

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

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, April 21, 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
Leah Gray
William McGlinchey
Karen Peterson
Ruth Visvardis
Kiana Williams

The following Board members were absent:

Robert Snowden

Planning Board Attorney, Office of Law

Randolph Vesprey

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

Antoni Sekowski	Rich Hall
Matthew Rogers	Marisa Lau

The following members of the public were in attendance:

None.

MINUTES

January 21, 2020
February 18, 2020

DEFERRALS

None.

BUSINESS

FY 2021-2026 New Castle County Capital Program and Budget: Presentation and Recommendation

The Department believes that the proposed Capital Program and Budget is based on sound land use planning principles and is in accordance with the 2012 Comprehensive Development Plan and recommends that New Castle County Council approve the New Castle County Capital Program & Budget for Fiscal Years 2021-2026.

At the business meeting held on April 21, 2020, the Planning Board considered the recommendation and analysis offered by the Department of Land Use. On a motion made by Ms. Williams and seconded by Ms. Visvardis, the Planning Board voted to recommend to County Council that the proposed Capital Budget & Program be **approved**, and the motion was adopted by a **vote of 8-0-1** (Yes: Peterson, Cahill-Krout, Cochran, Daigle, Gray, McGlinchey, Visvardis, Williams; No: none; Absent: Snowden).

In discussion preceding the vote the following comments were offered by the Board:

Ms. Peterson asked for additional information from the Department about the Delaware Population Consortium's projection for household growth as compared to population growth, cited in the draft joint recommendation.

Regarding the budget, she asked about the funds for the shooting range/emergency vehicles operations course in the Public Safety expenditures. Vicki Ford of the Office of Finance replied that these specific funds are for the EVOC. The Administration is not moving forward with the range at this time and continues to work collaboratively with the state on this project.

She inquired what was driving up debt service as a percentage of operating revenue in FY22 and beyond. Ms. Ford replied that these projections show that the County anticipates a bond sale, and she would ask their debt management representative to provide additional details for the Board.

She inquired about how development impact fees that are used to fund capital facility improvements or other expenses are being tracked. Ms. Ford replied that the funds are appropriated as needed to cover ongoing costs, and are shown separately in the operating budget. She confirmed that the funds could be used for non-facility line items, and are not tied to specific expenses. Funds are not tracked as separate expenditures by the operating agencies.

She asked whether money is being allocated for body cameras. Ms. Ford indicated that the proposed expense is included in the Public Safety section of the FY21 operating budget, since it is not a capital cost.

App. 2019-0675-S/Z. North side of Boyd's Corner Road, east of Jamison Corner Road, west of North Bayberry Parkway. Exploratory Major Land Development and Title Subdivision Plan, Rezoning, and PLUS Review for **Bayberry Town Center** proposes a 701,947 SF mixed use development with 277,915 SF of nonresidential uses, 145 single family attached dwellings and to reconfirm the previously approved rezoning of 0.80 acres of Neighborhood Conservation (NC-21) and 69.09 acres of S (Suburban) to Commercial Regional (CR) by Ord. 08-022. Section 40.31.113 and 40.31.114 of the New Castle County Code requires that any record plan submitted after County Council adopts a rezoning shall be in general conformance with the development depicted on the approved exploratory or preliminary plan that was relied upon by County Council when it granted the rezoning. **Ord. 20-012 will reconfirm the rezoning of 0.80 acres of Neighborhood Conservation (NC-21) and 69.09 acres of S (Suburban) to Commercial Regional (CR).** CR Zoning, CD 12. St. Georges Hundred (T.P. 13-013.00-243).

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 recommends **CONDITIONAL APPROVAL** of Ordinance 20-012 subject to the following conditions:

1. The Applicant shall continue to work with the Department of Land Use to develop architectural renderings for the proposed development.
2. The new dwelling units shall be generally consistent with the architectural design of housing in the Villages of Bayberry North and Bayberry South, as determined by the Department.
3. The landscaping and bufferyard opacity levels along Jamison Corner and Boyds Corner Road shall be generally consistent with the renderings submitted on March 3, 2020 by the Applicant, as determined by the Department.

At a business meeting held on April 21, 2020, the Planning Board considered the recommendation presented by the Department of Land Use. The Planning Board voted on a motion by Ms. Cahill, seconded by Mr. Daigle, to recommend **CONDITIONAL APPROVAL** of Ordinance 20-012 with the conditions as stated by the Department. The motion was **ADOPTED** by a **VOTE of 8-0-0-1** (Yes: Cahill, Cochran, Daigle, Gray, McGlinchey, Peterson, Visvardis, Williams; No: None; Abstain: None; Absent: Snowden).

In discussion preceding the vote the following comments were offered by the Board:

Mr. McGlinchey indicated that he had read a transcript of the public hearing.

Ms. Cahill asked if the Department had discussed the plan with the applicant regarding the impact of the COVID-19 public health crisis on the supply of tenants, and whether a revised plan would be heard by the Planning Board. Matt Rogers, Planner for the Department of Land Use, replied that the Department had not discussed the plan with the applicant in that regard. Any plan resubmission that was not in general conformity with the approved plan would be subject to UDC requirements for public hearings by administrative boards. There is no special relief from general conformity in the UDC.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Rich Hall, General Manager of the Department, provided an update on the Land Use's COVID-19 protocol, the budget process, and proposed legislation and planning initiatives. Following the meeting, he would send the Department budget presentation to Council along with supporting documents of interest.

The Department presented to the Land Use Committee of County Council on its operations in response to COVID-19 crisis. The County Executive has been engaged since the start in getting people out of the building and maintaining operations safely, and Land Use's transition to a remote working environment as gone well overall. The Department, which has roughly 110 staff members, has reduced the number of people working in the building to less than 10; it's easier for some employees to work remotely than others. Customers are being directed to go online for permitting, development review, and other services. Those who prefer to drop off plans and applications at the building are able to do so currently.

In the FY21 budget, the Department is asking for one additional code enforcement officer, and added costs for technology to improve field inspections for code enforcement and building inspections, as well as enhance online permitting and general customer service. This represents a 3.9% increase over last year. On the revenue side, there were several small blips in revenue due to a few large commercial projects that will likely progress this upcoming fiscal year.

The May Planning Board public hearing will include two UDC text amendments concerning the Heavy Industrial (HI) zoning district and an ordinance proposed by Councilman Carter that seeks to change the UDC text amendment process. Engagement for the County Comprehensive Plan will launch in May, which will take into account the public health crisis and incorporate more online engagement. Following a successful virtual public meeting on the Route 202 Corridor sub-area plan with WILMAPCO and DelDOT, new drafts of that and the Southern New Castle County plan are being prepared; that latter should be available as soon as in May.

REPORT OF CHAIRPERSON

None.

OTHER BOARD MEMBER COMMENTS

None.

COMMENTS FROM THE PUBLIC

None.

OTHER BUSINESS

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 9:37 a.m.

