

**ORDINANCE NO. 2676**

**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 CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS**

**WHEREAS, on the 20th day of March 2019, a zoning application, denominated Change of Zone No. 1884, was filed on behalf of ABC Storage, LLC; and**

**WHEREAS, on the 11th day of July 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 18th day of July, 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1884 be approved; and**

**WHEREAS, on the 13th day of August 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the north side of Seashore Highway (Route 18/404), approximately 0.22 mile east of Wilson Hill Road, and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 2.41 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. 2676 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF AUGUST 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 ABC Storage, 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 certain parcels of land lying and being in Nanticoke Hundred, Sussex County, containing 2.41 acres, more or less (Tax I.D. No. 231-5.00-24.00 and 231-6.00-6.00 (portion of) (911 Address: 13049 and 13039 Seashore Highway, Georgetown).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Mark Davidson with Pennoni Associates and Mr. Francis C. Warrington III, Managing Member of ABC Storage, LLC, were present on behalf of the application; that this is an application to rezone a portion of lands that is currently zoned AR-1 (Agricultural Residential Zoning District) to C-2 (Medium Commercial Zoning District); that Mr. Warrington owns both parcels of land; that Mr. Warrington also owns the nine acres located behind this site which is currently landlocked; that Parcel 6.00 is a split-zoned parcel with a portion zoned C-1 (General Commercial Zoning District) by a Change in Zone in 1992; that the property is approximately 4.42 acres in total; that there used to be an old fruit stand and a gift shop located on the parcel; that, when he purchased the property, there were three (3) existing self-storage buildings and a small building in front of the property for a retail grocery store and Mr. Warrington's office; that 98% of the self-storage is occupied and there is a need for additional self-storage units in the area; that the Applicant would like to expand the existing commercial uses that are already on-site; and that if the proposed Change of Zone is approved, the retail portion of the business would be located in the two small buildings located on the site.**
- C. Council also found that the existing storage facility is already gated and outdoor storage is available; that the site would use the existing commercial entrance and no new entrance is needed; that if this application is approved, there would be an access easement to the parcel in the rear and the access easement would be used as a buffer; that there is parking available for the existing building; that there would be no more parking permitted in front of the existing retail building; that there would be parking provided along the existing retail and in the back of the site; that there is an existing stormwater management pond on the site which is an infiltration basin and any expansion would meet the new regulations; that the property's Land Use Classification per the 2018 Comprehensive Plan is "Low-Density Area"; that there are other commercial uses in the area; that the site is located on a principal arterial road and it accommodates commercial uses that do not have outdoor storage or sales; that the Zoning Ordinance states this use is allowed in the C-2 District; that the site currently has two septic systems and two wells; that the property is not located in a flood zone; that there are no wetlands; and that the parcel is in Investment Level 4 according to the Strategies for State Policies and Spending.**
- D. Based on the Planning and Zoning Commission's Findings (1 through 9), Council found that:**
  - 1. C-2 Medium Commercial zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
  - 2. The Applicant's property is currently zoned AR-1 and C-1. This application will bring the entire property under commercial zoning. The site also is in an area where other commercial zonings and commercial uses exist.**

- 3. Part of the Applicant's property is currently used as a mini-storage facility and retail building. This rezoning will permit the reasonable expansion of both uses.**
  - 4. The Applicant has stated that there is a need for the expanded mini-storage facility since there is currently a waiting list. And, the grocery that is located on the property serves the community in this area of Sussex County and wants to expand on the property. This rezoning will permit both reasonable expansions to occur on this site.**
  - 5. The Applicant owns the property to the rear of this site, and the use will not have an adverse impact on properties on either side of the site.**
  - 6. The site is located along Route 404, which is an arterial road. This is an appropriate location for C-2 zoning.**
  - 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 rezoning application.**
  - 9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**