

ORDINANCE NO. 2329

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COUNTERTOP MANUFACTURING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.145 ACRES, MORE OR LESS (Tax Map I.D. 5-32-6.00-87.02)

WHEREAS, on the 2nd day of August 2013, a conditional use application, denominated Conditional Use No. 1971 was filed on behalf of Greg N. Johnson; and

WHEREAS, on the 24th day of October 2013, 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. 1971 be approved with conditions; and

WHEREAS, on the 3rd day of December 2013, 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. 1971 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 Little Creek Hundred, Sussex County, Delaware, and lying south of Route 64 (Whitesville Road) 500 feet east of U.S. Route 13 (Sussex Highway) and being more particularly described in Deed Book 3950, Page 55 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 8.145 acres, more or less, including an ingress/egress easement.

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:

- A) The use shall be for the fabrication of countertops. No retail sales shall occur on the site.**
- B) The hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.**
- C) Deliveries shall occur only during hours of operation.**
- D) There shall not be any formal displays of countertops on the site. There shall not be any outside storage of countertops within 200 feet of U.S. Route 13.**
- E) Any dumpsters on the site shall be screened from view of neighboring properties of roadways.**
- F) One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- G) Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- H) All parking areas shall comply with the Zoning Code, and the parking areas and material storage areas shall be shown on the Final Site Plan.**
- I) The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2329 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 3RD DAY OF DECEMBER 2013.


ROBIN A. GRIFFEITH
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 countertop manufacturing business to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 8.145 acres, more or less, lying south of Route 64 (Whitesville Road) 500 feet east of U.S. Route 13 (Sussex Highway) (Tax Map I.D. 532-6.00-87.02).**

2. **DelDOT commented that the property is adjacent to U.S. Route 13 and is subject to the Department's Corridor Capacity Preservation Program; that U.S. Route 13 is a limited access highway; that the property is located within an investment Level 4 Area according to the State Strategies; and that the property owner has a recorded ingress/egress easement to Whitesville Road (Route 64); therefore, full site access will be permitted via the easement.**
3. **The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #4; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.**
4. **Mike Smith, Esquire, was present with Greg N. Johnson, Applicant, and Warren Reid, owner of Solid Image, Inc., the proposed occupant of the property. They stated that the property is in an AR-1 District located near the intersection of Route 13 and Whitesville Road; that the proposed use is a countertop fabrication business, including storage; that this location will not be used for any retail sales; that Solid Image, Inc. will conduct all retail sales from another location on Route 13; that excess material is not left outside; that the noise level is minimal and there will be no noise outside of the shop; that eleven (11) employees will be working at this location; that business hours of 6:00 a.m. to 6:00 p.m. would be sufficient, but most of the time, the hours will be 7:00 a.m. to 4:30 p.m.; that two (2) buildings are located on the property; that the westernmost building will be used primarily for the fabrication business and the easternmost building is intended for storage; that inventory is kept outside and slabs are stacked on metal A-frames on the south side of the building; that the westernmost building is located 430 feet from Route 13 so that by limiting storage of any stone to 200 feet from the highway, the stone will not be very visible; that there are some other commercial businesses in the area; that the use and traffic in and out is minimal; and that they presently and will continue to maintain the easement.**

5. **The Applicant will provide nine (9) parking spaces; three (3) loading spaces are required and will be provided; company vehicles can be stored on-site in parking areas; deliveries of the finished countertops are performed during regular business hours; granite, when needed, is received on Tuesdays and Thursdays; the use has been operating from the site since October 2012; on-site septic and water exists; a dumpster is used for disposal of materials; the dumpster area can be screened; there is currently no security lighting; and that an unlighted sign is requested.**
6. **The use is on a site that was previously used as a shrimp farm; the use is the redevelopment of that commercial shrimp facility; the use will be within the existing buildings on the site; all countertop fabrication will occur inside; and there will not be any excessive noise generated from the use.**
7. **The location near the intersection of U.S. Route 13 and Whitesville Road is appropriate for this use; the property has frontage on U.S. Route 13, but vehicular access is via Whitesville Road.**
8. **The use will have no adverse impacts on traffic, neighboring properties or the community.**
9. **There were no parties present in opposition to this application.**
10. **Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to nine (9) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**