

**FINAL**

**MINUTES - BUSINESS MEETING  
NEW CASTLE COUNTY PLANNING BOARD  
87 READS WAY, NEW CASTLE, DELAWARE  
April 19, 2016**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, April 19, 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	William McGlinchey
Robert Snowden	Joseph Montgomery
Linda Porras-Papili	Ruth Visvardis
David Sheppard	

The following Board members were absent:

Richard Killingsworth	Leone Cahill
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Planning Board Attorney, Department of Law

Jordan Perry  
Wilson Davis

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

George Haggerty	Reed Macmillan
Antoni Sekowski	Kenneth Bieri
Matthew Rogers	DJ Carter
John Troy	

The following members of the public were in attendance:

No members of the public attended

Wilson Davis, former counsel to the Planning Board, introduced Jordan Perry as the new counsel for the Planning Board.

## MINUTES

On motion by Mr. Montgomery, seconded by Ms. Visvardis, the minutes of the March 15, 2016 meeting was approved with one typographical error corrected by a vote of 7-0-1-1 (YES: Anderson, Cahill, McGlinchey, Montgomery, Papili, Sheppard, Visvardis; NO: none; ABSTAIN: Snowden; ABSENT: Killingsworth).

## DEFERRALS –

**App. 2015-0045-S/Z.** Northwest corner Pulaski Hwy. (US 40) and LaGrange Parkway. Exploratory Major Land Development Plan, Rezoning, and PLUS Review for **LaGrange Plaza**. The purpose of the plan is to rezone the remaining portion of the existing 5.25 acre parcel to CR to construct a 6,560 SF restaurant and a 10,720 SF office/retail building. Ord. 15-090 will rezone 1.41 acres from S (Suburban) and H (Historic Overlay) to CR (Commercial Regional) and H (Historic Overlay) and amend the 2012 Comprehensive Plan consistent therewith. CD 11.

## BUSINESS -

### **New Castle County Capital Budget, FY 2017-2022.**

Michael Coup, New Castle County Finance Director made a brief presentation based on the draft written recommendation by the Department.

The Department believes that the proposed Capital Program and Budget is based on sound land use planning principles and is in accordance with the 2012 Comprehensive Development Plan, and recommends that New Castle County Council **APPROVE** the New Castle County Capital Program & Budget for Fiscal Years 2017-2022.

The Planning Board considered the recommendation and analysis offered by the Department of Land Use. On a motion made by Mr. Montgomery and seconded by Cahill, the Planning Board voted to recommend to County Council that the proposed Capital Budget & Program be **APPROVED**, and the motion was adopted by a vote of 7-0-1-1 (Yes: Anderson, Cahill-Krout, McGlinchey, Montgomery, Porras-Papili, Snowden, and Vivardis; No: none; Abstain: Sheppard; Absent: Killingsworth).

In a discussion preceding the vote the Planning Board offered the following comments:

Several Board members indicated that their receipt of the Capital Budget left little time for review of the information. George Haggerty, General Manager of the Department explained the process as to when the Capital Budget document was first available noting that the Department mailed the document to Board members as soon as it was provided to us. He reviewed the eventual time table for County Council to continue its discussions; and noted that the joint letter from the Department and the Board would be available to County Council members in advance of their vote.

Mr. McGlinchey noted that while there is usually a time constraint for the Planning Board to really delve into the dollars and cents of the budget, the Boards real purpose is to consider its relationship and alignment with the County's Comprehensive Plan. Both Mr. McGlinchey and

Ms. Anderson indicated their confidence in the Departments recommendation and that the budget was in alignment with the Comprehensive Plan.

**App. 2016-0147-D.** North side Limestone Road (SR 7), west of Kirkwood Highway (2), and south of Griffin Drive. **To amend a declaration of restrictions** dated December 2, 1992 by Anthony and Barbara Rocco in association with a rezoning from R-1-C to C-1 by Ord., 92-179; and, as later amended on June 13, 2000. The proposed amendment will reduce the existing thirty (30) foot required landscape buffer along the rear property line between the automotive service building and the residential community of Sheridan Square to seven and one-half (7.5) feet to accommodate nineteen (19) new parking spaces. This application is associated with a land development plan for **Pike Creek Automotive** (2015-0381-S). CR (Commercial Regional) zoning. CD 9.

The Department of Land Use has considered the standards in Section 40.31.130.D of the New Castle County Code and other public comments. Based on this analysis the Department is of the opinion that the proposed changes are in the best interest of the parties to the restrictions and that the proposed amendment to the existing deed restriction is consistent with the planning goals for the County. As a result, the Department recommends **CONDITIONAL APPROVAL** of the deed restriction change subject to the following conditions:

1. The Landscape Plan is consistent with that presented at the April 3, 2016 New Castle County Department of Land Use and Planning Board Public Hearing.
2. That the applicant provides the Department of Land Use the material and color of the proposed fence to be determined through consensus of abutting property owners, proof of such shall be provided via petition.

The Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Mr. Montgomery and seconded by Mr. Sheppard, the Board voted to recommend **CONDITIONAL APPROVAL** of the Declaration of Restrictions change application subject to the same conditions listed in the Department of Land Use recommendation. The motion was adopted by a vote of **8-0-1** (Yes: Anderson, Cahill, Porrás-Papili, Sheppard, Visvardis, McGlinchey, Montgomery, Snowden; No: None; Absent: Killingsworth).

In a discussion preceding the vote the Planning Board offered the following comments:

Ms. Porrás-Papili asked if the reduction in buffer yard would have any impact on the adjacent parcel. Mr. Rogers stated that the proposed amendments would have no impact on the restrictions on the adjacent parcel and that any changes to the bufferyard on the adjacent lot would require another deed restriction amendment. Mr. McGlinchey inquired about the enforcement mechanism pertaining to the landscape buffer and the fence. Mr. Sekowski, Planning Manager stated that it would be on the Landscape Plan, which would outline the construction of the fence and bufferyard, and that should it not be maintained it would become a code enforcement issue. He also explained that the County holds 25% of the LDIA bond for three (3) years to ensure that the improvements are maintained. After the three-year period, the Department will rely upon a complaint and would then investigate as to whether the landscape plan is still being adhered to.

## **OTHER BUSINESS**

Mr. Haggerty reported on the Hockessin PAL improvements noted in the Capital Budget. The description of the project includes replacement of the gym floor and lobby floor and installation of the ceiling in the lobby and a repaving of the parking area. For the Garfield PAL, the project includes a replacement of the gym floor and divider curtains and replace the parking lot.

## **REPORT OF COMMITTEES**

Reed MacMillian reported on Mr. Killingsworth's request for a Planning Board post-holiday party that is now scheduled as a member and staff get-together for Saturday May 7, 2016. Attendees will bring food and family members are also invited.

## **REPORT OF GENERAL MANAGER**

George Haggerty, Acting General Manager, introduced John Troy as a new member of the Department who will be working with DJ helping to maintain the Department's web-site and helping to put in play our new software (ProjectDocs) to enable e-filing of plans and subsequent plan reviews.

Mr. Haggerty also indicated that all three of the Phase I text amendments (EED, NPOD and GP) have been vetted through the Uber focus meetings. Staff is now editing the final draft ordinances and expects to have County Council introductions in June 2016 followed by PLUS hearings, PB public hearings and subsequent CC action likely in October or November 2016.

Mr. Haggerty reported that Phase II (which included the mixed use and the redevelopment issues) is now being put on hold; and, the Department is moving forward with Phase III which will include identifying certain existing problem areas in the UDC that staff will be working on to improve these areas.

## **REPORT OF CHAIRPERSON**

No report

## **OTHER BOARD MEMBER COMMENTS**

No comments

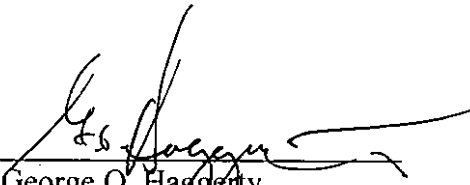
## **COMMENTS FROM THE PUBLIC**

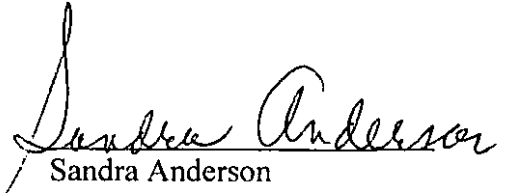
No members of the public present.

## **ADJOURNMENT**

On a motion by Mr. Montgomery and seconded by Mr. Sheppard, the Board voted to adjourn the meeting at 9:43 a.m.

**ATTEST:**

  
George O. Haggerty  
Acting General Manager  
Department of Land Use

  
Sandra Anderson  
Acting Chair  
Planning Board