

ORDINANCE NO. 2848

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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.646 ACRES, MORE OR LESS

WHEREAS, on the 28th day of July 2021, a zoning application, denominated Change of Zone No. 1953 was filed on behalf of Brasure Holdings, LLC; and

WHEREAS, on the 10th day of March 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1953 be approved; and

WHEREAS, on the 26th day of April 2022, 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 for a portion of the parcel (1.646 acres) 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 Baltimore Hundred, Sussex County, Delaware, and lying on the northwest side of Lighthouse Road (Route 54) approximately 0.27 mile southwest of Zion Church Road (Route 20), and being more particularly described in the attached legal description prepared by Land Surveying Services, said parcel containing 1.646 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. 2848 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF APRIL 2022.

**TRACY N. TORBERT
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 Brasure Holdings, 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 a portion of a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.646 acres, more or less (property lying on the northwest side of Lighthouse Road [Rt. 54] approximately 0.27 mile southwest of Zion Church Road [Rt. 20]) (911 Address: 35131 Lighthouse Road, Selbyville) (Tax Parcel: 533-19.00-13.02).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Ray Blakeney, together with Ms. Heather Brasure, the wife of Mr. Justin Brasure, Vice President of the Applicant, were present on behalf of the Application at the Planning and Zoning Commission hearing, and Ms. Heather Brasure and Mr. David Brasure, President of Brasure's Carpet Care, were present on behalf of the Application at the Sussex County Council hearing; that they are seeking a rezoning of the proposed property, which is located between their current business on property zoned as C-1 (General Commercial) and the property owned by Mr. David Brasure and Ms. Peggy Brasure; that the property they are seeking to rezone is owned by Brasure Holdings, LLC, which is owned by Mr. David Brasure and Ms. Peggy Brasure; that the property is leased to Brasure's Carpet Care, Inc.; that the subject property is currently zoned AR-1 (Agricultural Residential); that the request to have the property rezoned to C-2 (Medium Commercial) to allow an 80' x 100' storage facility; that due to the new development in the area and increased production volume, they have outgrown their current building; that by adding the proposed storage facility, they would be able to purchase padding and chemicals in bulk; and that purchasing in bulk would allow them to purchase materials at a discounted rate.**
- C. Council also found that the Applicant currently has two high-top sprinters which do not fit in the current garages; that the proposed building would be able to accommodate the high-top vehicles, in addition to the two vehicles used to provide estimates; that they require a climate controlled room for the storage of rugs and cushions which are awaiting delivery, as well as rugs being stored for their customers; that they currently employ 14 full-time employees and the business seems to grow every day; that the current business has existed at the current site for almost 40 years; that business is growing and they have a need to expand; that this change of zoning will make the zoning more consistent with the property where the current business is located and will allow for the requested expansion; that they have had initial contacts with DelDOT for a Letter of No Contention and they have had a preliminary meeting with Sussex Conservation District regarding stormwater management.**
- D. Based on the Planning & Zoning Commission's the 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 along Lighthouse Road. It is adjacent to the Applicant's property and business that is zoned C-1 and adjacent to other lands owned by the Applicant. This is an appropriate location for C-2 zoning.**

- 3. C-2 Zoning at this location along Lighthouse Road will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.**
 - 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
 - 5. The site is mostly in the “Coastal 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.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**