

ORDINANCE NO. 2490

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS

WHEREAS, on the 13th day of September 2016, a zoning application, denominated Change of Zone No. 1812 was filed on behalf of Oxford Chase Development Corp. – c/o Howard Crossan; and

WHEREAS, on the 9th day of February 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 Change of Zone No. 1812 be approved; and

WHEREAS, on the 14th 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 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 Broadkill Hundred, Sussex County, Delaware, and lying at the southeast corner of Lewes-Georgetown Highway (Route 9) and Fisher Road (Road 262), and being more particularly described in Plot Book 235, Page 82, as Tract No. 1, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 2.98 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2490 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF APRIL 2017.

**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 Oxford Chase Development Corp. c/o Howard Crossan 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 Broadkill Hundred, Sussex County, containing 2.98 acres, more or less (located at the southeast corner of Lewes-Georgetown Highway (Route 9) and Fisher Road (Road 262) (Tax I. D. No. 235-30.00-50.00 (Part of)) (911 Address: None Available).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Dennis Schrader, Esquire of Morris, James, Wilson, Halbrook & Bayard LLP, was present on behalf of Oxford Chase Development Corp. along with Howard Crossan, owner, and Ken Christenbury, P.E. of Axiom Engineering, LLC, and they stated that the proposed rezoning is intended for a Dollar General; that the parcel is entirely wooded with some wetlands; that Route 9 currently has the presence of commercial activity; that DelDOT has recently finished intersection upgrades with new traffic lights; that there is a shopping center in the area including a handful of other business operations; that there will be a significant wooded buffer between residential properties; that security lighting will not intrude on nearby residential properties; and that the site will be served by Artesian.**
- C. Based on the Findings (1 through 8) of the Planning & Zoning Commission, Council found that:**
 - 1. This site is along Route 9, next to a lighted intersection with Fisher Road. This is an appropriate location for CR-1 zoning.**
 - 2. The site is the extension of a triangular area of land that has existing commercial zoning with several commercial uses. The land is confined by existing borders of Route 9, Fisher Road and railroad tracks. While this unique location along Route 9 supports commercial zoning, this recommendation should not be considered as an endorsement of commercial zoning everywhere on Route 9.**
 - 3. The rezoning to CR-1 in this location will not have an adverse impact upon adjacent roads, properties, community facilities or the neighborhood in general.**
 - 4. The rezoning to CR-1 will allow the property to be developed in a way that will benefit the nearby residents of Harbeson, Cool Spring and other nearby communities at a location that is appropriate for such future commercial uses.**
 - 5. The Applicant has stated that the site will be served by Artesian Water Company which will provide adequate water and wastewater treatment for any future development of the site.**
 - 6. The rezoning meets the purpose of the Zoning Code in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.**
 - 7. The rezoning is in compliance with the Sussex County Comprehensive Plan, which states that CR-1 zoning is one of several appropriate zoning classifications for this location.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**

