

ORDINANCE NO. 2484

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS

WHEREAS, on the 12th day of September 2016, a conditional use application, denominated Conditional Use No. 2064 was filed on behalf of R&K Partners; and

WHEREAS, on the 26th day of January 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of February 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2064 be approved with conditions; and

WHEREAS, on the 7th day of March 2017, 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. 2064 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of Savannah Road (Route 18), approximately 450 feet northeast of Wescoats Road (Route 12), and being more particularly described in Deed Book 2585, Page 1, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.54 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. As stated by the Applicant, there shall be no more than 9,900 square feet of medical and professional office space.**
- B. As stated by the Applicant, the hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. There shall be a buffer along the boundary of this property and adjacent residential properties using the existing vegetation, or if that does not provide sufficient screening, using Leyland Cypress or similar vegetation. The existing vegetation or any plantings must be at least 5 feet tall at the time of construction. The design of the buffer and the vegetation used in the buffer area shall be included in the Final Site Plan.**
- F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- 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. 2484 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF MARCH 2017.

**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 R&K Partners for a Conditional Use of land in an AR-1 Agricultural Residential District for medical offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.54 acres, more or less (located on the northwest side of Savannah Road (Route 18) approximately 450 feet northeast of Wescoats Road (Route 12) (Tax I.D. No. 335-12.05-4.00) (911 Address: 1537 Savannah Road, Lewes).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that David Hutt, Esquire, was present on behalf of R&K Partners and the Hosmane family, along with Dr. Vinay Hosmane, a third generation doctor, John Murray with Kircher Engineering, and John Lester, architect, and they stated that the Hosmane family has owned the proposed property since 1988; that the application is a proposal for a medical office building that will be less than 10,000 sq. ft.; that the preliminary site plan is provided; and that the preliminary site plan shows the proposed parking, approximate location of the building, and the proposed entrance.**

- C. Council also found that from 1980 until today there have been more than 30 conditional uses applied for on Savannah Road of which many were for medical offices consistent with this application; that the properties to the left and right of the proposed parcel are both medical offices with conditional uses, one being Bayview Medical Center and the other being Bayhealth Health Associates; that the proposed property is zoned AR-1; that the proposed office will have central water with Tidewater Utilities and central sewer with Sussex County; that DelDOT issued a Letter of No Objection with approval of the proposed entrance; and that DelDOT ensures there is no Traffic Impact Study required.**
- D. Council further found that the proposed office hours will be Monday-Friday 7:00 am – 7:00 pm and Saturdays 8:00 am – 2:00 pm; that a lighted sign is required being no more than 32 sq. ft. on each side; that a dumpster location will be provided if need be; that medical waste will be disposed of in regards to medical requirements; that by Code, they are required to provide 21 parking spaces, but are providing about 60 parking spaces with open space if more parking is needed; and that the proposed medical office building will benefit the health, safety, and welfare of the Sussex County residents.**
- E. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission’s Findings (1 through 5) and Conditions (6A through G), Council found that:**
- 1. The proposed Conditional Use is similar in character to many other medical offices in this area of Savannah Road. It is in character with the long history of development of medical and professional office space along Savannah Road.**
 - 2. The use serves a community need by creating medical offices near Beebe Hospital.**
 - 3. The use as a medical office will benefit the health, safety and welfare of Sussex County residents.**
 - 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
 - 5. DelDOT has reviewed the proposed use and a Letter of No Objection has been issued. DelDOT has stated that while no traffic study is required, the developer is financially obligated to construct road and traffic improvements that may be required.**
 - 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to seven (7) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**