



Department of Land Use

**MINUTES - BUSINESS MEETING  
NEW CASTLE COUNTY PLANNING BOARD  
87 READS WAY, NEW CASTLE, DELAWARE  
December 19, 2017**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, November 21, 2017 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 William McGlinchey at 9:00 a.m.

The following Board members were present:

Sandra Anderson	Joseph Montgomery
Leone Cahill	Robert Snowden
William McGlinchey	Ruth Visvardis

The following Board members were absent:

Linda Porras-Papili (1 vacant position)	David Sheppard
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Planning Board Attorney, Department of Law

Adam Singer

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

George Haggerty	Antoni Sekowski
Kate Clark	Matthew Rogers
Janet Vinc	Craig Lynch

The following members of the public were in attendance:

Shawn Tucker

## MINUTES

On a motion by Mr. Montgomery, seconded by Ms. Visvardis, the Board voted to recommend APPROVAL of Ordinance 17-095 (App. 2008-002-S/Z) and Ordinance 17-096 (App. 2008-003-S/Z). . The motion was adopted by a vote of 6-0-2 (Yes: Anderson, Cahill, McGlinchey, Montgomery, Snowden, Visvardis, No: none, Absent: Porras-Papili, Sheppard).

On a motion by Mr. McGlinchey, seconded by Mr. Snowden, the Board voted to recommend CONDITIONAL APPROVAL of Ordinance 17-045 (App. 2016-0790-SZ). The motion was defeated by a vote of 4-1-1-2 (Anderson, McGlinchey, Snowden, Visvardis, No: Montgomery, Recused: Cahill, Absent: Porras-Papili, Sheppard).

## DEFERRALS

None

## BUSINESS -

**App. 2008-0002-S/Z:** North side Old Porter Road, west of Red Lion Road and east of Grissom Lane. Revised Exploratory Major Land Development Plan and Rezoning Review for **Vista at Red Lion - Section 1**. The purpose of this application is to revise the preliminary plan under review, but not recorded, when the property was rezoned and to reconfirm the ST zoning approved by County Council on March 8, 2011 by Ord. 09-091, as amended by Oral Amendment No. 1. 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 subdivide part of the property into 244 townhouse units utilizing the single family attached option permitted in the ST zoning district. **Ord. 17-095 will approve a revised exploratory plan for Vista at Red Lion, Section 1 and reconfirm the rezoning of 56.709 acres from S (Suburban) to ST (Suburban Transition).** CD 12.

**App. 2008-0003-S/Z:** South side Old Porter Road, west of Red Lion road and east of Grissom Lane. Revised Exploratory Major Land Development Plan and Rezoning Review for **Vista at Red Lion - Section 2**. The purpose of this application is to revise the preliminary plan under review, but not recorded, when the property was rezoned and to reconfirm the ST zoning approved by County Council on March 8, 2011 by Ord. 09-092, as amended by Oral Amendment No. 1. 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 subdivide the property into 282 single family detached lots utilizing the single family detached option permitted in the ST zoning district. **Ord. 17-096 will approve a revised exploratory plan for Vista at Red Lion, Section 1 and reconfirm the rezoning of 144.81 acres from S (Suburban) to ST (Suburban Transition).** CD 12.

The Department considered the *Standards for Zoning Map Amendment* in Section 40.31.410. A through E, the proposed plan, and the 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 recommended **APPROVAL** of Ordinances 17-095 and 17-096.

The Planning Board considered the analysis and reasoning offered by the Department of Land Use in its recommendation. On a motion by Mr. Montgomery, seconded by Ms. Visvardis, the Board voted to recommend **APPROVAL** of Ordinance 17-095 (App. 2008-002-S/Z) and Ordinance 17-096 (App. 2008-003-S/Z). The motion was adopted by a vote of 6-0-2 (Yes: Anderson, Cahill, McGlinchey, Montgomery, Snowden, Visvardis, No: none, Absent: Porras-Papili, Sheppard).

**App. 2016-0790-S/Z:** East side South Chapel Street (SR 72), 835 feet south of E. Chestnut Hill Rd. (SR 4). Exploratory Major Land Development Plan, Rezoning, and PLUS Review for **South Chapel Street Dunkin' Donuts** proposes to rezone the parcel from ON (Office Neighborhood) to CN (Commercial Neighborhood) to construct a 2,168 s.f. restaurant and associated improvements. **Ord. 17-045 will rezone 1.2 acres from ON to CN.** CD 5.

The Department considered the *Standards for Zoning Map Amendment* in Section 40.31.410. A through E, the proposed plan, and the 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 17-045, with the condition that final building design incorporates design elements including a roof line akin to that depicted in the images presented to the Department and appended to the recommendation report.

The Planning Board considered the analysis and reasoning offered by the Department of Land Use in its recommendation. On a motion by Mr. McGlinchey, seconded by Mr. Snowden, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 17-045 (App. 2016-0790-SZ). The motion was defeated by a vote of 4-1-1-2 (Anderson, McGlinchey, Snowden, Visvardis, No: Montgomery, Recused: Cahill, Absent: Porras-Papili, Sheppard).

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

Ms. Visvardis asked the Department if the condition pertaining to the roofline restricted height. Mr. Rogers explained that it was only intended to guide design. Mr. Montgomery voiced concerns over traffic movements into the site. Ms. Anderson stated that she had

doubts about a McDonalds on Concord Pike that has had less of an impact than what she had envisioned. Mr. Snowden inquired as to the resolution between the property owner and the community of Brookside in reference to maintenance of the ditch. George Haggerty, Assistant General Manager, stated that the applicant is proposing a private deed restriction. Mr. McGlinchey observed that from a traffic standpoint you have to evaluate whether it's a traffic generator or if it just peels off existing traffic, stating that he doesn't see these types establishments as destinations. Mr. Snowden concurred with Mr. McGlinchey's statement.

**OTHER BUSINESS**

None.

**REPORT OF COMMITTEES**

None.

**REPORT OF GENERAL MANAGER**

Mr. Hall discussed updating the Comprehensive Plan as well as small area plans, to be incorporated into the Comprehensive Plan.

**REPORT OF CHAIRPERSON**

None.

**OTHER BOARD MEMBER COMMENTS**

None.


**COMMENTS FROM THE PUBLIC**

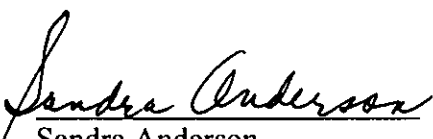
None.

**ADJOURNMENT**

The Board voted to adjourn the meeting at 9:39 a.m.

ATTEST:

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

  
Sandra Anderson  
Acting Chair  
Planning Board