

ORDINANCE NO. 2541

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOLISTIC TREATMENT CENTER INCLUDING MASSAGE, ACUPUNCTURE, AND CHIROPRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS

WHEREAS, on the 12th day of July 2017, a conditional use application, denominated Conditional Use No. 2109, was filed on behalf of Quakertown Wellness Center; and

WHEREAS, on the 14th day of December 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 21st day of December 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2109 be approved with conditions; and

WHEREAS, on the 9th day of January 2018, 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. 2109 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 southeast side of Savannah Road, approximately 0.85 mile east of Wescoats Road, and being more particularly described per the attached deed prepared by Smith McCartney & Owens, LLC, said parcel containing 0.55 acre, 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 project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations.**
- B. As stated by the Applicant, there shall be no more than 3,500 square feet of holistic health and professional office space on the site.**
- C. One lighted sign, not to exceed 32 square feet per side shall be permitted.**
- D. Trash generated by the business shall be managed by residential trash bins in a fashion similar to trash bins for residential usage.**
- E. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT.**
- F. A fence and a landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the facility will be screened from view from any residential properties. The fence and landscape buffer must be located on the project site. The Final Site Plan shall contain a landscape plan showing the planned vegetation within this buffer area.**
- G. Any security lighting shall be low-level lighting on a timer and downward screened so that it does not shine onto neighboring properties or roadways.**
- H. Hours of operation shall be between 7 a.m. and 9:00 p.m., Monday through Saturday with limited Sunday hours by appointment provided that there shall be no appointments after 5 p.m. on Sundays.**
- I. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2541 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 Conditional Use is appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Quakertown Wellness Center to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a holistic treatment center including massage, acupuncture, and chiropractor to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.55 acre, more or less (located on the southeast side of Savannah Road, approximately 0.85 mile east of Wescoats Road) (Tax I.D. No. 335-8.14-49.00 and 335-8.00-35.00) (911 Address: 1204 Savannah Road, Lewes).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Kim Furtado was present on behalf of the application; that Ms. Furtado stated that the business has been in operation since 2001; that they were operating their practice about five doors down the street; that they are an established center that provides wellness services; that they were asked to move their practice and found this location; that they have practitioners ranging from massage therapy, acupuncture, naturopathic medicines and natural healings; that the hours of operation are 7:00 am to 9:00 pm, Monday through Saturday; that all the work is by private appointment; that most appointments are between 9:00 am and 5:00 pm; that there are some classes in the evening; that there are some workshops on Saturday; that there are some Sunday classes or treatment sessions; that there will be one 32 square foot lighted sign per side; that they will have trash pick-up, using residential containers, and there will not be a dumpster on the site; that there will be a buffer on the southwest of the property; that they offered a living hedge, but the owner wants a fence and they are willing to install a fence; that they will have parking; that they will comply with all**

DelDOT requirements; that they will prepare a site plan; that the use is consistent with other medical uses along the road; and that Ms. Furtado submitted 25 letters of support in addition to the 65 letters of support that were already submitted.

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission’s Findings (1 through 7) and Conditions (8A through 8J), Council found that:

- 1. The project is located on the southeast side of Savannah Road in an area where there are mixed uses of residences and businesses. The primary uses in the area are offices and residential. There are multiple conditional uses in the area for office uses.**
- 2. With the conditions imposed on this use, this is an appropriate location for the Conditional Use.**
- 3. The property is currently zoned AR-1 (Agricultural Residential) and the proposed project meets the purposes and requirements of that District. This application is for a Conditional Use in an AR-1 District.**
- 4. The proposed project will be served by central water and will have on-site septic in accordance with Federal, State, and County requirements.**
- 5. The property will be used as a holistic treatment center including massage, acupuncture, and chiropractor and will have a minimal impact on the character of the neighborhood.**
- 6. The project, with the conditions and limitations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the AR-1 District.**
- 8. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to ten (10) conditions (A – J), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**