

**ORDINANCE NO. 2712**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 32.43 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of November 2019, a conditional use application, denominated Conditional Use No. 2211, was filed on behalf of Indian River School District; and**

**WHEREAS, on the 13th day of February 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of February 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2211 be approved with conditions; and**

**WHEREAS, on the 17th day of March 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use 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, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2211 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of Patriots Way approximately 0.73 mile south of Zoar Road and being more particularly described in the attached legal description prepared by CDA Engineering, Inc., said parcel containing 32.43 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.**

**This Ordinance was adopted subject to the following conditions:**

- A. The site shall comply with all DelDOT entrance and roadway improvements requirements.**
- B. The site shall comply with all requirements of the Sussex Conservation District.**
- C. Signage shall be permitted on the site in accordance with the sign regulations applicable to the I-1 Institutional Zone.**
- D. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2712 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF MARCH 2020.**

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**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

**The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:**

- A. This is the application of the Indian River School District for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a special needs school to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 32.43 acres, more or less (lying on the east side of Patriots Way approximately 0.73 mile south of Zoar Road) (Tax I.D. No. 133-7.00-8.01) (911 Address: None Available).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Colmcille DeAscanis, Civil Engineer with CDA Engineering, Inc., Mr. Joseph Booth, with the Indian River School District, and Mr. Ken Fearn, the project architect with Fearn Clendaniel Architects, were present at the Sussex County Planning and Zoning Commission public hearing on behalf of this application, and Mr. Joseph Booth was present at the Sussex County Council public hearing on behalf of this application; that the school parcel was originally part of the Stockley Subdivision, 860 acres, more or less; that a 32.5 acre parcel was carved off on the north side which is located directly across from Sussex Central High School, to the east of Patriots Way; that the parcel is for a special needs school (Pre-K through age 21); that the Applicant is expecting about 250 students and 150 staff; that there will be 34 classrooms and 24 administrative rooms; that access is taken from a single road directly opposite Sussex Central's entrance; that discussions were held with DelDOT to make sure enough area was carved off to support the school and the access required; that a traffic consultant prepared a Traffic Operational Analysis; that DelDOT has reviewed the Service Level Evaluation Request; and that there will be a dedicated right turn lane that can fit within the current paving limits of Patriots Way.**
- C. Council also found that the reason for the Conditional Use application is because the AR-1 zoning matches the characteristics of the surrounding parcels; that Sussex Central High School was previously approved for a Conditional Use; that the school will have a traditional school layout with a loop around road for drop-offs along the front, a secondary loop road for additional drop-offs for events and bus parking to the upper left; that Stormwater Management is handling the requirements of Stormwater Management Code and State Stormwater Regulations; that there is one athletic field dedicated area; that the proposed school is 94,500 square feet, but the Applicant is seeking the Conditional Use for future additions totaling 157,000 square feet; and that DelDOT's planning is for the total square footage of 157,000.**

**D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8A - D), Council found that:**

- 1. The use is for a public purpose, a new special needs school for the children and families of Sussex County.**
- 2. A new special needs school will promote the health, safety, and welfare of Sussex County residents and their children.**
- 3. The site is appropriate for this use. It is in a location directly across from the existing Sussex Central High School, this site is centrally located within the Indian River School District and Sussex County.**
- 4. This new school is needed to replace the aging Howard T. Ennis School which is located on the Del Tech campus.**
- 5. Based upon the information presented during the public hearing, there is the need for an additional special needs school in this area of Sussex County.**
- 6. The use will not adversely affect neighboring properties or roadways.**
- 7. No parties appeared in opposition to this application.**
- 8. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to four (4) conditions (A - D) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**