

**ORDINANCE NO. 2565**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1832, was filed on behalf of MDI Investment Group, LLC; 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 on the 14th day of December 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1832 be approved; and**

**WHEREAS, on the 5th 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 MR Medium Density 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 southeast side of Shady Road, approximately 130 feet northeast of Plantations Road, and being more particularly described per the attached deeds, said parcels containing 6.86 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. 2565 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH 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 MDI Investment Group, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 6.86 acres, more or less (located on the southeast side of Shady Road, approximately 130 feet northeast of Plantations Road) (Tax I.D. No. 334-6.00-511.00 and 334-6.00-512.00) (911 Address: Not Available).**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Hal Dukes, Esquire, with Tunnell & Raysor, P.A. was present on behalf of the prospective purchaser of this tract of land with Doug Compher of MDI Investment Group, LLC, and John Murray of The Kercher Group; that Mr. Compher recently acquired the parcels that are zoned AR-1; that they propose a 52 unit multi-family dwelling project on 6.86 acres; that the density would be 7.58 units per acres; that the parcels are surrounded by high density developments such as Eagles Point subdivision, Arbors at Cottagedale, Summerset Green and other residential developments and the Lewes Wellness Center; that Summerset Green is a townhouse development which is similar in character to the proposed development; and that there is a history of other conditional uses and rezonings in the area.**
- C. Council also found that there will be 60 percent open space; that the units are to be moderately priced; that the project will be in character with the area; that a transportation hub is located across the street from the site; that infrastructure is available; that the project went through the PLUS process and was identified as being located in a Level 1 Investment Area, an area designated for this type of use; that the County's Comprehensive Plan Future Land Use Map identifies these two parcels as being located within the Environmentally Sensitive Developing Area and partially within the Mixed Residential and the Highway Commercial areas; that the site complies with Section 115-194.3 for a development in the ESDDOZ; that the site has good soils for infiltration for stormwater management; that the stormwater management area will be located in the panhandle area of the site; that they will have central sewer provided by Sussex County; and that water will be provided by Tidewater Utilities.**
- D. Council further found that a Traffic Impact Study was not required; that they have requested a Letter of No Objection from DelDOT; that the entrance to the Lewes Wellness Center will be closed and the Lewes Wellness Center will use this project's entrance as a shared entrance; that the entrance will be off of Shady Road; that part of the roadway improvements will involve interconnectivity with sidewalks in front of Lewes Wellness Center and extending sidewalk along the property frontage; and that there are several other potential interconnectivity opportunities.**
- E. Based on the Findings (1 through 6) of the Planning & Zoning Commission and the record created before the Sussex County Council, Council found that:**
  - 1. The project is located in the Environmentally Sensitive Developing Area according to the County Comprehensive Land Use Plan. MR Zoning is appropriate in this area according to the Plan.**

- 2. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.**
  - 3. The property is surrounded by land that is occupied by multifamily housing and office uses. In addition, there is an adjacent property that was rezoned to MR with a conditional use to allow multifamily development. It is also in an area near the Route One commercial corridor and nearly across from DelDOT's new transit center. The rezoning is consistent with other zonings and land uses in the area.**
  - 4. The rezoning to MR will not have an adverse impact on neighboring properties or the community.**
  - 5. MR zoning is appropriate for this site because Medium Density development is appropriate in areas where central water and sewer are available. In this case, sewer service will be provided by Sussex County and adequate wastewater capacity is available. Water service will be provided by a publicly regulated water company.**
  - 6. For all of these reasons, MR zoning is appropriate for this site.**
- F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**