

**MINUTES  
BUSINESS MEETING  
NEW CASTLE COUNTY PLANNING BOARD  
DEPARTMENT OF LAND USE - NEW CASTLE ROOM  
87 READS WAY, NEW CASTLE, DELAWARE  
May 21, 2019  
9:00 A.M.**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, May 21, 2019 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 Chairperson Karen Peterson at 9:01 a.m.

The following Board members were present:

Leone Cahill  
Joseph Daigle  
William McGlinchey  
Darryl Parson  
Karen Peterson  
Robert Snowden  
Ruth Visvardis  
Kiana Williams

The following Board members were absent:

Linda Porrás-Papili

Planning Board Attorney, Office of Law

Adam Singer

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

Antoni Sekowski	Matthew Rogers
George Haggerty	Marisa Lau

The following members of the public were in attendance:

Shawn Tucker and Jerome Heisler

**MINUTES**

April 16, 2019

**DEFERRALS**

None.

## BUSINESS

**App. 2018-0530-S/Z.** Southwest side of Church Road, south of CSX railroad. Exploratory Resubdivision Plan and Rezoning Review for **Meridian Crossing**. The purpose of this plan is to revise a previously approved and recorded Major Land Development Plan with Rezoning (Application 2001-1250-S/Z) to increase lot width from 22' to 24' for lots 382-422 and 470-497, convert Aldrin Drive and Galileo Lane into open space, adjust lots 382-397, 406-422, 479-497 from rear load to front load units and eliminate lots 421, 422, 496 and 497 and to reconfirm the ST zoning approved by County Council in June 2002 by Ord. 02-021. Section 40.31.113 and 40.31.114 of the *New Castle County Code* requires that any record plan submitted after County Council adopts a rezoning shall be in general conformance with the development depicted on the approved exploratory or preliminary plan that was relied upon by County Council when it granted the rezoning. ST Zoning. CD 12. New Castle Hundred

At a business meeting held on May 21, 2019, the Planning Board considered the Department of Land Use recommendation. On a motion by Ms. Visvardis, seconded by Ms. Williams, the Planning Board voted to grant **CONDITIONAL APPROVAL** of Application 2018-0530-S/Z with the conditions as stated by the Department. The motion passed by a VOTE of 7-0-1-1 (Yes: Daigle, McGlinchey, Parsons, Snowden, Visvardis, Williams, Peterson; NO: None; ABSTAIN: Cahill; ABSENT: Papili).

In discussion preceding the vote the Board members offered the following comments:

Ms. Peterson asked Land Use staff to explain what triggered the rezoning reconfirmation for this application. Marisa Lau, Planner, replied that the proposed changes from rear load to front load townhomes were not in general conformance with the approved plan. Antoni Sekowski, Planning Manager, explained that prior to 2010 all plans with rezonings had to go back to the Planning Board and County Council when any changes were proposed, which was known as strict conformance. Based on feedback from Council, the Department loosened regulations so that minor changes to plans with rezonings would not require reconfirmation by Council. Following 2010 and 2018 updates to the Unified Development Code, only those plans not in general conformance are required to present at a public hearing and have the rezoning reconfirmed by Council. The Department may determine that a plan is not in general conformance based on substantial changes being proposed to the right of way, road configurations, open space, public facilities, or density, as well as to the overall design concept. George Haggerty, Assistant General Manager, added that the original plan had been a rezoning. By determining that the plan was not in general conformance, due to the elimination of private alleys and associated changes to the right of way, the Department was taking the conservative approach and having the Planning Board and County Council reevaluate the development proposal, based on these new facts.

Ms. Visvardis expressed concern that the tapered driveway would be sufficient length to allow either car, parked side by side in a driveway, to exit, and asked for confirmation that the street yard plantings would not obstruct the view of drivers. In the renderings of the proposed front load townhomes, the landscaping appeared to do so.

Mr. Snowden asked the Department to elaborate on what design changes would have been necessary in order to retain the rear load units. Ms. Lau replied that the applicant had stated in his presentation that townhomes in the development with detached garages, accessed

from the rear, were selling better. Mr. Sekowski reiterated that the Department's recommendation had been partly based on the fact that the right of way had already been constructed; therefore, the applicant could not widen the alleys to increase the minimum vehicle turning radius. Mr. Snowden agreed that the applicant had few redesign options available, given the existing constraints.

In answer to Mr. Snowden's question about whether owners could widen the driveways later on, Mr. Sekowski confirmed that the tapered driveway dimensions would be recorded on the final plan. Building permits and DelDOT driveway permits would be issued only if the dimensions matched, and unpermitted changes would be subject to code enforcement.

Mr. McGlinchey asked whether the conditions for approval had been discussed with the applicant and were consistent with design features in other sections of Meridian Crossing. Mr. Sekowski replied that the conditions had either been proposed by the applicant (such as the driveway dimensions) or had specified architectural elements that already existed in the development and were consistent with its character.

**App. 2018-0420-S/Z**, East side of Route 7, directly across from Delaware Park Boulevard. Exploratory Resubdivision Plan and Rezoning Review for **Distinctive Auto Care**. The purpose of this plan is to revise a previously approved and recorded Minor Land Development Plan with Rezoning (Application 2014-0092-S/Z) to Construct a 6,178 SF car wash with a 238 SF office, a 3,099 finishing building, a 2,360 SF light auto service building and associated improvements. Section 40.31.113 and 40.31.114 of the *New Castle County Code* requires that any record plan submitted after County Council adopts a rezoning shall be in general conformance with the development depicted on the approved exploratory or preliminary plan that was relied upon by County Council when it granted the rezoning. CN Zoning. CD 1. Mill Creek Hundred (T.P. 08-050.00-013)

At a public meeting held on May 21, 2019, the Planning Board considered the Department of Land Use recommendation. The Planning Board voted on a motion by Mr. Snowden and seconded by Ms. Cahill, to recommend **CONDITIONAL APPROVAL** of Ordinance No. 19-008 subject to the conditions made by the Department of Land Use. This motion was adopted by a VOTE of 8-0-0-1 (YES: Cahill, Daigle, McGlinchey, Parsons, Peterson, Snowden, Visvardis, Williams; NO: none; ABSTAIN: none; ABSENT: Papili)

In discussion preceding the vote the Board members offered the following comments:

Mr. Parsons asked Mr. Rogers to explain what considered a light auto service. Mr. Rogers explained that it could include tire installation, oil changes and car washes.

## **OTHER BUSINESS**

None.

## **REPORT OF COMMITTEES**

None.

**REPORT OF GENERAL MANAGER**

Rich Hall, General Manager of the Department, reported that the Transportation Improvement District (TID) draft Ordinance No. 19-005 would be heard at the Land Use Committee in the afternoon, and go before the full Council on the following Tuesday. The Department is also working to schedule a training session for the Board at an upcoming business meeting, preferably in June. This training by the University of Delaware School of Public Administration would be an abridged version of the Planning 101 and 102 courses offered. Ms. Cahill added that she had attended the planning courses at UD and highly recommended them. Mr. Hall explained that the training for the board would be more targeted than the full courses. The Department, along with the consultants, is also developing an online training module for the general public to provide an overview of planning and development in the County.

**REPORT OF CHAIRPERSON**

None.

**OTHER BOARD MEMBER COMMENTS**

None.

**COMMENTS FROM THE PUBLIC**

None.

**ADJOURNMENT**

The Board voted to adjourn the meeting at 9:40 a.m.

**ATTEST:**

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

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 Karen Peterson                      Date  
 Chair  
 Planning Board