

**ORDINANCE NO. 2401**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE FACILITY (STATE POLICE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.3 ACRES, MORE OR LESS**

**WHEREAS, on the 18th day of February 2015, a conditional use application, denominated Conditional Use No. 2015 was filed on behalf of Delaware Division of Facilities Management; and**

**WHEREAS, on the 7th day of May 2015, 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. 2015 be approved with conditions; and**

**WHEREAS, on the 16th day of June 2015, 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, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2015 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as:**

**All that certain tract, piece or parcel of land, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southwest of Mulberry Knoll Road (Road 284) 1,450 feet northwest of John J. Williams Highway (Route 24) and 2,700 feet southwest of Cedar Grove Road (Road 283) and being more particularly described as Parcel "B" on the minor subdivision plan of lands of J. G. Townsend, Jr. & Co. as recorded in Plot Book 202 Page 55 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 9.3 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:

- A. The site shall comply with all DeIDOT entrance and roadway improvement requirements.
- B. The site shall comply with all requirements of the Sussex Conservation District.
- C. 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. 2401 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF JUNE 2015.



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:

- A. This is the application of Delaware Division of Facilities Management to consider the Conditional Use of land in an AR-1 (Agricultural Residential District) for a public service facility (State Police) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.3 acres, more or less. The property is located southwest of Mulberry Knoll Road (Road 284) 1,450 feet northwest of John J. Williams Highway (Route 24) and 2,700 feet southwest of Cedar Grove Road (Road 283) (911 Address: None Available) (Tax Map I.D. 334-12.00-16.06).
- B. Council found that DeIDOT commented that the Department has no objection to the recordation of the site plan as submitted to DeIDOT; that a Traffic Impact Study is not recommended; and that the current Level of Service of Mulberry Knoll Road from John J. Williams Highway to Cedar Grove Road will not change as a result of this application.
- C. Council found that the Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that no tax ditches are affected.
- D. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that sewer service has not yet been extended to the Goslee Creek Planning Area; that a connection point will be determined at a later date; that conformity to the Goslee Creek Planning Study and draft priority project memorandum, dated April 1, 2015, will be required; that the project area is located in the Goslee Creek Planning Area for sewer service, and was recently annexed into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County completed a planning study to determine how service to the Planning Area will be provided; that the proposed Delaware State Police, Troop 7, project was included in the priority project in the study, and a means for providing service was included as a work item; that the County recently requested that its consultant undertake further study of 3 priority projects to develop connection options allowing for flexible construction timelines; that the Troop 7 project is one of the priority projects studied; that the report has been provided to the State; that easements and a pump station site must be provided to the County; that the County requires design and construction of the collection and transmission system to meet County sewer

standards and specifications; that a Sewer Concept Plan must be submitted for review and approval prior to design of the sewer system; and that a checklist for preparing a Concept Plan was attached.

- E. Based on testimony before the Planning & Zoning Commission and the hearing before the Sussex County Council, Council found that Dean Holden, Professional Engineer with the Becker Morgan Group and Major Robert Hawkins of the Delaware State Police were present at the Planning & Zoning Commission hearing on behalf of this application and that Mr. Holden was also present at the Council hearing on behalf of this application, and stated that this application has been filed so that the existing Troop 7 facility on Route One (Coastal Highway) can be replaced to support the need to expand the Troop 7 facilities; that the new facility is designed to support 111 staff; that they anticipate a total of 168 vehicle trips per day; that the facility was reviewed through the PLUS process in March 2015; that they have responded to the PLUS comments; that the Office of the State Fire Marshal has reviewed the site plan; that they have met with the County Engineering Department for comments; that Tidewater Utilities, Inc. will provide central water service; that the soils on the site are good for drainage; that there are no wetlands on the site; that the intended use of the existing Troop 7 facility is unknown at this time; that they have met with the Cape Henlopen School staff to create a cross access connection with the proposed Elementary School; that it is the intent to create a shared boundary between the school and the troop facility that will be fenced and gated limiting access; and that a revised site plan has been prepared to correct the joint access serving both the school and the troop facility.
- F. Council further found that the intent is to bid out for contracts as early as the Fall of 2015 and that the construction period is anticipated to last approximately 18 months; that the existing Troop 7 facility is approximately 30 years old; that the building, constructed by Nanticoke Homes, has been very adequate, but needs to be replaced and enlarged to accommodate the necessary staff; that Troop 7 has doubled in staff since the building was first built; that the existing site with building improvements may be sold or provided to another agency; that this site was chosen since it is centrally located within the Troop area with access to major routes; and that the community room reference will allow for troop meetings, emergency meetings, and citizen meetings, and more specifically, Crime Watch and other groups to work with the Troop.
- G. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (A through C), Council found that:
1. The use is for a very public purpose – the Delaware State Police.
  2. A new police barracks will promote the health, safety and welfare of Sussex County residents and visitors.
  3. The site is appropriate for this use. It is in a location that provides centralized access to many points in eastern Sussex County.
  4. The use will not adversely affect neighboring properties or roadways.
  5. This application will allow the relocation of the existing Troop 7 to a larger tract of land. It will also allow the State Police to construct a larger, more modern building and facilities than what currently exists in the Route One location. The site also allows for future expansion of staffing levels for Troop 7.
  6. No parties appeared in opposition to this application.
  7. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to three (3) conditions (A – C) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.