

ORDINANCE NO. 2188

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.39 ACRES, MORE OR LESS

WHEREAS, on the 30th day of December 2010, a zoning application, denominated Change of Zone No. 1703 was filed on behalf of TKC C, L.L.C.; and

WHEREAS, on the 24th day of March 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1703 be approved; and

WHEREAS, on the 12th day of April 2011, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone 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,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District 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 Seaford Hundred, Sussex County, Delaware, and lying west of U.S. Route 13, 413 feet north of Route 46 (Elks Club Road) and being more particularly described as follows:

BEGINNING for the purpose of this description at a concrete monument found on the westerly right-of-way line for U.S. Route 13, said monument being a common corner for the lands being described (Lot 2) and the lands now or formerly of The New Jersey Delaware District of the United Pentecostal Church International; thence running by and with a portion of said lands of The New Jersey Delaware District of the United Pentecostal

Church International, 1) North 78 degrees, 31 minutes, 26 seconds West, 355.00 feet to an iron pipe to be set on the easterly side of a 45 foot wide Unimproved Service Road; thence running by and with said Service Road, 2) Northeasterly by a curve to the left, having a radius of 5304.88 feet, an arc length of 525.42 feet and a delta angle of 05 degrees, 40 minutes, 29 seconds to an iron pipe set being a common corner for said Lot 2 and Lot 1, lands of TKC C., L.L.C.; thence running by and with said Lot 1, 3) south 84 degrees, 18 minutes 42 seconds east, 347.01 feet to an iron pipe set on the aforementioned westerly right-of-way line for U.S. Route 13, thence running by and with said right-of-way, the following two (2) courses and distances; 4) south 05 degrees, 41 minutes, 03 seconds, west 289.22 feet, 5) southwesterly by a non-tangent curve to the right, having a radius of 5,659.87 feet, an arc length of 271.92 feet and a delta angle of 02 degrees, 45 minutes, 10 seconds to the point of beginning and containing 4.39 acres of land 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2188 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 12TH DAY OF APRIL 2011.


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:

1. This is an application to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, Delaware, containing 4.39 acres, more or less, lying west of U.S. Route 13, 413 feet north of Route 46 (Elks Club Road).
2. DelDOT commented in the form of a letter and a Support Facilities Report and stated that the development would warrant a Traffic Impact Study and that the property is located within a Level 1 Investment Area.

3. **The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in Western Sussex Seaford Growth Area; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated sanitary sewer district; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County expects to provide sewer service; and that a concept plan is not required.**
4. **Beth Livingston was present on behalf of The Keith Corporation and she stated that the rezoning requested is to allow them to sell the property for development of the site for a new business.**
5. **The use will not adversely affect the neighboring and adjacent properties.**
6. **Uses are of a public or semi-public character.**
7. **The Change of Zone is in accordance with the Comprehensive Development Plan Update and will promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County.**
8. **The area is appropriate for commercial zoning based upon its frontage on U.S. Route 13 and its proximity to other commercially zoned properties and the City of Seaford.**
9. **CR-1 Commercial Residential zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the project along U.S. Route 13 falls within the stated purpose of the CR-1 Commercial Residential District.**