

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
January 21, 2020
9:00 A.M.**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, January 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 9:03 a.m.

The following Board members were present:

Leone Cahill
Jonathan Cochran
Joseph Daigle
Leah Gray
William McGlinchey
Karen Peterson
Robert Snowden
Ruth Visvardis
Kiana Williams

The following Board members were absent:

None

Planning Board Attorney, Office of Law

Randolph Vesprey

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

Antoni Sekowski	Matthew Rogers
George Haggerty	Marisa Lau
Betsy Hatch	

The following members of the public were in attendance:

None.

MINUTES

December 17, 2019

DEFERRALS

None.

BUSINESS

App. 2019-0539-Z. North of Strawberry Lane and St. George's Hundred, East of Middletown Warwick Road. This is a County Initiated rezoning for **Clay Farm** to permit a subdivision of up to 4 lots on smaller acreage in accordance with the New Castle County Farmland Preservation Program that permits up to 4 parcels to be subdivided for residential use. **Ord. 19-079 will rezone 176.21 acres from CR to SR and amend the 2012 Comprehensive Development Plan consistent therewith.** CR. CD 6. Appoquinimink Hundred. (T.P. 14-010.00-020 and 13-026.00-028)

The Department has considered the *Standards for Zoning Map amendment* in Section 40.31.410, A through E, the proposed rezoning, 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 recommends **APPROVAL** of Ordinance 19-079.

At its business meeting held January 21, 2020 the Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Cahill and seconded by Mr. McGlinchey, the Board voted to recommend **APPROVAL** of Ordinance 19-079. The motion was adopted by a vote of 9-0-0-0 (Yes: Cahill-Krout, Cochran, Daigle, Gray, McGlinchey, Snowden, Williams, Visvardis, Peterson; No: none; Abstain: none; Absent: None).

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

Ms. Visvardis asked the Department to confirm that residential subdivision was allowed under this agricultural easement program. Ms. Lau and Mr. Rogers, Planners for Land Use, explained that the applicant was allowed to subdivide his property. There are several programs for farmland preservation in the state, which have different requirements. New Castle County's program requires at least 80% of the easement area be retained for farming.

Ms. Cahill asked about the minimum lot size for the Suburban Reserve (SR) zoning district. Ms. Lau replied that the minimum is 5 acres if using the single-family development option; however, other options such as open space subdivision have a smaller acreage requirement.

Ms. Cahill also asked about notification requirements for potential buyers under the state right-to-farm law. Mr. Haggerty, Assistant General Manager for Land Use, replied that the buyer of a piece of land subdivided for residential purposes must be notified of an existing farm there. Prospective buyers do not have to be notified.

App. 2019-0176-S/Z. Northwesterly corner of Pulaski Highway and LaGrange Parkway. Exploratory Minor Land Development Plan, Rezoning, and PLUS Review for **LaGrange Plaza** proposes to rezone 1.42 acres of the 5.25 acre parcel S (Suburban) and H (Historic Overlay) to CR (Commercial Regional) and H (Historic Overlay) to construct a 6,560 SF restaurant and a 11,300 SF office/retail building. **Ord. 19-109 will rezone 1.42 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. Pencader Hundred. (T.P. 11-026.10-001)

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 is of the opinion that the standards are met by this proposal. The Department of Land Use recommends **CONDITIONAL APPROVAL** of Ordinance 19-109 and the affiliated application subject to the following condition:

1. The applicant shall continue to work with the Department of Land Use and the HRB to refine the architectural renderings which will be required to apply the architectural design, materials, and features to all sides of both buildings.

At its business meeting held January 21, 2020 the Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Gray and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 19-109 with the condition as stated by the Department.. The motion was adopted by a vote of **9-0-0-0** (Yes: Cahill-Krout, Cochran, Daigle, Gray, McGlinchey, Snowden, Williams, Visvardis, Peterson; No: none; Abstain: none; Absent: None).

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

Ms. Peterson asked about for clarification on a topic brought up by a speaker at the public hearing—the distance between the back of the office building and properties along Latrobe Drive. Ms. Hatch, Historic Preservation Planner, replied that the distance had been increased. On the previous plan, the rear setback was 44 feet and it has been increased to 69 feet. The speaker had cited a measurement of 130 feet, which likely also includes a 30' buffer on the subject property and an additional area of separation between the buffer and the open space of the residential development.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

George Haggerty, Assistant General Manager, announced that the Department has several presentations to show the board in upcoming meetings. For example, one presentation that was recently given to County Council highlighted the operations of the Planning Division. Legislative initiatives are going forward, the most consolidated of which is the environmental GreenNCC ordinance. A substitute to the septic ordinance was approved by Council last week extending the moratorium, which will allow the Department to schedule stakeholder meetings with DNREC officials and others over the next 18 months. A draft of the Southern New Castle County Master Plan was made available in November. The County is holding discussions with municipalities now to help bring closure to the study. The final draft will be circulated to board members and adopted as part of the Comprehensive Plan update. The Department's budget for next fiscal year and the Capital Program and Budget will also be shared with the board soon. Mr. Haggerty indicated that feedback on either budget would be welcome and responded to a few questions from the board about changes to the departmental budget and the land development process. Lastly, he noted that renovations are ongoing in the Department and will result in having the publicly accessible area nearer to the front lobby.

REPORT OF CHAIRPERSON

Ms. Peterson noted that the annual report had been sent to the board and staff that morning. The board is required to review By-Laws and Special Rules of Procedure are required to reviewed annually. A meeting

