

ORDINANCE NO. 2363

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of April 2014, a zoning application, denominated Change of Zone No. 1754 was filed on behalf of Bayshore Plaza Associates, LLC; and

WHEREAS, on the 26th 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 Change of Zone No. 1754 be approved; and

WHEREAS, on the 19th 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 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 [B-1 Neighborhood Business 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 Route 54 (Lighthouse Road) 800 feet east of Road 381 (Old Mill Road) and being more particularly described as follows:

BEGINNING at a point on the northerly right-of-way of Route 54 (Lighthouse Road) approximately 800 feet east of Road 381 (Old Mill Bridge Road), said point being a corner of these lands and lands of PGSD, LLC; thence South 58°07'14" west 140.29 feet along the northerly right-of-way of Route 54 to a point; thence by and along lands of PGSD, LLC the following three (3) courses: North 36°29'44" West 165.29 feet to a point; South 54°17'44" West 140.01 feet to a point; and South 36°33'14" East 155.93 feet to a point on the

northerly right-of-way of Route 54, the point and place of beginning, and containing 0.52 acres, more or less, as surveyed by Pennoni Associates, Inc.

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. 2363 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF AUGUST 2014.



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:

- A. This is the application of Bayshore Plaza Associates, LLC to amend the Comprehensive Zoning Map of Sussex County from a B-1 Neighborhood Business 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 0.52 acres, more or less, land lying north of Route 54 (Lighthouse Road) 800 feet east of Road 381 (Old Mill Road) (911 Address: 36437 Lighthouse Road, Selbyville, Delaware) (Tax Map I.D. 5-33-12.00-77.00 & 76.03).
- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service “E” of Lighthouse Road will not change as a result of this application.
- C. Council found that the Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that it is not likely that on-site drainage improvements will be necessary; and that no tax ditches are affected.
- D. Based on the testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Preston Dyer was present on behalf of Bayshore Plaza Associates, LLC and stated that he and Mr.

McCrea own the adjoining property (2.5 acres) and that they have a contract to purchase the .52 acre parcel; that they are proposing to change the zone from B-1 Neighborhood Business to CR-1 Commercial Residential as an extension to the C-1 General Commercial zoning that surrounds the site; that with CR-1 zoning, the permitted uses would be the same as in C-1 with the exception of multi-family; that CR-1 Commercial Residential is more compatible to the uses permitted in C-1 General Commercial, in example: boat sales; that the property lines for this site will be eliminated once the property extension is recorded; that combining the properties creates a more effective use of land; and that they were not required to submit to the PLUS process.

E. Council also found that the site is located in a Level 2 Area according to the State Strategies; that the entrance to the adjoining C-1 zoned property now exists, since it was built along with the Route 54 DelDOT improvements; that DelDOT constructed that entrance and they paid DelDOT for the work; that there will be no detrimental impact to the adjoining properties; that there is a scattering of commercial uses in the area; and that the project is complimented in the rear with a 100 unit townhouse project that they are in the process of developing.

F. Based on the Findings (1 through 5) of the Planning & Zoning Commission, Council found that:

1. This application will bring the entire parcel under a consistent commercial zoning classification. It is basically an in-fill rezoning.
2. Access to this property will be from an existing commercial entrance on the adjacent property.
3. The site is within a Developing District according to the Sussex County Comprehensive Development Plan.
4. The rezoning will not adversely affect neighboring properties or area roadways.
5. No parties appeared in opposition to this application.

G. Based on the record, recommendation and findings of the Planning & Zoning Commission and the record created before Council, the Council approved this Application.