

Thomas P. Gordon
County Executive



DEPARTMENT OF LAND USE

DEPARTMENT OF LAND USE
PLANNING BOARD
PUBLIC MEETINGS

September 15, 2015
7:00 P.M.

Gilliam Building, 67 Reads Way, Multi-Purpose Room
Corporate Commons New Castle, DE

 **BUSINESS MEETING**

1. Roll Call
2. Minutes – July 21, 2015
3. Deferrals
4. Business

App. 2013-0254-S/Z. West side Christiana-Stanton Road (SR 7), west side Frontage Road, south of Ogletown Road (SR 4) and north of Churchmans Road. Exploratory Major Land Development Plan, Rezoning and PLUS Review for **SPCA Commercial** proposes to construct three buildings with a total of 20,825 s.f. for a convenience store, commercial retail and fast food restaurant on 9.13 acres. **Ord. 13-046 will rezone 9.13 acres from BP (Business Park) to CR (Commercial Regional). CD 1.**

5. Other Business
6. Report of Committees
7. Report of General Manager
8. Report of Chairman
9. Other Board Member Comments
10. Comments From the Public
11. Adjournment

PUBLIC HEARING

A Public Hearing will begin immediately following the Business Meeting to consider the following application:

App. 2014-0468-S/Z. South side of SR 7 (Limestone Road), north side of Old Limestone Road and west side Milltown Road. Exploratory Major Land Development Plan, Rezoning and PLUS Review for **Milltown Square**. The plan proposes to realign 3 tax parcels into five tax

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parcels with four of the parcels to be rezoned ST for single family detached homes and the other parcel to be rezoned to ON for the construction of a 42,000 square foot office building with associated parking on 8.56 acres. **Ord. 15-020 will rezone 5.26 acres from S (Suburban) to ON (Office Neighborhood) and will rezone 3.30 acres from S to ST (Suburban Transition) and will amend the 2012 Comprehensive Development Plan consistent therewith. CD 9.**

Considerations of rezonings may include zones other than those specified in the ordinances, and considerations for all other applications, including text amendments, may include changes other than those specified or requested in the proposals. Time limitations will be imposed on speakers. Information on all applications is available for public review in the **Land Use Department, New Castle County Government Center, 87 Reads Way, Corporate Commons, New Castle, DE, from 8:00 A.M. to 4:00 P.M., Monday through Friday.**

Individuals needing reasonable accommodations according to the *Americans with Disabilities Act*, call 395-5400 (TT/TRY/T.D.: D.S., 1-800-232-5460) at least five business days before the meeting/hearing.

Richard E. Killingsworth, Chairman
Planning Board

George O. Haggerty
Acting General Manager

FINAL
MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
September 15, 2015

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, September 15, 2015 in the Gilliam building Multi-Purpose Room, 67 Reads Way, Corporate Commons in New Castle, DE.

The meeting was called to order by Sandra Anderson, Acting Chair, at 7:00 p.m.

The following Board members were present:

Sandra Anderson	Leone Cahill
William McGlinchey	Joseph Montgomery
Robert Snowden	Ruth Visvardis

The following Board members were absent:

Richard Killingsworth	Linda Porras-Papili
David Sheppard	

Planning Board Attorney, Department of Law

Monica Horton

The following Department of Land Use employees were present at the meeting:

George Haggerty	Valerie Cesna
Antoni Sekowski	Matthew Rogers
Ken Bieri	

Public in attendance:

David Gordon

MINUTES

On motion by Ms. Anderson, seconded by Mr. McGlinchey, the Board voted to approve the minutes of the July 21, 2015 business meeting as written. The motion passed by a vote of **5-0-1-3** (Yes: Anderson, Cahill, McGlinchey, Snowden Visvardis; No: none; Abstaining: Montgomery; Absent: Killingsworth, Porras-Papili, Sheppard).

DEFERRALS

None.

BUSINESS -

App. 2013-0254-S/Z. West side Christiana-Stanton Road (SR 7), west side Frontage Road, south of Ogletown Road (SR 4) and north of Churchmans Road. Exploratory Major Land Development Plan, Rezoning and PLUS Review for **SPCA Commercial** proposes to construct three buildings with a total of 20,825 s.f. for a convenience store, commercial retail and fast food restaurant on 9.13 acres. **Ord. 13-046 will rezone 9.13 acres from BP (Business Park) to CR (Commercial Regional).** CD 1.

The Department considered the *Standards for Zoning Map amendment* in Section 40.31.410, A through E, the proposed plan, and comments received from agencies and the public. Based on this analysis the Department of Land Use recommended **CONDITIONAL APPROVAL** of Ordinance 13-046 subject to the following:

The site plan and conceptual architectural elevations for the Royal Farms Building and the strip retail building are attached to this report and will serve as the basis for the final design subject to review and approval by the Department of Land Use prior to issuing building permits.

The Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Anderson, seconded by Mr. McGlinchey, the Board voted to recommend **CONDITIONAL APPROVAL** of Application 2013-0254-S/Z (Ordinance 13-046) subject to the same conditions recommended by the Department of Land Use. The motion was adopted by a vote of **5-0-1-3** (Yes: *Anderson, Cahill, McGlinchey, Snowden, Visvardis*; No: none; Abstain: *Montgomery*; Absent: *Killingsworth, Papili, Sheppard*).

In discussion preceding the vote the following comments were offered:

Ms. Anderson noted that the conditional approval is based on the presented architectural drawings and asked what kind of changes could be made that would still adhere to the conditions. Mr. Haggerty, Department of Land Use General Manager, mentioned change of color or using different but similar materials as examples of potential minor changes to the design that might be acceptable. However, he explained that the Department has worked very closely with the applicant to arrive at the drawings that are now included with the application. The wording of the condition allows some flexibility if adjustments are needed when construction begins.

Ms. Cahill asked about the conservation easement for protecting environmental resources that was discussed at the hearing. Mr. Sekowski, Department of Land Use Planner, said that the protected resources are delineated on the plan and the easement will also be referenced on the record plan. She mentioned that a cross access easement was also discussed at the hearing and Mr. Sekowski said those documents will be executed and noted on the record plan as well.

OTHER BUSINESS

None.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Mr. Haggerty summarized the current work on the Unified Development Code Update process. He mentioned the focus group meetings held this week and the public workshop scheduled for September 16 at Christiana Fire Hall beginning at 7:00 p.m. He also noted all of the information that is posted on the Department of Land Use web page and described the process that will ultimately lead to text amendment ordinances for action by County Council.

REPORT OF CHAIRPERSON

None

OTHER BOARD MEMBER COMMENTS

None.

COMMENTS FROM THE PUBLIC

David Gordon (1 Edgebrook Way) complained that the County is not notifying people who live within a quarter mile of proposed projects. He expressed his objections to the SPCA Commercial project (2013-0254-S/Z) citing concerns over traffic studies, water drainage problems, landscaping, and maintenance issues.

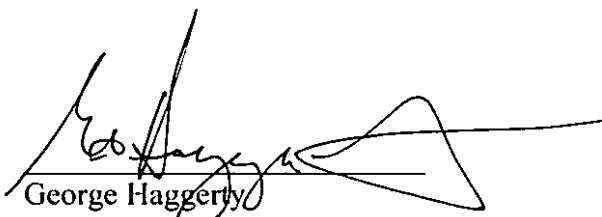
Ms. Anderson advised Mr. Gordon that the public hearing on the SPCA project was held a couple of months ago. He made a plea for the County to provide wider public notification.


Mr. Haggerty explained that regarding public notification, the Department sends written notice to property owners within 300 feet of projects, posts legal notices in the News Journal at least ten days in advance of public hearings, posts the agendas on the County web site, and requires the applicant to erect a large yellow sign on the property.

ADJOURNMENT

The Board voted to adjourn the meeting at 7:26 p.m.

ATTEST:


George Haggerty
Acting General Manager
Department of Land Use


Sandra Anderson
Acting Chair
Planning Board