

ORDINANCE NO. 2380

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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.37 ACRES, MORE OR LESS

WHEREAS, on the 31st day of July 2014, a zoning application denominated Change of Zone No. 1762 was filed on behalf of Hale Trailer Brake & Wheel; and

WHEREAS, on the 20th day of November 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. 1762 be approved; and

WHEREAS, on the 9th day of December 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 Little Creek Hundred, Sussex County, Delaware, and lying at the northeast corner of U.S. Route 13 (Sussex Highway) and Road 452 (East Snake Road) and being more particularly described in Deed Book 4286, Page 244, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 23.37 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. 2380 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF DECEMBER 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 the application of Hale Trailer Brake and Wheel 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 Little Creek Hundred, Sussex County, containing 23.37 acres, more or less, land lying at the northeast corner of U.S. Route 13 (Sussex Highway) and Road 452 (East Snake Road) (911 Address: None Available) (Tax Map I.D. 532-13.00-78.00).**
- B. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #4; that use of an existing onsite 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 has a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- C. Based on the testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Jeff Finney, Manager for Hale Trailer Brake and Wheel, was present with Dennis Schrader, Esquire with Morris James Wilson Halbrook & Bayard, LLP, and Ken Christenbury, Professional Engineer with Axiom Engineering, LLC, and they stated that the site is adjacent to U.S. Route 13 (Sussex Highway) and the already developed site of Hale Trailer Brake and Wheel; that the intent of this application is to allow for expansion of the adjacent facility; that the site is located in a Level 4 Area according to the State Strategies; and that no structures are currently planned for this property, only display of trailers, containers and related equipment for the expansion of the adjacent facility.**
- D. Council found that if the rezoning is approved, they will be submitting site plans for the display area and related features of the property; that the southerly third of the property contains wetlands; that DeIDOT is only going to allow entrance to the site from the adjacent facility; that the area for the displays will be graveled; that they are working with the Sussex Conservation District on the stormwater management plans; that part of the property has been cleared for the expansion of the adjacent facility to allow for electrical services; that there is a need for the expansion of the existing use; that the new building on the adjacent facility is almost completed**

creating a need for the additional display area; that two letters of support have been received; and that there is ample area on this site to create a crossing over the ditch to provide the necessary access for the interconnection of the two parcels.

E. Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:

- 1. The site is located along U.S. Route 13 (Sussex Highway) north of Delmar in an area that has developed to include commercial and light industrial zoning. This location, with approximately 1,721 feet of frontage along U.S. Route 13, is appropriate for CR-1 zoning.**
- 2. The site is next to the Applicant's current operation and will allow for the Applicant's expansion of its business.**
- 3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
- 4. The Applicant will be required to meet or exceed all DelDOT requirements.**
- 5. CR-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 District.**
- 6. The site is partially within the Highway Commercial Area according to the Sussex County Comprehensive Plan. CR-1 Zoning is consistent with this Highway Commercial designation. Although the remainder of the property is identified as being within a Low Density Area according to the Plan, it is appropriate to rezone the entire parcel to CR-1 consistent with the Highway Commercial, so that the entire parcel falls under one single zoning classification.**
- 7. No parties appeared in opposition to this rezoning.**

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