

ORDINANCE NO. 2608

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRE, MORE OR LESS

WHEREAS, on the 7th day of February 2018, a conditional use application, denominated Conditional Use No. 2136, was filed on behalf of Christine Degnon; and

WHEREAS, on the 26th day of July 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 Conditional Use No. 2136 be approved with conditions; and

WHEREAS, on the 21st day of August 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. 2136 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 side of Savannah Road, approximately 193 feet east of Dove Drive, and being more particularly described per the attached deed prepared by Schab & Barnett, P.A., said parcel containing 0.918 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 use shall be limited to medical offices only.**
- B. As stated by the Applicant, the use shall occur within the existing structure, maintaining its residential appearance from Savannah Road.**
- C. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. Additional hours shall be by emergency appointment only.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. The Applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- I. There shall be a sign directing traffic on the driveway for visitors to this site. There shall also be a sign at the driveway entrance advising that “Children are at Play”. The location of these signs shall be shown on the Final Site Plan.**
- J. As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from the split of the shared driveway to a point adjacent to the rear edge of the garage on the Applicant’s property. Any fence is not to interfere with sight views on Savannah Road. The location and type of fencing shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2608 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF OCTOBER 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 Christine Degnon to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a medical office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.918 acre, more or less (Tax I.D. No. 335-8.18-4.00) (911 Address: 1409 Savannah Road, Lewes).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Taylor Trapp, Esquire, with Tunnell & Raysor, P.A., was present at the Planning & Zoning Commission hearing, Harold E. Dukes, Jr., Esquire, with Tunnell & Raysor, P.A., was present at the Sussex County Council hearing and Christine Degnon, owner, was present at both hearings on behalf of the application; that the Applicant does direct primary care, in which the physician contracts directly with the patient for a low monthly fee to help keep the overhead cost low; that the Applicant is a blue collar concierge doctor practicing in Delaware; that the Applicant would like to turn the property into a one-person medical office that is similar to other uses in the area; that there are nine other professional offices, seven of which are medical facilities; that there is a shortage of primary care doctors in Lewes; that she needs more space; and that the property is more valuable as a medical office than to be used for a residential purpose.
- C. Council also found that DelDOT did not recommend a Traffic Impact Study; that the proposed conditional use will not have an adverse impact on the neighboring properties; that they do not propose to change the footprint of the site, with the exception of the parking lot which will be at the rear of the property; that there will be no change in architecture except as is required to make it ADA accessible; that there is a shared entrance; that there is an agreement with the neighbor to remove the trees and put up a fence to separate the driveway; that she will have one assistant; that the hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday with on-call services only if there is an emergency on weekends; that there is an unlighted sign at the current location; and that there are no plans for the garage.
- 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 (A through K), as amended, 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 a medical office in this location will benefit the health, safety and welfare of present and future residents of Sussex County residents by providing such a use in a convenient location that is close to Beebe Hospital.
 - 3. The applicant intends to utilize the existing structure on the property. 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 eleven (11) conditions (a. – k.), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.