

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

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, April 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 9:00 a.m.

The following Board members were present:

Sandra Anderson  
Richard Killingsworth (9:08)  
Linda Porras-Papili

Leone Cahill  
William McGlinchey  
Robert Snowden

The following Board members were absent:

David Sheppard  
Arthur Wilson

Ruth Visvardis

Planning Board Attorney, Department of Law

Monica Horton

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

Eileen Fogarty  
Valerie Cartolano  
Joe Abele

George Haggerty  
Ken Bieri  
Janet Vinc

Other County employees present:

Michael Coupe, Finance Department

Public in attendance:

Herb Inden  
Kendall Sommers  
Andrea Trabelsi  
Fran Tacone

Sophia Tarabicos  
Jonathan Kirch  
Patti Miller

## MINUTES

On motion by Ms. Cahill, seconded by Mr. Snowden, the Board voted to approve the minutes of the March 17, 2015 business meeting as written. The motion passed by a vote of **5-0-4** (Yes: Anderson, Cahill; McGlinchey, Porrás-Papili Snowden; No: none; Absent: Killingsworth, Sheppard, Visvardis, Wilson).

## DEFERRALS -

**App. 2014-0700-S/Z.** North side Ogleton 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 -

**Capital Program and Budget, Fiscal Year 2016-2021.** Michael Coupe, Chief Financial Officer, made a brief presentation. The Department of Land Use provided a joint recommendation report on the Capital Program and Budget.

The Department of Land Use recommended that the proposed Capital Program and Budget is based on sound land use planning principles and is in accordance with the 2012 Comprehensive Land Development Plan, and recommended that New Castle County Council approve the New Castle County Capital Program and Budget for Fiscal Years 2016-2021.

On a motion by Ms. Anderson, seconded by Mr. McGlinchey, the Planning Board voted to **APPROVE** the joint recommendation report on the Capital Program and Budget by a vote of **6-0-3** (Yes: Anderson, Cahill, Killingsworth, McGlinchey, Porrás-Papili Snowden; No: none; Absent: Sheppard, Visvardis, Wilson).

**App. 2015-0106-D.** South side Stanton-Ogleton Road (SR 4), west side of Samoset Drive. To amend a Declaration of Cross Easements and Shared Parking, dated June 18, 1992, by Bellview Properties and associated with a plan of Westgate Corporate Center of Delaware, Phase 1. The proposed amendment for Bank of America, N.A. will remove **1000 Samoset Drive** from the Declaration's requirements. A record minor land development plan for Bank of America at Christiana Center dated July 1, 2014 (Instrument No. 20141121-0052361) subdivided 1000 Samoset Drive as Lot 1 and it will no longer utilize the facilities regulated by the declaration. NCpud (Planned Unit Development). CD 1.

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 **APPROVAL** of the deed restriction change to remove 1000 Samoset Drive from the existing declaration.

The Planning Board considered the analysis and reasoning offered by the Department of Land Use report and on a motion by Ms. Cahill, seconded by Ms. Anderson, the Board voted to recommend **APPROVAL** of the Declaration of Restrictions change application. The motion was adopted by a vote of **6-0-3** (Yes: Anderson, Cahill, Killingsworth, McGlinchey, Porras-Papili Snowden; No: none; Absent: Sheppard, Visvardis, Wilson).

In discussion preceding the vote the following comments were offered:

Mr. Snowden was absent from the public hearing for this application, but stated he had read the hearing transcript and was prepared to participate in this discussion and vote.

Ms. Porras-Papili asked for verification that this parcel had already been rezoned and approved for development as a convenience store and restaurant with separate access and parking. Valerie Cesna, Department of Land Use Planner, explained that a land development plan for a convenience store and restaurant with associated parking dedicated to these uses was recorded in 2014. The project did not require a rezoning; it was reviewed in the context of the larger DPUD plan from which this parcel was subdivided.

Ms. Anderson asked in follow up to a comment made at the hearing, whether this property was previously undeveloped and whether the commenter's statement about nothing having been built for five years after the plan was recorded, is now an issue. George Haggerty, Department of Land Use Assistant General Manager, noted this property had a DPUD plan approved with certain rights to develop it and those rights were exercised years ago. This parcel is a piece that was sold off and new plan recorded for it according to established procedures. Further, he stated the only issue before the Planning Board is the question of removing this parcel from the Declaration that pertains to the larger tract from which it was subdivided.

## **OTHER BUSINESS**

Presentation by DE HEAL: "Land Use Planning for Active Recreation, Health, and Quality of Life"

Andrea Trabelsi presented information on the link between the environment and public health and how recreational opportunities might be provided through land use planning. Kendall Sommers described the State Parks GIS mapping system, which illustrates and measures access to publically accessible recreational areas. She showed how this information identifies underserved areas and barriers to access, and how this information helps to prioritize funding for projects. Patti Miller spoke to the need to capture these public health issues as part of the land use planning process in both the Comprehensive Land Development Plan and the Unified Development Code. Recommended actions included: 1) Strengthening the Comprehensive Plan to include measurable healthy community objectives; 2) adding connectivity and access requirements to development projects during plan review; and 3) requiring connectivity and access features in projects when requesting a variance.

In discussion following the presentation Board members suggested adding the DNREC trail map to the County's online GIS mapping system. The problem of homeowner opposition to trails

near homes was debated and everyone noted that public school athletic fields are often off-limits to surrounding communities.

### REPORT OF COMMITTEES

(No committees.)

### REPORT OF GENERAL MANAGER

Eileen Fogarty reported on the success of the March 26, 2015 public workshop that served as the kick off for the Unified Development Code update.

### REPORT OF CHAIRMAN

No report.

### OTHER BOARD MEMBER COMMENTS

None.

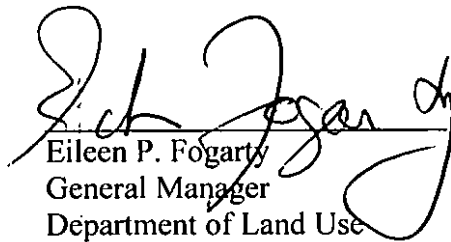
### COMMENTS FROM THE PUBLIC

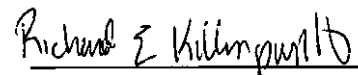
Jonathan Kirch, representing the American Heart Association, spoke in follow up to the presentation made by DE HEAL and noted that when the economy dipped the most resilient communities tended to be the ones that were well connected to local amenities. Fran Tacone, with DE HEAL, mentioned her role in focusing on access to healthy food.

### ADJOURNMENT

The Board voted to adjourn the meeting at 10:35 a.m.

ATTEST:

  
Eileen P. Fogarty  
General Manager  
Department of Land Use

  
Richard E. Killingsworth  
Chairman  
Planning Board