

**ORDINANCE NO. 2643**

**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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.001 ACRES, MORE OR LESS**

**WHEREAS, on the 31st day of August 2018, a zoning application, denominated Change of Zone No. 1870, was filed on behalf of Coroc/Rehoboth III, LLC; and**

**WHEREAS, on the 24th day of January 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th of February 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1870 be approved; and**

**WHEREAS, on the 19th day of February 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Holland Glade Road, approximately 575 feet east of Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 10.001 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. 2643 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF APRIL 2019.**

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**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 Coroc/Rehoboth III, LLC 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 Lewes and Rehoboth Hundred, Sussex County, containing 10.001 acres, more or less (Tax I.D. No. 334-13.00-325.36) (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 James Fuqua, Esquire with Fuqua, Willard, Stevens & Schab, Mr. Charles Worsham, and Mr. Ring Lardner with Davis, Bowen & Friedel, Inc., were present on behalf of the application; that this is an application to rezone a 10-acre parcel from AR-1 to C-3; that the parcel is located on the northwest side of Holland Glade Road and north of Route 1 to the rear of Tanger Seaside Outlets Center (the “Seaside Outlets”); that the land is in front of an existing 25-acre parcel which is zoned C-1 and the Seaside Outlets have been in operation since the 1990s; that all the adjacent land is zoned C-1; that at the rear of the C-1 uses is an area of CR-1 zoning that was rezoned in 2009; that many area properties are zoned commercial; that nearby is a Royal Farms and the Iron Hill Brewery; that the land to the rear of the parcel is owned by the State of Delaware on which is a portion of the Junction and Breakwater Hiking and Biking Trail; that the site has an area for overflow parking for connection to the Breakwater Trail; that the Applicant will continue to permit access to the trail and will permit parking on the parcel, if feasible; that there is a strip of land to the rear of the CR-1 parcel that is owned by the State of Delaware; and that the next parcel contains a church.**
- C. Council also found that the parcel would be served by central water provided by Tidewater Utilities and central sewer would be provided by Sussex County; that the parcel would have a new access off of Holland Glade Road; that the entrance would be designed and constructed in accordance with DelDOT requirements; that DelDOT will determine whether a Traffic Impact Study or Traffic Operational Analysis will be required when it reviews the site plan showing the entrance; that DelDOT proposes a traffic light at the intersection of Holland Glade Road and Route 1; that DelDOT would require the normal Right-of-Way dedications; that this site would also have access by way of the Seaside Outlets which is the main Route 1 entrance to the existing outlet center; that the Seaside Outlets have access to a principal arterial highway and is near existing shopping centers; that the Seaside Outlets have inter-connectivity with the property to the north which contains a K-Mart shopping center and that motorists can continue from that shopping center to the nearby ‘Giant’ Store.**
- D. Council further found that the site is clear and vacant with the exception of three existing stormwater ponds which will most likely be expanded to accommodate any potential increases in stormwater; that the stormwater management system will be designed and constructed in accordance with DNREC regulations and the Sussex Conservation District and will use Best Management Practices; that there are no Federal or State wetlands on the site; that the site is located in the Zone X floodplain; that there are no threatened or endangered species located on the site; that the site is located in an Investment Level 2 Area according to the Delaware Strategies for State Policies and Spending; that the site is located within two growth areas – the Environmentally Sensitive Development Growth Area and the Highway Commercial Growth Area; that the area would be appropriate for hotels, motels, and other large scale commercial uses; that the Applicant has not made a decision on the development of the site at this time; that possibilities for the use are a hotel or an entertainment establishment, i.e. health club, fitness center, or retail stores; that**

**there are no nearby residential uses and that residential uses are not appropriate for this site; that the application is consistent with the Investment Level designation, the 2008 and proposed 2018 Comprehensive Plans, the Future Land Use Map, and the Sussex County Zoning Code; and that the purpose of the C-3 District is appropriate for this 10-acre parcel at this location.**

**E. Based on the Findings (1 through 8) 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 at the rear of the C-1 properties fronting along Route One that are currently used for retail purposes. This location is appropriate for this type of zoning.**
- 3. This location is currently used for overflow parking and stormwater management from the adjacent C-1 Zoning. This application is a reasonable extension of the existing C-1 District and the Applicant has stated that there will be interconnectivity with its existing C-1 property.**
- 4. As stated by the Applicant, there will be interconnectivity between this site and the existing C-1 retail area that is adjacent to it.**
- 5. The site will be served by central water and Sussex County sewer.**
- 6. The site is in the Environmentally Sensitive Developing Area and Highway Commercial Area according to the current Sussex County Land Use Plan. This type of commercial use is appropriate in these areas according to the Plan.**
- 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. Any future use of the property will be subject to Site Plan Review by the Sussex County Planning and Zoning Commission.**

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