

ORDINANCE NO. 2303

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 CERTAIN PARCELS OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, INVOLVING TWO (2) PARCELS; CONTAINING 1.10 ACRE, MORE OR LESS (Tax Map I.D. 2-32-12.00 Parcel 107.00 and 106.02 (Part of)

WHEREAS, on the 6th day of February 2013, a zoning application, denominated Change of Zone No. 1727 was filed on behalf of Louis D. O'Neal; and

WHEREAS, on the 21st day of March 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 Change of Zone No. 1727 be approved; and

WHEREAS, on the 23rd day of April 2013, 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 Broad Creek Hundred, Sussex County, Delaware, and lying north of Road 466 (Sycamore Road) and east of U.S. Route 13 and being more particularly described as follows:

TRACT #1

BEGINNING at a pipe on the easterly right-of-way of U.S. Route 13, a corner for these lands and lands, now or formerly, of Myrtle Mumford, and being 350 feet north of Road 466; thence north 73°10'47" east 298.35 feet along said Mumford lands to a pipe; thence south 16°49'13" east 126.98 feet along said Mumford lands to a pipe; thence south 60°27'03" 100.24 feet along lands, now or formerly of Martin Cady to a pipe; thence north 15°47'28" west 99.09 feet along other lands of Louis D. O'Neal to a point; thence south 73°10'43" west 202.35 feet

along other lands of Louis D. O'Neal to a point on the easterly right-of-way of U.S. Route 13, thence north 16°49'13" west 50.00 feet along said right-of-way to the point and place of beginning, and containing 0.53 acre, more or less, per survey by Gene R. Littleton & Associates.

TRACT #2

BEGINNING at a concrete monument on the northerly right-of-way of Road 466, a corner for these lands and other lands of Louis D. O'Neal; thence north 15°36'00" west 206.02 feet along said O'Neal lands to a pipe; thence north 60°20'00" east 100.00 feet along said O'Neal lands to a pipe; thence south 29°39'20" east 199.97 feet along lands of Sussex County Council to a concrete monument on the northerly right-of-way of Road 466; thence south 60°20'00" west 150.00 feet along the northerly right-of-way of Road 466 to the point and place of beginning, and containing 0.57 acre, more or less, per survey by Theodore B. Simpler.

Tract #1 and Tract #2 total 1.10 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. 2303 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF APRIL 2013.



ROBIN A. GRIFFITH
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 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 Broad Creek Hundred, Sussex County, containing 1.10 acres, more or less, lying north of Road 466 (Sycamore Road) and east of U.S. Route 13 (Tax Map I.D. 2-32-12.00-107.00 and 106.02 (part of).
2. DelDOT commented that the Applicant is only requesting rezoning for approximately one acre; that the rezoning is for an antique store; that the Department expects that an antique store would generate less than 400 trips per day or 50 trips during the p.m. peak hour; and that therefore a Traffic Impact Study is not necessary for this application.

3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is not located in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the Western Sussex – Laurel Growth Area; that the use of an on-site septic system is proposed; that conformity to the Western Sussex Planning Study is required; that the site is not in an area where the County expects to provide sewer service; that the Applicant can contact the Town of Laurel for information regarding potential sewer service; and that a Concept Plan is not required.
4. The Applicant, Louis O’Neal, was present and stated that he has owned the property for 10 or more years; that he has an antique store on the existing C-1 commercial parcel and he is requesting approval to expand the size of the commercial space; that there are other commercial activities in close proximity; and that he would like to have the property zoned commercial to conform with the adjacent property.
5. This application is an extension of existing commercially zoned property; that the property is also adjacent to the Sussex County Paramedic Station; that CR-1 zoning is appropriate for this site; that this site is at an intersection of Sycamore Road and U.S. Route 13 where all four corners have commercial zoning; and that it is also a commercially zoned corridor of U.S. Route 13.
6. DelDOT has no objection to the rezoning and it will not adversely affect traffic on area roadways.
7. This is a reasonable extension of the Applicant’s business on the adjacent property.
8. The Change of Zone will not have an adverse effect on the neighboring properties or community.
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 Council approved this Application.