

ORDINANCE NO. 2485

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL (SUSSEX CONSORTIUM) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.0 ACRES, MORE OR LESS

WHEREAS, on the 1st day of November 2016, a conditional use application, denominated Conditional Use No. 2070 was filed on behalf of Cape Henlopen School District; and

WHEREAS, on the 2nd day of January 2017, 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. 2070 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. 2070 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 Sweetbriar Road (Road 261) 3,800 feet southeast of Cave Neck Road (Route 88) and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 25.0 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 site shall comply with all DelDOT entrance and roadway improvement requirements.**
- B. The site shall comply with all requirements of the Sussex Conservation District.**
- C. All lighting shall be downward screened so that it does not shine on neighboring properties and roadways.**
- D. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- E. All dumpsters shall be screened from view of neighboring properties and roadways.**
- F. A landscape plan shall be submitted as part of the Final Site Plan.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2485 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 Cape Henlopen School District for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a special needs school (Sussex Consortium) to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 25.0 acres, more or less. The property is located on the southwest side of Sweetbriar Road (Road 261) approximately 3,800 feet southeast of Cave Neck Road (Route 88) (911 Address: 17344 Sweetbriar Road, Lewes, Delaware) (Tax Map I.D. 235-27.00-20.00)**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Tim Willard, Esquire, of Fuqua, Willard, Stephens & Schab, P.A. was present on behalf of Cape Henlopen School District along with Robert S. Fulton, Superintendent of the Cape Henlopen School District, and Zach Crouch, Architect at Davis, Bowen, & Friedel, Inc. and they stated that the application is for a new proposed school for Cape Henlopen School District; that the parcel is cleared; that the proposed parcel is surrounded by farm land and woods on the south, east, and west sides; that north of the proposed parcel there are three developments; and that it is zoned AR-1.**
- C. Council also found that the proposed school is the Sussex Consortium; that the Sussex Consortium started in 1975; that the proposed school has been providing educational opportunities to a variety of students with special needs; that the proposed school will serve the needs of children throughout Sussex County; that the number of children has grown from 95 in 2003 to over 280 today; that the main facility is now located at the old Lewes school building; that it has been moved from building to building as space was available; that there are Consortium classrooms located in the high school, middle school, and two elementary schools; that the student to teacher ratio is 4.3 students per teacher; and that the proposed building will accommodate 410 students.**
- D. Council further found that the building will be built in stages with the main building being the first part of construction being 60,000 square feet with additions totaling 38,000 square feet; that the school will contain classrooms, administrative offices, a gymnasium,**

a cafeteria with a kitchen, and possibly in the future an indoor swimming pool with locker rooms; that the proposed office will have central water with Tidewater Utilities and central sewer with Sussex County; that the proposed entrance would be designed within DelDOT requirements; that according to DelDOT, a traffic study was not warranted; that according to DNREC the site has few environmental concerns; that the proposed school will be located within the Cape Henlopen School District boundaries; that the proposed school will be located to the west part of the district to make the school more accessible for children all over Sussex County; that a lighted sign no larger than 32 sq. ft. on both sides will be permitted; that dumpsters will be screened; and that a forested buffer around the perimeter for aesthetic and noise purposes will be included in the site plan.

E. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (7a. through g.), Council found that:

1. The property is zoned AR-1 and is within the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. These are appropriate locations for a school.
2. The property is in an area that is agricultural within areas developing residentially. It is also in proximity to the Route 9 and Sweet Briar Road intersection. This is an appropriate location for the proposed school.
3. The use as a school will benefit families and particularly children of Sussex County.
4. The school addresses a growing need for classroom space for special needs students in Sussex County.
5. The school will be served by central water and it will be part of a Sussex County Sewer District.
6. The State Department of Education, the Office of Management and Budget, and the Office of State Planning Coordination have all approved this site.
7. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to seven (7) conditions (a. – g.) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.