

ORDINANCE NO. 2588

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION OF APPROVAL AND REVISE THE AREA FOR CONDITIONAL USE NO. 2012 ORDINANCE NO. 2430 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36.647 ACRES, MORE OR LESS

WHEREAS, on the 1st day of June 2018, a conditional use application, denominated Conditional Use No. 2149, was filed on behalf of Covered Bridge Trails, LLC; and

WHEREAS, on the 28th day of June 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2149 be approved and

WHEREAS, on the 24th day of July 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2149 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 north end of Tulip Drive approximately 487 feet north of Coastal Highway (Route 1) and being more particularly described in the attached legal description prepared by Davis Bowen & Friedel, Inc., said parcel containing 36.647 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 based on the following reasons and condition:

1. Conditional Use No. 2012 was approved by County Council on December 15, 2015, as Ordinance No. 2430 with Condition A which stated, “There shall be no more than 134 units with a mixture of 43 single family units and the balance split between duplex units and townhouse units.”
2. The Applicant is seeking greater flexibility in the number of different types of units allowed, with a minimum of 43 single family units.
3. The total number of units within the project will not change as a result of this amendment request.
4. This change will remain consistent with the types of housing that exist in the area, which includes a mixture of single family homes, townhomes, and multifamily units.
5. The Applicant is also seeking to amend the area of the approved Conditional Use by deleting approximately .27 of an acre representing an existing lot that was originally to be incorporated into the development. This small reduction in the overall area will not have an adverse impact on the project, the community, or area roadways.
6. Based on the foregoing, it is appropriate to approve the reduction of overall acreage of Conditional Use No. 2012 and Ordinance No. 2430 from 36.935 acres to 36.664 acres, and that Condition A of Conditional Use No. 2012 and Ordinance No. 2430 shall be amended to state, “There shall be no more than 134 units, being a mixture of a minimum of 43 single family units and the balance split between duplex units and townhouse units.” The remainder of the conditions imposed by Conditional Use No. 2012 and Ordinance No. 2430 shall remain in effect.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2588 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 24TH DAY OF JULY 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 Covered Bridge Trails, LLC to consider the Conditional Use of land in a MR Medium Density Residential District for an amendment of a condition of approval and revise the area for Conditional Use No. 2012, Ordinance No. 2430, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 36.647 acres, more or less (lying on the north end of Tulip Drive, approximately 487 feet north of Coastal Highway (Route 1) (Tax I.D. No. 335-11.00-59.00) (911 Address: None Available).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Ring Lardner, with Davis, Bowen & Friedel, and Preston Schell and Ben Gordy with Covered Bridge Trails, LLC, were present on behalf of the application; that this is a request to amend Condition A of the previous Conditional Use and the boundary of Conditional Use #2012 that was adopted by the Sussex County Council; that the previous application only allowed for 43 single family homes and the Applicant would like the ability to increase the number of single family homes and decrease other housing types; that they would also like to amend the boundary of the Conditional Use; that based on the revised plan they were able to re-create Lot 1 on the opposite side of the bridge; that they intend to build a house on the former parcel by amending the condition for the home which will become part of the Dutch Acres Subdivision; and that there is no intention to build more than the 134 homes originally approved.**
- 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 Condition (6), this application was approved.**