

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

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, February 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 9:15 a.m.

The following Board members were present:

Sandra Anderson
Leone Cahill
William McGlinchey

Joseph Montgomery
Ruth Visvardis

The following Board members were absent:

Linda Porrás-Papili
Robert Snowden
(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
Janet Vinc

The following members of the public were in attendance:

MINUTES

On motion by Mr. Montgomery, seconded by Ms. Visvardis, the minutes of the January 16, 2017 meeting were approved as written by a vote of 6-0-2 (YES: Cahill, Montgomery, Visvardis; NO: none; Abstain: Anderson, McGlinchey; ABSENT: Papili, Snowden; VACANT POSITIONS: two).

DEFERRALS

None

BUSINESS -

App. 2017-0377-S/Z: Northeast corner Concord Pike (US 202) and Prospect Ave. Minor Land Development Plan, Rezoning and PLUS Review for **3701 Concord Pike** proposes to rezone a portion of TP 06-064.00-093 from NC 6.5 to CN to combine with TP 06-064.00-092 to relocate entrance and create additional parking for existing commercial retail uses. **Ord. 17-118 will rezone 0.071 acres from NC6.5 (Neighborhood Conservation) to CN (Commercial Neighborhood) and amend the Comprehensive Plan consistent therewith. CD 2.**

The Department has 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 **APPROVAL** of Ord. 17-118.

At its business meeting held February 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 17-118. The motion was approved by a vote of 5-0-2 (Yes: *Anderson, Cahill, Montgomery, McGlinchey, Visvardis*; Absent: *Snowden; Porras-Papili*).

There were no questions or comments offered by Board members preceding the vote.

App. 2017-0674-T: To Amend Chapter 40 of the *New Castle County Code* (also known as the Unified Development Code or “UDC”), Article 7 (“Transfer of Development Rights and Other Incentives and Bonuses”), regarding the Traditional Neighborhood Housing Program. **Ord. 17-094 is a text amendment that will revise provisions relating the percentage of housing units in a development required to be Moderately Priced Dwelling Units.** CC Sponsor: Mr. Hollins.

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 **CONDITIONAL APPROVAL of Ord. 17-094** subject to the following:

1. That the ordinance be amended to remove the proposed increase in monetary contribution to the Housing Trust Fund.

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. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 17-10 subject to the conditions set by the Department of Land Use. The motion was **defeated** by a vote of 4-2-1 (Yes: Anderson, Cahill, Montgomery, Visvardis; No: Porras-Papili, Snowden; Absent: McGlinchey).

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

Ms. Anderson and Ms. Cahill, inquired as to whether the Delaware State Housing Authority (DSHA) was the only group that provided input in the PLUS letter and if they were the motivation behind the proposed changes. George Haggerty, Assistant General Manager for the Department of Land Use stated that the motivation for the proposed changes was feedback from individuals attempting to develop under the current provisions. He also stated that the Ordinance will reduce confusion by aligning AMI and MSP, better defining the number of rental units that can potentially be developed and providing an incentive for developments proposing greater than or equal to five (5) housing types. Matthew Rogers, Planner, verified that the DHSAs was the only state group providing feedback in the PLUS letter. Planning Board members also questioned the Department as to who owns rental units and the nature of the required deed restrictions for MPDUs. The Department stated that developers tended to retain ownership of the rental property and that the County is party to the deed restrictions. Ms. Anderson also questioned if the Department's condition proposed to remove contributions to the Housing Trust Fund altogether or maintain it at the current rate. Mr. Haggerty stated that it would remain at the current rate. He further stated that the Department initially looked at increasing the contribution, but realized that there is a larger conversation to have about the housing trust fund, so rather than have this ordinance create 2 tiers, and in communication with those from community services, The Department finds that the contribution should remain where it is at this time. Mr. McGlinchey asked if the proposed changes are related to the consultant's review of the original ordinance? Mr. Haggerty stated that the consultant's report does not relate to the proposed changes. Ms. Cahill inquired as to the Department's response to attorney Tom Driscoll's assertion that the proposed amendments are premature. Mr. Haggerty stated that the Department does not find the proposed changes to be premature.

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

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 10:05 a.m.

ATTEST:

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

Sandra Anderson
Acting Chair
Planning Board