

FINAL
MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
May 19, 2015

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, May 19, 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 Richard Killingsworth, Chairman, at 9:10 a.m.

The following Board members were present:

Sandra Anderson	Leone Cahill
Richard Killingsworth	Linda Porras-Papili
David Sheppard	Ruth Visvardis
Arthur Wilson	

The following Board members were absent:

William McGlinchey	Robert Snowden
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Planning Board Attorney, Department of Law

Monica Horton

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

Eileen Fogarty	George Haggerty
Valerie Cesna	Ken Bieri
Antoni Sekowski	

Public in attendance:

Jerome Heisler

MINUTES

On motion by Ms. Anderson, seconded by Ms. Cahill, the Board voted to approve the minutes of the April 21, 2015 business meeting as written. The motion passed by a vote of **4-0-3-2** (Yes: Anderson, Cahill, Killingsworth, Porras-Papili; No: none; Abstaining: Sheppard, Visvardis, Wilson; Absent: McGlinchey, Snowden).

DEFERRALS –

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.

BUSINESS -

App. 2015-0172-D. Brandywine Town Center grounds east of Concord Pike (US 202), west of Brandywine Parkway and south of Beaver Valley Plaza. **To Amend a Declaration of Restrictions** dated February 12, 1991 by Brandywine Raceway Associates Inc. et al in association with a rezoning from R-1-C and R-2 to C-3 by Ord. 90-27. The declaration was subsequently amended June 13, 1999 and September 25, 2008 by Acadia Brandywine Subsidiary LLC et al in association with construction of **Brandywine Town Center**. The current amendment is to relocate 0.46 acre of parkland to another location within Brandywine Town Center to allow construction of a new building abutting Concord Pike and adjacent to Brandywine Town Center as proposed in App. 2015-0048 for **AAA Car Care Center**. CR (Commercial Regional) zoning. CD 2.

The Department of Land Use considered the standards in Section 40.31.130.D of the New Castle County Code and public comments. Based on this analysis the Department recommended **DENIAL** of the proposed deed restriction change to relocate 0.47 acres of parkland within Brandywine town Center.

The Planning Board voted to agree with the Department of Land Use analysis and reasoning. On a motion by Mr. Sheppard, seconded by Ms. Visvardis, the Board voted to recommend **DENIAL** of the Declaration of Restrictions change application. The motion was adopted by a vote of 7-0-2 (Yes: Anderson, Cahill, Killingsworth, Porras-Papili, Sheppard, Visvardis, Wilson; No: None; Absent: McGlinchey, Snowden).

In discussion preceding the vote, the Board offered the following comments.

Mr. Sheppard said that after hearing the applicant's presentation at the hearing two weeks ago, the requested change to the deed restriction struck him as a "legal fiction" since they are proposing to dedicate land that nothing can be done with anyway. He noted the proposed new parkland dedication is already greenspace in an area of the town center that cannot be utilized. Further, he said after hearing the Department's analysis, and knowing now that the strip of land has so many environmental and physical impediments, this once again reinforces his opinion that the proposed dedication is a legal fiction. He said removing the grove of trees to create the AAA parking lot would destroy a nice buffer between the town center and Concord Pike. He noted also that the proposed change does not include reclaiming any paved areas.

Mr. Wilson agreed with Mr. Sheppard, but took a stronger stance on preserving the existing dedicated parkland. He said that parkland needs to stay exactly where it is – it is a prime piece of greenspace.

Mr. Killingsworth asked if the parcel where the AAA Car Care Center is proposed can be developed if it meets the parking requirement for the size building that could fit there. He asked what size building could be constructed with onsite parking and no further expansion of the parcel. The Department did not have a calculation for the building size, but reiterated its position that the commercial parcels on Concord Pike should be developed according to the dimensional requirements for the zoning district and without taking existing parkland.

OTHER BUSINESS

None.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Eileen Fogarty said The Avon Site (App. 2014-0700-S/Z) was deferred because there were many technical issues that required additional attention, but the project will be back in front of the Planning Board next month.

Ms. Fogarty provided an update on the status of special planning projects that are underway, including:

1. UDC Update: The second public workshop will be held on June 24 in the evening at the Christiana Fire Station. She urged PB members to participate in this process. Mr. Killingsworth asked Counselor Horton what restrictions the Board members would be under if they attend the workshop. Ms. Horton said to be safe under FOIA public notice should be provided indicating Planning Board members will be present at the workshop. Further, she advised PB members against having discussions with each other at the workshop to avoid the appearance that the members are having a meeting.
2. Route 141 Planning Study: meeting will be held at 5:30 p.m. on June 19 at A.I. du Pont High School. This is a WILMAPCO project with NCC and DelDOT participation.
3. Route 40/Glasgow Study (WILMAPCO project)
4. Red Clay Valley Scenic Byway Study (WILMAPCO project)
5. North Claymont Study – (WILMAPCO project) This study will include consideration of the proposed redevelopment of the EVRAZ site and Tri-State Mall.

REPORT OF CHAIRMAN

Mr. Killingsworth thanked Eileen Fogarty for her leadership and innovative planning efforts, and wished her well in future endeavors.

OTHER BOARD MEMBER COMMENTS

Ms. Porras-Papili expressed interest in hearing more from DE HEAL regarding pedestrian connections to development projects, particularly in regard to the proposed Avon Site project.

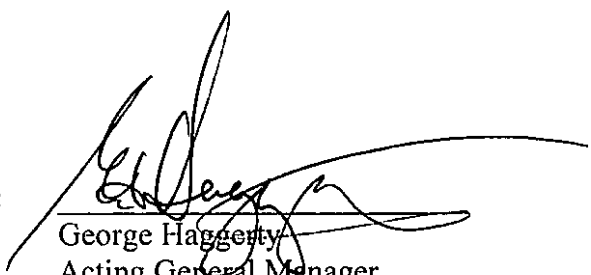
COMMENTS FROM THE PUBLIC

None.

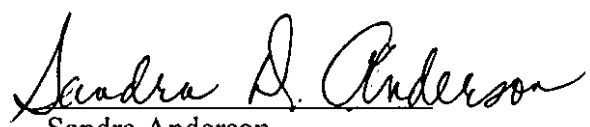
ADJOURNMENT

The Board voted to adjourn the meeting at 10:05 a.m.

ATTEST:



George Haggerty
Acting General Manager
Department of Land Use



Sandra Anderson
Acting Chairperson
Planning Board