

ORDINANCE NO. 2775

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS

WHEREAS, on the 7th day of October 2020, a conditional use application, denominated Conditional Use No. 2246 was filed on behalf of Bee Wise, LLC; and

WHEREAS, on the 8th day of April 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of April 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2246 be approved with conditions; and

WHEREAS, on the 8th day of June 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2246 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 northwest side of John J. Williams Highway (Route 24), approximately 0.37 southwest of Mulberry Knoll Road (S.C.R. 284), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.709 acre, 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 use shall be limited to use as an office within the existing structure.**
- b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- c. The Applicant shall comply with any DelDOT entrance and roadway improvement requirements.**
- d. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property when Route 24 is widened.**
- e. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.**
- f. 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. 2775 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JUNE 2021.

**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 Bee Wise, LLC for a Conditional Use in an AR-1 Agricultural Residential District for a real estate business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.709 acre, more or less (property lying on the northwest side of John J. Williams Highway [Route 24] approximately 0.37 miles southwest of Mulberry Knoll Road [S.C.R. 284]) (Tax I.D. No. 334-12.00-24.00) (911 Address: 20028 John J. Williams Highway, Lewes).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, the Council found that Alexis Gatti, Esq., was present at the Planning and Zoning Commission public hearing on behalf of the Applicant, Bee Wise, LLC, which is owned and managed by Mr. Craig Beebe and Ms. Erin Beebe who were also present; that Hal Dukes, Esq., was present at the Sussex County Council public hearing with Mr. Craig Beebe and Ms. Erin Beebe; that the property is approximately 0.71 acre to the west of Love Creek Elementary School on the west side of the highway; that the property is improved with a dwelling, a shed and a parking lot; that there are no plans to change the structures or the parking lot; that the property was previously approved to be a contractor's office and prior to that, it was a lamp shop; that the Applicant intends to use the property to operate a real estate business; that if the Conditional Use is approved, no site conditions on the property will be altered; that the properties in close proximity include farmland to the east with the elementary school next to it; that a middle school is across the street and a hair salon is in the same block; that a residence and Saddle Ridge Community are located to the west; and that further down the road is a landscape business.**

C. Council also found that a Conditional Use is appropriate on this property given that the real estate business is consistent with the neighboring businesses along that highway; that traffic through this corridor is managed by a traffic light at the entrance to the schools which is just a short distance from this property; that the real estate office's impact on traffic will be negligible; that the Conditional Use will have no detrimental effect on any of the neighboring properties; that all the lighting on the property is consistent with residential use; that there will be no large garbage dumpster on the property; that the office will operate during normal business hours; that the agents mostly work off-site and this site will be for sales and office uses only; that there are currently twelve (12) agents working for this business; that the business is promoting the convenience, the prosperity and the welfare for the agents employed here, but it also provides a service to the inhabitants and future inhabitants of Sussex County; and that the property is buffered by landscaping and that the landscaping will remain.

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 – f), Council found that:

- 1. The site was previously approved as two different conditional uses for businesses at this location. The first was Conditional Use No. 1659 for a lamp store. The second was Conditional Use No. 2110 for a construction office. Both conditional uses occurred within the existing structure on the site, which was formerly a residential dwelling.**
- 2. The Applicant intends to use the same residential-style structure for a real estate office.**
- 3. The Applicant has stated that this site will only be for sales and office uses and that a majority of the real estate work will occur off-site.**
- 4. The proposed use will not generate a significant amount of traffic and it will not have any adverse effects on area roadways.**
- 5. The proposed use is very limited in nature within the existing residential-style structure, and it will not have any adverse impact on neighboring properties or the community.**
- 6. No parties appeared in opposition to the application.**
- 7. As permitted as part of Conditional Use Nos. 1659 and 2110, parking is permitted within the front yard setback. However, as required by Conditional Use No. 2110, sufficient space shall be set aside for parking elsewhere on the property when Route 24 is widened.**
- 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 the following six (6) conditions (a – f) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**