

**MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
March 20, 2018**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, March 20, 2018 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 9:05 a.m.

The following Board members were present:

Sandra Anderson
Leone Cahill
Joseph Montgomery
William McGlinchey

Linda Porras-Papili
Robert Snowden
Ruth Visvardis

The following Board members were absent:

(2 vacant positions)

Planning Board Attorney, Department of Law

Adam Singer

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

Richard Hall
George Haggerty
Antoni Sekowski

Matthew Rogers
Kate Clark
Brad Shockley

The following members of the public were in attendance:

Frank Madderick
Shawn Tucker

MINUTES

On motion by Mr. Montgomery, seconded by Ms. Visvardis, the minutes of the February 20, 2018 meeting were approved as written by a vote of 7-1-0-0 (YES: Anderson, Cahill, Montgomery, Papili, McGlinchey, Visvardis; NO: none; Abstain: Snowden; ABSENT: none; VACANT POSITIONS: Two).

DEFERRALS

None

BUSINESS -

App. 2017-0745-T - To Amend Chapter 40 of the *New Castle County Code* (also known as the Unified Development Code or “UDC”), Article 3 (“Use Regulations”), Article 33 (“Definitions”) regarding craft alcohol production establishments. **Ord. 17-108 is a text amendment that will create provisions related to craft alcohol production establishments.** CC Sponsor: Mr. Cartier.

The Department has considered the *Standards of Text Amendment* in Section 40.31.420 of the *New Castle County Code* and comments received from the public and other agencies. Based on this analysis, the Department recommends **APPROVAL of Ordinance 17-108.**

At its business meeting held March 20, 2018 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 Ms. Cahill, the Board voted to recommend **APPROVAL** of Ordinance 17-108. The motion was approved by a vote of 7-0-0 (Yes: *Anderson, Cahill, Montgomery, McGlinchey, Visvardis, Snowden, Porras-Papili*).

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

Ms. Anderson asked if use standards have been drafted for food trucks. Kate Clark, Planner for the Department of Land Use stated that standards for food trucks are included in Ordinance 17-108.

App. 2017-0730-S/Z: South side of Garden of Eden Road, approximately 800 feet west of Route 202. Exploratory Resubdivision Plan and Rezoning Review for **Columbia Place**. The purpose of this plan is to revise a previously approved and recorded Major Land Development Plan with Rezoning (App. 2009-0201-S/Z) and to reconfirm the ST zoning approved by County Council in February 2010 by Ord. 09-090 (reconfirmed in June 2012 by Ord. 12-019). 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 former

development, increasing the number of condominium from 82 to 88 and decreasing the number of townhouse units from 50 to 44. **Ord. 17-116 will approve a revised exploratory plan for Columbia Place to supersede the existing record plan (20130612-0037649) and reconfirm the rezoning of 15.39 acres from S (Suburban) to ST (Suburban Transition).** CD 2.

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 **APPROVAL** of Ordinance 17-116

On a motion by Mr. Montgomery, seconded by Mr. McGlinchey, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 17-116 (App. 2017-0730-S/Z) subject to the conditions made by the Department of Land Use. The motion was adopted by a vote of 5-1-1-0 (Yes: *Anderson, McGlinchey, Montgomery, Porras-Papili, Snowden, Visvardis*; No: *none*; Abstain: *Cahill*; Absent: *none*).

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

Mr. McGlinchey and Ms. Papilli asked as to whether the sidewalk along the south side of Garden of Eden Road, discussed at the public hearing was to be included with the plan. Matthew Rogers, Planner for the Department of Land Use stated that the Department had received correspondence from DelDOT, indicating that to construct the sidewalk, the applicant would need to obtain easements from private land owners. He further stated that based on this and other constraints the Department did not find it appropriate to require the sidewalk at this time. Mr. McGlinchey asked if it was included in the original design. George Haggerty, Assistant General Manager for the Department of Land Use stated that it had been included on the original record plan, however after significant discussion with DelDOT it was determined not to be an essential element of the plan. He also spoke to the need to relocate utility poles and obtain private easements in order to construct the sidewalk.

App. 2016-0491-S/Z: South side of Churchmans Road at terminus of Addison Drive. Exploratory Major Land Development Plan, Rezoning and PLUS Review for **Cavaliers Country Club** proposes to rezone the 146.26 acres from S and NC6.5 to ST and CR so as to consolidate the existing parcels to create 434 residential lots, 288 apartment units, maintain a 29,070 SF clubhouse and propose a 15,390 SF banquet center expansion. **Ord. 17-115 will rezone 138.68 acres from S and NC6.5 to ST (S - 136.56 acres, NC-6.5 - 2.12 acres) and from S and NC6.5 to CR (S - 7.45 acres, NC-6.5 - 0.13 acres).** CD 1.

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 17-115 with the following conditions be addressed and acceptable to the Department prior to the rezoning being heard by County Council:

1. That the applicant receive approval from DNREC and the Department of Land Use for a remediation plan to address any contamination on the site;
2. With the exception of the perimeter path, the plan include the required acreage of usable open space, which shall be centrally located, highly visible, exclusive of protected resources and acceptable to the Department;
3. That the TIS for the plan be reviewed and approved by DelDOT and the Department;
4. That the applicant submit a draft of the maintenance declaration documents;
5. A text amendment addressing structured parking is currently proceeding through the legislative process. Should the amendment not be adopted, the proposed parking structures shall be eliminated and a revised plan meeting the minimum required parking standards shall be provided;
6. That the plan meets the dwelling unit mix requirement for an open space planned subdivision and that the proposed housing units are found to be consistent with submitted elevations, anti-monotony standards and Guiding Principles in the UDC. Unit type and architectural design elements shall be reviewed for consistency and diversity by the Department of Land Use;
7. That the applicant outline an approvable method to vacate a portion of the Addison Drive right-of-way and eliminate Lot 1, so as to connect Addison Drive to the cul-de-sac identified as Road "M";
8. The applicant finalize (in consultation with DelDOT) the design and streetscape of the proposed connector road and subdivision streets so as to be built to the southern property line;
9. That the applicant request and secure approval of all requested variances from the Board of Adjustment.

At its business meeting held on January 17, 2017 the Planning Board considered the recommendation offered by the Department of Land Use.

On a motion by Mr. Montgomery, seconded by Mr. McGlinchey, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 17-115 (App. 2016-0491-S/Z) subject to the conditions made by the Department of Land Use. The motion was adopted

by a vote of 5-1-1-0 (Yes: *Anderson, McGlinchey, Montgomery, Snowden, Visvardis*; No: *Porras-Papili*; Abstain: *Cahill*; Absent: *none*).

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

Planning Board members discussed transportation impact and proposed improvements. Ms. Papili and Ms. Visvardis spoke to the impact that the development will have on nearby intersections and asked the Department about improvements made to the Churchmans Study area as well as the timeline for construction of the connector road. Antoni Sekowski, Planning Manager for the Department of Land Use stated that DelDOT improvements made near the Cavaliers Country Club site includes the I-95 widening. George Haggerty, Assistant General Manager for the Department of Land Use addressed comments regarding the proposed connector road. He stated that the Department has received correspondence from DelDOT identifying the connector road as being part of their Capital Improvements Program (CIP) slated for construction in the next 3-5 years. Mr. Snowden, acknowledged that the connector road could be an important improvement to the area, but was not needed for the project to have an acceptable Traffic Impact Study (TIS). Mr. Haggerty agreed that the connector road is not necessary for the site to develop, and further explained how a TIS is performed. Mr. McGlinchey asked the Department to explain the rationale for stating that the boulevard has the potential to evolve into a transit corridor. Matthew Rogers, Planner for the Department of Land Use explained that with the density proposed by the development and the potential construction of the connector road the boulevard could potentially serve as a transit corridor.

The Planning Board also discussed several other topics pertaining to the project. Mr. McGlinchey asked about the repurposing of the existing clubhouse. Mr. Haggerty explained that the Department compared the proposed restaurant with banquet facilities to neighboring commercial uses and found it to be consistent with those uses. Mr. McGlinchey asked the Department to explain the fifth condition regarding parking structures. Mr. Sekowski and Mr. Rogers explained that the parking structure ordinance (Ord. 15-053) had the unintended consequences of making garages serving apartment complexes not permitted in residential zoning districts. Mr. Sekowski also explained that there is an ordinance being processed that among other things would address this. Ms. Papili and Mr. Snowden discussed the potential for other golf courses to develop into residential communities. Mr. Snowden stated that while the Cavalier Country Club is not likely to be the last golf course conversion to go through the process, it is unique in its proximity to transit. He also reiterated that about 50% of the people who work in the area live elsewhere (see the Department Recommendation). Mr. Snowden spoke to the merits of infill development as opposed to sprawl south of the canal.

OTHER BUSINESS

None.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

George Haggerty, Assistant General Manager for the Department of Land Use discussed the agenda for the March 1, 2018 Public Meeting which included; upcoming UDC amendments, Comprehensive Plan Updates and LOS.

REPORT OF CHAIRPERSON

None.

OTHER BOARD MEMBER COMMENTS

Members discussed potential changes to the By-Laws pertaining to quorum requirements.

COMMENTS FROM THE PUBLIC

Frank Madderick voiced concern over the Department of Land Use and Planning Board not setting a condition that a sidewalk be located on the south side of Garden of Eden Road for the Columbia Place plan (Application 2017-0730-S/Z) and that it was not included in the PowerPoint presentation. Mr. McGlinchey and Mr. Haggerty reiterated rationale for not requiring the sidewalks and informed Mr. Madderick that the sidewalk was addressed in the formal written recommendation considered by the Planning Board.

Kathie Herel voiced concerns pertaining to traffic, access to the hospital, construction of the connector road

ADJOURNMENT

The Board voted to adjourn the meeting at 10:17 a.m.

ATTEST:

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

Sandra Anderson
Acting Chair
Planning Board