

RESOLUTION NO. R 055 80

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR A SALVAGE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.43 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June, A. D. 1980, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a salvage yard, denominated C/U #586, was filed on behalf of Henry Dale Murray; and

WHEREAS, on the 24th day of July, A. D. 1980, a public hearing, after notice, was held before the Planning and Zoning Commission for Sussex County and said Commission deferred action on C/U #586 for further study and consideration; and

WHEREAS, on the 12th day of August, A. D. 1980, a public hearing, after notice, was held before the County Council of Sussex County on C/U #586 and, having heard and considered the public comments made at such hearing, the County Council deferred action pending receipt of recommendation from the Planning and Zoning Commission of Sussex County; and

WHEREAS, on the 14th day of August, A. D. 1980, the Planning and Zoning Commission of Sussex County reconsidered the information on file and recommended that C/U #586 be approved with certain stipulations; and

WHEREAS, on the 18th day of November, A. D. 1980, the County Council of Sussex County considered the recommendation of the Planning and Zoning Commission of Sussex County and 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 Henry Dale Murray for a Conditional Use of land in an AR-1 Agricultural Residential District for a salvage yard to be located in Dagsboro 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 Dagsboro Hundred, Sussex County, Delaware, and lying south of Route 26 and east of Route 382 and bounded as follows:

BEGINNING at a concrete monument on the easterly side of Route 382 at a corner for this subject land and lands now or formerly of William H. Hastings; thence north  $41^{\circ} 30' 00''$  east 1580.10 feet along the dividing line between this subject land and said Hastings land and lands now or formerly of Curtis W. Steen, Jr. to an iron pipe on the line of lands now or formerly of Cara B. Timmons; thence north  $56^{\circ} 24' 20''$  east 441.49 feet along this subject land and said Timmons lands to an iron pipe, a corner for this subject lands and lands now or formerly of Annette J. Hammond; thence south  $61^{\circ} 33' 25''$  west 754.82 feet along this subject land and lands now or formerly of Annette J. Hammond, Elmer L. Marvel, and Jerome A. Rust to a concrete monument, a corner for this subject land and lands now or formerly of Lloyd Cullen; thence south  $59^{\circ} 50' 39''$  west 82.48 feet along this subject land and said Cullen lands to a concrete monument; thence south  $35^{\circ} 41' 42''$  west 275.63 feet along this subject land and other lands of Gerald A. Timmons to a point; thence continuing along the dividing line between this subject land and other lands of Gerald A. Timmons the following three distances: north  $54^{\circ} 18' 18''$

west 50.00 feet to a point, south 35° 41' 42" west 76.03 feet to a point; south 32° 42' 00" west 477.70 feet to a point; thence westerly with the curve of an arc distance of 38.94 feet on a radius of 25 feet to a point on the easterly right of way of Route 382; thence south 58° 03' 10" east 74.67 feet along the easterly right of way of Route 382 to a point, a corner for this subject land and lands of the State of Delaware; thence along the dividing line for this subject land and lands of the State of Delaware the following three distances: north 32° 42' 00" east 500.40 feet to a concrete monument; south 58° 02' 10" east 676.00 feet to a concrete monument; south 41° 30' 00" west 500.00 feet to a concrete monument on the easterly right of way of Route 382; thence south 61° 58' 37" east 20.57 feet along the easterly right of way of Route 382 to the point and place of beginning, containing within the above described metes and bounds 16.43 acres, 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; and

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

A. Stipulations for the existing salvage yard;

1. The chain link fence located adjacent to Route 26 will be relocated a minimum of 25 feet back from the right of way of Route 26; between Route 26 and the fence, there shall be no display or use of the area.

2. A solid screen fence will be erected along the west boundary of the present salvage yard that adjoins the Hudson Development. The screen fence will extend the full length of the Hudson Development, be at least 10 feet in height, and all storage of vehicles and vehicles and salvage material will not exceed the fence height. A solid screen fence will be erected along D. P. & L. right of way, 10 feet high.

3. In the event that the existing salvage yard is abandoned, a solid screen fence shall be required to be erected along the south

boundary of the existing yard.

B. Stipulations for expansion area:

1. Fence to extend across south end of Hudson Development becoming a barrier for the road.

2. The 50 foot right of way from the property to Route 382 shall remain free of parked vehicles.

3. A solid screen fence will continue from the Hudson Development in a southwesterly direction along the boundary to the entrance. All storage of vehicles and salvage material will not exceed the fence height and in no instance will the fence or stored material exceed 10 feet in height. The fence shall not encroach into the D. P. & L. right of way.

4. The property will be surrounded by a buffer strip of trees, at least 50 feet wide along all boundary lines, except that portion of the property that is adjacent to the existing salvage yard.

5. All of the stipulations must be completed before the area is used for salvage or storage of wrecked vehicles.

6. Solid screen fence along eastern side of existing salvage yard shall extend from designated "X" to point designated "Y" as indicated on the plat.

C. Site plan shall be revised to include all stipulations and notes as indicated on the plat. The applicant shall sign and certify that the site plan and stipulations noted thereon are to be developed as drawn and noted.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 055 80 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 18TH DAY OF NOVEMBER, 1930.

  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL