

ORDINANCE NO. 2333

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8,276 SQUARE FEET, MORE OR LESS (Tax Map I.D. 2-34-32.00-9.00)

WHEREAS, on the 24th day of October 2013, a conditional use application, denominated Conditional Use No. 1977 was filed on behalf of Matthew T. Favinger; and

WHEREAS, on the 12th day of December 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 Conditional Use No. 1977 be approved with conditions; and

WHEREAS, on the 7th day of January 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1977 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 Indian River Hundred, Sussex County, Delaware, and lying northwest corner of Route 30 (Gravel Hill Road) and Horseshoe Drive west of Route 24 (John J. Williams Highway) and being more particularly described as:

BEGINNING at a pipe at the northwest corner of the intersection of Route 30 (Gravel Hill Road) and Horseshoe Drive, and west of Route 24 (John J. Williams Highway); thence north 68°30'23" west 128.30 feet along the northerly right-of-way of Horseshoe Drive to a pipe;

thence northerly and easterly along lands, now or formerly, of Walter J. Godwin north 04°14'37" east 34.95 feet to a pipe and north 56°42'37" east 86.00 feet to a pipe on the westerly right-of-way of Route 30; thence southerly 137.10 feet along the westerly right-of-way of Route 30 to the point and place of beginning. Said parcel containing 8,276 square feet, more or less, per survey by Simpler Surveying & Associate.

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:

1. The hours of operation will be from 8:30 a.m. to 4:30 p.m. Monday through Friday.
2. One (1) ground sign shall be permitted, no greater than 32 square feet per side, and may be lighted.
3. The Final Site Plan shall be subject to the review and approval of the staff.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2333 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF JANUARY 2014.


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 for a Conditional Use of land in an AR-1 Agricultural Residential District for a doctor's office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 8,276 square feet, more or less, lying northwest corner of Route 30 (Gravel Hill Road) and Horseshoe Drive west of Route 24 (John J. Williams Highway) (Tax Map I.D. 234-32.00-9.00).
2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "C" of Gravel Hill 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 Town of Millsboro's growth and annexation area; that the proposed doctor's office will be served by an on-site septic system; that conformity to the North Coastal Planning Study will be required; that the parcel is not in an area where the County will provide sewer service; that the Applicant should contact the Town of Millsboro for sewer related information; and that a Concept Plan is not required.**
- 4. The Applicant, Matthew T. Favinger, was present and stated in his presentation that he is an Audiologist and his practice creates minimal office use; that he typically will have only eight (8) patients per day; and that parking already exists and was adequate for the previous business uses.**
- 5. The property was previously used as a dental office and most recently as a pet spa. There should be no adverse impact on area roadways or neighboring properties.**
- 6. There were no parties present in support of or in opposition to this application.**
- 7. Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to three (3) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**