

**AGENDA
NEW CASTLE COUNTY
PLANNING BOARD BUSINESS MEETING
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
June 16, 2015
9:00A.M.**

ROLL CALL

MINUTES – May 19, 2015

DEFERRALS –

BUSINESS

App. 2015-0017-S/Z. South side Wrangle Hill Road (SR 72), east side Red Lion Road (SR 71). Exploratory Minor Land Development Plan, Rezoning and PLUS Review for Convenience Store and Bank at **3601 Wrangle Hill Road**. The plan proposes to consolidate three tax parcels into two and to construct 4,685 square foot convenience store and gas pumps and a 4,800 square foot bank with drive-through on 10.75 acres. **Ord. 15-021 will rezone 10.75 acres from NC 21 (Neighborhood Conservation) to CN (Commercial Neighborhood)** and will amend the 2012 Comprehensive Development Plan consistent therewith. CD 12.

App. 2015-0047-S/Z. Northeast side Brandywine Parkway, north of Bridle Drive. Exploratory Minor Land Development Plan, Rezoning and PLUS Review for **3001 Brandywine Parkway**. The plan proposes to convert the former 5,000 square foot police substation to general offices with associated parking on 1.83 acres. **Ord. 15-022 will rezone 1.83 acres from S (Suburban) to CR (Commercial Regional)** and will amend the 2012 Comprehensive Development Plan consistent therewith. CD 2.

App. 2014-0700-S/Z. North side Ogletown Road (SR 273), south side CSX Railroad, and west of Ruthar Drive. Exploratory Major Land Development Plan, Rezoning and PLUS Review for **The Avon Site**. The plan proposes to rezone 45.5 acres from I (Industrial) to CR (Commercial Regional) for a 616,900 gross floor area mixed use development with retail, office, restaurants, three-story residential apartments, and a parking garage. **Ord. 15-004 will rezone 45.5 acres from I (Industrial) to CR (Commercial Regional)**. CD 5.

OTHER BUSINESS

REPORT OF COMMITTEES

REPORT OF GENERAL MANAGER

REPORT OF CHAIRMAN

OTHER BOARD MEMBER COMMENTS

COMMENTS FROM THE PUBLIC

ADJOURNMENT

*** PENDING APPLICATIONS ***

PUBLIC RECORD OPEN – The application below has already been presented at a public hearing. The public record is now held open for submission of written comments until July 2, 2015. The tentative date of the business meeting at which the Department and Planning Board will present recommendations is July 21, 2015.

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.

Address comments to: Department of Land Use, Zoning Section, 87 Reads Way, New Castle DE 19720 or LandUse@nccde.org

New Castle County
DEPARTMENT OF LAND USE and PLANNING BOARD
Public Hearing Register
BUSINESS MEETING
JUNE 16, 2015
(date)

IMPORTANT: PLEASE PRINT

Application No. _____

1. FRED WITIG
Name
910 S. CHAMPEL ST
Street Address
MEUNAK DE 19713
City State Zip

2. MICHAEL HOFFMAN
Name
100 W Commons BLVD SUITE 415
Street Address
NEW CASTLE DE
City State Zip

3. SHAWN TUCKER
Name
DRINKER BIDDLE
Street Address
WILM DE 19810
City State Zip

4. J. Healy
Name
Perkins
Street Address
Pen De
City State Zip

5. _____
Name

Street Address

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14. _____
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Street Address

City State Zip

FINAL
MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
June 16, 2015

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, June 16, 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 9:02 a.m.

The following Board members were present:

Sandra Anderson
David Sheppard
Ruth Visvardis

Linda Porras-Papili
Robert Snowden
Arthur Wilson

The following Board members were absent:

Leone Cahill
William McGlinchey

Richard Killingsworth

Planning Board Attorney, Department of Law

Monica Horton

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

George Haggerty
Reed Macmillan
Matthew Rogers
Brad Shockley
Janet Vinc

Valerie Cesna
Philip McBride
Antoni Sekowski
Shawn Soviak

Public in attendance:

Jerome Heisler
Shawn Tucker

Michael Hoffman
Fred Wittig

MINUTES

On motion by Mr. Sheppard, seconded by Ms. Visvardis, the Board voted to approve the minutes of the May 19, 2015 business meeting as written. The motion passed by a vote of **5-0-1-3** (Yes: Anderson, Porras-Papili, Sheppard, Visvardis, Wilson; No: none; Abstaining: Snowden; Absent: Cahill, Killingsworth, McGlinchey).

DEFERRALS --

None.

BUSINESS -

App. 2015-0017-S/Z. South side Wrangle Hill Road (SR 72), east side Red Lion Road (SR 71). Exploratory Minor Land Development Plan, Rezoning and PLUS Review for Convenience Store and Bank at **3601 Wrangle Hill Road**. The plan proposes to consolidate three tax parcels into two and to construct 4,685 square foot convenience store and gas pumps and a 4,800 square foot bank with drive-through on 10.75 acres. **Ord. 15-021 will rezone 10.75 acres from NC 21 (Neighborhood Conservation) to CN (Commercial Neighborhood)** and will amend the 2012 Comprehensive Development Plan consistent therewith. CD 12.

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 recommended **CONDITIONAL APPROVAL** of Ordinance 15-021 subject to the following changes to the site design:

1. Remove the bank building and all associated improvements, including the drive-in aisle and bypass lane, from the riparian buffer area.
2. Architectural materials of the convenience store and the bank should reflect the local vernacular as exhibited at the historic Peter Williams House located on the southwest corner of SR 71/SR 72 in the Traditions of Jester Crossing. The applicant will need to work with the Department for final approval of architectural materials. The existing architectural renderings have been shown to the community and have established an expectation. Blending local vernacular with the proposed design will require input from the community and collaboration with all stakeholders.

The Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Mr. Wilson, seconded by Linda Papili, the Board voted to recommend **CONDITIONAL APPROVAL** of Application 2015-0017-S/Z (Ordinance 15-021) subject to the conditions recommended by the Department of Land Use. The motion was adopted by a vote of **6-0-3** (Yes: *Anderson, Porras-Papili, Sheppard, Snowden, Visvardis, Wilson*; No: none; Absent: *Cahill, Killingsworth, McGlinchey*).

In discussion preceding the vote the following comments were offered:

Mr. Sheppard mentioned that many of public comments related to a traffic situation on SR 71 in front of Jester Crossing where one of the proposed entrances to the convenience store would be located. He asked what can be done to ease the ingress/egress problems and whether there had been more discussion on this topic. *George Haggerty, Acting General Manager, said discussions with DeIDOT on this issue and other traffic issues are ongoing and will be resolved before the application is transmitted to County Council.*

Mr. Snowden said he recalled the applicant offering to make improvements beyond the boundary of the project to ease the traffic congestion and Mr. Haggerty agreed the applicant made that representation at the hearing.

Ms. Visvardis questioned whether allowing the two entrances to cross the wetlands is appropriate. Mr. Haggerty stated that the Code provides for allowing access to cross protected resources. In this case it is advisable to allow such crossing in order to locate the entrances as far as possible from the intersection. This code provision is referred to as "essential access."

App. 2015-0047-S/Z. Northeast side Brandywine Parkway, north of Bridle Drive. Exploratory Minor Land Development Plan, Rezoning and PLUS Review for **3001 Brandywine Parkway**. The plan proposes to convert the former 5,000 square foot police substation to general offices with associated parking on 1.83 acres. **Ord. 15-022 will rezone 1.83 acres from S (Suburban) to CR (Commercial Regional)** and will amend the 2012 Comprehensive Development Plan consistent therewith. CD 2.

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 was of the opinion that the standards are met by this proposal.

The Department of Land Use recommended **CONDITIONAL APPROVAL** of Ordinance 15-022 with the following condition:

1. That the applicant deed restricts the parcel to limit the permissible commercial uses on this site to administrative offices supporting the Brandywine Town Center.

The Planning Board considered the recommendation offered by the Department of Land Use and comments made by the public. The Planning Board considered the Department of Land Use analysis and reasoning and 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 5-1-3 (YES: *Anderson, Sheppard, Snowden, Visvardis, Wilson*; NO: *Porras-Papili*; ABSENT: *Killingsworth, Cahill, McGlinchey*.)

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

Ms. Porras-Papili and Ms. Visvardis asked how difficult would it be to change the use of the site after being deed restricted. George Haggerty, Acting General Manager, stated that the deed restriction would be in favor of the County and therefore would have to follow the process outlined in Section 40.31.130 of the UDC. Ms. Anderson, questioned the rationale for rezoning the site to Commercial Regional as opposed to an Office classification. Matthew Rogers, Department of Land Use, responded that it was due to maintaining consistency in zoning pattern.

App. 2014-0700-S/Z. North side Ogletown Road (SR 273), south side CSX Railroad, and west of Ruthar Drive. Exploratory Major Land Development Plan, Rezoning and PLUS Review for **The Avon Site**. The plan proposes to rezone 45.5 acres from I (Industrial) to CR (Commercial Regional) for a 616,900 gross floor area mixed use development with retail, office, restaurants, three-story residential apartments, and a parking garage. **Ord. 15-004 will rezone 45.5 acres from I (Industrial) to CR (Commercial Regional).** CD 5.

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 was of the opinion that the standards are met by this proposal.

The Department of Land Use recommended **CONDITIONAL APPROVAL** of Ordinance 15-004 with the following conditions:

1. That the applicant continues to work with the Department of Land Use to integrate the residential component of the site with the commercial portion thru design elements mutually agreed upon.
2. The plan includes a well-buffered shared-use pathway constructed to DelDOT standards across the project's site frontage, as well as provisions for a future shared-use pathway among the intersection upgrades identified in the TIS at Red Mill Road and Ruthar Drive.
3. The applicant provide a six (6) foot tall opaque chain link or higher quality fence along the northern property line providing a barrier to reduce potential safety problems due to the proximity of housing units to the freight rail line.
4. All submissions related to this site be subject to and reviewed by the Department of Land Use for implementation of the following agreed upon design guidelines:
 - a. Buildings height of and roof styles are to be varied.
 - b. Roof lines are to be broken up with smaller scaled architectural elements.
 - c. Buildings are to be articulated in a manner that creates shadow lines and defined out door areas.
 - d. Exteriors color schemes are to be varied but complimentary.
 - e. Buildings shall employ fenestration to provide a sense of continuity while allowing individuality of buildings.
 - f. Building materials are varied giving them an identity without creating disturbance and unbalance.
 - g. Service areas, utility spaces and other equipment are concealed with building or landscape features.
 - h. Public spaces shall include appropriate amenities where shoppers, restaurant patrons or residents can meet and enjoy the community.

- i. Landscaping shall be used to accentuate architectural features, specific site features and create defined pedestrian gathering places. Also use landscaping to screen utility and other required adjacent equipment.
- j. Hardscape patterns and colors shall be used to define walkways, gathering areas to break up the monotony of large expanses of walking and driving areas.
- k. Physical elements of the streetscape shall be coordinated (benches, bollards, trash receptacles, street signs, curb/sidewalk details, tree planters/pots, hydrants, transformers...etc.) to insure that the pedestrian experience is safe and enjoyable.

The Planning Board considered the recommendation offered by the Department of Land Use and comments made by the public. The Planning Board considered the Department of Land Use analysis and reasoning and on a motion by Mr. Sheppard and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 15-004, subject to the conditions listed in the Department of Land Use recommendation. The motion was adopted by a vote of **6-0-3** (YES: *Anderson, Porras-Papili, Sheppard, Snowden, Visvardis, Wilson*; NO: *none*; ABSENT: *Killingworth, Cahill, McGlinchey*.)

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

Mr. Snowden, addressed the point made by Mr. Dunn that, based on it being adjacent to the rail line would be an asset in continuing its industrial classification. In response to this brought attention to the economic shift away from heavy industry and the unlikelihood of a site this size constructing a rail spur.

OTHER BUSINESS

None.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

George Haggerty, Acting General Manager, reported on the following topics:

UDC Update – The second public workshop is scheduled for June 24, 2015 at the Christiana Fire Hall. The topic introduced at the first workshop - guiding principles, neighborhood preservation, and economic development – will be further discussed and refined. This is a continuing process that is tentatively planned for completion in the Spring of 2016.

Compassion Center – New Castle County will soon be getting its first compassion center, a dispensary for medical marijuana. The County Executive is concerned and has suggested that the Department hold a public hearing to learn about citizens' concerns regarding this new use. Mr. Haggerty asked the Board if it would consider co-hosting such a hearing during one its regularly scheduled public hearings. After some discussion, it was decided to schedule it for the August 4, 2015 hearing.

REPORT OF CHAIRPERSON

Acting Chair Sandra Anderson noted a bill in the Delaware State legislature known as S.B. 130 is under consideration and asked Mr. Haggerty for some background information. Mr. Haggerty explained this proposal is for a voluntary process to be administered by DelDOT to create districts that would incorporate multi-modal concerns into the development process. He said the Department intends to draft a position paper in time for the State senate's consideration of this bill on Wednesday.

Route 141 Workshop is scheduled for June 17, 2015 at A.I du Pont High School.

OTHER BOARD MEMBER COMMENTS

None.

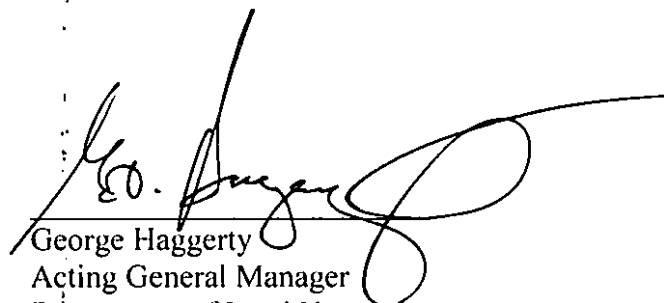
COMMENTS FROM THE PUBLIC

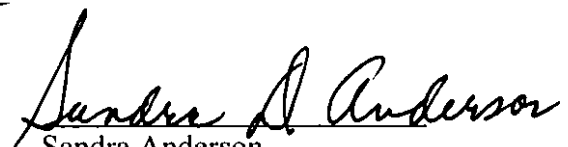
None.

ADJOURNMENT

The Board voted to adjourn the meeting at 10:18 a.m.

ATTEST:


George Haggerty
Acting General Manager
Department of Land Use


Sandra Anderson
Acting Chair
Planning Board