

TOWN OF BRIDGEVILLE

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ORDINANCE NO. A 13-1

With Conditions

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN C- 1 COMMERCIAL DISTRICT FOR A GASOLINE STATION AND CONVENIENCE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND ON THE WESTERLY SIDE OF U.S. ROUTE 13 IN THE TOWN OF BRIDGEVILLE CONTAINING 3.34 ACRES, MORE OR LESS, BEING THE APPLICATION OF DMS DEVELOPMENT, LLC.

WHEREAS, on the 7th day of January, 2013, a Conditional Use Application was filed on behalf of DMS Development, LLC; and

WHEREAS, on the 16th day of January, 2013, a hearing was held before the Planning and Zoning Commission and the Commission recommended to the Council that the application be granted; and

WHEREAS, on the 11th day of February, 2013, a public hearing was held, after notice, before the Commissioners of Bridgeville and the Commissioners, based on the Finding of Facts, attached hereto, determined that said Conditional Use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Bridgeville;

NOW COME, THEREFORE, the Commissioners of Bridgeville hereby ordain:

Section 1. Pursuant to § 234-33B(3) of the Bridgeville Land Use and Development Code, a Conditional Use is granted to the property hereinafter described for the following use: Gasoline Station and Convenience Center.

ALL that certain tract, piece or parcel of land situate, lying and being in the Town of Bridgeville, Sussex County, Delaware, on the westerly side of U.S. Route 13 containing 3.34 acres, more or less, and further shown on the Tax Maps of Sussex County Department of Finance as Map No. 1-31-15.00-13.00, being the lands now or formerly of William C. Pepper, Inc. and Tax Map Nos. 1-31-15.00- 8, 10, 11, 12, being the lands now or formerly of Tull Group, LLC.

This Ordinance is subject to the following conditions:

1. The applicant shall secure all other licenses and permits required for the use of the

premises as a gasoline station and convenience store from state, federal or county agencies with jurisdiction over the use of the property and shall otherwise comply with all applicable rules, regulations, statutes or ordinances relating to the use of the premises as a station and convenience store.

2. The applicant shall submit upgraded design elements/façade for this property.

Section 2. This Ordinance shall take effect immediately upon its adoption by a majority vote of all the members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By: Patricia M. Correll
President

Attest: Lauren E. Sane
Secretary

Adopted: February 11, 2013

FINDINGS OF FACT

In approving this application, the Commissioner have found, based upon the record of the hearing as presented, that the proposed use as a gasoline station and convenience center:

1. Is in harmony with the purposes and intents of the Comprehensive Plan;
2. Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of the proposed new structures;
3. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties;
4. Will not cause objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity;
5. Will have no detrimental effect of vehicular or pedestrian traffic;
6. Will not adversely affect the health, safety, security or general welfare of residents, visitors or workers in the area; and
7. Complies with all other applicable standards, laws and regulations in addition to the provisions of this Code.

[DLS Draft 01-03-13]
[DLS Rev 01-04-13]
[DLS Rev 01-10-13]
[DLS Rev 02-11-13]