

**ORDINANCE NO. 2576**

**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 22.53 ACRES, MORE OR LESS**

**WHEREAS, on the 13th day of October 2017, a zoning application, denominated Change of Zone No. 1848, was filed on behalf of R. Keller and Joann Hopkins; and**

**WHEREAS, on the 12th day of April 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th of April 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1848 be approved; and**

**WHEREAS, on the 15th day of May 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 at the southeast corner of E. Redden Road and DuPont Blvd. and being more particularly described in the attached deed prepared by David W. Baker, Esq. P.A.**

**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. 2576 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF MAY 2018.**

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

**The Council found that the Change of Zone is appropriate legislative action based on the following Findings of Fact:**

- A. This is the application of R. Keller and Joann Hopkins 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 22.53 acres, more or less (lying at the southeast corner of E. Redden Road and DuPont Boulevard) (Tax I.D. No. 135-6.00-10.00) (911 Address: 18864 Redden Road, Georgetown).**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that James Fuqua, Esquire with Fuqua, Willard, Stevens, & Schab, P.A., Mark Mervine, Frank Kea and Jason Palkewicz with Solutions IPEM, LLC and Applicant R. Keller Hopkins were present on behalf of the application; that there is a small wooded area and an existing home on the site, and no wetlands; that the site is on the west side of East Redden Road and adjacent to four (4) residential lots across East Redden Road; that it is wooded to the south; that adjacent to the site is a C-1 parcel; that further south of the site is C-1 zonings and commercial uses; that there is extension of commercial zoning in the area; that the Applicant would like to relocate his business (Hopkins Construction Company); that the company does sewer and water infrastructure construction; and that the current site is too small.**
- C. Council also found that this site is a few miles north of Georgetown and is more centrally located; that the site is adjacent to Route 113 which is a major arterial road; that large scale commercial uses must be along a major arterial road and this is not a large scale use; that the size is adequate to allow growth of the business; that the home will be used as a home; that this is in character with the uses in the area; that the major arterial road is not appropriate for residential uses; that he believes this meets the purpose of CR-1 zoning; that the site is located at a traffic signal; that a Traffic Impact Study was not required at this time; that it is subject to the Corridor Capacity Program that limits access of Route 113 and access of Redden Road; and that there is a tax ditch in the area.**
- D. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that:**
  - 1. The site is along U.S. Route 113 at the signalized intersection with Redden Road. This location is appropriate for CR-1 zoning.**
  - 2. Route 113 is designated as a major arterial road, which is an appropriate location for CR-1 Zoning.**
  - 3. The site is in an area where other commercially-zoned properties exist, including properties adjacent to and immediately south of the site. The CR-1 zoning will be consistent with the area zoning.**
  - 4. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
  - 5. The Applicant will be required to meet or exceed all DelDOT requirements.**

- 6. 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 servicing 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 U.S. Route 113 falls within the stated purpose of the CR-1 District.**
  - 7. No parties appeared in opposition to this rezoning, and a neighbor testified in favor of the rezoning.**
  - 8. Any future development of the property will require thorough Site Plan Review and approval by the Sussex County Planning & Zoning Commission.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**