

RESOLUTION NO. R 056 80

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 61.4 ACRES, MORE OR LESS

WHEREAS, on the 26th day of September, A. D. 1980, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a Borrow Pit, denominated C/U #605, was filed on behalf of Cee Bee, Inc.; and

WHEREAS, on the 30th day of October, 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 #605 be approved; and

WHEREAS, on the 25th day of November, A. D. 1980, a public hearing, after notice, was held before the County Council of Sussex County on C/U #605 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 Cee Bee, Inc. for a Conditional Use of land in an AR-1 Agricultural Residential District

for a Borrow Pit to be located in the Baltimore 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 Baltimore Hundred, Sussex County, Delaware, and lying on the westerly side of Route 390A and bounded as follows:

BEGINNING at a point located north 87° 17' 26" west 230 feet from the westerly right of way of Route 390A, at a corner for this subject lands and lands now or formerly of Layfield E. Bunting; thence north 87° 17' 26" west 549.95 feet to a point; thence south 61° 41' 56" west 518.22 feet to a point; thence south 30° 07' 40" east 1169.80 feet to a point; thence south 28° 45' 36" east 1468.00 feet to a point; thence south 49° 31' 44" east 1192.73 feet to a point; thence north 15° 09' 15" west 1832.69 feet to a point; thence north 02° 37' 17" west 256.55 feet to a point; thence north 20° 49' 15" west 120.25 feet to a point; thence north 37° 33' 03" west 592.22 feet to a point; thence north 30° 30' 00" west 400.00 feet to a point; thence north 15° 59' 52" west 354.45 feet to the point and place of beginning and containing 61.4 acres more or less;

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:

1. A revised site plan shall be submitted establishing that the creation of this borrow pit will void that section of previously granted mobile home park which lies within the boundaries of this proposed Conditional Use for a borrow pit.

2. There shall be a buffer zone of at least 100 feet adjacent to the drainage ditches lying on the north and east sides of the property. There will be a 30 foot wide buffer with trees along all other boundaries of the pit.

3. Excavations shall be minimum of one (1) foot above water table and side slopes of the pit shall be 4 feet to 1 foot. The excavated area will be seeded with trees of an evergreen variety. The seeding will be done on an annual basis of those areas where the excavation is completed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 056 80 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 25TH DAY OF NOVEMBER, 1980.


EMOGENE P. ELLIS
CLERK OF THE COUNTY COUNCIL