

ORDINANCE NO. 2862

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.564 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of June 2021, a zoning application, denominated Change of Zone No. 1946 was filed on behalf of Ronald & Candice Gray; and

WHEREAS, on the 9th day of June 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. 1946 be approved; and

WHEREAS, on the 14th day of June 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 and adding in lieu thereof the designation of B-2 Business Community 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 west side of Roxana Road (Rt. 17), approximately 0.69-miles northeast of the intersection of Roxana Road and Daisey Road (S.C.R. 370), being more particularly described in the attached survey prepared by Christopher Waters, P.L.S., said parcel containing 1.564 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. 2862 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JUNE 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 Ronald and Candice Gray to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.564 acres, more or less (property lying on the west side of Roxana Road [Rt. 17], approximately 0.69-mile northeast of the intersection of Roxana Road and Daisey Road [S.C.R. 370]) (911 Address: N/A) (Tax Parcel: 134-15.00-20.12).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Shannon Carmean Burton, Esquire, of Sergovic Carmean Weidman McCartney & Owens, P.A, was present on behalf of this Application, together with Mr. Tim Metzner, with Davis, Bowen & Friedel, Mr. Ron Gray, the Applicant, and Mr. Ed Launay, with Environmental Resources, Inc., this is a request to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential) Zoning District to B-2 (Business Community) Zoning District; that the property is located on Roxana Rd., approximately .45-mile south of the intersection of Peppers Corner Rd., Powell Farm Rd. and Roxana Rd. and contains approximately 1.56- acres; that the property has been a vacant lot since purchased by the Applicant in 2018; that the Applicants have submitted this request for the purpose of being able to make better economic use of the property, as well as to provide needed services and employment opportunities; that the Applicant intends to develop the property for office use; that they have Conceptual Site Plan to present to show the intention for the future use of the property and the Applicant does intend to develop the property until central sewer is available.**
- C. Council found that the DelDOT response stated the projects will generate less than 50 vehicle trips in any hour, being less than 500 vehicle trips per day; that DelDOT stated a Traffic Impact Study (TIS) to be negligible and that DelDOT did not require a TIS; that the site is in an Investment Level 2 and Level 3; that Level 2 and Level 3 do support future growth; that within the PLUS comments no objection was given to the proposed use and development of the property; that to the north of site, approximately 4,250-ft. away, is the nearest connection for central water and sewer; that area is continuing to grow, being the location of the Beebe Medical Facility and future apartment complexes; that they understand they are requesting a Change of Zone and not site plan approval.**
- D. Based on the Planning and Zoning Commission's Findings (1 through 7), Council found that:**
 - 1. B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.**
 - 2. This location is along Roxana Road. B-2 zoning is appropriate in this area because it will provide a convenient location for office, retail, and personal uses in a location that will eliminate the need for nearby residents to travel to Route 54 and Route 26.**
 - 3. The rezoning will not adversely affect area roadways or traffic.**
 - 4. The rezoning will also not adversely affect nearby properties or property values.**
 - 5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.**
 - 6. No parties appeared in objection to the application.**
 - 7. 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.**

