

ORDINANCE NO. 2749

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS

WHEREAS, on the 26th day of May 2020, a conditional use application, denominated Conditional Use No. 2239 was filed on behalf of Coastal Services, LLC; and

WHEREAS, on the 24th day of September 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of October 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2239 be approved with conditions; and

WHEREAS, on the 27th day of October 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2239 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 Cedar Neck Rd. (Rt. 357) approximately 0.64 mile north of Fred Hudson Rd. (S.C.R. 360) and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 1.08 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 project shall be used for a general contracting business.**
- B. There shall be no retail sales from the GR portion of the property.**
- C. There shall be no manufacturing on the site.**
- D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- F. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- G. Because the front portion of the Conditional Use area is currently zoned B-1, the use shall comply with the B-1 District's sign requirements.**
- H. As stated by the Applicant, pursuant to an agreement with the neighbors, the boundaries of the property with GR zoning shall be fenced with 6-foot vinyl fencing to screen it from view of neighboring residential properties. The location and type of fencing shall be shown on the Final Site Plan.**
- I. 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. 2749 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF OCTOBER 2020.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Conditional Use was adopted subject to the following conditions:

- A. This is the application of Coastal Services, LLC for the consideration of a Conditional Use of land in a B-1 Neighborhood Business District and a GR General Residential District for a general contracting business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.08 acres, more or less (property lying on the west side of Cedar Neck Road (Route 357) approximately 0.64 mile north of Fred Hudson Road (S.C.R. 360) (Tax I.D. No. 134-9.00-67.00) (911 Address: 30430 & 30432 Cedar Neck Road, Ocean View).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mackenzie Peet, Esquire, with Tunnell & Raysor, P.A., was present at the Planning and Zoning Commission hearing on behalf of the Applicant, Coastal Services, LLC, together with Mr. George Elliott, owner of Coastal Services, LLC, and that Ms. Peet was also present at the Sussex County Council public hearing on behalf of the Applicant; that the business has been in operation in Sussex County for more than 20 years; that the Applicant is requesting a Conditional Use for a contracting business to be located in Neighborhood Business (B-I) and General Residential (GR) zoning districts; that the**

Applicant purchased the GR property to the rear of the B-1 zoned property already owned by him and combined the lots creating the split zoned property; that the business is a permitted use in the B-1 zoned area of the property; and that the Conditional Use request is for the GR zoned portion of the property.

- C. Council also found that a pole barn of over 6,000 square feet is being proposed; that an application for a side yard variance has been submitted for a public hearing before the Board of Adjustment; that the properties to the north and west of the subject property are zoned GR, the property to the east is zoned General Commercial (C-1) and the property to the side is split-zoned as B-1 and GR zoning; that the Applicant has spoken with adjacent landowners and has their support; that one property owner has requested that a fence be installed on the perimeter of the property and the Applicant will comply with that request; that the business operates from 7:00 a.m. to 5:00 p.m.; that employees do not necessarily visit this site before going to the work site and, therefore, there would be no impact on traffic; that the location of this business is compatible with surrounding uses; that all existing buildings meet setbacks; and that the Staff Analysis states that the proposed use could be consistent with surrounding uses.**
- D. 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 (a - i), Council found that:**
- 1. The site is split-zoned with the frontage having B-1 zoning, and the rear area being zoned GR General Residential. The Applicant has operated a contracting business from the B-1 portion of the site for some time, and this Conditional Use will bring the entire parcel under one approval.**
 - 2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses like this one are appropriate within this area according to the Plan.**
 - 3. The site is located along Cedar Neck Road and is partially zoned for B-1 uses. There are also commercially zoned properties on the opposite side of Cedar Neck Road. This use is appropriate for this location.**
 - 4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.**
 - 5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.**
 - 6. The site is served by Sussex County sewer.**
 - 7. No parties appeared in opposition to this application.**
 - 8. 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 nine (9) conditions (a - i) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**