

ORDINANCE NO. 2591

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 0.3443 ACRE, MORE OR LESS

WHEREAS, on the 1st day of February 2018, a conditional use application, denominated Conditional Use No. 2133, was filed on behalf of Dr. Laima Anthaney and Dr. Michael Cahoon; 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. 2133 be approved with conditions; and

WHEREAS, on the 31st 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2133 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 south side of Savannah Road, approximately 0.89 mile east of Wescoats Road and being more particularly described per the attached deed prepared by Maull & Maull, P.A., said parcel containing 0.3443 acre, 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. The hours of operation shall be between 8:00 a.m. through 6:00 p.m., Monday through Saturday. On Sunday, any business hours shall be between 9:00 a.m. and 4:00 p.m.
- b. The parking spaces located in the front yard shall only be used by the owners of the business that exist on the premises or their employees.
- c. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- d. Any changes to the site shall require the review and approval of the site plan by the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2591 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST 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 Dr. Laima V. Anthaney and Dr. Michael L. Cahoon to consider the 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 0.3443 acre, more or less (lying on the south side of Savannah Road, approximately 0.89 mile east of Wescoats Road) (Tax I.D. No. 335-8.14-47.00) (911 Address: 1200 Savannah Road, Lewes).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Rachael Bleshman, Esquire, with Sergovic, Carmean, Weidman, McCartney and Owens, was present on behalf of the Applicant; that the medical dental office has been on the site for over 20 years; that because Dr. Anthaney is retiring, the use as a dental office will no longer be needed; that the Applicant is looking to rent the space as professional offices; that the existing Conditional Use should be permitted for professional offices other than a dental office, which is the only use allowed under the current Conditional Use; that the previous Conditional Use is in compliance; that the Land Use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that there are over 20 conditional uses in the area; that the site plan will not change as a result of this application; and that the entire building will continue to be utilized for the office use.
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8a through 8d), Council found that:
 1. This property is located along Savannah Road near the city limits of Lewes. This is an area that has developed with similar medical and professional offices over the years. Like this property, most of these are occurring in residential dwellings that have been converted to office use.
 2. This property was approved in 1991 under Ordinance No. 796 for a Conditional Use as a dental office and has been used as a dental office for more than 25 years. This conditional use for professional offices allows more flexibility in the use beyond just a dental office.

- 3. This property is located in the Environmentally Sensitive Developing Area under the current Comprehensive Land Use Plan. This type of use is appropriate within that Area according to the Plan.**
- 4. The minor change in the approved use will not adversely affect neighboring properties, roadways or area traffic.**
- 5. The City of Lewes has indicated that it will be providing sewer service to this property in the near future.**
- 6. No parties appeared in opposition to this application.**
- 7. Ordinance No. 796 permitted 3 front yard parking spaces but limited them to employee use. That limited approval shall continue under this Conditional Use.**
- 8. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to four (4) conditions (a – d) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**