

ORDINANCE NO. 2669

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS

WHEREAS, on the 18th day of February 2019, a zoning application, denominated Change of Zone No. 1880, was filed on behalf of Craig Kormanik; and

WHEREAS, on the 13th day of June 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of June 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1880 be approved; and

WHEREAS, on the 16th day of July 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-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 Georgetown Hundred, Sussex County, Delaware, and lying on the southwest side of Indian Mission Road (Route 5), approximately 785 feet northwest of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 1.0 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. 2669 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF JULY 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 Craig Kormanik 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 Indian River Hundred, Sussex County, containing 1.0 acre, more or less (land lying on the southwest side of Indian Mission Road (Route 5) approximately 785 feet northwest of John J. Williams Highway (Route 24) (Tax I.D. No. 234-23.00-261.00) (911 Address: 31792 Indian Mission Road, Millsboro).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that the Applicant, Mr. Craig Kormanik, was present on behalf of his application at the hearing before the Planning and Zoning Commission and that Tammy Rust, Realtor, was present on behalf of the Applicant at the hearing before the Sussex County Council; that he and his sister bought the property five years ago and the area has outgrown the current zoning; that the surrounding area is no longer a residential use; that the property is surrounded by commercial uses; that Taromino Square is located behind the property; that the property is in the center of a shopping center; that there is a bar adjacent to the property, and that there is a Rite-Aid and Wawa in the surrounding area; that the parcel is no longer suitable for residential use; that there is an interest in office use, and that he has no interest in using the property as a more intensive commercial use.**
- C. Based on the Findings (1 through 10) of the Planning & Zoning Commission, 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 Route 5 very near the Long Neck intersection at Route 24. This is an appropriate location for the uses that are permitted in the C-2 District.**
 - 3. This property is adjacent to properties that are currently zoned C-1 and CR-1. This rezoning is consistent with the adjacent commercial zoning, and C-2 is actually more limited than the types of uses permitted in the C-1 and CR-1 zones.**
 - 4. There are a variety of commercial uses in the area, including a Wawa convenience store, a drug store, two shopping centers and an apartment complex. This rezoning is consistent with those surrounding uses.**
 - 5. The property can no longer be viably used for either agricultural or residential uses as permitted under the current AR-1 zoning.**
 - 6. The rezoning will not have an adverse impact upon neighboring properties or roadways.**
 - 7. The property will be served by central water and Sussex County Sewer.**
 - 8. Any development that occurs on the property will require site plan review by the Sussex County Planning and Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshall and the Sussex Conservation District.**

- 9. No parties appeared in opposition to this application.**
 - 10. For all these reasons, it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**