

**AGENDA
NEW CASTLE COUNTY
PLANNING BOARD BUSINESS MEETING
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
June 20, 2017
9:00A.M.**

ROLL CALL

MINUTES – April 18, 2017
(May 16, 2017 meeting was canceled)

DEFERRALS –

BUSINESS

App. 2016-0494-S/Z. North side Christiana Road, 1,500 feet west of Churchmans Road Extension. Exploratory Minor Land Development Plan, Rezoning, and PLUS Review for **100 Christiana Road** proposes to rezone the parcel from ON to CN to construct a 4,592 SF retail building. **Ord. 16-137 will rezone 0.89 acres from ON (Office Neighborhood) to CN (Commercial Neighborhood).** CD 7.

OTHER BUSINESS

REPORT OF COMMITTEES

REPORT OF GENERAL MANAGER

REPORT OF CHAIRMAN

OTHER BOARD MEMBER COMMENTS

COMMENTS FROM THE PUBLIC

ADJOURNMENT

***** PENDING APPLICATIONS *****

There are no pending applications.

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

New Castle County
DEPARTMENT OF LAND USE and PLANNING BOARD
Public Hearing Register

JUNE 20, 2017
(date)

IMPORTANT: PLEASE PRINT

Application No. _____

1. Michelle Gallo (Tardabico's Grasso)
Name
100 W. Common Blvd
Street Address
New Castle DE
City State Zip

8. _____
Name

Street Address

City State Zip

2. _____
Name

Street Address

City State Zip

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City State Zip

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 20, 2017**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, June 20, 2017 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 Acting Chair Sandra Anderson at 9:01 a.m.

The following Board members were present:

Sandra Anderson	Leone Cahill
Joseph Montgomery	Linda Porras-Papili
David Sheppard	Ruth Visvardis

The following Board members were absent:

Richard Killingsworth	William McGlinchey
Robert Snowden	

Planning Board Attorney, Department of Law

Jordan Perry

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

Valerie Cesna	Kate Clark
George Haggerty	Antoni Sckowski

The following members of the public were in attendance:

Shawn Tucker	Michelle Gallo
Francesco Conigliaro	

MINUTES

On motion by Mr. Montgomery, seconded by Mr. Sheppard, the minutes of the April 18, 2017 meeting were approved as written by a vote of 6-0-3 (YES: Anderson, Cahill, Montgomery, Papili, Sheppard, Visvardis; NO: none; ABSENT:, Killingsworth, McGlinchey, Snowden).

DEFERRALS – None.

BUSINESS -

App. 2016-0494-S/Z. North side Christiana Road, 1,500 feet west of Churchmans Road Extension. Exploratory Minor Land Development Plan, Rezoning, and PLUS Review for **100 Christiana Road** proposes to rezone the parcel from ON to CN to construct a 4,592 SF retail building. **Ord. 16-137 will rezone 0.89 acres from ON (Office Neighborhood) to CN (Commercial Neighborhood).** CD 7.

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.

From the earliest stage of review the question of the entrance location had governed the design of this project and the Department was still encouraging the applicant to work out this issue. A cross access agreement is key to a better site design and is worth taking time to pursue at this stage of the review process. If a cross access agreement and revised plan cannot be accomplished, the Department recognized that the current site plan is the best that can be achieved under the existing limitations.

The Department of Land Use recommended **CONDITIONAL APPROVAL** of Ordinance 16-137 subject to the following items:

- 1. Delineate the locations of future cross access easements with the adjoining Walker Farm on the west and the adjoining office complex on the east.**
- 2. Continue to engage the adjoining office/mall property owner in discussion to pursue a cross access agreement including a shared entrance and a potential to incorporate this arrangement into a revised land development plan for this project that would include the same size building and number of parking spaces.**
- 3. The conceptual architectural rendering submitted by the applicant will serve as the basis for the final design to be approved by the Department after additional meetings with the applicant. The design and materials should continue on all sides of the building.**

The Planning Board considered the recommendation offered by the Department of Land Use.

Preliminary Discussion –

Mr. Sheppard and Ms. Visvardis expressed discomfort with Condition 2 being aspirational rather than tied to a specific design change. Mr. Sheppard questioned whether it is reasonable to make a condition that may not be possible to achieve.

George Haggerty, Department of Land Use Assistant Manager, explained why the Department includes that condition. He said that based on the Department's review, as well as what was expressed at the public hearing, the Department went back to the applicant and encouraged them to reinitiate conversation with the office/mall neighbor because there is potential to produce a better plan. The applicant did follow through and the conversations are promising. The Department wants to keep the options open if the applicant is able to complete those discussions successfully. The Department having already delayed this recommendation 30 days in an attempt to continue pursuit of a better design thinks it is appropriate to give the applicant some sense of whether the rezoning is possible while at the same time working at improving the site design.

Based on Mr. Haggerty's explanation, Mr. Sheppard said it appears Condition 2 represents a good faith effort to obtain the cross access easements, but will not be held against the applicant if they are not successful.

Mr. Haggerty noted Condition 2 suggests one other thing: If the applicant is successful in obtaining the cross access agreements, the current site design will be adjusted somewhat – the current design may not be the final design, but will have similar features of buildings, parking areas, and drive aisles.

MOTION

On a motion by Mr. Montgomery, seconded by Ms. Cahill, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 16-137 (App. 2016-0494-S/Z) with the same conditions stated by the Department of Land Use. The motion was adopted by a VOTE of 6-0-3 (YES: *Anderson, Cahill, Montgomery, Porras-Papili, Sheppard, Visvardis*; NO: *none*; ABSENT: *Killingsworth, McGlinchey, Snowden*).

In discussion preceding the vote, the following comments were offered:

Ms. Cahill had not attended the public hearing for this application, but noted she had read the hearing transcript.

Ms. Visvardis had a question regarding the orientation of the façade shown on the architectural rendering in relation to Route 273 and it was explained the rendering illustrates the front of the building as viewed from Route 273.

Mr. Sheppard asked, if the cross access easement is obtained, is it to be expected that there would be a point of ingress and egress near the rear of the property and a point of egress at the front of the property.

Mr. Haggerty pointed out on the site plan the location of the neighboring entrance drive where it is hoped shared access will be obtained. He also suggested that the applicant may also want a rights-out exit at the front of the property. However, any point of access on route 273 will be subject to DelDOT approval.

Mr. Sheppard asked whether the applicant is amenable to redesigning the traffic pattern for the site. Mr. Haggerty said they are amenable.

OTHER BUSINESS

None.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Mr. Haggerty announced the UDC Update public workshop will be held June 28 from 6:00 to 8:00 p.m. at Christiana Fire Hall. Presentations and discussion will focus on site design and process. Main topics are to include sunsetting of record plans, vacating record plans, and administrative review for minor changes. Design topics will focus on landscaping and better overall site design.

REPORT OF CHAIRPERSON

None.

OTHER BOARD MEMBER COMMENTS

None.

COMMENTS FROM COUNSEL

Jordan Perry, Counsel to the Planning Board announced an ethics training session is scheduled for the September business meeting.

Ms. Perry also commented on meeting procedure – She said that while it has been the Planning Board’s practice to propose a motion before engaging in discussion, it may be helpful to engage in discussion first to better inform the content of a motion.

Ms. Anderson said she thought Robert’s Rules of Order says that a motion has to be on the floor before discussion can occur, but said she would prefer to have some discussion first. Other board members agreed that having discussion first would be helpful. Ms. Perry was asked to research this question regarding Robert’s Rules of Order.


COMMENTS FROM THE PUBLIC

None.

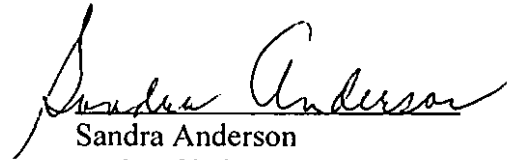
ADJOURNMENT

The Board voted to adjourn the meeting at 9:42 a.m.

ATTEST:



Richard E. Hall, AICP
General Manager
Department of Land Use



Sandra Anderson
Acting Chair
Planning Board