

ORDINANCE NO. 2569

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.641 ACRES, MORE OR LESS

WHEREAS, on the 25TH day of September 2017, a conditional use application, denominated Conditional Use No. 2116, was filed on behalf of William and Stacey Smith; and

WHEREAS, on the 22nd day of February 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of March 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2116 be approved with conditions; and

WHEREAS, on the 20th day of March 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. 2116 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 northwest corner of Savannah Road and Dove Drive, and being more particularly described per the attached deed prepared by Bonnie M. Benson, P.A., said parcel containing 0.641 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.

This Ordinance was adopted subject to the following conditions:

- A. As stated by the Applicant, the use shall occur within the existing dwelling that shall be converted to office use.
- B. As stated by the Applicant, the hours of operation shall be between 8:00 a.m. and 8:00 p.m. Monday through Saturday. There shall not be any Sunday hours.
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- D. Any dumpster shall be screened from view of neighboring properties and roadways.
- E. There shall be a buffer along the boundary of this property and the residential property to the rear of it using Leyland Cypress or similar vegetation. The plantings must be at least 5 feet tall at the time of construction. The design of the buffer and the vegetation used in the buffer area shall be included in the Final Site Plan.
- F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements. In addition, and subject to DelDOT's approval, the access to the property via Dove Drive shall only be used to exit the property.
- G. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- H. With the exception of required handicapped spaces, all parking shall be located in the rear of the property behind the office.
- I. 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. 2569 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of William and Stacey Smith for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for professional offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.641 acres, more or less (located on the northwest corner of Savannah Road and Dove Drive) (Tax I.D. No. 335-8.18-2.00) (911 Address: 1501 Savannah Road, Lewes).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that William Smith and Sarah Smith were present at the Planning & Zoning Commission hearing and William Smith was present at the Sussex County Council hearing on behalf of the application; that they purchased the property in 2016; that they have letters of support from the homeowners association and other neighbors; that there are two new office buildings in the area; that his daughter works in downtown Lewes and it is tough with traffic

for patients to get to her; that they have cleaned the site up and have done some cosmetic work; that there are no plans for structural changes; that other tenants include an occupational therapist and a health coach; that it will be one-on-one patient client work; that the entrance is off of Dove Drive; that they are trying to allow parking in the front yard setback and make a one-way entrance off of Savannah Road and exit onto Dove Drive with a one-way sign; that there is some parking near the second building and they will make a handicap parking space; that they would like a small lighted sign; that they would put in lighting and 24-hour cameras; that Ms. Smith is a licensed mental health therapist; that the hours of operation are Monday through Friday, 8:00 am to 8:00 pm with class on Saturday; and that there are three doctors, realtors, Quakertown Wellness, a hair salon, physical therapy and a law office in the area.

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6A – 6I), Council found that:

- 1. The proposed Conditional Use is similar in character to many other offices in this area of Savannah Road. It is in character with the long history of development of medical and professional office space along Savannah Road.**
- 2. The use as professional office space in this location will benefit the health, safety and welfare of Sussex County residents by providing such a use in a convenient location.**
- 3. The use will occur within the existing structure on the property, which will maintain a residential appearance. This is consistent with other business and professional uses along Savannah Road.**
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 5. The use is in a Developing Area according to the Sussex County Comprehensive Land Use Plan. This use is appropriate in that Area according to the Plan.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to nine (9) conditions (A through I) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**