

ORDINANCE NO. 2267

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 LEWES AND REHOBOTH, HUNDRED, SUSSEX COUNTY, CONTAINING 24,763 SQUARE FEET, MORE OR LESS

WHEREAS, on the 26th day of March 2012, a zoning application, denominated Change of Zone No. 1717 was filed on behalf of William N. Hein; and

WHEREAS, on the 31st day of May 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 Change of Zone No. 1717 be approved; and

WHEREAS, on the 26th day of June 2012, 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:

BEGINNING at a point on the southerly right-of-way of Airport Road, a corner for these lands and lands of Harvey M. Boothe III; thence southerly along said Boothe lands the following three (3) courses: South 45 degrees, 21 minutes, 19 seconds West, 146.88 feet to an iron pipe, North 44 degrees, 38 minutes, 41 seconds West, 3.00 feet to an iron pipe; thence North 45 degrees, 21 minutes, 19 seconds West, 102.88 feet to an iron pipe; thence North 62 degrees, 14 minutes, 49 seconds West, 97.43 feet along lands of Old Landing Properties, LLC to an iron pipe; thence North 45 degrees, 21 minutes, 19 seconds East, 274.20 feet along lands of Ralph Deloy to a point on the southerly right-of-way of Airport Road; thence South 47 degrees, 38 minutes, 41 seconds East, 96.00 feet along the southerly right-of-way of Airport Road to the point and place of beginning, and containing 24,763 square feet, more or less. (Tax Map I.D. 334-13.00-185.01)

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of Airport Road (Road 275A) 1,055 feet west of Miller Road (Road 270A) and being more particularly described as follows:

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. 2267 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF JUNE 2012.


ROBIN A. GRIEFFTH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Facts:

1. This is an application to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,763 square feet, more or less, lying south of Airport Road (Road 275A) 1,055 feet west of Miller Road (Road 270A) (Tax I.D. 3-34-13.00-185.01)
2. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; that no off-site drainage improvements are necessary; and that it is not likely that on-site drainage improvements will be necessary.
3. The Applicant, William N. Hein, was present along with David Hutt, Esquire of Wilson, Halbrook & Bayard, P.A. who was present on the Applicant's behalf and stated that the Applicant operates a screen printing and embroidery business (Conditional Use) north of Route 24 near Plantations Road; that this would allow him to expand his business; that the property is in the Sussex County 2008 Comprehensive Plan; that the site is in an Environmentally Sensitive Development District (growth area); and that the site is in an Investment Level 1 Area where the State supports growth.

- 4. Letters of support were received from adjacent and nearby landowners, as well as the landowners located across from the site.**
- 5. The property is surrounded on all but one side by commercially zoned properties and uses and the proposed rezoning satisfies the goals of the CR-1 District as stated in the County Zoning Code.**
- 6. The proposed rezoning is appropriate for the area and it will not adversely affect area roadways, neighboring properties or the community.**
- 7. There were no parties present in support of or in opposition to this application.**
- 8. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Council approved this application.**