

ORDINANCE NO. 2360

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3522 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of April 2014, a conditional use application, denominated Conditional Use No. 1988 was filed on behalf of Zhenguo Zhang; and

WHEREAS, on the 12th day of June 2014, 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. 1988 be approved with conditions; and

WHEREAS, on the 5th day of August 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. 1988 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 Broadkill Hundred, Sussex County, Delaware, and lying southwest of Route One (Coastal Highway) 1,000 feet northwest of Road 258 (Hudson Road) and being more particularly described in Deed Book 4164, Page 308, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 2.3522 acres, 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.

This Ordinance was adopted subject to the following conditions:

- A. The use shall be limited to medical office uses, which may include acupuncture, massage therapy, and chiropractic services, as suggested by the Applicant.**
- B. The use shall occur within the existing structures on the property. Any expansion of those structures shall require site plan approval by the Planning and Zoning Commission, and possibly a new Conditional Use application depending on the extent of any expansion.**
- C. One un-lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. Hours of operation shall be between 8:00 a.m. to 8:00 p.m. Monday through Saturday.**
- E. The use shall comply with all Sussex County parking requirements. The required parking shall be shown on the Final Site Plan and shall be clearly marked on the site itself.**
- F. The Applicant shall comply with all DelDOT requirements.**
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2360 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF AUGUST 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:

- A. This is the application of Zhenguo Zhang to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a medical office center to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 2.3522 acres, more or less, land lying southwest of Route One (Coastal Highway) 1,000 feet northwest of Road 258 (Hudson Road) (911 Address: 14614 Coastal Highway, Lewes, Delaware) (Tax Map I.D. # 2-35-16.00-64.00).**
- B. Council found that the Planning & Zoning Commission previously reviewed the property as Change of Zone No. 1740 to change from AR-1 to CR-1 on February 27, 2014; that on March 13, 2014 the Commission recommended that the application be denied with reasons, including that if the Applicant chose to pursue a Conditional Use, the application fee for doing so should be waived by the County; and that on March 25, 2014 the County Council denied Change of Zone No. 1740.**

- C. Council found that, on September 17, 2013, DelDOT commented regarding a prior application for a Change of Zone No. 1740 as to this property recommending that the prior application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study will be evaluated when a subdivision or land development plan is proposed; that the property owner can develop a rights-in/rights-out access to Delaware Route One for a site generating an average of 40 vehicle trips per day; and that the current Level of Service “E” of Route One will not change as a result of this application.**
- D. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- E. Council found that the Office of State Planning Coordination commented that the Applicant met with State agency planners on December 18, 2013 for a Preliminary Land Use Service (PLUS) meeting; provided comments on the Strategies for State Policies and Spending, and on Code Requirements and Agency Permitting Requirements from DelDOT, the Department of Natural Resources and Environmental Control; and referenced that the Applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not, and the reason therefore.**
- F. Council found that the Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that it is not likely that the project will necessitate any off-site drainage improvements; that it is possible that the project will necessitate on-site drainage improvements, and that there are no tax ditches affected.**

G. Based on testimony before the Planning & Zoning Commission and the public hearing before the Council, Council found that the Applicant, Zhenguo Zhang, was present on behalf of his application and stated that he is a licensed acupuncture practitioner; that he is applying to convert a dwelling into a medical office facility; that he may offer the facility for other medical office space; that he plans no expansions; that he anticipates that business hours would be sometime between 8:00 a.m. and 8:00 p.m. Monday through Saturday; that signage would not be lighted; that he requests that the previous record for Change of Zone No. 1740 be a part of the record for this application; that the previous record included: that he needs an office in this area for his patients; that he purchased the property so that he can develop an office on the premises; that he may also offer massage therapy and chiropractic services; that he has offices in Dover and Lewes; that he will be open at this location three (3) times per week seeing approximately five (5) patients per day; that other commercial zoning and uses exist in the immediate area; and that he agrees to the conditions recommended by the Planning and Zoning Commission.