

ORDINANCE NO. 2640

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 25.6694 ACRES, MORE OR LESS

WHEREAS, on the 28th day of September 2018, a zoning application, denominated Change of Zone No. 1872, was filed on behalf of T.S. Smith and Sons, Inc.; and

WHEREAS, on the 28th day of February 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of March 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1872 be approved; and

WHEREAS, on the 19th day of March 2019, 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-3 Heavy 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13), south side of Fawn Road, east side of Main Street, and north side of Redden Road, and being more particularly described in the attached legal description, said parcel containing 25.6694 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. 2640 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF MARCH 2019.

**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 T.S. Smith & Sons, Inc. to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County containing 25.6694 acres, more or less (lying on the west side of Sussex Highway (Route 13), south side of Fawn Road, east side of Main Street, and north side of Redden Road) (Tax I.D. No. 131-10.00-89.00) (911 Address: 8899 Redden Road, Bridgeville).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. John Roach, Engineer with John B. Roach Engineering, and Mr. Charlie Smith, co-owner of T.S. Smith & Sons, Inc., were present on behalf of the application; that the property has been in the family since 1907; that there are other farms in the area; that the rest of the farm has been placed in Agricultural Preservation; that a church is interested in 10-acres of the site; that Applicant would like to change the zoning of this parcel so it would be similar to the other zonings in the area; that Messick and Grey, a machine shop with a retail outlet, is located to the north of the site; that the western border of the property and on Main Street, property is Zoned C-1 (General Commercial District) which includes McDowell's towing, a vacant commercial site, and Weller's Utility Trailers; that the site across the highway is Zoned C-1 (General Commercial District) which is where their farm market is located; and that the field to the south of this site is used for agricultural use.**
- C. Based on the Findings (1 through 9) of the Planning & Zoning Commission, Council found that:**
 - 1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.**
 - 2. The site is surrounded on 3 sides by C-1 General Commercial Zoning. It also has more than 1,200 feet of frontage on Route 13. This location is appropriate for this type of zoning.**
 - 3. Besides the frontage along Route 13, the site also has extensive frontage along Redden Road, North Main Street and Fawn Road. Any permitted development of this site will have multiple points of access, which will mitigate any traffic generated by future uses of the site.**
 - 4. This location is adjacent to the town limits of Bridgeville, which is an appropriate location for C-3 zoning.**
 - 5. The site is in the Town Center Area according to the current Sussex County Land Use Plan. This type of commercial use is appropriate in this area according to the Plan.**
 - 6. This rezoning will not adversely impact neighboring properties, area roadways or nearby public facilities.**
 - 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.**

- 8. No parties appeared in opposition to the application.**
 - 9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**