

ORDINANCE NO. 2257

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS

WHEREAS, on the 28th day of February 2012, a zoning application, denominated Change of Zone No. 1715 was filed on behalf of Twenty Storage, LLC; and

WHEREAS, on the 26th day of April 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of May 2012, said Planning and Zoning Commission recommended that Change of Zone No. 1715 be approved; and

WHEREAS, on the 15th day of May 2012, 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 classifications 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 Baltimore Hundred, Sussex County, Delaware, and lying north of Zion Church Road (Route 20) 700 feet east of the intersection with Deer Run Road (Road 388) and being more particularly described in Deed Book 3971, Page 209, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.00 acre, 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. 2257 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF MAY 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Finding of Facts:

- 1. This is an application to amend the Comprehensive Zoning Map from 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 Baltimore Hundred, Sussex County, containing 1.00 acres, more or less, lying north of Zion Church Road (Road 20) 700 feet east of the intersection of Deer Run Road (Road 388) (Tax Map I.D. 5-33-11.00-78.03)**
- 2. DelDOT commented that a Traffic Impact Study is not required and that the current Level of Service "C" of Route 20 (Zion Church Road) will not change as a result of this application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Johnsons Corner Sanitary Sewer District; that wastewater capacity is available for the project, if the proposed use does not exceed approximately 4.0 EDUs; that Ordinance 38 is not required; that the current System Connection Charge Rate is \$4,861.00 per EDU; that the parcel is served with one 6-inch lateral which may not be adequate for the proposed use; that an upgrade to an 8-inch lateral may be required; that the cost of the lateral upgrade would be the Developer's responsibility; that conformity to the South Coastal Area Planning Study will be required; and that a Concept Plan is not required.**
- 4. The Sussex Conservation District commented that there are two soil types on the site; that the Applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; that no off-site drainage improvements are necessary; and that it is not likely that on-site drainage improvements will be necessary.**

5. **Gene Bayard, Esquire, of Wilson, Halbrook & Bayard, P.A. and Ken Christenbury, Professional Engineer with Aziom Engineering, LLC, were present on the Applicant's behalf and they stated that the rezoning of this property will be similar to an in-fill connecting two properties for development of a mini-storage project; that the commercial entrance for the mini-storage project has been approved by DelDOT; that they have a Letter of No Objection from DelDOT for the entrance; that there are no wetlands on the site; that water will be provided by Artesian Water Company; and that sewer will be provided by the County.**
6. **The project is located within a Developing Area according to the County's Comprehensive Land Use Plan; that the property is located in an area that is developing with a series of small commercial enterprises; that the use proposed for this site is consistent with those commercial activities; that the next-door property was rezoned to CR-1 Commercial Residential in July of 2011; and that Twin Cedars, the property directly across Route 20, was rezoned to CR-1 Commercial Residential.**
7. **The proposed use as an office for the next-door mini-storage facility meets the purpose of CR-1 zoning. The rezoning is consistent with the character and trend of development in the immediate area and is consistent with the purposes of the Comprehensive Land Use Plan and the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**
8. **The Applicant will meet or exceed all DelDOT requirements.**
9. **There were no parties present in support of or in opposition to this Application.**
10. **Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Application was approved.**