

**AGENDA  
NEW CASTLE COUNTY  
PLANNING BOARD BUSINESS MEETING  
DEPARTMENT OF LAND USE - NEW CASTLE ROOM  
87 READS WAY, NEW CASTLE, DELAWARE  
JANUARY 17, 2017  
9:00A.M.**

**ROLL CALL**

**MINUTES** – December 20, 2016

**DEFERRALS** –

**BUSINESS**

**App. 2013-0660-S/Z:** East side of Glasgow Avenue, South side of Pulaski Highway (US 40), and west side SR 896, Pencader Hundred. Exploratory Major Land Development Plan, Rezoning, and PLUS Review for **Glasgow Avenue** proposes to consolidate 14 parcels and rezone 5.65 acres from S (Suburban) to CR (Commercial Regional) to construct a 310,620 square foot shopping center with associated improvements on 30.94 acres. **Ord. 15-003 will rezone 5.65 acres from S (Suburban) to CR (Commercial Regional)** and amend the Comprehensive Plan consistent therewith. CD 11.

**App. 2015-0867-S/Z:** South side Silverside Road, 860 feet west of Marsh Road and north of Glenside Avenue. Exploratory Major Land Development Plan, Rezoning, and PLUS Review for **Forwood Commons**. The plan proposes to consolidate 11 parcels and rezone 11.46 acres from NCsd (Neighborhood Conservation – semi-detached) and NC15 (Neighborhood Conservation) to CN (Commercial Neighborhood) to construct a mixed use development including 38 townhouse units and 30,012 sf of commercial and retail uses. **Ord. 16-044 will rezone 11.46 acres from NCsd (Neighborhood Conservation – semi-detached) and NC15 (Neighborhood Conservation) to CN (Commercial Neighborhood)** and amend the Comprehensive Plan consistent therewith. CD 2.

**App. 2016-0679-Z.** West side of Concord Pike (US 202), north of Powder Mill Road (SR 141) and south of Sharpley Road, Brandywine Hundred. This is a proactive rezoning at **2304 Concord Pike** to change the zoning of the western-most portion of the site to reflect the existing and historical use of the property. **Ord. 16-109 will rezone 0.35 acre from NC15 (Neighborhood Conservation) to CN (Commercial Neighborhood)** and to amend the 2012 Comprehensive Development Plan consistent therewith. CD2.

**OTHER BUSINESS**

**REPORT OF COMMITTEES**

**REPORT OF GENERAL MANAGER**

**REPORT OF CHAIRMAN**

**OTHER BOARD MEMBER COMMENTS**

## COMMENTS FROM THE PUBLIC

### ADJOURNMENT

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#### \*\*\* 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 February 2, 2017. The tentative date of the business meeting at which the Department and Planning Board will present recommendations is February 21, 2017.

**App. 2016-0734-S/Z.** Southeast side I-95, northwest side Eagle Run Road, and 0.3 mile east of SR 273. Exploratory Major Land Development Plan and Rezoning Review for **Promenade at Christiana**. The purpose of this plan is to revise a previously approved and recorded Major Land Development Plan with Rezoning (App. 2007-0722-S/Z) and to reconfirm the CR zoning approved by County Council in July 2008 by Ord. 08-003. Former Section 40.31.114 of the *New Castle County Code* (which applies to former process plans) requires that all subsequent land development plans to a previously approved preliminary and rezoning plan be in strict conformity with the plan that was relied upon by County Council when it granted the rezoning. This plan proposes to revise the previous plan by altering the layout of the formerly proposed 443,300 GFA retail center and redesigning it to a 403,110 GFA retail center pursuant to the redevelopment provisions in Section 40.08.11B of the *New Castle County Code*. **Ord. 16-136 will approve a revised exploratory plan for Promenade at Christiana to supersede the existing record plan (20130213-0010164) and reconfirm the rezoning of 45.71 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](mailto:LandUse@nccde.org)**

*FINAL*

**MINUTES - BUSINESS MEETING  
NEW CASTLE COUNTY PLANNING BOARD  
87 READS WAY, NEW CASTLE, DELAWARE  
January 17, 2017**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, January 17, 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 9:02 a.m.

The following Board members were present:

Sandra Anderson	Leone Cahill
William McGlinchey	Joseph Montgomery
David Sheppard	Ruth Visvardis

The following Board members were absent:

Richard Killingsworth	Linda Porrás-Papili
Robert Snowden	

Planning Board Attorney, Department of Law

Jordan Perry

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

Richard Hall	Antoni Sekowski
Reed Macmillan	Valerie Cesna
Matthew Rogers	Brad Shockley
Marco Boyce	Shane Bailey

The following members of the public were in attendance:

Joseph Setting	Larry Tarabicos
Sophia Tarabicos	Michael Hoffman

**MINUTES**

On motion by Mr. Montgomery, seconded by Ms. Visvardis, the minutes of the December 20, 2016 meeting were approved as written by a vote of 6-0-3 (YES: Anderson, Cahill, McGlinchey, Montgomery, Sheppard, Visvardis; NO: none; ABSENT:, Killingsworth, Papili, Snowden).

**DEFERRALS** – None.

## BUSINESS -

**App. 2013-0660-S/Z:** East side of Glasgow Avenue, South side of Pulaski Highway (US 40), and west side SR 896, Pencader Hundred. Exploratory Major Land Development Plan, Rezoning, and PLUS Review for **Glasgow Avenue** proposes to consolidate 14 parcels and rezone 5.65 acres from S (Suburban) to CR (Commercial Regional) to construct a 310,620 square foot shopping center with associated improvements on 30.94 acres. **Ord. 15-003 will rezone 5.65 acres from S (Suburban) to CR (Commercial Regional)** and amend the Comprehensive Plan consistent therewith. CD 11.

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 15-003 with the following condition:

- As the Glasgow Avenue Main Street Study progresses, the applicant shall consult the recommendations of the study and provide a package of design standards to the Department of Land Use. The Department shall review and approve the design standards prior to record plan approval.

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

On a motion by Mr. Montgomery, seconded by Ms. Cahill, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 15-003 (App. 2013-0660-S/Z). The motion was adopted by a vote of 5-1-0-3 (Yes: *Anderson, Cahill, McGlinchey, Montgomery, Visvardis*; No: *Sheppard*; Abstain: none; Absent: *Killingsworth Porras-Papili, Snowden*).

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

Mr. Sheppard questioned as to the contribution of land for Glasgow Avenue improvements cited in the Draft Recommendation. The Final Recommendation has been updated to clarify that contribution is financial in nature.

**App. 2015-0867-S/Z:** South side Silverside Road, 860 feet west of Marsh Road and north of Glenside Avenue. Exploratory Major Land Development Plan, Rezoning, and PLUS Review for **Forwood Commons**. The plan proposes to consolidate 11 parcels and rezone 11.46 acres from NCsd (Neighborhood Conservation – semi-detached) and NC15 (Neighborhood Conservation) to CN (Commercial Neighborhood) to construct a mixed use development including 38 townhouse units and 30,012 sf of commercial and retail uses. **Ord. 16-044 will rezone 11.46 acres from NCsd (Neighborhood Conservation – semi-detached) and NC15 (Neighborhood Conservation) to CN (Commercial Neighborhood)** and amend the Comprehensive 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 is of the opinion that the standards are met by this proposal.

The Department of Land Use recommended **CONDITIONAL APPROVAL** of Ordinance 16-044 subject to the following items:

1. The applicant shall create a means for the long term maintenance of the Forwood Schoolhouse replica and make it available for public use.
2. The applicant shall provide a pedestrian connection to Glenside Avenue in the form of a five (5) foot wide concrete sidewalk.
3. The applicant shall investigate the potential to provide a hard-surfaced pedestrian connection into Graylyn Crest, Section 2 for the purpose of providing access to local parks.
4. The architectural renderings submitted by the applicant will serve as the basis for the final design to be approved by the Department.

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

On a motion by Ms. Visvardis, seconded by Mr. Montgomery, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 16-044 (App. 2015-0867-S/Z) with the same conditions recommended by the Department of Land Use. The motion was adopted by a vote of **6-0-3** (YES: *Anderson, Cahill, McGlinchey, Montgomery, Sheppard, Visvardis*; NO: *none*; ABSENT: *Killingsworth, Porras-Papili, Snowden*)

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

Mr. Montgomery noted he was not in attendance at the December 6, 2016 public hearing, but he had read the hearing transcript and was prepared to participate in this application.

The Board's questions and discussion focused on two of the conditions recommended by the Department.

Condition 1 – Regarding creation of a means for the long term maintenance of the schoolhouse replica.

A few of the Board members asked who will pay for long term maintenance of the school and how will the arrangements will be made or approved.

Valerie Cesna, Department of Land Use planner, mentioned that at the hearing the applicant stated his intension to come up with a plan, but had not yet worked out the details. He also mentioned that the small park area where the school will sit would be retained as an element of the commercial component which will be retained by the developer and maintained as part of that complex since the townhouses will be condominium units. The intent of the condition is to work out those details as review of the exploratory plan continues to final design.

Condition 3 – Regarding investigating the potential for a pedestrian connection to Graylyn Crest, Section 2.

Ms. Cahill asked if residents of Graylyn Crest, Section 2 have expressed a desire for the pedestrian connection to the project. She also expressed concern that this project could be delayed over this issue.

Ms. Cesna said the potential for connection is under discussion simply as a larger goal to increase pedestrian connections in older suburban areas. However, because land or easements would need to be acquired, such a connection cannot be nailed down as an element of this project and will not hold up advancing the plan. She explained the purpose of the condition is to continue to look into the potential for such a connection during the remainder of the project review period.

Antoni Sekowski, Planning Manager, added that the district Councilman has had general discussions with the community regarding access to local parks and facilities, but we do not know if he has had specific discussion with the adjoining residents of Graylyn Crest, Sec. 2.

Other Board members suggested the soft language of Condition 3 only says that a pedestrian connection will be investigated, but not required. Mr. McGlinchey questioned why such a soft condition is even needed since the subject of pedestrian interconnection is likely a point of discussion with many projects.

Mr. McGlinchey asked how the conditions were decided upon and whether the applicant was aware of the conditions.

Marco Boyce, Department of Land Use planner, explained the Department has worked extensively with this developer on pedestrian and circulation features. He explained it is also important to note that vehicular cross access easements will be provided to both of the adjoining commercial properties so in the future these properties can be linked together. A new traffic signal at the Silverside Road entrance to the project will create a desire to interconnect with those properties.

**App. 2016-0679-Z.** West side of Concord Pike (US 202), north of Powder Mill Road (SR 141) and south of Sharpley Road, Brandywine Hundred. This is a proactive rezoning at **2304 Concord Pike** to change the zoning of the western-most portion of the site to reflect the existing and historical use of the property. **Ord. 16-109 will rezone 0.35 acre from NC15 (Neighborhood Conservation) to CN (Commercial Neighborhood)** and to amend the 2012 Comprehensive Development Plan consistent therewith. CD2.

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 **APPROVAL** of Ordinance 16-109.

The Planning Board considered the analysis and reasoning offered by the Department of Land Use in its recommendation. On a motion by Mr. Montgomery and seconded by Mr. Sheppard, the Board voted to recommend **APPROVAL** of Ordinance 16-109. The motion was adopted by a **vote of 5-0-1-3** (Yes: *Anderson, Cahill, Montgomery, Sheppard, Visvardis*; No: *none*; Abstain: *McGlinchey*; Absent: *Killingsworth, Porras-Papili, Snowden*).

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

Ms. Visvardis had Mr. Rogers explain what alterations to the site would require that it be brought into proportional compliance. Mr. Rogers explained that any change in the site resulting in an increase of 1,000 SF of GFA or more, as well as alterations to the existing parking area outlined in Section 40.22.614 would require proportional compliance.

## **OTHER BUSINESS**

None.

## **REPORT OF COMMITTEES**

None.

## **REPORT OF GENERAL MANAGER**

Richard Hall, the recently appointed General Manager of the Department of Land Use, introduced himself and said he looks forward to working with the Board.

Reed Macmillan, Assistant Land Use Manager, reported that the three Phase 1 UDC ordinances (Guiding Principles, Neighborhood Preservation Overlay District "NPOD", and Economic Empowerment District "EED") were adopted by County Council at its recent meeting, January 10, 2017. The Department is still working on the Phase 3 UDC updates. The next "Uber" meeting (focus group meeting) for those updates will likely be scheduled February 3, 2017. The main subject areas for the updates relate to planning review process and site design.

## **REPORT OF CHAIRPERSON**

None.

## **OTHER BOARD MEMBER COMMENTS**

Mr. McGlinchey asked the Board's counsel for advice on the proper way to recuse one's self from voting or participating on an application where the board member has a conflict of interest. In particular, he asked if it is preferable to state the reason for the conflict, or to stay silent on the nature of the conflict.

Jordan Perry, counsel to the Planning Board, said it is not necessary to state the reason for recusal.

There was a general discussion among the board members on this topic and it was suggested that Ms. Perry might offer an educational session at a future business meeting on ethics and procedure.

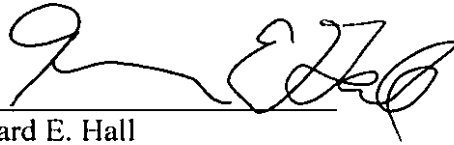
**COMMENTS FROM THE PUBLIC**

None.

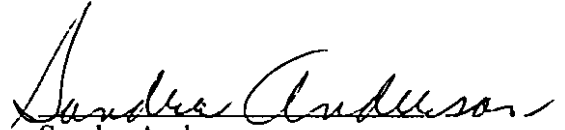
**ADJOURNMENT**

The Board voted to adjourn the meeting at 10:12 a.m.

**ATTEST:**



Richard E. Hall  
General Manager  
Department of Land Use



Sandra Anderson  
Acting Chair  
Planning Board