

**ORDINANCE NO. 2553**

**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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS**

**WHEREAS, on the 27th day of June 2017, a zoning application, denominated Change of Zone No. 1836, was filed on behalf of Softball World, LLC; 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 Change of Zone No. 1836 be approved; and**

**WHEREAS, on the 23rd 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 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 Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.79 mile east of Sand Hill Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 8.00 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. 2553 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF MARCH 2018.**

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**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 Softball World, 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 Georgetown Hundred, Sussex County, containing 8.00 acres, more or less (located on the south side of Lewes-Georgetown Highway) (Route 9) approximately 0.79 mile east of Sand Hill Road) (Tax I.D. No. 135-15.00-82.00 (portion of) (911 Address: 22518 Lewes Georgetown Highway, 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, Pennoni Associates, Inc.; Pete Townsend, owner of Softball World, LLC; and D.J. Hughes, with Davis, Bowen, and Friedel, Inc., were present at the Planning and Zoning Commission hearing and Mr. Davidson and Mr. Hughes were present at the Sussex County Council hearing on behalf of this application; that this is an application for the rezoning of lands on a portion of AR-1 Agricultural Residential District with a Conditional Use for a commercial baseball/softball park with supporting recreational activity areas located on 87.52 acres, more or less; that the property is currently connected to the Town of Georgetown sanitary sewer system; that the site will connect to the Town of Georgetown for both domestic and fire suppression water; that annexation to the Town of Georgetown is not possible; that at this time, a Traffic Impact Study is warranted if the rezoning is approved; that there is an existing entrance; and that the Applicant will update the existing signal analysis that was prepared in 2016 by DeIDOT.**
- C. Council also found that an 8-acre commercial portion (along the front of the property) is proposed that would complement and support existing uses; that a three-story, 90 room, hotel and restaurant are proposed; that a convenience store is also planned in the future; that the proposed uses will be open to the public; that this property borders on the Sussex County Airport; that there is a restriction on a portion of the land due to the expansion of the airport runway which eliminated the planned parent dormitories, thereby resulting in the need for a hotel on the site; that there are benefits to having a hotel and restaurant on site; that there are other commercial uses and conditional uses in the area; that the property is in a growth area; that it is on a major collector highway; that it is in the Level 2 State Strategy area; that the height limit for this area is 60 feet per the airport; that there will be no public nuisance; and that the proposal will result in economic benefits.**
- D. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that:**
  - 1. This application pertains to a portion of a larger parcel which is used for a commercial baseball/softball park with supporting recreational activity areas. The entire parcel consists of 87.52 acres more or less. The area which is the subject of this change of zone is located on the side of the property near Route 9 and consists of 8 acres more or less.**
  - 2. The site is located along Route 9 near the town limits of Georgetown.**

3. The site is located near other properties which are zoned C-1 (General Commercial) and B-1 (Neighborhood Business). There are also several conditional uses in the area, including the existing Conditional Use on the property. The CR-1 zoning will be consistent with the area zonings and uses.
  4. According to the Sussex County Comprehensive Plan, the property is designated on the Future Land Use Map as a Developing Area, Highway Commercial Area, and Planned Industrial Area. CR-1 Zoning is appropriate within the Developing Areas and Highway Commercial Areas according to the Plan. The area proposed to be rezoned is not a portion of the property designated as Planned Industrial Areas.
  5. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
  6. Whenever this property is developed for a particular use, the applicant will be required to meet or exceed all DelDOT requirements. DelDOT will determine where appropriate entrance locations should be.
  7. The property will be served by central wastewater from the Town of Georgetown.
  8. CR-1 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along Route 9 falls within the stated purposes of the CR-1 District.
  9. Any development of the site will require site plan review by the Sussex County Planning and Zoning Commission.
  10. This recommendation is not an indication that commercial zoning is appropriate along Route 9 in general. Route 9 is an important east - west roadway in Sussex County connecting to Route 1. This site is appropriate because it has already developed under its conditional use. However, the County should proceed carefully with any commercial rezonings along Route 9 to preserve the travel corridor.
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.