

ORDINANCE NO. 2342

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18,886 SQUARE FEET, MORE OR LESS (Tax Map I.D. 235-15.00-25.00)

WHEREAS, on the 25th day of November 2013, a zoning application denominated Change of Zone No. 1743 was filed on behalf of Charles and Cristy Greaves; and

WHEREAS, on the 27th day of February 2014, 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. 1743 be approved; and

WHEREAS, on the 25th day of March 2014, 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 CR-1 Commercial Residential 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 southeast of Route 16 (Broadkill Road) across from Road 233 (Reynolds Road) and being more particularly described as follows:

BEGINNING at a point on the southeasterly right-of-way of Route 16, a corner from these subject lands and lands of Lockwood Design and Construction Co., Inc.; thence following said Incorporation lands the following three (3) courses: south 21°42'55" east 194.75 feet to a point; south 79°39'24" west 111.61 feet to a point; and north 21°35'00" west 149.41 feet to a point on the southeasterly right-of-way of Route 16; thence northeasterly 114.64 feet along the southeasterly right-of-way of Route 16 to the point and place of beginning, said parcel containing 18,886 square feet, 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. 2342 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF MARCH 2014.


**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:

- 1. This is an application to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 18,886 square feet, more or less, land lying southeast of Route 16 (Broadkill Road) across from Road 233 (Reynolds Road).**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service "C" of Route 16 at this location will not change as a result of this application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- 4. Charles Greaves was present and he stated that the previous owner was unable to sell the property as residential and the property fell into foreclosure; that the residence is non-conforming with the community surrounding it; that an auto repair service is on one side of the property, maintenance/construction storage units in the back of the property, and commercial storage units on the other side of the property; that across the street is also commercial; that they hope to open an antique shop on the site; that there is ingress and egress on the site; that the property has a commercial 40 foot apron at the highway; that there is 12 car parking available; that they have restored the residential section of the structure but their preference is to have an antique store; that there would be no cooking or food service other than ice cream; that if successful, they**

may rent out office space in the back; and that they live in the community.

5. **Based upon the Planning and Zoning Commission's record, the residence is surrounded by commercial properties on three (3) sides and across from commercial property; that the only historical property in the area is the Robbins Homestead across Route 16; that there are no burial grounds on this property; that an on-site septic system and well exist on the property; that the Applicant stated that he met with the Office of State Planning Coordination and the PLUS agencies; that retail and professional office space are proposed; that a 35 foot wide commercial entrance exists adjacent to the property; and that there will not be any residential occupancy of the building.**
6. **Based on the Findings of the Planning and Zoning Commission, the Council found that:**
 - A. **The parcel is surrounded by commercially zoned property, and residential use is no longer the highest and best use of the property. A rezoning will make the parcel consistent with its surroundings.**
 - B. **The location along Route 16 is appropriate for a CR-1 zoning.**
 - C. **The rezoning will not adversely affect the adjacent properties, the neighborhood, or area roadways.**
 - D. **No parties appeared in opposition to the application.**
 - E. **Any change in the site will require site plan approval from the Sussex County Planning and Zoning Commission.**
7. **Based on the record, recommendation and Findings of the Planning and Zoning Commission and the record created before the Council, the Council approved this application.**