

**AGENDA
NEW CASTLE COUNTY
PLANNING BOARD BUSINESS MEETING
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
December 20, 2016
9:00A.M.**

ROLL CALL

MINUTES – November 15, 2016

DEFERRALS –

BUSINESS

App. 2013-0521-S/Z: West side of Old State Road, abutting west side of DuPont Parkway (US 13) and across from Llangollen Estates. Exploratory Major Land Development Plan and Rezoning Review for **Old State Road Self Storage**. The purpose of this plan is to revise a previously approved preliminary and rezoning plan for Old State Road Self Storage (2007-1227-S/Z) and to reconfirm the CR (Commercial Regional) zoning approved by County Council in May 2011 by Ord. 09-093. 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 development on the approved preliminary plan that was relied upon by County Council when it granted the rezoning. This plan proposes to revise the previous plan by reducing the number of storage buildings and reducing the total GFA from 48,350 to 30,300. **Ord. 16-090 will approve a revised preliminary plan for Old State Road Self Storage and reconfirm the rezoning of 13.51 acres from S (Suburban) to CR Commercial Regional).** CD 7.

App. 2016-0720-T: To Amend Chapter 40 of the New Castle County Code (also known as the Unified Development Code or "UDC") to Increase the Cap on Accessory Dwelling Units. **Ord. 16-117 is a text amendment to increase the number of building permits for ADUs from 0.2 to 0.4 percent of the total of single family detached homes.** CC Sponsor: Robert Weiner.

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 applications below have already been presented at a public hearing. The public record is now held open for submission of written comments until January 6, 2017. The tentative date of the business meeting at which the Department and Planning Board will present recommendations is January 17, 2017.

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.

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

FINAL

**MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
December 20, 2016**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, December 20, 2016 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 9:00 a.m.

The following Board members were present:

Sandra Anderson	Leone Cahill
Richard Killingsworth (9:04)	William McGlinchey
Joseph Montgomery	Linda Porras-Papili
David Sheppard (9:04)	Robert Snowden (9:03)
Ruth Visvardis	

The following Board members were absent:

No absentees

Planning Board Attorney, Department of Law

Jordan Perry

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

Antoni Sekowski	Valerie Cesna
Matthew Rogers	Reed Macmillan
Janet Vinc	

The following members of the public were in attendance:

Scott Lobdell	Michael Hoffman
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MINUTES

On motion by Mr. Montgomery, seconded by Ms. Papili, the minutes of the November 15, 2016 meeting were approved as written by a vote of 6-0-3 (YES: Anderson, Cahill, McGlinchey, Montgomery, Papili, Visvardis; NO: none; ABSENT:, Killingsworth, Sheppard, Snowden).

DEFERRALS – None.

BUSINESS -

App. 2013-0521-S/Z: West side of Old State Road, abutting west side of DuPont Parkway (US 13) and across from Llangollen Estates. Exploratory Major Land Development Plan and Rezoning Review for **Old State Road Self Storage**. The purpose of this plan is to revise a previously approved preliminary and rezoning plan for Old State Road Self Storage (2007-1227-S/Z) and to reconfirm the CR (Commercial Regional) zoning approved by County Council in May 2011 by Ord. 09-093. 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 development on the approved preliminary plan that was relied upon by County Council when it granted the rezoning. This plan proposes to revise the previous plan by reducing the number of storage buildings and reducing the total GFA from 48,350 to 30,300. **Ord. 16-090 will approve a revised preliminary plan for Old State Road Self Storage and reconfirm the rezoning of 13.51 acres from S (Suburban) to CR Commercial Regional). CD 7.**

The Department has 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 of Land Use recommended **APPROVAL** of Ordinance 16-090.

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

On a motion by Mr. Montgomery, seconded by Ms. Visardis, the Board voted to recommend **APPROVAL** of Ordinance 16-090 (App. 2013-0521-S/Z). The motion was adopted by a vote of 9-0-0 (*Anderson, Cahill, Killingsworth, McGlinchey, Montgomery, Porras-Papili, Sheppard, Snowden, Visvardis*).

In discussion preceding the vote, Ms. Anderson had the Department explain how the current rezoning provisions in the UDC differ from the code in place when the plan was reviewed.

App. 2016-0720-T: To Amend Chapter 40 of the New Castle County Code (also known as the Unified Development Code or "UDC") to Increase the Cap on Accessory Dwelling Units. **Ord. 16-117 is a text amendment to increase the number of building permits for ADUs from 0.2 to 0.4 percent of the total of single family detached homes.** CC Sponsor: Robert Weiner.

The Department of Land Use considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommended **APPROVAL** of Ordinance No. 16-117.

The Planning Board considered the Department of Land Use recommendation.

On a motion by Mr. Montgomery, seconded by Mr. Sheppard, the Board voted to **APPROVE** Ord. 16-117 (App. 2016-0720-T). The motion was adopted by a vote of 9-0 (YES: Anderson, Cahill, Killingsworth McGlinchey, Montgomery, Papili, Sheppard, Snowden, Visvardis).

In discussion, the Board offered the following comments:

Mr. Montgomery noted he did not attend the hearing, but did read the hearing transcript.

Mr. Killingsworth asked what the national standard is for placing caps on the number of ADUs. Valerie Cesna, Department of Land Use Planner, did not have that statistic but explained the percent increase proposed in this ordinance appears to be a desire to continue the program at the same level. When Mr. Killingsworth asked if 20 to 25 additional ADUs per year is anticipated, Ms. Cesna said that has been the trend and based on past performance a similar rate of growth is expected. He asked why a higher increase such as 1.0 percent is not being considered, and Ms. Cesna said that the ordinance sponsor, Councilman Weiner, had explained at the hearing that he simply wanted to continue the program as is.

Mr. Sheppard asked what would be the total yield of additional ADUs made available by this ordinance. Antoni Sekowski said it would double the current permitted number by adding another 200 to 220 ADUs (a total of about 430).

Ms. Papili asked what the difference is between simply having a family member live with you, and an ADU. Ms. Cesna said the distinction is that an ADU is a complete living unit including kitchen, bathroom, living area, and a separate entrance.

Mr. Sheppard said at the hearing he pressed Councilman Weiner for an answer on what kind of demand he was getting from his constituency about the ADU cap being a problem and was told that the Councilman has one constituent who regularly called him on this issue. Mr. Sheppard suggested that doubling the cap is simply to alleviate that constituent's concern and to follow the program on the same track.

Mr. McGlinchey said the larger cap simply provides additional capacity and no matter how quickly the cap is reached again, the number can be revisited just as it is being reviewed now with this ordinance.

Ms. Visvardis asked if this ordinance is adopted, will it affect the applications for ADU that have already been turned down, and will they need to reapply? Mr. Sekowski said any previously approved ADU will be permitted to continue. He added, there are currently six applications on hold due to the cap having been reached and those applications would be able to be processed.

OTHER BUSINESS

None.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Reed Macmillan, Assistant General Manager reported on the following items:

1. Status of the UDC updates – The three ordinances (Guiding Principles, Neighborhood Preservation Overlay District, and Economic Empowerment District) were presented at County Council workshop on November 15, 2016. They are scheduled to be heard at County Council hearing on January 10, 2016.
2. Reminder that the January 3 Planning Board hearing agenda was revised and only one application will be heard: App. 2016-0734-S/Z, Promenade at Christiana.
3. Anticipate a new Department of Land Use general manager will be announced soon.

REPORT OF CHAIRPERSON

Mr. Killingsworth thanked the board members for their work during the past year.

OTHER BOARD MEMBER COMMENTS

It was noted that several board members are serving expired terms.

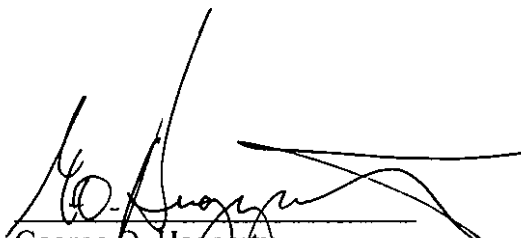
COMMENTS FROM THE PUBLIC


None.

ADJOURNMENT

The Board voted to adjourn the meeting at 9:37 a.m.

ATTEST:


George O. Haggerty
Acting General Manager
Department of Land Use


Richard E. Killingsworth
Chairman
Planning Board