

MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
November 17, 2020
9:00 A.M.

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, November 17, 2020 by ZOOM Video Conference.

The meeting was called to order by Chairperson Karen Peterson at 9:00 a.m.

The following Board members were present:

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

The following Board members were absent:

William McGlinchey

Planning Board Attorney, Office of Law

Randolph Vesprey

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

Rich Hall	Betsy Hatch
Antoni Sekowski	Matthew Rogers
Marisa Lau	

The following members of the public were in attendance:

None.

MINUTES

September 15, 2020

DEFERRALS

App. 2020-0004-T. Text amendment to amend Chapter 40, Article 3 (“Use Regulations”) and Article 33 (“Definitions”) regarding Industrial Uses. **Ord. 20-008 is a text amendment to amend Article 3 and Article 33 of the Unified Development Code regarding Industrial Uses.**

BUSINESS

App. 2019-0006-S/Z. Northeasterly corner of Naamans Road and Society Drive. Exploratory Minor Land Development Plan, Rezoning, and PLUS Review for 727 Naamans Road proposes to rezone 0.63 acres, parcel 06-036-00.105 from Neighborhood Conservation (NC-21) to Commercial Neighborhood (CN) to construct a 3,250 S.F. retail building. **Ord. 20-088 will rezone 0.63 acres from NC-21 to CN and amend the 2012 Comprehensive Development Plan consistent therewith.** NC-21 to CN Zoning. CD 8. Brandywine Hundred.

The Department has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E, of the Unified Development Code, the proposed plan, and comments received by other agencies and the public. Based on this analysis, the Department of Land Use recommends **CONDITIONAL APPROVAL** of Ordinance 20-088 subject to the following condition:

- The revised renderings provided by the applicant dated October 28, 2020 shall be adopted as part of the plan approval.

At a business meeting held on November 17, 2020, the Planning Board considered the Department of Land Use recommendation. The Planning Board voted on a motion made by Ms. Cahill and seconded by Ms. Visvardis, to recommend **CONDITIONAL APPROVAL** of Ordinance No. 20-088 subject to the condition made by the Department of Land Use. The motion **PASSED** by a **VOTE of 8-0-0-1** (YES: Cahill-Krout, Cochran, Daigle, Drake-Williams, Peterson, Snowden, Visvardis, NO: none; ABSTAIN: none; ABSENT: McGlinchey).

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

Ms. Peterson, Chair, noted that concerns raised at the hearing regarding the undeveloped, state-owned parcels to the east of the subject property along Naamans Rd had been addressed. She thanked Mr. Tracey for sending the Board documentation showing that the state has no intention of ever developing or selling these properties. The parcels cannot be sold as excess property because they were purchased with grant money.

OTHER BUSINESS

App. 2020-0616-T (Ord. 20-101). Ordinance 20-101 is a text amendment to amend the New Castle County Code, Chapter 28 (“Planning”), Section 28.01.003 (“Comprehensive Development Plan”) to require a social justice element, an environmental justice element, and a hazards mitigation element be explicitly included in the 2022 Comprehensive Development Plan and all future comprehensive development plans and plan updates.

Ordinance 20-101 does not propose an amendment to Chapter 40 of the New Castle County Code (UDC) and therefore the Department of Land Use and the Planning Board are not required to provide a formal recommendation. The Department of Land Use acknowledges the importance of addressing Social Justice, Environmental Justice and Hazard Mitigation in the Comprehensive Plan and therefore **SUPPORTS** the Ordinance 20-101 with a recommendation that the sponsor works with the Departments of Land Use, Finance and Office of Law to develop a fiscal note that addresses the increased cost for implementing the proposed changes.

At a business meeting held on November 17, 2020, the Planning Board considered the merits of Ordinance 20-101 and voted on a motion made by Mr. Snowden and seconded by Ms. Visvardis, to **SUPPORT** Ordinance No. 20-101. The motion **PASSED** by a **vote of 8-0-0-1** (YES: Cahill-Krout, Cochran, Daigle, Drake-Williams, Gray, Peterson, Snowden; Visvardis, NO: none; ABSTAIN: none; ABSENT: McGlinchey).

At the November 17, 2020 Planning Board Business Meeting the Board discussed Ordinance 20-101. Karen Peterson, Chair for the Planning Board, informed members that the Ordinance is listed as Other Business, since the Planning Board is not required by County Code to make a recommendation, being that it is not an amendment to the UDC or the Comprehensive Plan. She further informed the Board that any vote regarding the Ordinance would be at their discretion.

Kiana Williams, expressed her support for the ordinance stating that it is a “terrific idea especially considering everything that is currently going on.” Ms. Visvardis voiced her support. Ms. Peterson voiced her support citing an article in the Washington Post titled “Shingle Mountain: How a Pile of Toxic Pollution Was Dumped in a Community of Color.” She referenced the following comment by Chris Dowdy in the article:

You can draw a straight line from where Black folks gathered after emancipation to the redlining maps, to where you’re more likely to be poisoned because of zoning, and where people die earlier.

Ms. Gray voiced her support stating that she had found the American Planning Association (APA) documentation referenced by Councilman Carter at the Public Hearing very helpful in understanding the subject, and it provided excellent legislative example for mitigating the impact of development on communities. She also spoke to the importance of the Ordinance with regards to giving teeth to addressing social inequities. Mr. Daigle voiced his support stating that while the Board is not legally required to speak to the matter, this is important and that he sees it as the Board’s responsibility even though not required to comment, adding that the Board is one of the most important mechanisms for providing a venue for comments and participation for the community.

Lastly, Ms. Peterson reminded members that any proposed changes to the Board’s by-laws will need to be submitted to her so they can be advertised before the next business meeting. The Board is required by law to review its by-laws and rules annually.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Richard Hall, General Manager of the Department, commended the Board on holding a vote and adding to the discussion of Ord. 20-101 from the public hearing. He provided additional background on Chapter 28 of the New Castle County Code, noting that due to what seemed an oversight in the Code this text amendment was not required to come before the Planning Board. He suggested that the Board review the powers and duties granted by the Code to consider whether any changes were needed. He also encouraged the Board to continue to work on the Comprehensive Plan to bring attention and shed light on the important issues addressed by this legislation. If the Ordinance is approved by Council, while having

