Meeting Minutes
LAND USE COMMITTEE MEETING
Tuesday July 21, 2020 3:00 P.M.
Zoom Webinar

1.Call to Order
The meeting was called to order by Ms. Kilpatrick at 3:05pm Council Members present were
Ms. Hartley-Nagle Mr. Bell Mr. Hollins Ms. Durham
Mr. Woods Mr. Carter Mr. Smiley Ms. Diller
Mr. Sheldon Mr. Street Mr. Cartier
Council member David Tackett did not attend.

2. Review / Adoption of Minutes
Motion to accept the minutes of the Land Use Meeting from July 7, 2020 was made by Mr. Woods, seconded and unanimously approved by Council.

3. Review/Discussion of Resolution(s)

R20-: Introduced by: Mr. Tackett
PLAN OF SAFSTOR CHAPMAN ROAD; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHAPMAN ROAD, 136 FEET EAST OF N. WAKEFIELD ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A FOUR STORY, 104,000 SQUARE FOOT SELF-STORAGE BUILDING WITH ASSOCIATED SITE IMPROVEMENTS ON 4 +/- ACRES; OR ZONING, COUNCIL DISTRICT 11
- A presentation of the parcel was given by representative for the applicant, Michael Hoffman.
- Comment from Councilmembers Sheldon, Smiley, Hollins, and Durham.
- No questions or comments from the public.
- No vote was taken.

R20-: Introduced by: Mr. Woods
PLAN OF CAVALIERS COUNTRY CLUB; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHURCHMANS ROAD AT THE TERMINUS OF ADDISON DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES AN OPEN SPACE PLANNED AND AGE-RESTRICTED OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 715 DWELLING UNITS, ALONG WITH A 15,390 SQUARE FOOT BANQUET CENTER ADDITION; ST AND CR ZONING; APPLICATION NO. 2016-0491-S; COUNCIL DISTRICT
- This by-right plan was introduced, by Mr. Woods. Mr. Woods turned over the discussion to representative for the applicant, Shawn Tucker, who gave a history of the parcel and a presentation on the plan.
- Comments from Councilmembers Woods, Carter, Cartier, Durham and Bell were responded to by representatives for the applicant, Shawn Tucker, Jeff Bross, Mike Kaszyski, and Nicole Kline.
- Public comments from Mr. Kevin Andrews, Frank Parker, and Rudy Antonini were followed by comments from Councilmember Woods.
- No vote was taken.
4. Review/Discussion of Ordinance(s)

Ordinance introduced, and a brief history of the parcel was given by representative for the applicant Wendy Stabler.

Comments from Councilmembers Bell, Kilpatrick, Smiley, Carter, Cartier, Durham, Hollins, Hartley-Nagle responded to by Antoni Sekowski from the Land Use department, Wendy Stabler, and Counsel to Council Michael Migliore.

- No questions or comments from the public.
- No vote was taken.

5. Presentations

Land Use postponed their previously scheduled presentation about in-process land use related ordinances that are to be introduced soon, until the next Land Use Committee meeting due to time constraints.

6. Other: None

7. Public Comment: None

8. Adjournment: Motion to adjourn by: Councilman Smiley seconded and approved by all of Council. Adjournment at 5:18 pm.

Respectfully submitted by Valerie George, Legislative Aide to Councilman Tackett, Co-Chairman, Land Use Committee. The meeting also was recorded. The recording and presentations are incorporated herein by reference and are available by contacting the legislative Assistant to the Land Use Committee or at the New Castle County Website Agenda Center https://nccde.org/AgendaCenter/County-Council-1.
REVISED AGENDA
LAND USE COMMITTEE MEETING
Tuesday, July 21, 2020 at 3:00 P.M.

*VIRTUAL ZOOM MEETING*

1. Call to Order
2. Review / Adoption of Minutes from July 7, 2020
3. Review/Discussion of Resolution(s)
   - R20- : Introduced by: Mr. Tackett
     PLAN OF SAFSTOR CHAPMAN ROAD; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHAPMAN ROAD, 136 FEET EAST OF N. WAKEFIELD ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A FOUR STORY, 104,000 SQUARE FOOT SELF-STORAGE BUILDING WITH ASSOCIATED SITE IMPROVEMENTS ON 4 +/- ACRES; OR ZONING, COUNCIL DISTRICT 11

   - R20- : Introduced by: Mr. Woods
     PLAN OF CAVALIERS COUNTRY CLUB; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHURCHMANS ROAD AT THE TERMINUS OF ADDISON DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES AN OPEN SPACE PLANNED AND AGE-RESTRICTED OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 715 DWELLING UNITS, ALONG WITH A 15,390 SQUARE FOOT BANQUET CENTER ADDITION; ST AND CR ZONING; APPLICATION NO. 2016-0491-S; COUNCIL DISTRICT 1

4. Review of Ordinance(s)
   - *20-014: Introduced by: Mr. Bell
     REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE OF SUMMIT BRIDGE ROAD, NORTH OF BOYDS CORNER ROAD; 4353 SUMMIT BRIDGE ROAD, TAX PARCEL 13-007.00-078, 1.64 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO NC21 AND H (HISTORIC) OVERLAY ZONE (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. 2019-0676 R/Z.)

5. Presentation: In process land use related ordinances that are to be introduced soon
6. Other
7. Public Comment
8. Adjournment

*In accordance with Governor Carney’s Proclamation, coupled with the Governor’s Declaration of a State of Emergency, New Castle County Council is holding this meeting as a telephone and video conference, utilizing Zoom Webinar. The link to join the meeting via computer, smart device, or smart phone is: https://zoom.us/j/377322142

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://nccde.org/AgendaCenter/County-Council-1

You may also call into the meeting (audio) using the following call in numbers: You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142.

If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars

Members of the public joining the meeting utilizing the link or the call-in number will be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone has an opportunity to comment. You will not be able to speak until called upon by the moderator. There are functions in the program that allow you to do this. Please see the link in the previous paragraph.

AGENDA POSTED:
July 14, 2020

**Revision posted due to the addition of a presentation from Land Use and to correct a typo in the application number for Ordinance 20-014

This agenda was posted (7) seven days in advance of the scheduled meeting in compliance with 29 Del. C. Section 10004(e)(2). This agenda is subject to change and it is possible that an executive session may arise.
Meeting Minutes
LAND USE COMMITTEE MEETING
Tuesday July 7, 2020 3:00 P.M.
*Zoom Video Conference

1. Call to Order
The meeting was called to order by Ms. Kilpatrick at 3:01pm. Council Members present were
Ms. Hartley-Nagle  Mr. Carter  Mr. Hollins  Ms. Durham
Ms. Kilpatrick  Mr. Street  Mr. Smiley  Ms. Diller
Mr. Sheldon  Mr. Cartier  Mr. Bell  Mr. Woods

2. Review / Adoption of Minutes
Motion to accept the minutes of the Land Use Meeting from June 2, 2020 was made by Mr. Smiley, seconded and unanimously approved by Council.

3. Review/Discussion of Resolution
R20-__:
Introduced by: Mr. Carter
PLAN OF BLACKSTON COVE; APPOQUINIMINK HUNDRED; WEST SIDE OF SUMMIT BRIDGE ROAD, APPROXIMATELY 2,000 FEET SOUTH OF NOXONTOWN ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO SUBDIVIDE PARCEL 14-006.00-012 TO CREATE FOURTEEN (14) SINGLE FAMILY DWELLING LOTS; SR ZONING; APPLICATION NO. 2016-0233; COUNCIL DISTRICT 6
- Ordinance introduced, and a brief history of the parcel was given by Mr. Carter
- Zachary Pearce and Jeff Williams gave a presentation for the 14-lot subdivision
- Questions and comments from councilmembers Mr. Smiley, Mr. Carter responded to by Zachary Pearce and Jeff Williams
- No questions or comments from the public
- No vote was taken

4. Review/Discussion of Ordinances
19-009:
Introduced by: Mr. Woods
REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED, EAST SIDE OF NORTH OLD BALTIMORE PIKE, DIRECTLY ACROSS FROM BROWN'S LANE; 0 NORTH OLD BALTIMORE PIKE, TAX PARCEL NO. 09-030.00-110, 12.97 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO ST (SUBURBAN TRANSITION) (The Exploratory Major Land Development Plan for Eagle Hunt proposes to rezone the property to ST for development of 24 townhouse lots on 12.97 acres. 2018-0581-S/Z.).
- Presentation, and a brief history of the parcel was given by Pam Scott Esq.
- Questions and comments from councilmembers Mr. Cartier, Mr. Woods, and Mr Street and Ms. Kilpatrick responded to by Ms. Scott
- No questions or comments from the public
- No vote was taken
Pg.2 Review/Discussion of Ordinances continued

"19-120  Introduced by: Mr. Carter
TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), SECTION 40.31.120 ("TEXT AMENDMENTS") REGARDING CERTAIN PROPOSED TEXT AMENDMENTS.

• A presentation was given by Mr. Carter
• Comment from councilmembers Ms. Hartley-Nagle, Mr. Cartier, Mr. Hollins, and
• Mr. Richard Hall, Land Use General Manager, gave a presentation, comments from councilmembers, Mr. Smiley, Mr. Carter, and Mr. Hollins
• No comment from the public
• No vote was taken

5. Other: None

6. Public Comment: None

7. Adjournment: Motion to adjourn by: Councilman Smiley seconded and approved by all of Council. Adjournment at 4:09pm

Respectfully submitted by Valerie George, Legislative Assistant to Councilman Tackett, Co-Chairman, Land Use Committee. The meeting also was recorded. The recording is incorporated herein by reference and is available by contacting the legislative assistant to the Land Use Committee.
RESOLUTION NO. 20-

PLAN OF SAFSTOR CHAPMAN ROAD; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHAPMAN ROAD, 136 FEET EAST OF N. WAKEFIELD ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A FOUR STORY, 104,000 SQUARE FOOT SELF-STORAGE BUILDING WITH ASSOCIATED SITE IMPROVEMENTS ON 4 +/- ACRES; OR ZONING; APPLICATION NO. 2019-0357-S; COUNCIL DISTRICT 11

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of SAFstor Chapman Road (Application No. 2019-0357-S), as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan:

PLAN OF SAFSTOR CHAPMAN ROAD
White Clay Creek Hundred

Adopted by County Council of New Castle County on:

____________________________
President of County Council of New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: This resolution will have no immediately discernible fiscal impact on the County, but if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County Government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.
MEMORANDUM

To: Council President
   Members of County Council
   Counsel to Council
   Clerk of County Council

From: Richard E. Hall

Re: Application No. 2019-0357-S
    SAFstor – Chapman Road
    Record Major Land Development Plan

Date: July 14, 2020

Enclosed for Council’s review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew S. Meyer, County Executive
    Vanessa Phillips, Chief Administrative Officer
Plan of SAFstor Chapman Road; White Clay Creek Hundred; South side of Chapman Road, 136 feet east of N. Wakefield Road; major land development plan that proposes construction of a four-story, 104,000 square foot self-storage building with associated site improvements on 4 +/- acres. OR zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.
SAFStor Chapman Road
(227 Chapman Road, Newark)

Application No. 2019-0357-S
3-Mile Market Area

- The industry recognized market area is 3 miles to the site
- Within that 3-mile radius, there are 3 competing properties
- The average age of those properties is **16 years**
- The national average of supply in a market area is 7.5 square feet of storage per person
- This market is at 3.2 square feet per person, **so it is 60%+/- underserved**
- There are three projects in construction or consideration in the market area, however, even if this project plus all contemplated projects are completed, there will still be unmet need
- In addition to the lack of supply, there is a lack of quality supply, given the age and condition of the comparable properties
- The average household income inside the market area is $75,568, which is the level of income we would expect to see a **significantly higher proportion of newer, climate-controlled, higher quality** product

5-Mile Market Area

- Although 3-miles is the recognized market area in the self-storage industry, if one were to analyze the supply-demand metrics in the 5-mile area, the number of square feet per capita would **hold nearly steady at 3.55**, meaning this property should expect to pick up additional supply outside of the defined market area of 3-miles due to larger under-supply
RESOLUTION NO. 20-

PLAN OF CAVALIERS COUNTRY CLUB; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHURCHMAN'S ROAD AT THE TERMINUS OF ADDISON DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES AN OPEN SPACE PLANNED AND AGE-RESTRICTED OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 715 DWELLING UNITS, ALONG WITH A 15,390 SQUARE FOOT BANQUET CENTER ADDITION; ST AND CR ZONING; APPLICATION NO. 2016-0491-S; COUNCIL DISTRICT 1

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Cavaliers Country Club (Application No. 2016-0491-S), as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan:

PLAN OF CAVALIERS COUNTRY CLUB
White Clay Creek Hundred

Adopted by County Council of New Castle County on:

President of County Council of New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: This resolution will have no immediately discernible fiscal impact on the County, but if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County Government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.
MEMORANDUM

To: Council President
   Members of County Council
   Council to Council
   Clerk of County Council

From: Richard Hall

Re: Application No. 2016-0491-S
    Cavaliers Country Club
    Record Major Land Development Plan

Date: July 14, 2020

Enclosed for Council’s review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
    Vanessa Phillips, Chief Administrative Officer
    Brian Boyle, Policy Director
Plan of Cavaliers Country Club; White Clay Creek Hundred; South side of Churchmans Road at the terminus of Addison Drive; Major Land Development Plan that proposes an open space planned and age-restricted open space planned development consisting of 715 dwelling units, along with a 15,390 SF banquet center addition; ST and CR zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.
Cavaliers Country Club
100 Addison Drive, Newark, Delaware
146.26± acres
Site = 146.26± acres
Community Working Group

Members

➢ Kevin Andrews
➢ Joe Windfelder
➢ Bob Fischer
➢ Anthony Evangelist
➢ Dave Washabaugh
➢ Jared Oliver
➢ Robert Johnston
➢ Rudy Antonini, Jr.
➢ Frank Maher
➢ Joe Ross, Sr.
➢ Frank Parker
➢ Mary Kaye Nickel
➢ Becky Lawson
➢ Dick & Paula Matthias
➢ Phil & Kerry Sanderson

Meeting Dates

➢ November 19, 2014 – The Woods Civic Association Meeting
➢ December 2, 2014 – Cavalier Townhome Civic Group Meeting
➢ December 16, 2014 – The Woods Civic Association Meeting
➢ February 22, 2016 – Working Group Meeting
➢ March 23, 2016 – Working Group Meeting
➢ May 31, 2016 – Working Group Meeting
➢ July 14, 2016 – Cavalier Condominium Meeting
➢ October 12, 2016 – Working Group Meeting
➢ March 8, 2017 – Working Group Meeting
➢ May 3, 2017 – Cavalier Condominium Landscaping Meeting
➢ May 18, 2017 – The Woods Landscaping Meeting
➢ October 30, 2017 – Working Group Meeting
➢ June 13, 2018 – Working Group Meeting
➢ December 17, 2018 – Working Group Meeting
➢ February 20, 2020 – Working Group Meeting
“Levels 1-3 are the areas wherein State policies will support growth and economic development activities, with Levels 1 and 2 being the primary focus. In these areas, the State would like to see local government land-use policies that promote higher densities and mixed-use type development in appropriate areas such that complete communities can be developed...”

1 For State Policies and Spending, at 19.
Churchman’s Crossing Study

- “Encourages retail and residential in closer proximity to each other to permit pedestrian trips.”
- “Promote higher density communities with multiple housing types within walking distance of transit stops.”


2 Churchman’s Study, at 10.
3 Id.
Economic Analysis of the 273 Corridor

- Major employment center in Northern NCC
- More land dedicated to nonresidential uses than residential uses
- Twice as many people work than live in the 273 Corridor Area
- “The pending development of the Cavaliers Country Club may also speak to an emerging residential market in the Corridor Area.”
- “Cavaliers Country Club location represents positive steps toward an improved balance between population and employment.”

Economic Analysis of the 273 Corridor

May 2017

Prepared for:
Department of Land Use
New Castle County, Delaware

Prepared by:
Troy D. Mix, AICP
Institute for Public Administration
University of Delaware
100 Addison Drive, Newark, Delaware
Existing Conditions

Cavalier Condominiums
Density – 13± units per acre

Existing Public Open Space

Cavalier Apartments
Density – 22 ± units per acre

The Woods Density – 2.0± units per acre

Christiana Mall – 1,566,944± SF

146.26± acres

44.69± acres
Timeline

- **January 2, 2018 →** Planning Board & Department of Land Use Public Hearing

- **March 20, 2018 →** Planning Board & Department of Land Use issues positive recommendation of rezoning of project

- **June 26, 2018 →** New Castle County Council voted to approve the rezoning

- **July 14, 2020 →** NCC Department of Land Use confirms UDC compliance of plan per UDC Section 40.31.114C

- **Today →** Record Plan Approval per UDC Section 40.31.114D

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RESOLUTION NO. 20-

PLAN OF CAVALIERS COUNTRY CLUB; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHURCHMANS ROAD AT THE TERMINUS OF ADDISON DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES AN OPEN SPACE PLANNED AND AGE-RESTRICTED OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 715 DWELLING UNITS, ALONG WITH A 15,390 SQUARE FOOT BANQUET CENTER ADDITION; ST AND CR ZONING; APPLICATION NO. 2016-0491-S; COUNCIL DISTRICT 1

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Cavaliers Country Club (Application No. 2016-0491-S), as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan:

PLAN OF CAVALIERS COUNTRY CLUB
White Clay Creek Hundred

Adopted by County Council of New Castle County on:

President of County Council of New Castle County
Proposed Project Plan

- Proposed Residential:
  - 426 Residential Lots
  - 288 Apartment Units

- Existing Buildings:
  - Clubhouse - 27,822± square feet

- Proposed Buildings:
  - Clubhouse Expansion - 15,390± square feet

- Site Acreage: 146.206 +/- acres

- Proposed Open Space: 48.29 +/- acres
CAVALIERS CONDOMINIUMS AND APARTMENTS CONNECTOR ROAD ACCESS AND TRAIL CONNECTIONS
Proposed Housing Types
Proposed Housing Types
Proposed Clubhouse and Expansion

Bella Vita
Banquet Facility
Impact Fees

- **NCC U.D.C Article 14 Impact Fees** (parks, libraries, EMS, police, etc.): $698,176.08
- **E.G., Parks & Special Facilities total fees**: $200,320
- **School Impact Fee**: $3,415,860
- **Sewer Impact Fee**: $679,979
- **Road Improvement Costs**: Over $1,000,000
TRAIL ACCESS EASEMENT AGREEMENT

THIS TRAIL ACCESS EASEMENT AGREEMENT (the "Agreement") is made this 9th day of July, 2019, by and between CAVALLI company, its successors and assigns ("Cava Association") and the CALVILLER TOWNHOUSE CONDOMINIUMS COUNCIL, an unincorporated association existent pursuant to the Delaware Unit Property Act, and serving as the condominium council for the CALVILLER TOWNHOUSE CONDOMINIUMS, under the Declaration recorded in the Office of the Recorder of Deeds in and for New Castle County as Instrument Number 19730839-6651671 and the Amended Code of Regulations recorded in Instrument Number 201

WHEREAS, Cava Association, being a corporation existing pursuant to the laws of the State of Delaware, is the owner and holder of record of the property described herein as "the property," situated in the county of New Castle, State of Delaware, more particularly described as follows:

NOW, THEREFORE, in consideration of the premises, the receipt and acknowledgment of the other party, the parties hereto agree as follows:

1. Grant of Access Easement. Subject to the conditions of this Agreement, Cava Association hereby grants an easement, to be used only during the day, across the pedestrian walkway located c at the "Trail" (the "Trail Easement"), to the right, at all times, and in its sole and exclusive right of possession, use, and control over the same, for the purpose of providing access to the property herein described.

2. Access to Property. The Trail Easement shall be used only for the purpose of providing access to the property herein described and shall be used at all times only by persons who are authorized to use the property, by the Cava Association or its agents, for the purpose of providing access to the property.

3. Duration of Easement. The easement granted herein shall continue in full force and effect for a period of one year from the date hereof, unless sooner terminated by Cava Association.

4. Covenant. The parties hereto agree to be bound by the terms and conditions of this Agreement and to perform all obligations set forth herein.

5. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware.

6. Entire Agreement. This Agreement contains the entire agreement between the parties and supersedes all prior negotiations, understandings, and agreements.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Tax Parcel Nos.: See Attached Schedule A

Prepared by/Return to:
Drinker Biddle & Reath LLP
222 Delaware Ave., Suite 1410
Wilmington, DE 19801

Tax Parcel No.:

Prepared by/Return to:
Drinker Biddle & Reath LLP
222 Delaware Avenue, Suite 1410
Wilmington, DE 19801

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration") is made this 9th day of July, 2019, by CAVALLER REALTY, LLC, a Delaware limited liability company, and its successors and assigns (the "Declarant").

WHEREAS, the Declarant is seized in fee simple of that certain parcel of land situated in the Township of New Castle, County of New Castle, State of Delaware, commonly known as 145.00 acres in size, as shown on the Record Abstract and a copy of which is attached hereto as Exhibit A. This Declaration applies only to the "Clubhouse Parcel" being 7.58 acres, and is made in consideration of the real estate being shown on the plan attached hereto as Exhibit A (hereinafter the "Property");

WHEREAS, the Property is located in close proximity to the Christiana Mall, Interstate 95, and Delaware Route 1, and within the Churchman's Crossing study area;

WHEREAS, the Declarant intends to submit a Major Subdivision Plan and Rezoning Application (the "Plan") to the Planning Board for Rezoning and/or development of the property for a period of one year from the date hereof;

WHEREAS, the Declarant has made efforts over the past nine years to meet with its neighbors to discuss the possible redevelopment of the property, and to address concerns about the proposed redevelopment in good faith;

WHEREAS, the Property is contiguous to the Woods Subdivision, a large residential community, as shown on the plan recorded in the Office of the Recorder of Deeds in and for New Castle County for the Woods Section I in Microfilm #: 004057, the Woods Section II in Microfilm #: 004454, and the Woods Section III in Microfilm #: 004713 (collectively, "The Woods"), and Declarant has been meeting with neighbors from The Woods to discuss the proposed redevelopment, and more recently, the Plan;

WHEREAS, the Property is contiguous to the Woods Subdivision, a large residential community, as shown on the plan recorded in the Office of the Recorder of Deeds in and for New Castle County in Microfilm #: 002339 ("The Woods Subdivision"), and Declarant has been meeting with neighbors from the Woods Subdivision to discuss the proposed redevelopment, and more recently, the Plan;

WHEREAS, as a result of those meetings a "working group" was formed, made up of neighbors to the Property, including neighbors that reside in the Woods Subdivision,
Award

I am writing to inform you that the Delaware Valley Smart Growth Alliance (DVSGA), through its jury process, has awarded its Smart Growth Recognition to your project based on the application package submitted to DVSGA on August 11, 2016, and your presentation to the DVSGA Jury on August 18, 2016.

Ann Hutchinson
DVSGA Jury Vice-Chair

Randy Cherka
DVSGA Jury Member

What is DVSGA?

The Delaware Valley Smart Growth Alliance is the leading advocacy organization dedicated to making the case for Smart Growth in Southeastern Pennsylvania, Southern New Jersey, and Delaware. It is a 501(c)(3) non-profit formed in 2005 to help:

- **Educate** the public and local governments about the benefits of Smart Growth
- **Advocate** that developers incorporate Smart Growth into development proposals
- **Facilitate** support for Smart Growth project proposals during the municipal review process
Walkability/Bikeable

Transit oriented

Neighborhood character/quality design

Protection of resources

- Floodplains, forest, riparian buffers, etc.

Access to amenities

Adherence to regional plans

Stakeholder involvement (working group)
Thank you for allowing us to share our plans with you.
Introduced by: Councilman Bell
Date of introduction: March 10, 2020

ORDINANCE NO. 20-014

REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE OF SUMMIT BRIDGE ROAD, NORTH OF BOYDS CORNER ROAD; 4353 SUMMIT BRIDGE ROAD, TAX PARCEL 13-007.00-078, 1.64 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO NC21 AND H (HISTORIC) OVERLAY ZONE

(The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. 2019-0676-R/Z.)

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of St. Georges Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits “A” and “L” dated January 27, 2020, as set forth therein.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 Del. C. § 1156.

Adopted by County Council of New Castle County on:

President of County Council of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(s) rezoned is (are) developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.
APPLICANT: Eliason House, LLC

PROPOSED REZONING: From NC 21 to NC 21 and H

APPLICATION NO. 2019-0676-S

TAX PARCEL NO. 13-007.00-078

HUNDRED: ST. GEORGES
NEW CASTLE COUNTY, DELAWARE

Scale: 1"= 200'
Prepared by: SMB
Date: 01/27/2020
APPLICANT: Eliason House, LLC

PROPOSED REZONING: From NC21 to NC 21 and H

APPLICATION NO. 2019-0676-S

TAX PARCEL NO. 13-007.00-078
4353 Summit Bridge Road. (East side of Summit Bridge Road, 2,500 feet north of Boyds Corner Road.) (TP 13-007-00-078). St. Georges Hundred. NC21 Zoning. Council District 12.

Historic Overlay rezoning and associated parking plan for an adaptive reuse of the A. Eliason House, listed on the National Register of Historic Places, constructed ca. 1856.
HISTORIC BACKGROUND/SUMMARY

• 1856 – 3-story, 5 bay brick dwelling – Greek Revival with Italianate influence

• Andrew Eliason wealthy agriculturist – member of DE House of Representatives

• 1881 – farm complex of 235 acres

• 1985 placed on the National Register (Qualifications--site of important Delawarean – symbol of DE agricultural past; architectural significance reflecting homes built during that time period)
SITE PHOTOS
Landscape Plan/Additional Screening and Buffering
THE PROJECT MEETS AT LEAST FIVE OF THE HISTORIC ZONING CRITERIA UNDER 40.15.110

• A building, complex of buildings, structure, site, object or district may be designated for preservation as a historic zone if it can be demonstrated that it is significant to the County for its ability to meet one (1) or any combination of the following criteria. In addition, the resource must be fifty (50) years old...Criteria for designation that are met:
  A. Listed or determined to be eligible for the National Register of Historic Places as provided in the National Historic Preservation Act of 1966, 16 USC 470 et seq.
  B. Has significant character, interest, or value as an example of the development, heritage or cultural characteristics of the County, the State or the United States.
  E. Embodies distinguishing characteristics of an architectural style or engineering specimen.
  K. Has yielded or is likely to yield information of importance to prehistory State’s or United States’ history.
  L. Is associated with the lives of persons important to the County’s past.
THE PROJECT MEETS THE CRITERIA FOR AMENDMENT OF ZONING MAP UNDER UDC 40.31.410

A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter...
B. Consistency with the character of the neighborhood.
C. Consistency with zoning and use of nearby properties.
D. Suitability of the property for the uses for which it has been proposed or restricted.
E. Affect on nearby properties.
F. Recommendations by the HRB Department; Planning Board.
CONCLUSION AND SUMMARY

• COMMUNITY AND POLITICAL OUTREACH SUPPORTIVE
• MEETS ALL CRITERIA FOR HZO AND REZONING
• SUPPORTED BY PLANNING BOARD AND HRB; VARIANCES SECURED
• CONSIDERATION OF RECOMMENDED CONDITIONS
• QUESTIONS FROM COUNCIL?