

ORDINANCE NO. 2597

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.9136 ACRES, MORE OR LESS

WHEREAS, on the 19th day of March 2018, a zoning application, denominated Change of Zone No. 1853, was filed on behalf of Beebe Healthcare; and

WHEREAS, on the 9th day of August 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of August 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1853 be approved; and

WHEREAS, on the 11th day of September 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 I-1 Institutional 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Warrington Road, approximately 107 feet south of John J. Williams Highway (Route 24), and being more particularly described per the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 19.9136 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2597 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF SEPTEMBER 2018.

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

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

- A. This is the application of Beebe Healthcare to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an I-1 Institutional District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 19.9136 acres, more or less (property lying on the east side of Warrington Road, approximately 107 feet south of John J. Williams Highway (Route 24)) (Tax I.D. No. 334-12.00-125.00) (911 Address: None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Robert Gibbs, Esquire with Morris, James, Wilson, Halbrook, & Bayard, LLP, Alex Sydnor and Mark Loukides with Beebe Healthcare and Jeff Harmon with Becker Morgan Group, were present on behalf of the application and Jennifer Cinelli-Miller with DelDOT was present at the Planning and Zoning Commission hearing, and Mr. Gibbs, Michael Riemann, P.E. with Becker Morgan Group, and representatives of Beebe Healthcare were present at the Sussex County Council hearing; that the parcel is located on Warrington Road; that the parcel is adjacent to several residential communities; that this property abuts the existing Beebe property with a medical facility and medical offices and services; that the adjacent property is zoned AR-1 but has medical uses; that the acreage is 19.91 acres; that the current zone is AR-1 and is currently used as a farm; that the proposed zone is I-1; that there was a previous conditional use in 2008 for a medical office complex; however, it expired; that the proposed use is for medical services which is a permitted use per the Code; that the property provides Beebe Healthcare the opportunity to expand existing medical services on a contiguous property to serve the growing needs of the area; that it will likely be a surgical center and any of the uses that fall within the I-1 zone; and that the property is in close proximity to Route 1 and will provide close access for medical care.**
- C. Council also found that the parcel is located in Investment Level 2 according to the State Policies and Spending; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that a Service Level Evaluation was completed and a Traffic Impact Study (TIS) was not required; that due to the Belle Terre subdivision, a TIS was completed; that they used the TIS from Belle Terre per DelDOT, as it had the most recent traffic numbers; that a TOA analysis was done; that DelDOT has a project that will widen Route 24 and is in this area; that there are C-1, CR-1, MR and HR zonings in the area; that there is Institutional use in the area; that there are developed lands in the area; that DelDOT is making road improvements; that they are talking to DelDOT about projects; that the Levels of Service are C and D which are good levels; that they have worked with DelDOT on the entrance location; and that they have discussed interconnectivity with the adjoining parcel and will provide it.**
- D. Council further found that the Applicant will comply with the regulations of stormwater management; that there is excellent drainage soils in the area and will use infiltration; that the property is located in Tidewater's CPCN area and water will be served by Tidewater Utilities; that the property will be served by Sussex County sewer; that there are no known endangered species or other environmental issues; that there are no wetlands or woodlands on the site; that the site is an active farmland; that there will be buffers and open space for beautification; that there will be over 100 medical jobs to be created; that there is no known historical or cultural resources on the site; that the parcel will be in compliance with the**

Comprehensive Plan; that the project is consistent with the surrounding area; that they think it is an appropriate location for I-1; that the staff analysis states the project would be consistent with the surrounding zones, land uses and uses; that the design will not be finished until October; and that the Right of Way acquisition will begin in November of this year.

E. Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:

- 1. This site was previously approved as a Conditional Use for medical office uses. That Conditional Use was never built, and the approval lapsed. This change of zone for the new I-1 Zoning District is consistent with that prior approval.**
- 2. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public and institutional uses to occur on properties that are compatible with surrounding districts and uses. Nearby zoning categories include CR-1, C-1, and MR, and an institutional conditional use. The purpose of the I-1 zoning and the permitted uses within the I-1 District are consistent with this area.**
- 3. The site is in the Environmentally Sensitive Developing Area according to the current Land Use Plan. According to the text of the Plan, institutional uses are identified as appropriate within this Area.**
- 4. The rezoning will not adversely affect neighboring properties, public facilities, traffic or area roadways.**
- 5. The site is located very near the intersection of Route 24 and Warrington Road, which will provide convenient access to the public uses permitted under the I-1 zone. It also will allow for interconnectivity with the Applicant's existing uses on the adjacent property and the road grid serving that parcel.**
- 6. The property is served by central water and sewer.**
- 7. The rezoning to I-1 promotes the health, safety and general welfare of Sussex County and its present and future residents by providing a convenient location for needed medical office space.**

F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.