

ORDINANCE NO. 2622

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.662 ACRES, MORE OR LESS

WHEREAS, on the 20th day of June 2018, a zoning application, denominated Change of Zone No. 1861, was filed on behalf of Nassau DE Acquisition Co., LLC; and

WHEREAS, on the 25th day of October 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 29th day of November 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1861 be approved; and

WHEREAS, on the 27th day of November 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 C-2 Medium Commercial 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 Coastal Highway (Route 1), approximately 150 feet north of Old Mill Road, and being more particularly described in the attached legal description prepared by Hillcrest Associates, said parcel containing 2.662 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. 2622 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF NOVEMBER 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 Nassau DE Acquisition Co., LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.662 acres, more or less (lying on the east side of Coastal Highway (Route 1) approximately 150 feet north of Old Mill Road) (Tax I.D. No. 334-1.00-15.00 (portion of) (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 John Tracey, Esquire with Young, Conaway, Stargatt and Taylor, Alan Hill and Tom Schreier with Hillcrest Associates, Inc., and Joe Calabro, representative of Nassau DE Acquisition Co., LLC were present at both the Planning and Zoning Commission and Sussex County Council hearings on behalf of the application; that Drew Boyce, Director of Planning with Delaware Department of Transportation (“DelDOT”) was present to answer questions at the Planning and Zoning Commission hearing and that Jennifer Cinelli-Miller of DelDOT was present to answer questions at the County Council hearing; that this is an application to rezone the 2.662-acre parcel from AR-1 to C-2; that the property is located adjacent to Route 1; that there is C-1 zoning in the area; that this project is located in Investment Levels 3 and 4 according to the Strategies for State Policies and Spending; and that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area.**
- C. Council also found that the proposed C-2 parcel would contain 4,700 square feet of offices in a single story building; that public water would be provided by Tidewater Utilities; that the site is in the potential sewer area provided by Sussex County; that there will be no adverse impact on neighboring or adjacent properties; that the project will not affect the public’s health, safety and welfare; that the project is in compliance with the Sussex County Code and the 2008 Comprehensive Plan; that DelDOT did not require a Traffic Impact Study; that Old Mill Road is a State maintained road; that the site will be a right turn in and a right turn out from Route 1; and that there would be no left turn exiting the site.**
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission’s Findings (1 through 7), Council found that:**
- 1. The Applicant is seeking a change in zone to C-2 Medium Commercial. The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.**
 - 2. This property is located along the northbound lanes of Route 1. A representative of DelDOT testified that the current northbound lanes of Route 1 are going to be reconfigured as a service road in this area. This is appropriate for the uses that are permitted in the C-2 District.**
 - 3. This property is surrounded on either side by properties that are currently zoned C-1 General Commercial. This rezoning is consistent with the adjacent C-1 zoning, and C-2 is actually more limited than the types of uses permitted in the C-1 zone.**
 - 4. The rezoning will not have a significant impact upon neighboring properties or roadways.**

- 5. The property will be served by central water and Sussex County sewer.**
 - 6. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshal and the Sussex Conservation District.**
 - 7. For all of these reasons it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**