

**ORDINANCE NO. 2348**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS (Tax Map I.D. 532-19.00-54.07, part of) (911 Address: 8658 Old Racetrack Road, Delmar)**

**WHEREAS, on the 24th day of January 2014, a conditional use application, denominated Conditional Use No. 1982 was filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC; and**

**WHEREAS, on the 27th day of March 2014, 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. 1982 be approved with conditions; and**

**WHEREAS, on the 20th day of May 2014, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1982 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 southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road) and being more particularly described as follows:**

**BEGINNING at a concrete monument on the southeasterly right-of-way of Road 502 (Old Racetrack Road), a corner for these subject lands and lands, now or formerly, of Warren O. and Rose E. Owens; thence north 52°00'40" east 300.00 feet along the southeasterly right-of-way of Road 502 to an iron pipe; thence south 47°54'18" east 287.72 feet along and across lands of Gary L. Ennis to a point; thence south 36°37'19" west 286.35 feet across lands of Gary L. Ennis to a point; and thence north 49°32'15" west 366.84 feet along aforementioned Owens lands to the point and place of beginning, and containing 2.18 acres, more or**

less as plotted by Miller Lewis, Inc.

**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 hours of operation shall be by appointment only between the hours of 9:00 a.m. and 7:00 p.m.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. All automobiles shall be stored within the building on the site.**
- D. Security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. No automobile repair shall be performed on the site.**
- F. No junked, unregistered or permanently inoperable vehicles shall be stored outside on the site.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2348 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MAY 2014.**



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**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

**The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:**

- A. This is the application of GARY L. ENNIS – SOUTHERN DELAWARE CLASSIC CARS, LLC to consider the Conditional Use of land in a GR General Residential District for antique auto sales to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 2.18 acres, more or less, land lying southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road) (Tax Map I.D. 5-32-19.00-54.07).**
- B. Council found that DelDOT provided a letter on May 2, 2013 stating that there shall be no parking within the State’s Right-of-Way; that if parking becomes an issue, the permit shall be revoked; that no vehicles are to be displayed within the Right-of-Way or in a manner that would hinder site clearances; that all Planning and Zoning conditions must be met; and that if in the future the site proposes to change zoning use, ownership, existing use or adds a new use that increases the existing site ADT (Average Daily Traffic), the property owner shall submit information to DelDOT and the entrance be re-evaluated by the Department to determine if any improvements are warranted based on the proposed site or usage changes.**
- C. Council found that the Sussex County Engineering Department Utility Planning Division commented that the site is located in the Delmar Future Growth and Annexation Area; 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.**

- D. Based on his testimony before the Planning & Zoning Commission, Council found that the Applicant, Gary L. Ennis, was present with Blake Carey, Esquire, of the Smith Firm, LLC, and that they stated that a 50-foot wide right-of-way provides access to the property; that the site is not in a flood zone; and that the use is for the general convenience of the residents of Sussex County.**
- E. Council found that the Applicant, Gary L. Ennis, and Blake Carey, Esq. were present at the public hearing on behalf of the application and stated that the site is located in a General Residential District; that the Applicant has owned the property since November 2010; that the Applicant is seeking a Conditional Use to allow him to sell antique automobiles on the property within a 9,500 square foot steel building that exists on the property; that the cars will be stored inside the building at all times; that the sales will occur within the building; that there are no new buildings anticipated to be constructed for this use; that sales and viewing would be by appointment only between the hours of 9:00 a.m. and 7:00 p.m.; that the site will have security cameras, an alarm system, and any security lighting would be downward facing; that there would be no auto repairs made on the site; that there would be no junked, unregistered, or inoperable vehicles stored outside on the site; that DelDOT has issued a Letter of No Contention; that there is on-site water and septic; that there is a gravel pad for customer parking; that the Applicant lives on the property; that no employees will be hired; that the Applicant is requesting approval for a lighted sign on the property up to 32 feet per side; that the proposal is in accordance with the County's Land Use Plan; and that the proposed use will not have an adverse impact on neighboring properties, the community, or the roadways.**
- F. Based on the Findings (1 through 5) and Conditions (a through g) of the Planning & Zoning Commission, Council found that:**
- 1. The use is the redevelopment of existing buildings on this site. The Applicant has stated that the existing buildings will be used, and that no new buildings will be constructed.**
  - 2. There will not be any adverse impacts on neighboring properties, the community, or roadways.**
  - 3. The Conditional Use is requested by the Applicant to obtain a dealer's license from the Department of Motor Vehicles.**
  - 4. No parties appeared in opposition to this application.**
  - 5. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to seven (7) conditions (A through G) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**