

RESOLUTION NO. R 044 80

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRODUCE STAND AND BAR-BE-QUE PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTH-WEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.28 ACRES MORE OR LESS

WHEREAS, on the 28th day of July A. D. 1980, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a produce stand and bar-be-que pit, denominated C/U #595, was filed on behalf of Carla Tucker; and

WHEREAS, on the 28th day of August, A. D. 1980, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #595 be approved; and

WHEREAS, on the 16th day of September, A. D. 1980, a public hearing, after notice, was held before the County Council of Sussex County on C/U #595 and, having heard and considered the public comments made at such hearing and the County Council having found as follows:

(a) That the Conditional Use applied for is for the general convenience and welfare of the inhabitants of Sussex County;

(b) That the location is appropriate for the Conditional Use applied for and not in conflict with the Comprehensive Plan;

(c) That the public health, safety, morals and general welfare of the inhabitants of Sussex County will not be adversely affected;

(d) That adequate off-street parking facilities will be provided;

(e) That the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values; and

(f) That the additional standards of Ordinance 1, Article 10, Section 1, et seq., will be complied with,

NOW, THEREFORE,

BE IT RESOLVED that the application of Carla Tucker for a Conditional Use of land in an AR-1 Agricultural Residential District for

a Produce Stand and Bar-Be-Que Pit to be located in the Northwest Fork Hundred, Sussex County, be and the same is hereby granted;

BE IT FURTHER RESOLVED that the description of the land which is the subject of this application is more particularly described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in the Northwest Fork Hundred, Sussex County, Delaware, and lying on the northerly side of Route 404 and bounded as follows:

BEGINNING at a point on the northerly side of Route 404, 300 feet northwest of the extended centerline of Route 18; thence north 47° 09' west 278 feet along the northerly side of Route 404 to a point being corner of this subject lands and lands of Paul addlesberger; thence north 28° 32' east 150 feet along said Addlesberger lands to a point; thence south 47° 09' east 278 feet to a point; thence south 28° 32' west 150 feet to the point and place of beginning, containing 41,700 square feet, more or less; and


BE IT FURTHER RESOLVED that this Conditional Use is granted subject to compliance with Ordinance No. 1, the Comprehensive Zoning Ordinance of Sussex County, as amended.

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to the following special conditions:

(a) This approval includes both take-out service and an open dining area on the site.

(b) Revised site plans shall be required to be submitted to the Planning and Zoning Commission designating the open dining area and relocated Bar-Be-Que stand.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 044 80 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 16TH DAY OF SEPTEMBER, 1980.

  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL