

ORDINANCE NO. 2539

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.85 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2017, a zoning application, denominated Change of Zone No. 1838, was filed on behalf of Two Farms, Inc.; and

WHEREAS, on the 16th day of November 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. 1838 be approved; and

WHEREAS, on the 12th day of December 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 B-1 Neighborhood Business 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 Georgetown Hundred, Sussex County, Delaware, and lying at the southeast corner of Lewes-Georgetown Highway (Route 9) and Gravel Hill Road, and being more particularly described per the attached deed, said parcel containing 2.85 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. 2539 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF JANUARY 2018.

**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 Two Farms, Inc. to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 2.85 acres, more or less (located at the southeast corner of Lewes-Georgetown Highway (Route 9) and Gravel Hill Road) (Tax I.D. No. 135-11.00-78.00) (911 Address: 24616 Lewes-Georgetown Highway, Georgetown).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that William Scott, Attorney with Scott and Shuman; Mike Riemann, Engineer with Becker Morgan Group; Randy Bendler representing Two Farms, Inc.; and Mr. Harold and Mr. Dodd, owners of the property, were present on behalf of the application; that the application is to rezone the property from AR-1 to B-1; that the property is located at the southeast corner of Route 9 and Gravel Hill Road; and that it currently has two single family homes that are vacant at this time.**
- C. Council also found that the Applicant's intent is for 15,500 square foot of retail space; that this is not intended to be a Royal Farms; that the intent is to develop the property as a retail center; that the intersection has recently been upgraded by DelDOT and this site has provided right-of-way dedication; that the Traffic Impact Study has been completed for this site; that the site would have a right-in and a right-out on Route 9; that full access will be on Route 30; that Artesian will provide sewer service; that they will screen the parcel to the east and south with a fence and landscaping; that other commercial zonings exist in the area; that B-1 is consistent with other zonings and other commercial uses in the area; that Mr. Scott stated that the Low Density land use allows for B-1; that it will provide convenience for the neighborhood; that the property is in State Strategies 3 and 4 Areas; and that they are in agreement with interconnectivity in the future to the south of the property.**
- D. Based on the Findings (1 through 8) of the Planning & Zoning Commission, Council found that:**
 - 1. This site is located at the intersection of Route 9 and Gravel Hill Road. There are other commercially zoned properties at this intersection. This is an appropriate location for B-1 zoning.**
 - 2. The Commission previously recommended approval of a change of zone to CR-1 for this property. This recommendation for B-1 zoning is consistent with that prior Motion.**
 - 3. According to the Zoning Code, B-1 zoning is appropriate "to provide retail shopping and personal service uses...to serve the needs of a relatively small area, primarily nearby rural, low density, or medium density residential neighborhoods." This application satisfies this purpose of B-1 zoning.**
 - 4. The B-1 District is the most limited commercial zoning district in Sussex County. It is appropriate in this location since it will limit the size and type of uses that can occur on the site.**
 - 5. The rezoning is consistent with other zonings and uses at the Route 9 and Gravel Hill Road intersection and it will not adversely affect neighboring properties or roadways.**
 - 6. The rezoning meets the purpose of the Zoning Ordinance because it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.**

- 7. Any future development of the site will require site plan approval by the Sussex County Planning and Zoning Commission.**
 - 8. No parties appeared in opposition to the proposed rezoning.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**