

RESOLUTION NO. R 071 82

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF DRIVEWAY AND ROAD CONSTRUCTION MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 28.7 ACRES, MORE OR LESS

WHEREAS, on the 18th day of January, A.D. 1982, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for storage of driveway and road construction materials, denominated C/U #668, was filed on behalf of Francis B. Webb; and

WHEREAS, on the 25th day of February, A.D. 1982, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #668 be deferred; and

WHEREAS, on the 25th day of March, A.D. 1982, the Planning and Zoning Commission recommended that C/U #668 be approved; and

WHEREAS, on the 16th day of March, A.D. 1982, a public hearing, after notice, was held before the County Council of Sussex County on C/U #668 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 Francis B. Webb for a Conditional Use of land in an AR-1 Agricultural Residential District for storage of driveway and road construction material to be located in the Nanticoke 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the northeast side of Route 603 and bounded as follows:

BEGINNING at a concrete monument on the northeast side of Route 603, 1,910 feet more or less southeast of Route 594, a corner for this subject land and lands of Addison Tatman; thence north  $47^{\circ}$  east 1,510 feet to west side of small ditch; thence south  $44^{\circ} 17'$  east 867.48 feet to a hollow gum stump at a corner for Winkler Bros.; thence south  $51^{\circ} 56' 10''$  west 1,717.18 feet to a point in centerline of Route 603; thence north  $31^{\circ} 30'$  west 734.25 feet along Route 603 to a stone on the southwesterly right of way; thence north  $47^{\circ}$  east 35 feet across Route 603 to the point and place of beginning and containing 28.7 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. Materials storage or stockpiling shall be limited to road base and driveway construction materials such as, but not necessarily limited to clam shells, crushed stone, slag and gravel.

2. Manufacturing or mixing of road surfacing materials such as bituminous concrete is not permitted.

3. Pulverizing and crushing shall be limited to processing clam shells for agriculture application.

4. Offensive odors resulting from the storing, stockpiling, handling, or processing of materials as permitted by this Conditional Use shall be contained within the boundaries of this property.

5. This Conditional Use shall expire at such time the County receives official notice from the Solid Waste Section, Division of Environmental Control, State Department of Natural Resources and Environmental Control that offensive odors are not contained within the property boundaries, or notification from the same authority of other hazardous conditions that result from this use.

6. In accordance with Article 10, Section 6 of the County Comprehensive Zoning Ordinance the Director may revoke this approval for failure to comply with these or other applicable conditions.

7. No other clam waste product shall be taken to this site.

8. Chemical agents, approved by the DNREC, shall be stored on the site in sufficient amounts to control any potential odor problems that might develop from the stored clam shells. These amounts shall be relative to the quantity of shells being stored.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 071 82 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 17TH DAY OF AUGUST, 1982.

  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL