



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE HEARING

Co-Chair: David Tackett, Eleventh District

Co-Chair: Janet Kilpatrick, Third District

February 15, 2022

3:00 PM

VIRTUAL ZOOM WEBINAR HEARING

MINUTES

A. Meeting Call to Order

The meeting was called to order by Ms. Kilpatrick at 3:00PM.

Present: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Woods

Absent: Tackett

B. February 15, 2022 Hearing on the Appeal of the Planning Board decision denying the subdivision variance application of Appellant Shipley Road Investments, LLC, Application No. 2021-0511-SV

Shipley Road Investments, LLC, [Application No. 2021-0511](#)

Ms. Kilpatrick discussed the purpose of the hearing, explained that County Council is sitting in a quasi-judicial capacity regarding the appeal, introduced the attorneys, and explained how the vote would proceed.

Ms. Kilpatrick also identified the binder that contained the legal record that was provided to each Councilmember, and then provided background on the appeal.

Ms. Kilpatrick asked if any Councilmember received *ex parte* communications from either of the parties relating to the appeal, and then explained the time guidelines for Oral Argument and Rebuttal.

The hearing then proceeded to Oral Argument, with eight minutes each for appellant and for the Planning Board

- o John Tracey, attorney for the appellant, presented an oral argument.

- o Iran Garcia-Domenech, attorney for the Planning Board, presented an oral argument.

The attorneys then provided Rebuttals, with two minutes each for the appellant and for the Planning Board

- o John Tracey, attorney for the appellant, gave a rebuttal.
- o Iran Garcia-Domenech, attorney for the Planning Board, gave a rebuttal.

Councilmembers then asked questions of Mr. Tracey and Mr. Garcia-Domenech and had discussion, and the attorneys had the opportunity to respond to the questions.

Votes

Upon completion of questioning of the attorneys by Councilmembers, Ms. Kilpatrick noted that all 12 members present during the hearing were present for the entirety of the hearing with their cameras on. The Councilmembers then voted, either "Yes" or "No," on the subdivision variance appeal as follows, with a Poll Vote taken.

- o Bell: No
- o Carter: No
- o Cartier: No
- o Diller: No
- o Durham: Yes
- o Hartley-Nagle: Yes
- o Hollins: No
- o Kilpatrick: Yes
- o Sheldon: Yes
- o Smiley: Yes
- o Street: No
- o Tackett: Absent
- o Woods: Yes

RESULTS: 6 Yes, 6 No, 1 Absent.

Consequently, Shipley Road Investments, LLC's, Application No. 2021-0511-SV, appealing the Planning Board's decision denying the Subdivision Variance Application failed.

C. Adjournment

Mr. Smiley moved to adjourn the meeting. The motion was seconded by Mr. Carter. The motion was approved and the meeting was adjourned at 4:34PM.