

ORDINANCE NO. 2239

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A THERAPY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.397 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2011, a conditional use application, denominated Conditional Use No. 1919 was filed on behalf of Dr. Kerri Kennard; and

WHEREAS, on the 12th day of January 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1919 be approved with conditions; and

WHEREAS, on the 7th day of February 2012, 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. 1919 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 Little Creek Hundred, Sussex County, Delaware, and lying west of Route 70 (Gordy Road) 305 feet north of Warrington Lane and 1,000 feet northwest of U.S. Route 13 and being more particularly described as:

BEGINNING at an iron bar on the westerly right-of-way of Route 70 (Gordy Road), a corner for these subject lands and lands, now or formerly, of Tim Ramey Construction; thence south 13°54'54" east 403.66 feet along the westerly right-of-way of Route 70 to an iron bar; thence south 75°15'00" west 572.69 feet along lands of Beverly W. Smith and Marlene W. Hamilton to an iron bar; thence north 14°45'00" west 413.10 feet along Warrington lands to an iron bar; thence north 76°11'19" east 578.65 feet along

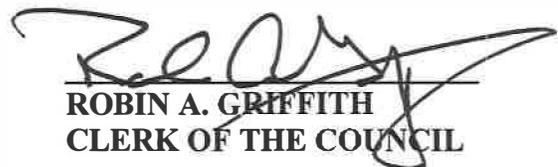
aforementioned Ramey lands to the point and place of beginning, and containing 5.397 acres, more or less.

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:

1. The use shall be as a therapy office.
2. Parking shall comply with the parking requirements in the County Zoning Code.
3. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.
4. The hours of operation shall be from 9:00 a.m. to 7:00 p.m., Monday through Saturday, with emergency hours as needed.
5. Any security lighting for the office and its parking areas shall be downward screened so that it does not shine on neighboring properties or roadways.
6. 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. 2239 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF FEBRUARY 2012.


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:

1. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a therapy office to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 5.397 acres, more or less, lying west of Route 70 (Gordy Road) 305 feet north of Warrington Lane and 1,000 feet northwest of U.S. Route 13.
2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service A of Gordy Road will not change as a result of this application.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Sussex – Laurel Growth Area; that the use of an on-site septic system is proposed; that conformity to the Western Sussex Planning

Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.

4. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it will not be necessary for any off-site drainage improvements; and that it may be possible that on-site drainage improvements will be required.
5. The property's use as a therapy office promotes the health, safety and welfare of Sussex County residents, particularly children.
6. The use is on a parcel of property that has historically been used as an office for more than 60 years prior to the Applicant's purchase of it.
7. The Applicant intends to reside on the site which has its own septic system and is adequate for the use as a therapy office.
8. The use will occur in an existing office building.
9. There are already ample off-street parking spaces on the site.
10. There were no parties in opposition to this application.
11. The site, if approved for a Conditional Use, will not have an adverse impact on the neighboring roadways, properties or community.
12. The use is of a public or semi-public character of the property.
13. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to six (6) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.