

MINUTES

LAND USE COMMITTEE MEETING

Tuesday, February 2, 2010

1. Call to Order

- The meeting was called to order by Co- Chair Joseph Reda at 3:12 p.m. Council members present were: Mr. Clark, Mr. Bell, Mr. Cartier, Mr. Smiley, Mr. Weiner, Mr. Powers, Mr. Hollins, Mr. Sheldon, Ms. Diller, Mr. Street, and Mr. Tackett. Mr. Tansey was absent.

2. Review / Adoption of Minutes

Minutes from January 19, 2010.

- Motion to accept the Land Use Minutes of January 19, 2010, made by Mr. Powers, seconded by Mr. Sheldon, and unanimously accepted by Council

3. Review/Discussion of Ordinance(s)

Ordinance No. 08-088

Introduced by: Ms. Diller

REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED; SOUTH SIDE SR 273, WEST OF OLD OGLETOWN ROAD, AND OPPOSITE AVON AND LOWES; 13.38 ACRES FROM I (INDUSTRIAL) TO CR (COMMERCIAL REGIONAL). (Preliminary redevelopment plan for Potts Shopping Center proposes to construct a 129,000 square foot shopping center; 2008-0005-S/Z).

- Councilwoman Diller explained the ordinance and asked the applicant to explain the Ordinance.
- Richard Forsten explained this is an old industrial site. Redevelopment of the space will comply with all UDC requirements. Land Use has agreed. They are only seeking rezoning at this time.
- Discussion and questions by Council.
- No Public comment.
- No vote was taken at this time.

Ordinance No. 09-090

Introduced by: Mr. Weiner

REVISE ZONING MAP: BRANDYWINE HUNDRED; SOUTH SIDE OF GARDEN OF EDEN ROAD, WEST OF CONCORD PIKE AND EAST OF TAUNTON DRIVE; 15.39 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. (Preliminary plan for Columbia Place at Garden of Eden Road proposes to redevelop the property with 150 age restricted dwelling units on 15.39 acres with 6.43 acres of open space; 2009-0201-S/Z).

- Councilman Weiner explained the ordinance in detail and turned the floor over to Lisa Goodman.
- Lisa Goodman, on behalf of the applicant, explained that they are here for a rezoning and gave a very detailed explanation of the ordinance. This plan is supported by the Land Use Department and is consistent with the comprehensive plan. Mr. Heisler gave a handout on storm water plan (copy available)
- Lengthy discussion and questions from Council.
- Public comment and questions from Peggy Schultz, LWV, NCC, Ms. Nancy Hannigan, resident of Tavistock, Mr. Daniel Mulveny, resident of Tavistock, Ms. Judy McGee, Mr. Frank Maderich, resident of Tavistock, Ms. Meg Campbell, resident of Tavistock. The Tavistock group gave a packet to each of the council members (copy available) of their explanation that they oppose the Columbia Place plan. Mr. Bill Bliss gave his opinion of the problem of process of projects and how they are perceived. Mr. Stephen Furman gave his comments and also a handout. Mr. Chuck Landry, CCOBH gave his opinion.
- Mr. Dave Culver was asked to come forward and he explained the plan in great detail.
- No Vote was taken on this Ordinance.

Ordinance No. 09-091

Introduced by: Mr. Powers

REVISE ZONING MAP: NEW CASTLE HUNDRED; NORTH SIDE OLD PORTER ROAD, WEST OF RED LION ROAD AND EAST OF LAUREN DRIVE; 56.709 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. Preliminary plan for Vista at Red Lion Section One proposes to construct 286 age-restricted single-family townhouse dwelling units on 56.709 acres with 26.499 acres of private open space. 2008-0002-S/Z.)

- Councilman Powers tabled this Ordinance.

Ordinance No. 09-092

Introduced by: Mr. Powers

REVISE ZONING MAP: NEW CASTLE HUNDRED; SOUTH SIDE OLD PORTER ROAD, WEST OF RED LION ROAD AND EAST OF LAUREN DRIVE; 144.81 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION). Preliminary plan for Vista at Red Lion Section Two proposes to construct 289 single-family detached dwelling units on 144.81 acres with 70.009 acres of private open space. 2008-0003-S/Z.)

- Councilman Powers tabled this Ordinance.

Ordinance No. 09-093

Introduced by: Mr. Powers

REVISE ZONING MAP: NEW CASTLE HUNDRED; NORTHWEST SIDE OLD STATE ROAD, NORTHWEST OF US 13 ACROSS FROM LLANGOLLEN ESTATES; 13.51 ACRES FROM S (SUBURBAN) TO CR (COMMERCIAL REGIONAL); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. Preliminary plan for Old State Road Self Storage proposes to construct 47,750 square feet of self storage buildings and 600 square feet of office on 13.51 acres. 2007-1227-S/Z.)

- Councilman Powers tabled this Ordinance.

Ordinance No. 09-094

Introduced by: Mr. Tackett

REVISE ZONING MAP: PENCADER HUNDRED, EAST SIDE SR 72 (SUNSET LAKE ROAD), SOUTH OF OLD BALTIMORE PIKE; 0.62 ACRE FROM ST (SUBURBAN TRANSITION) TO I (INDUSTRIAL). Preliminary plan for Pike Excavating, Inc. proposes to combine two parcels and to construct two warehouse buildings with 18,700 square feet of gross floor area. 2008-0755-S/Z)

- Councilman Tackett asked that the applicant come forward and give a presentation on this plan.
- Ron Sutton representing Pike Excavating explained the plan.
- Discussion and questions by Council.
- No Public Comment
- No vote was taken on this Ordinance.

Ordinance No. 09-105

Introduced by: Mr. Sheldon

(TO BE TABLED) REVISE ZONING MAP: MILL CREEK HUNDRED, SOUTH SIDE LIMESTONE ROAD (SR7), WEST SIDE MILLTOWN ROAD, AND NORTH SIDE OLD LIMESTONE ROAD; 8.557 ACRES FROM S (SUBURBAN) TO CN (COMMERCIAL NEIGHBORHOOD); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. (Preliminary plan for Milltown Square proposes to construct a mixed use development with 100,418 square feet of office, retail, restaurant, and residential uses on 8.557 acres; 2009-0122-S/Z.)

- Councilman Sheldon tabled this Ordinance.

Ordinance No. 09-106

Introduced by: Mr. Powers

REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTHWEST SIDE CHURCH ROAD, NORTHWEST OF RED LION, AND SOUTHEAST OF MERIDIAN BOULEVARD; 135 ACRES (SUBURBAN TRANSITION). (This is a proactive rezoning filed pursuant to a Settlement Agreement between New Castle County and Sterling Property Holdings, Inc. to rezone 135 acres from NCMM to ST and to void the Record Major Land Development Plan of Red Lion Village, a Mobile Home Community (microfilm 3087). No associated land development plan is filed with this rezoning. 2009-0577-Z)

- Councilman Powers tabled this Ordinance.

Ordinance No. 09-107

Introduced by: Mr. Reda

REVISE ZONING MAP: WHITE CLAY HUNDRED, NORTH SIDE PATTERSON LANE, EAST SIDE OLD SR 7 (NORTH OLD BALTIMORE PIKE) IN NORTH CHRISTIANA; 13.654 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO ST (SUBURBAN TRANSITION); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. (Preliminary plan for Patterson Lane proposes a residential development of 28 town homes on 13.65 acres with 9.94 acres of open space, 2008-0902-S/Z.)

- Councilman Reda tabled this Ordinance.

Ordinance No. 10-015

Introduced by: Mr. Cartier

TO REVISE CHAPTER 19 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE “RESIDENTIAL RENTAL PROPERTY CODE”).

- Jim Smith gave the presentation on this Ordinance. There are eight changes to this ordinance. List was given with explanation. There will be a Substitute 1 for the penalties by the magistrate.
- Discussion and questions by Council.
- No questions from the public.
- No vote was taken on this Ordinance.

Substitute No. 1 TO Ordinance No. 09-071

Introduced by: Mr. Cartier

(TABLED) TO REVISE CHAPTER 40 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE – UDC) REGARDING ARTICLE 12 (SEWER AND WATER IMPACT) TO PERMIT PROPERTY ADJACENT TO THE PUBLIC SEWER SERVICE AREA TO CONNECT TO THE PUBLIC SANITARY SEWER UNDER CERTAIN CONDITIONS.

- Councilman Cartier - Substitute No. 2 will be brought forward for the environmental improvement.
- Dave Culver was asked to come up to explain this ordinance.
- No questions from the public.
- Discussion and questions from Council.
- No vote was taken on this Ordinance.

4. Other

- None

5. Public Comment

- None

6. Adjournment

- Motion to adjourn made by Mr. Smiley, seconded by Mr. Cartier and unanimously accepted by Council. Meeting adjourned at 6:05 p.m.

Respectfully submitted by Christine Roberts, Legislative Aide to Councilman Joseph Reda, Co-Chairman, Land Use Committee. This meeting also was taped. The tape is incorporated herein by reference and is available by contacting the legislative aide to the Land Use Committee.