

ORDINANCE NO. 2716

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS

WHEREAS, on the 1st day of October 2019, a zoning application, denominated Change of Zone No. 1904, was filed on behalf of Dry Acres, LLC (Jill Cicierski); and

WHEREAS, on the 23rd day of January 2020 and on the 14th day of May 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of May 2020, said Planning and Zoning Commission recommended that Change of Zone No. 1904 be approved; and

WHEREAS, on the 9th day of June 2020, 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 Broadkill Hundred, Sussex County, Delaware, and lying on the southwest corner of Fisher Road and Lewes-Georgetown Highway (Route 9), and being more particularly described in the attached legal description prepared by Pennoni, said parcel containing 10.88 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. 2716 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF JUNE 2020.

**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 Dry Acres, LLC (Jill Cicierski) 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 Broadkill Hundred, Sussex County, containing 10.88 acres, more or less (property lying on the southwest corner of the intersection of Lewes Georgetown Highway (Route 9) and Fisher Road (Road 262) (Tax I.D. No. 235-30.00-51.00) (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 Mr. Mark Davidson with Pennoni Associates, Inc. and Ms. Jill Cicierski, Applicant, were present by teleconference on behalf of the application; that the property is bordered to the south by Maryland railroad which is the future “Rail to Trail” site and that the Georgetown-Lewes Rail to Trail is coming at the end of the year to Fisher Road; that lands of Bayhealth are across the road on Route 9 and Cool Spring Storage is adjacent to this property; that the property is surrounded by Developing Area; that approving the rezoning will allow the Applicant to create a retail plaza that will allow for retail and services for the neighboring residents; that there are no historical or natural features; that there are no ground water protection zones; that the property is in Flood Zone X; that there are wetlands on the property and the wetlands will not be disturbed as part of this project; that stormwater will be on-site and will use Best Management Practices; that there is public water and sewer; that the owners are working with DelDOT for future road improvements and have dedicated a 100 foot right-of-way; that the Applicant will have interconnectivity with the adjacent property; and that a DART bus shelter will be provided at this location.**
- C. Based on the Planning and Zoning Commission’s Findings (1 through 8) 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, but it is in an area along Route 9 where other commercial zonings and commercial uses exist. There is also a multi-family development across Route 9 from this site. This is an appropriate location for C-2 zoning.**
 - 3. C-2 Zoning at this intersection of Route 9 and Fisher Road, will benefit nearby residents of Sussex County by providing a commercial location for local shopping and similar uses without having to travel to Lewes, Milton or Georgetown.**
 - 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
 - 5. The site is in a “Low Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.**

- 6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.**
 - 7. No parties appeared in opposition to the rezoning application.**
 - 8. 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.**