

ORDINANCE NO. 2497

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.18 ACRES, MORE OR LESS

WHEREAS, on the 7th day of November 2016, a zoning application, denominated Change of Zone No. 1818 was filed on behalf of Ocean Highway, LLC; and

WHEREAS, on the 23rd day of March 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 6th day of April 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1818 be approved; and

WHEREAS, on the 23rd day of May 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 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of Coastal Highway (Route 1) and the north side of Dartmouth Drive and being more particularly described per the attached legal description.

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. 2497 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF MAY 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 Ocean Highway, 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 Lewes and Rehoboth Hundred, Sussex County, containing 1.18 acres, more or less (located on the west side of Coastal Highway (Route 1) and the north side of Dartmouth Drive) (Tax I.D. No. 334-6.00-497.08 (portion of)) (911 Address: 34130 Citizens Drive, Lewes).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mark Davidson, with Pennoni Associates, Inc., and Joseph Reed, owner of Ocean Highway, LLC, were present on behalf of the application; that this is an application to rezone from AR-1 to a CR-1; that this property is a split zoned parcel; that 1.18 acres is still zoned AR-1 and the remaining portion is zoned C-1; that the property area for which the Applicant seeks rezoning is 80 ft. wide by 614 ft. long with an existing storage building; that the property is known as Henlopen Plaza which is the home of Home Goods, Citizens Bank, Kitchen & Company, Cape Wine and Spirits, and a doctor's office; that the property is located at the intersection of Coastal Highway (Route 1) and Dartmouth Drive; that Wawa and Dartmouth Plaza are in the area of the property on the south side; that Tidewater storage plant and Rolling Meadows, with a recreational area, are located on the west side of the property; and that to the north are apartments known as Savannah West and Mills Landing.**
- C. Council also found that a building supply company is located to the rear of the property; that the Applicant seeks to rezone this parcel to expand the existing Quality Roofing Supply Storage area and expand their use; that the tenant has needs for additional storage; that they will take some of the outside supplies and store them inside; that Mr. Reed has owned this property for close to 20 years; that the site used to be the old Lowe's; and that they used the pole building for the last 10 years for personal storage.**
- D. Council also found that the Comprehensive Plan shows this property as being in an Environmentally Sensitive Developing Area (ESDA); that this property is in an Investment Level 2 Area according to State Strategies; that the property is located in the service area of Tidewater for water; that the site will be served as part of the Sussex County Sanitary Sewer District; that no utilities will be expanded; that this property meets the purpose of CR-1 Zoning District; that the properties along Route 1 are a mixture of uses; and that they will try to keep true to the buffer.**
- E. Based on the Findings (1 through 8) of the Planning & Zoning Commission, Council found that:**
 - 1. This site is along the rear of a property that is already zoned C-1 and used for commercial purposes along Route One. The existing C-1 zoning has been in effect since the 1970's on the front parcel. This is a minor extension of the existing C-1 zoning.**
 - 2. The site is located at an intersection that has developed with many other commercial uses, including a convenience store, large retail stores, a bowling alley and family entertainment complex and other retail and commercial uses. This is an appropriate location for a relatively minor extension of the existing commercial zoning.**

- 3. The Applicant has stated that by expanding the existing commercial area by 1.18 acres, the current tenants can make more efficient use of the entire property, and it will likely reduce the number of truck deliveries to and from the property. This will improve traffic at the intersection with Route One.**
 - 4. DelDOT has recognized that this rezoning will expand the off-street parking area and provide a location for delivery trucks to park overnight instead of along Dartmouth Drive. This supports the need for the rezoning to CR-1.**
 - 5. The rezoning to CR-1 at this location will not have an adverse impact upon adjacent roads, properties, community facilities or the neighborhood in general.**
 - 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.**
 - 8. No parties appeared in opposition to the application.**
- F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**