

ORDINANCE NO. 2823

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A WATER WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.04 ACRES, MORE OR LESS

WHEREAS, on the 24th day of March 2021, a conditional use application, denominated Conditional Use No. 2276 was filed on behalf of Atlantic Well Drilling, Inc.; and

WHEREAS, on the 18th day of November 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of December 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2276 be approved; and

WHEREAS, on the 14th day of December 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2276 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the south side of Concord Road, approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road (S.C.R 483), and Church Road (Route 20A), and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 1.04 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 a well drilling business. No retail sales shall occur from the site.**
- B. All equipment and vehicle maintenance shall occur inside of the approved buildings on the property.**
- C. The required parking shall be depicted on the Final Site Plan and clearly marked on the site itself.**
- D. All outdoor lighting associated with this use shall be screened and shielded so that it does not shine on neighboring properties or roadways.**
- E. One lighted sign shall be permitted. It shall not be any larger than 32-square feet on each side.**
- F. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- G. The Applicant shall comply with any requirements of the Sussex Conservation District regarding stormwater management and drainage.**
- H. The Applicant shall comply with any DelDOT entrance or roadway improvement requirements.**
- I. The failure to comply with any of these conditions of approval may be grounds for termination of this Conditional Use.**
- J. 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. 2823 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF DECEMBER 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 Atlantic Well Drilling, Inc. for a Conditional Use in an AR-1 Agricultural Residential District to allow for a water well drilling business to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.04 acres, more or less (property lying on the south side of Concord Road, approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road [S.C.R. 483] and Church Road [Route 20A]) (Tax I.D. No. 132-3.00- 4.09) (911 Address: 10872 Concord Road, Seaford).**

- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Douglas Hudson was present on behalf of this Application, together with Mr. Mike Kelly; that Mr. Hudson and Mr. Kelly are the principals of Atlantic Well Drilling, Inc.; that Mr. Hudson owns the property and the farmland behind the property; that they sold their business in Delmar; that they built a pole building on the property for agricultural purposes; that they then moved their business to the pole building on the subject property; that they have tried to keep everything cleaned up on the property; that there will be nothing but farmland behind them; and that they do a lot of agriculture work with large water wells for farmers.**
- C. Council also found that maintenance would take place onsite and that all maintenance would take place inside the pole building; that all chemicals will be contained inside the pole building; that some equipment is stored outside of the pole building; that he owns two well-drilling rigs which would stay on the property when they are not on the job site; that during the week, the rigs mostly stay on the job site; that, for the most part, they stay on the property during the weekends; that a water truck, trencher, excavator and some pipes are also stored outside on the property; that there are two dumpsters on the property, one for recycle and one for regular trash; that the trash dumpsters are not currently screened and are currently located next to the pole building; that Applicant is willing to move the dumpsters behind the building to screen them from public view; that Applicant plans to build a fence around the property; that there are trees to the back side of the property which separate Applicant's property from a neighbor; that Applicant does have equipment with back-up alarms; that the trash truck also has back-up alarms and lights; that almost everything is handled online and customers very rarely stop by the property to pay a bill; that there would be 10 employees; that the hours of operation are 7:00 am to 5:00 pm, Monday through Friday; and that Applicant requests a sign.**
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (A - J), Council found that:**
- 1. The property where this use is located is zoned AR-1, and it operates out of an Agricultural Building. This type of use is consistent with the underlying AR-1 Zoning and the type of uses that are permitted in that district.**
 - 2. A well drilling business in this location benefits the health, safety and welfare of Sussex County residents, businesses and the agricultural community.**
 - 3. Aside from maintenance of the equipment, all operations occur off-site, and no retail or similar uses will occur on-site. As a result, this use will not generate excessive amounts of traffic.**
 - 4. The use will not adversely affect neighboring properties or roadways.**
 - 5. No parties appeared in opposition to this application.**
 - 6. 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 ten (10) conditions (A - J) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**