Applicants. The use will occur within a structure set back from the roadway.**
- 2. The property is less than a mile from Route 13 and approximately 3 miles from the center of Bridgeville. This is an appropriate location for this type of use.**
- 3. The Applicants will continue to reside on the property during its operation as an event venue.**
- 4. The Applicants intend to hold events that include weddings, birthday parties and similar events.**
- 5. The site will have sufficient areas for parking.**
- 6. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**
- 7. There is a need for this type of use in western Sussex County and it will provide an economic benefit to this area of the County.**
- 8. No parties appeared in opposition to this application and one person appeared in support of it. The record also contains eight (8) letters in support of the application.**
- 9. 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 five (5) conditions (a – e), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**