

ORDINANCE NO. 2468

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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES, MORE OR LESS

WHEREAS, on the 17th day of June 2016, a zoning application, denominated Change of Zone No. 1807 was filed on behalf of WYWJ Ventures, LLC; and

WHEREAS, on the 25th day of August 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of September 2016, said Planning and Zoning Commission recommended that Change of Zone No. 1807 be approved; and

WHEREAS, on the 4th day of October 2016, 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 of 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 Northwest Fork Hundred, Sussex County, Delaware, and lying west of Sussex Highway (U.S. Route 13), 2,110 feet north of Cannon Road (Route 18) and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way of Sussex Highway (U.S. Route 13), 2,110 feet north of Cannon Road (Route 18) a corner for these subject lands and lands, now or formerly, of FDPN Management, LLC; thence South 78°46'29" West 698.44 feet along said FDPN Management, LLC lands to a point; thence North 10°49'58" West 459.96 feet along lands, now or formerly, of Joe C. and Toni Johnson to a point; thence North 81°00'11" East 871.90 feet along lands, now or formerly, of Jeffrey Lui to a point on the westerly right-of-way of Sussex Highway; thence southerly 461.06 feet along the westerly right-of-way of Sussex Highway to the point and place of beginning and containing 8.0475 acres, more or less, per survey by Miller Lewis, 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. 2468 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF OCTOBER 2016.

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 WYWJ Ventures, LLC 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 Northwest Fork Hundred, Sussex County, containing 8.0475 acres, more or less. The property is located at the west of Sussex Highway (U.S. Route 13) 2,110 feet north of Cannon Road (Route 18) (911 Address: None Available) (Tax Map I.D. 131-19.00-4.00).
- B. Council found that DelDOT commented that it recommended that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed, and that this segment of Sussex Highway has a Level of Service "C".
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the property is not in a current County operated or maintained sanitary sewer or water district; that the property is located in the Western Sussex Planning Area/Bridgeville Growth and Annexation Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; that the applicants can contact the Town of Bridgeville for information about future central sewer service; and that a Concept Plan is not required.
- D. Based on the record before the Planning and Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Wai-Hung Lui, Manager of WYWJ Ventures, LLC, was present and stated that the property is adjacent to or near other commercially and industrial zoned properties along U.S. Route 13; that they intend to lease or sell the property to a developer for commercial or business activities; that the site is mostly wooded at this time; and

that the site is not appropriate for residential use since it is located along U.S. Route 13, adjacent to an industrial zoned parcel, and adjacent to an auto salvage business.

E. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:

- 1. The site is located along U.S. Route 13 (Sussex Highway) near the Town of Bridgeville in an area that has developed to include business, commercial, and industrial zoning along with several conditional uses. This location along U. S. Route 13 is appropriate for CR-1 Commercial Residential District zoning.**
- 2. The site is adjacent to property that has HI-1 Heavy Industrial District zoning. Rezoning this property to CR-1 Commercial Residential District is compatible with the adjacent industrial zoning.**
- 3. The proposed use will not adversely affect neighboring and adjacent properties or roadways.**
- 4. The Applicant will be required to meet or exceed all DelDOT requirements.**
- 5. CR-1 Commercial Residential District zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 Commercial Residential District.**
- 6. The site is within the Town Center Area according to the Sussex County Comprehensive Plan. CR-1 Commercial Residential District zoning is consistent with this designation.**

F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.