

FINAL
MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
July 21, 2015

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, July 21, 2015 in the New Castle Room of the Government Center Building, 87 Reads Way, Corporate Commons in New Castle, DE.

The meeting was called to order by Sandra Anderson, Acting Chair, at 9:05 a.m.

The following Board members were present:

Sandra Anderson
Richard Killingsworth (9:08 a.m.)
Linda Porras-Papili
Ruth Visvardis

Leone Cahill
William McGlinchey
David Sheppard

The following Board member was absent:

Robert Snowden
[One position is vacant.]

Planning Board Attorney, Department of Law

Monica Horton

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

George Haggerty
Reed Macmillan
Janet Vinc

Valerie Cesna
Matthew Rogers

Public in attendance:

B.J. De Coursey
Ian McConnel

Herb Inden
Patti Miller

MINUTES

On motion by Ms. Anderson, seconded by Mr. Sheppard, the Board voted to approve the minutes of the June 16, 2015 business meeting as written. The motion passed by a vote of **6-0-2** (Yes: Anderson, Cahill, McGlinchey Porras-Papili, Sheppard, Visvardis; No: none; Absent: Killingsworth, Snowden).

DEFERRALS -

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.

BUSINESS -

App. 2015-0197-T. To Amend New Castle County Code Chapter 40 ("Unified Development Code" or "UDC), Section 40.31.130 ("Deed Restriction Changes") and Appendix 1 ("Application and Plan Requirements") to Streamline and Improve the Deed Restriction Change Process. **Ord. 15-024 is a text amendment to revise the deed restriction review and approval process for the benefit of the applicants, the constituents, and for government efficiency.** County Council Sponsor: David L. Tackett.

The Department of Land Use considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommended **APPROVAL** of Ordinance No. 15-024.

The Planning Board considered the Department of Land Use recommendation. On a motion by Ms. Anderson, seconded by Mr. McGlinchey, the Planning Board voted to recommend **APPROVAL** of Ordinance No. 15-024 by a vote of **6-0-1-1** (YES: Anderson, Cahill, McGlinchey, Papili, Sheppard, Visvardis; NO: none; ABSTAIN: Killingsworth; ABSENT: Snowden; [one vacant position]).

Prior to the vote, the Board offered the following comments:

Mr. Sheppard asked if, after the conversation with Councilman Tackett, the Department thinks this amendment will streamline the process and provide the consistency that County Council is looking for. Valerie Cesna, Department of Land Use Planner, responded positively.

Ms. Papili asked if there is a point person in the Department who handles this type of application and suggested that this amendment might just result in more paperwork to accomplish the same task. Ms. Cesna said the amendment would not create more paper work; it would create control over the way the paperwork flows, and rather than one point person in the Department, there is a small staff group that works with these applications. Ms. Papili asked the Department to review the amended process and report in six months to make sure it is working.

Ms. Cahill asked if there is a difference between amending a deed restriction and creating a new deed restriction. Ms. Cesna confirmed that amending and creating deed restrictions are two

different processes and that the proposed ordinance is a text amendment to change the deed restriction amendment process only.

App. 2015-0314-T. To Amend Chapter 40 of the *New Castle County Code* (also known as the Unified Development Code - UDC), Article 3 (“Use Regulations”), Article 4 (“District Intensity and bulk Standards”), and Article 33 (“Definitions”), Regarding Parking Structures. **Substitute No. 1 to Ord. 15-053 is a text amendment outlining the processing and design of plans that propose the use of parking structures.** County Council Sponsor: Joseph Reda.

The Department considered the *Standards for Text Amendment* in Section 40.31.420 of the *New Castle County Code* and comments received from the public and other agencies. Based on this analysis, the Department recommended **CONDITIONAL APPROVAL** of Ordinance **15-053** as introduced.

The Planning Board considered the recommendation offered by the Department of Land Use. The Planning Board considered the Department of Land Use analysis and reasoning and comments made by the public. On a motion by Mr. Snowden and seconded by Mr. Sheppard, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 15-022. The motion was adopted by a vote of **6-0-1-1** (YES: *Anderson, Cahill, McGlinchey, Porras-Papili, Sheppard, Visvardis*; NO: *none*; ABSTAIN: *Killingsworth*; ABSENT: *Snowden*)

In a discussion preceding the vote the Planning Board offered the following comments:

Mr. Sheppard sought clarification as to how the amendment would satisfy the goal of increasing open space and landscape area. Matthew Rogers, Planner for the Department of Land Use, explained that the 50% increase in LSR over the minimum required by Table 40.04.110 would achieve this goal. He also stated that this would be protected by the recorded plan. Ms. Anderson asked for clarification on the ordinance with specific concern to the time period that public comment could be considered, being that the Board of Adjustment holds their business meeting the same night as the public hearing. George Haggerty, Acting General Manager, explained that public input is solicited throughout the process before and after the Special Use hearing. He further explained how the process currently works and how the proposed process will further incorporate public input.

OTHER BUSINESS

1. Status Report on UDC Revisions and Amendments

Reed Macmillan, Assistant Land Use General Manager, made a presentation describing the status and schedule of the Unified Development Code update process that is underway.

2. DE HEAL presentation: Assessing & Impacting Public Health through Comprehensive Planning

Patti Miller, Chair of Environmental Policy Coalition at Nemours Health and Prevention Services, and B.J. DeCoursey, University of Delaware, Institute for Public Administration (IPA),

presented information on how the Coalition is participating in the UDC update process. Work began by reviewing topics in the 2012 Comprehensive Land Use Plan relating to healthy living, and by reviewing other Comprehensive Plans in Delaware. They have posted "Toolkit for a Healthy Delaware" on the IPA website: <http://www.ipa.udel.edu/healthyDEtoolkit/index.html>

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

None.

REPORT OF CHAIRPERSON

Mr. Killingsworth noted that Art Wilson has recently resigned from the board and that a new board member is in the process of being appointed. Also, he is trying to schedule a meeting with the County Executive to discuss the future of the Planning Board.

OTHER BOARD MEMBER COMMENTS

None.

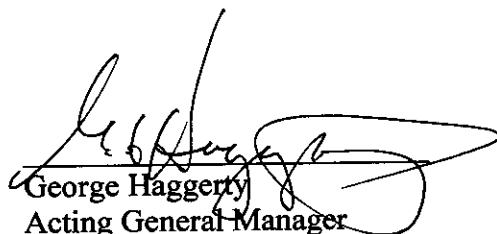
COMMENTS FROM THE PUBLIC

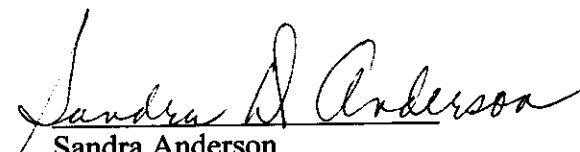
None.

ADJOURNMENT

The Board voted to adjourn the meeting at 10:40 a.m.

ATTEST:


George Haggerty
Acting General Manager
Department of Land Use


Sandra Anderson
Acting Chair
Planning Board