

**FINAL
MINUTES - BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
87 READS WAY, NEW CASTLE, DELAWARE
June 18, 2013**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, June 18, 2013, 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 the Chairman at 9:00 AM.

The following Board members were present:

William McGlinchey, Acting Chair	Leone Cahill
Robert McDowell	David Sheppard
Robert Snowden	Arthur Wilson

The following Board members were absent:

Richard E. Killingsworth, Chair	Sandra Anderson
Ruth Visvardis	

Planning Board Attorney, Department of Law

Monica Horton

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

David Culver, General Manager	Valerie Cartolano
Matthew Rogers	

The following members of the public signed in:

George Hobbs	Larry Tarabicos
Sophia Tarabicos	

MINUTES

Due to an insufficient number of voting members who had been present at the April 16, 2013 meeting, the Board passed a motion to TABLE consideration of the April 16, 2013 minutes.

DEFERRALS

There were no deferrals.

BUSINESS

App. 2012-0599-S/Z. Northeast corner Kennett Pike (SR 52) and Center Meeting Road. Exploratory Major Land Development Plan and Rezoning for **Centerville Crossing** proposes adaptive reuse and expansion of a dwelling in the Centerville Historic District for offices using the Adaptive Reuse provision in Section 40.15. 240 of the New Castle County Code. Ord. 13-018 will rezone 3.13 acres from NC15 (Neighborhood Conservation) to NC15 and H (Historic Overlay). CD 2.

The Department 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 13-018 and has no objection to a smaller driveway if DelDOT and the Fire Marshall agree to it.

The Planning Board agreed with the Department of Land Use analysis and reasoning and on a motion by Mr. Sheppard, seconded by Mr. McDowell, voted to recommend **APPROVAL** of Ordinance 13-018. The motion was adopted by a vote of **6-0-3** (YES: *Cahill, McDowell, McGlinchey, Sheppard, Snowden, Wilson*; ABSENT: *Anderson, Killingsworth, Visvardis*).

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

All of the comments focused on the dimensions of the entrance.

Mr. Sheppard recalled the public comments requesting a reduction to the proposed 20-foot-wide entrance drive. He stated his view that the DelDOT Standards are not arbitrary and that in this instance they show a legitimate application of those standards for safety reasons. He noted that DelDOT had already agreed to reduce the width from 24 feet to 20 feet in response to community concerns.

Mr. McDowell addressed a comment made at the public hearing by Councilman Weiner suggesting that a 16-foot-wide driveway is adequate. Mr. McDowell said sixteen feet is not wide enough to ensure proper functioning with the parking lot design.

Mr. Snowden agreed that the 20 foot width is needed.

App. 2013-0240-D. East side Limestone Road (SR7), north side Sandy Drive and south of Kirkwood Highway (SR2). **To amend a declaration of restrictions** dated June 6, 1984 by Delaware Medical Group Properties when the property at 1941 Limestone Road was rezoned for office uses and a subsequent declaration of restrictions dated May 22, 1990 to expand the size of the medical building. The proposed amendment for **Limestone Medical Center** will permit the addition of parking spaces and paving along the front of the property adjacent to SR 7. A minor

land development plan (2013-0292-S) is associated with this DR. ON (Office Neighborhood) zoning district. CD 1.

The Department of Land Use has considered the standards in Section 40.31.130.D of the New Castle County Code and other public comments. Based on this analysis the Department is of the opinion that the proposed changes are in the best interest of the parties to the restrictions and that the minor resubdivision plan is consistent with the planning goals for the County. As a result, the Department recommends **APPROVAL** of the deed restriction change as proposed.

The Planning Board considered the recommendation offered by the Department of Land Use and comments made by the public.

The Planning Board voted to agree with the Department of Land Use analysis and reasoning. On a motion by Mr. Sheppard, seconded by Mr. McDowell, the Board voted to recommend **APPROVAL** of the Declaration of Restrictions change application. The motion was adopted by a vote of **5-0-1-3** (YES: McDowell, McGlinchey, Sheppard, Snowden, Cahill; NO: none; ABSTAIN: Wilson; ABSENT: Anderson, Killingsworth, Visvardis).

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

The Planning Board voiced overall support for the proposed increase in parking, with Mr. Snowden, Mr. Sheppard, Ms. Cahill and Mr. McDowell specifically acknowledging the need. The basis for this determination was the parking study provided (Ms. Cahill brought up the fact that the parking numbers in the study could be low as spikes in patient numbers could be seen during flu season), undisputed statements made by individuals that work and patron the facility, as well as the expense and effort that the facility was willing to undertake to submit two (2) separate plans. The Board did however, have two (2) concerns that weighed heavily on their recommendation to approve the deed amendment.

The first concerns cited by a number of Board members were the failure of the Medical Center to maintain adequate landscaping and screening in accordance with the approved landscaping plan. Mr. Snowden stated that had the Limestone Medical Center maintained the required landscaping and screening, they may have found it easier to gain public support. Mr. Sheppard echoed Mr. Snowden's remarks regarding the site's landscaping.

The greatest concern that the Board cited was how to be certain that the applicant provides the Klair Estates Civic Association a deed restriction that would empower them with the ability to approve/deny future deed restriction changes. The Board initially toiled with a friendly amendment to require that their recommendation be tied to the applicant's proposal of a private deed restriction. Upon further discussion, Mr. Sheppard retracted this motion based on the inability of the Department and Board to enforce a private deed restriction. The Planning Board and the Department came to the conclusion that the best way to address this concern was to bring attention to the fact that the applicant had made this offering a number of times on the record at the public hearing, and to emphasize how important that granting the community this power was to the Planning Board arriving at their decision. After the vote Mr. Tarabicos voiced his support

for the Board holding himself as well as other applicants accountable for promises that they make on the record.

REPORT OF COMMITTEES

No report.

REPORT OF GENERAL MANAGER

No report.

REPORT OF CHAIRMAN

No report.

OTHER BOARD MEMBER COMMENTS

Mr. Wilson noted that the April 16, 2013 minutes should be corrected to show that Leone Cahill was present.

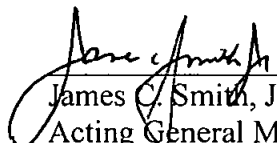
COMMENTS FROM THE PUBLIC

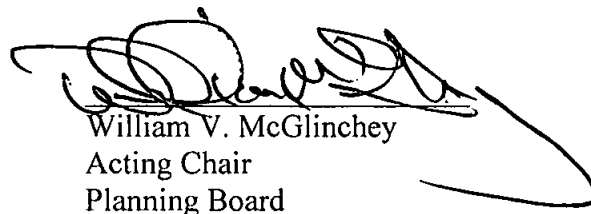
Larry Tarabicos (the applicant for Limestone Medical) said it is very important and helpful when the recommendation reports reflect the Planning Board's discussion, as was done today. He said that since the Planning Board is an appointed citizen board, their comments in addition to their vote are an important element of the recommendation. Further, he said when an applicant makes a recommendation or promise on the record, as Mr. Tarabicos himself did, that that should be reflected in the Planning Board's recommendation and that the Planning Board should hold the applicant accountable for his statements.

ADJOURNMENT

The Board voted unanimously to adjourn at 10:06 a.m.

ATTEST:


James C. Smith, Jr.
Acting General Manager
Department of Land Use


William V. McGlinchey
Acting Chair
Planning Board

New Castle County
DEPARTMENT OF LAND USE and PLANNING BOARD
Public Hearing Register

June 18, 2013
(date)

BUSINESS MTG.

IMPORTANT: PLEASE PRINT

Application No. _____

1. George Hobbs
Name
5906 Kunnath Rte
Street Address
WA DE 19807
City State Zip

2. Sophia Tarabicos
Name
100 W. Commons Blvd, Suite 415
Street Address
New Castle, DE 19720
City State Zip

3. Larry Tarabicos
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100 W. Commons Blvd, Suite 415
Street Address
New Castle, DE 19720
City State Zip

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