

ORDINANCE NO. 2774

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of September 2020, a conditional use application, denominated Conditional Use No. 2244 was filed on behalf of Ramon A. Mendez and Alma Mendez; and

WHEREAS, on the 8th day of April 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of April 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2244 be approved with conditions; and

WHEREAS, on the 8th day of June 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2244 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 south side of Hickman Road (Route 16), approximately 1,600 feet east of Scotts Store Road (Route 36), and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcel containing 1.39 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 Applicant shall comply with any DelDOT requirements associated with the use.**
- b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.**
- e. No outside storage or sales of merchandise shall be permitted.**
- f. Any dumpsters shall be screened from the view of neighboring properties and roadways.**
- g. The failure to abide by these conditions shall result in the 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. 2774 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JUNE 2021.

**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 Ramon A. Mendez and Alma Mendez for a Conditional Use in an AR-1 Agricultural Residential District for a grocery store to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 1.39 acres, more or less (property lying on the south side of Hickman Road [Route 16] approximately 1,600 feet east of Scotts Store Road [Route 36]) (Tax I.D. No. 530-9.00- 53.01) (911 Address: 8354 Hickman Road, Greenwood).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Ramon Mendez was present on behalf of his application; that he would like to have a business on his property that is zoned AR-1; that he and his family live on the property and that the block building will be renovated for the store; that this would be his wife's business and that she would be the only employee; that the property is located on Route 16 which is a heavily traveled road, but that this business will not impact traffic; that the entrance would be on Route 16; that there would not be large delivery trucks; that there is room for 8 – 10 cars at the front of the building with additional parking in the rear; that a lighted sign is requested; and that the hours would be 8:00 a.m. through 6:00 p.m., Monday through Saturday, with no hours on Sunday.**
- C. 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 (8a – h), Council found that:**

- 1. The Applicant stated that the store will be located in an existing concrete building that is currently not in use on the property. The Applicants will reside in the home located in the rear of the property.**
- 2. The property is located just outside of the Town of Greenwood and has frontage on Route 16. It is next to another very successful food service business. This is an appropriate location for a small neighborhood business like this.**
- 3. The property is in the Developing Area according to Sussex County's Comprehensive Plan. Uses like this small grocery are appropriate in the Developing Area.**
- 4. Deliveries to and from the business will be relatively infrequent and small in nature.**
- 5. There is no indication that the use will adversely affect roadways or area traffic.**
- 6. Given the size and location of the business, the use will not have any negative impact on neighboring properties.**
- 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 the following eight (8) conditions (a – h) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**