

ORDINANCE NO. 2592

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 0.5739 ACRE, MORE OR LESS

WHEREAS, on the 8th day of February 2018, a conditional use application, denominated Conditional Use No. 2137, was filed on behalf of John W. Ford; and

WHEREAS, on the 12th day of July 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of July 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2137 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. 2137 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 691 feet east of Wescoats Road, and being more particularly described per the attached deed prepared by Ward & Taylor, LLC, said parcel containing 0.5739 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. As stated by the Applicant, the use shall occur within the existing structure, expanded to the rear, but maintaining its residential appearance from Savannah Road.**
- 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. Sunday hours shall be by appointment only.**
- C. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- D. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- E. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- H. Parking shall be as required by County Code.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2592 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 John W. Ford 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 0.5739 acre, more or less (lying on the south side of Savannah Road, approximately 691 feet east of Wescoats Road) (Tax I.D. No. 335-12.06-50.00) (911 Address: 1530 Savannah Road, Lewes).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Tim Willard, Esquire with Fuqua, Willard, Stevens & Schab, P.A., and John Ford, Applicant, were present on behalf of the application; that the Applicant owns four (4) RE-MAX offices; that this application is for a Conditional Use on Savannah Road to use as a realty office; that the property is over half an acre; that there are a lot of similar uses in the area; that the property is on the southeast side of the road next to a podiatrist office; that this is a unique area with small businesses and has kept the residential look; that the Applicant proposes to construct an addition to the building, but will keep the same residential look of the building with the addition; that the Applicant proposes to preserve as many trees as possible; that the fence will remain; that all the parking would be in the rear and handicap parking in the front; and that nineteen (19) parking spaces are available.**

- C. Council also found that a Traffic Impact Study was not required; that the hours of operation are 8:00 a.m. to 8:00 p.m., Monday through Saturday, and Sunday by appointment; that the Applicant would like a 32 square foot lighted sign; that there will be one (1) staff person and an average of three (3) to four (4) people at one time; that there may be fifteen (15) people when a meeting is held; that they do have a rental department and it is not large in Sussex County; and that the stormwater management may need to be upgraded.**
- D. 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 through 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 Applicant intends to expand the existing structure on the property while maintaining the residential appearance from Savannah Road. 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 - I) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**