

ORDINANCE NO. 2491

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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.005 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2016, a zoning application, denominated Change of Zone No. 1814 was filed on behalf of Stockley Tavern, LLC; and

WHEREAS, on the 23rd day of February 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of March 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1814 be approved; and

WHEREAS, on the 11th day of April 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 Dagsboro Hundred, Sussex County, Delaware, and lying southwest of DuPont Boulevard (U.S. Route 113) 0.3 mile south of Governor Stockley Road (Road 432) and being more particularly described as follows:

BEGINNING at a concrete monument found on the westerly line of Dupont Boulevard (U.S. Route 113), said point being ±1514 feet southeast of County Road #432 and being also the northeasterly corner of the property herein described and a common corner for lands of Baxter Farms, Inc. (DB 1027, Folio 336); thence running by and with the right-of-way line of U.S. Route 113, South 27°30'57" East a distance of 233.02 feet to a found iron pipe at a common corner for lands of Stockley Tavern, LLC and Dennis M. & Patricia A. Hubbard (DB 1106, Folio 182); thence leaving said highway and running by and with lands of Hubbard, South 62°36'31" West a distance of 209.11 feet to a found iron pipe and other lands of Baxter Farms, Inc. (DB 2115, Folio 32); thence by and with the Baxter Farm, North 27°12'08" West a distance of 186.76 feet to a found iron pipe; thence North 50°04'40" East a distance of 213.06 feet to the point of Beginning, said parcel being found to have an area of 43,770 square feet or 1.005 acres of land, more or less, said parcel containing 1.005 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. 2491 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 Stockley Tavern, 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 Dagsboro Hundred, Sussex County, containing 1.005 acres, more or less (lying on the southwest side of DuPont Boulevard (U.S. Route 113), approximately 0.3 mile south of Governor Stockley Road (Road 432) (Tax I.D. No. 133-6.00-41.00) (911 Address: 26072 DuPont Boulevard, Georgetown)**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mark Davidson, of Pennoni Associates, Ken Adams, owner of Stockley Tavern, and Bob Stickles, General Manager, were present on behalf of the application; that Mr. Adams owns several businesses within 2,000 feet of this site; that this property was formerly known as Stingers and has been non-conforming since 1948; that the site has been cleaned up inside and outside; that the septic system has been upgraded and a commercial well has been placed; that there is commercial use in the surrounding area; that the property complies with the current land use plan; and there is no major impact from DelDOT.**

- C. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:**
- 1. This site is located along Route 113, which is an appropriate location for CR – 1 Zoning.**
 - 2. This application is for a site that has been used for commercial purposes for decades. There has been a tavern continuously operating on the site since at least the 1940s.**
 - 3. This application will make the underlying zoning consistent with the historical use of the property.**
 - 4. Rezoning the property to CR-1 will not have an adverse impact upon adjacent properties, community facilities, roadways or the neighborhood in general.**
 - 5. This rezoning meets the purpose of the Zoning Code in that it is located on a major arterial roadway and it promotes the orderly growth, convenience, order, prosperity and welfare of the County.**
 - 6. No parties appeared in opposition to the application.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**