

ORDINANCE NO. 2345

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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.912 ACRES, MORE OR LESS (Tax Map I.D. 230-26.00-102.00 (Part of)

WHEREAS, on the 8th day of January 2014, a zoning application, denominated Change of Zone No. 1745 was filed on behalf of Capital Development Partners, LLC; and

WHEREAS, on the 13th day of March 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of March 2014, said Planning and Zoning Commission recommended that Change of Zone No. 1745 be approved; and

WHEREAS, on the 8th day of April 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 Cedar Creek Hundred, Sussex County, Delaware, and lying south of Route 16 and 300 feet east of U.S. Route 113 and being more particularly described as follows per the attached legal description prepared by Davis, Bowen & Friedel, Inc. Said parcel containing 2.912 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. 2345 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF APRIL 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:

- A. 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 Cedar Creek Hundred, Sussex County, containing 2.912 acres, more or less, land lying south of Route 16 and 300 feet east of U.S. Route 113.**
- B. DelDOT commented that they recommend that this application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study will be evaluated when a subdivision or land development plan is proposed.**
- C. The Sussex County Engineering Department, Utility Planning Division, commented that this site is located in the Ellendale Sanitary Sewer District; that wastewater capacity is available for up to 4.0 Equivalent Dwelling Units (EDUs) per acre; that downstream upgrades, at the developer's expense, could be required for a project that exceeds 4.0 EDU per acre; that the parcel is served with an 8-inch lateral on the parcel's frontage along Route 16 (Beach Highway); that the lateral is located near the parcel's northeast corner; that conformity to the Ellendale Wastewater Planning Study of June 2007 will be required; and that additional information is required before a capacity determination and EDU assessment can be made; and that a Concept Plan is required.**
- D. The Council found that Jamie Stechler from Davis, Bowen & Friedel, Inc. was present at the Public Hearing on behalf of this application and he stated that a Dollar General store is proposed to be built on the site; that they will be complying with all DelDOT requirements; that several commercial and business uses and zonings exist in close proximity to this site; that they will be submitting site plans in the near future if the rezoning is approved; that Dollar General has built several stores in the County recently; that the site is almost adjacent to the intersection of U.S. Route 113 and Route 16; that the**

site is located in an Investment Level 2 Area according to the State Spending Strategies; that the site is located in an excellent recharge area; and that the parcel will be subdivided from a larger 10 acre parcel.

E. Based on the Findings of the Planning and Zoning Commission, the Council found that:

- 1. The site is in a Developing Area according to the Sussex County Comprehensive Plan. It is very near the Town of Ellendale.**
- 2. The site, essentially at the intersection of U.S. Route 113 and Route 16, is appropriate for CR-1 zoning.**
- 3. There are many other commercial zonings and uses in the vicinity. The rezoning will be consistent with this area.**
- 4. The rezoning will not adversely affect neighboring properties or area roadways.**
- 5. No parties appeared in opposition to this application.**

F. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the application was approved.