

ORDINANCE NO. 2281

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE BUILDING/USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.35 ACRES, MORE OR LESS (Tax Map I.D. 2-35-14.00-122.02 and 122.04)

WHEREAS, on the 31st day of August 2012, a conditional use application, denominated Conditional Use No. 1947 was filed on behalf of Cheer Delaware; and

WHEREAS, on the 25th day of October 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1947 be approved with conditions; and

WHEREAS, on the 27th day of November 2012, 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1947 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 Broadkill Hundred, Sussex County, Delaware, and lying south of Broadkill Road (Route 16) 800 feet east of Country Road (Road 22A) and being more particularly described per the attached legal description, said parcel containing 4.35 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:

- 1. The regular hours of operation shall be Monday through Friday from 8:00 a.m. through 4:00 p.m. with extended hours for special activities.**
- 2. Meals on Wheels, a meal delivery service, is part of CHEER'S regular operations and services. This type of service shall be permitted on the site.**
- 3. Special events (such as weddings and receptions, banquets, conferences, etc.) are part of CHEER'S regular operations, and shall be permitted on the site and outside of regular operating hours.**
- 4. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- 5. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.**
- 6. There may be full kitchen facilities on the site.**
- 7. The location of a dumpster shall be shown on the Final Site Plan. It shall be screened from view of neighboring properties and roadways.**
- 8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2281 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF NOVEMBER 2012.


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:

- 1. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a public service building/use, to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 4.35 acres, more or less, lying north of Broadkill Road (Route 16) 800 feet east of County Road (Road 22A) (Tax Map I.D. 2-35-14.00-122.02 and 122.04).**
- 2. DelDOT commented that a Traffic Impact Study was not recommended; that the current Level of Service "C" will not change as a result of the application; and that it has no objection to the application.**

3. The Sussex Conservation District commented that there are two (2) soil types on the property; that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard area or tax ditches are affected; and that it may not be necessary for any off-site drainage improvements, but on-site drainage improvements may be required.
4. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated sewer district; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.
5. Ken Bock, Deputy Director, CHEER Delaware, was present on behalf of the application together with Ring Lardner, Professional Engineer with Davis, Bowen and Friedel, Inc.; that they are proposing a public use facility containing 6,000 square feet; that the two existing parcels will be combined into one parcel; that the site is located in a Level 3 Area according to the State Strategies; that the site is located in a Low-Density Area according to the County Comprehensive Land Use Plan; that CHEER Delaware has not yet purchased the site; that they are proposing to relocate the existing CHEER operation to this site from the current leased site at the intersection of Reynolds Road and Broadkill Road; that the proposed 195 parking spaces may be reduced in number, if not needed; that the site is not located in a Flood Plain and there are no identified wetlands; that they have reviewed the site plan with DelDOT; that a septic site evaluation has been completed and approved; that they are planning to use green technologies in designing the stormwater management facilities in cooperation with the Sussex Conservation District; that they anticipate 3 (three) to 4 (four) full time employees; that there will be some evening activities occurring 1 (one) to 2 (two) times a month on weeknights; that there would be daily activities for the senior population in the Milton area; that transportation will be made available when needed; that the facility will include a

fitness center; that a full commercial type kitchen will be provided to serve foods on-site and to prepare foods for delivery to homebound seniors in the area; that the existing piped storm drain system was placed near the rear of the site to correct a flooding issue several years ago in the area; that DelDOT did not require any turn lanes or by-pass lanes in the entrance design; and that handicap spaces have been provided on the site plan.

- 6. The site will be used as a CHEER center, which is a non-profit organization, providing services to mature Sussex County residents.**
- 7. The use is consistent with nearby uses, which include various types of small scale commercial businesses. The site is appropriate for this type of use since it is located along Route 16 and is just outside the boundary of the Town of Milton.**
- 8. There were no parties present in support of or in opposition to the application.**
- 9. The use is a public service that promotes the health, safety, and welfare of Sussex County residents.**
- 10. The use will not have any adverse effects upon neighboring properties or area roadways.**
- 11. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**