



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

March 21, 2023
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING** &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

REVISED AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

D. Review/Discussion of Ordinance(s)

°22-133: REVISE ZONING MAP: ST GEORGES HUNDRED, SOUTHWESTERLY CORNER OF HYETTS CORNER ROAD AND DUPONT PARKWAY; REZONE TAX PARCEL 13-008.00-045 (10.60 ACRES) FROM "S" (SUBURBAN) TO "CR" (COMMERCIAL REGIONAL). (The Exploratory Major Land Development Plan and rezoning for 2229 DuPont Parkway proposes to rezone parcel 13-008.00-045 (10.60 acres) from "S" (Suburban) to "CR" (Commercial Regional) to create two title subdivision lots and construct 76,609 square foot mini warehouse/storage buildings with a 890 square foot office and a 28,000 square foot flex warehouse building. App. 2021-0780 S/Z, Council District 12.) Introduced by: Mr. Bell

E. Presentations

- Presentation by Peter Yingst

F. Other

G. Public Comment

H. Adjournment

Revised Agenda Posted: March 16, 2023
AGENDA POSTED: MARCH 14, 2023

This agenda was revised to include a presentation by Peter Yingst.

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> 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 +1-253-215-8782 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>

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://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Introduced by: Mr. Bell
Date of introduction: October 25, 2022

ORDINANCE NO. 22-133

**REVISE ZONING MAP: ST GEORGES HUNDRED, SOUTHWESTERLY CORNER OF
HYETTS CORNER ROAD AND DUPONT PARKWAY; REZONE TAX PARCEL 13-
008.00-045 (10.60 ACRES) FROM “S” (SUBURBAN) TO “CR” (COMMERCIAL
REGIONAL).**

(The Exploratory Major Land Development Plan and rezoning for **2229 DuPont Parkway** proposes to rezone parcel 13-008.00-045 (10.60 acres) from “S” (Suburban) to “CR” (Commercial Regional) to create two title subdivision lots and construct 76,609 square foot mini warehouse/storage buildings with a 890 square foot office and a 28,000 square foot flex warehouse building. **App. 2021-0780 S/Z**, Council District 12.)

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of St. George’s Hundred, is hereby amended by changing the zoning classification of the land shown on attached Exhibits “A” and “L” dated September 6, 2022, as set forth therein.

Section 2. The 2012 Comprehensive Development Plan Update for New Castle County, as shown amended, is hereby further amended, by changing the land use designation shown on Exhibit “E” dated September 23, 2022, as set forth herein, so as to make such land consistent with the amendment of the zoning map, as per Section 1 above.

Section 3. 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

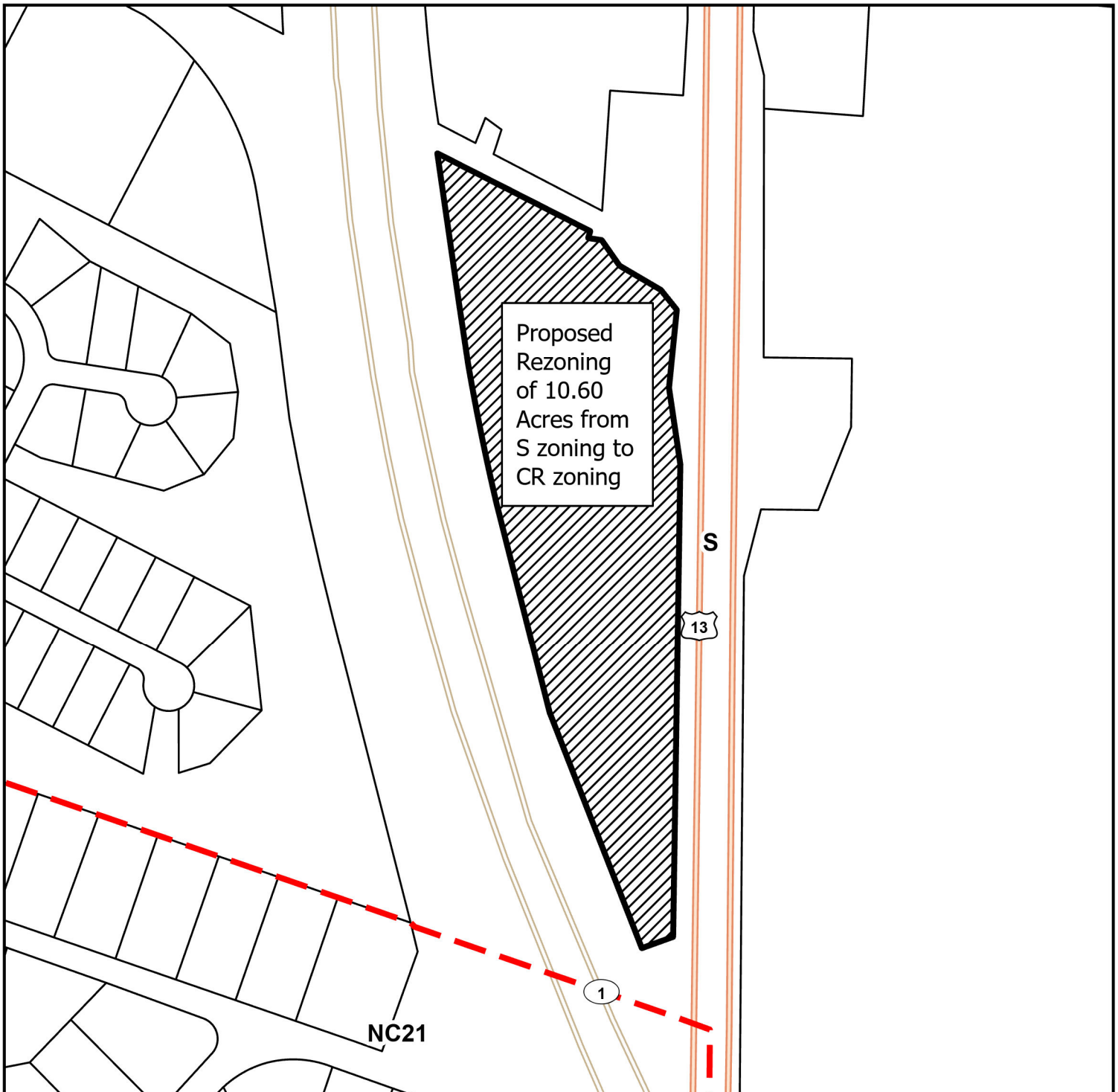
SYNOPSIS: Same as Title.

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.

APPLICATION NO. 2021-0780-SZ

TAX PARCEL NO. 13-008.00-045

APPLICANT: SENTINEL SELF STORAGE LLC
PROPOSED REZONING: EXISTING S ZONING TO CR ZONING



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3,500

Prepared by: Property.Munsaka

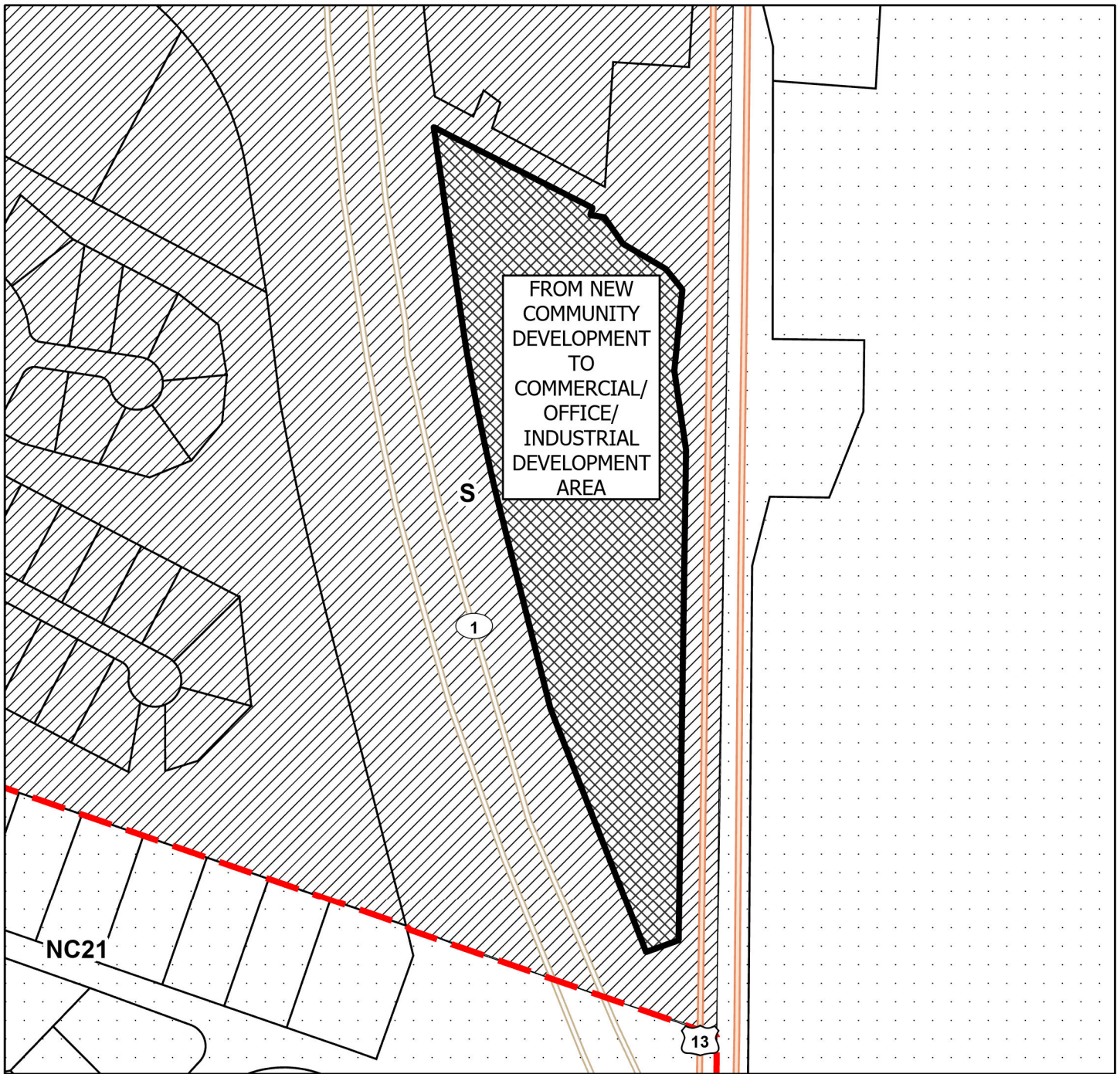
Date: 9/6/2022



PERMANENT ORDINANCE NO. 22- 133

Date Adopted by County Council _____

Date Approved by County Executive _____



AMENDMENT TO THE 2012 COMPREHENSIVE DEVELOPMENT PLAN
NEW CASTLE COUNTY, DELAWARE



Ordinance No. 22-133

Exhibit E

App. No. 2021-0780-SZ

Date: 9/23/2022

Scale: 1:3,500

Residential		Commercial/Office/Industrial Development Area		Resource & Rural Preservation
Very Low Density		New Community Development		Hometown (HT) Overlay
Low Density		HI Zoned Land		Historic Overlay (H)
Medium Density		Municipal Land		
High Density				

PROPERTY MAP

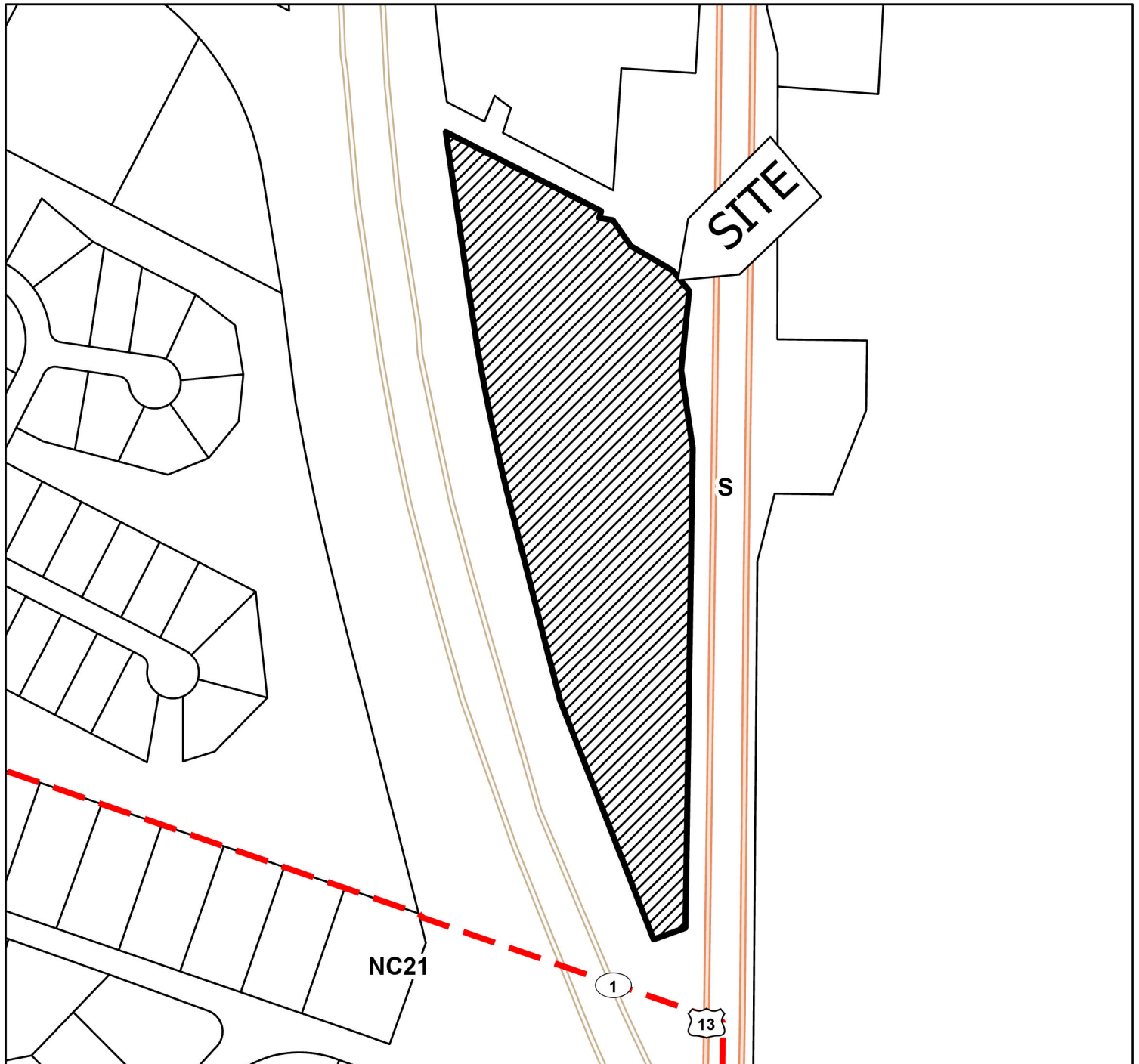
EXHIBIT "L"
ZONING ORDINANCE AS INTRODUCED

APPLICANT: SENTINEL SELF STORAGE LLC

APPLICATION NO. 2021-0780-SZ

TAX PARCEL NO. 13-008.00-045;

PROPOSED REZONING: EXISTING S ZONING TO CR ZONING



HUNDRED: ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3,500

Prepared by: Property.Munsaka

Date: 9/6/2022



PERMANENT ORDINANCE NO. 22- 133

Date Adopted by County Council _____

Date Approved by County Executive _____

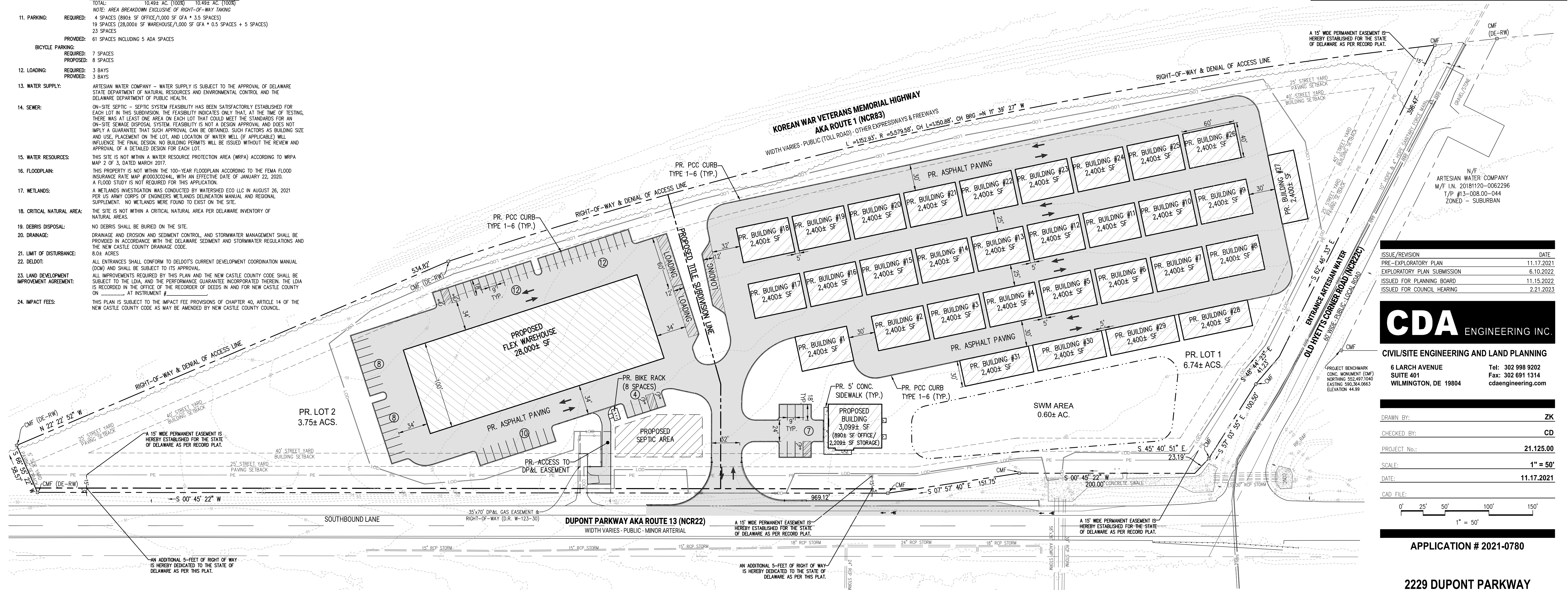
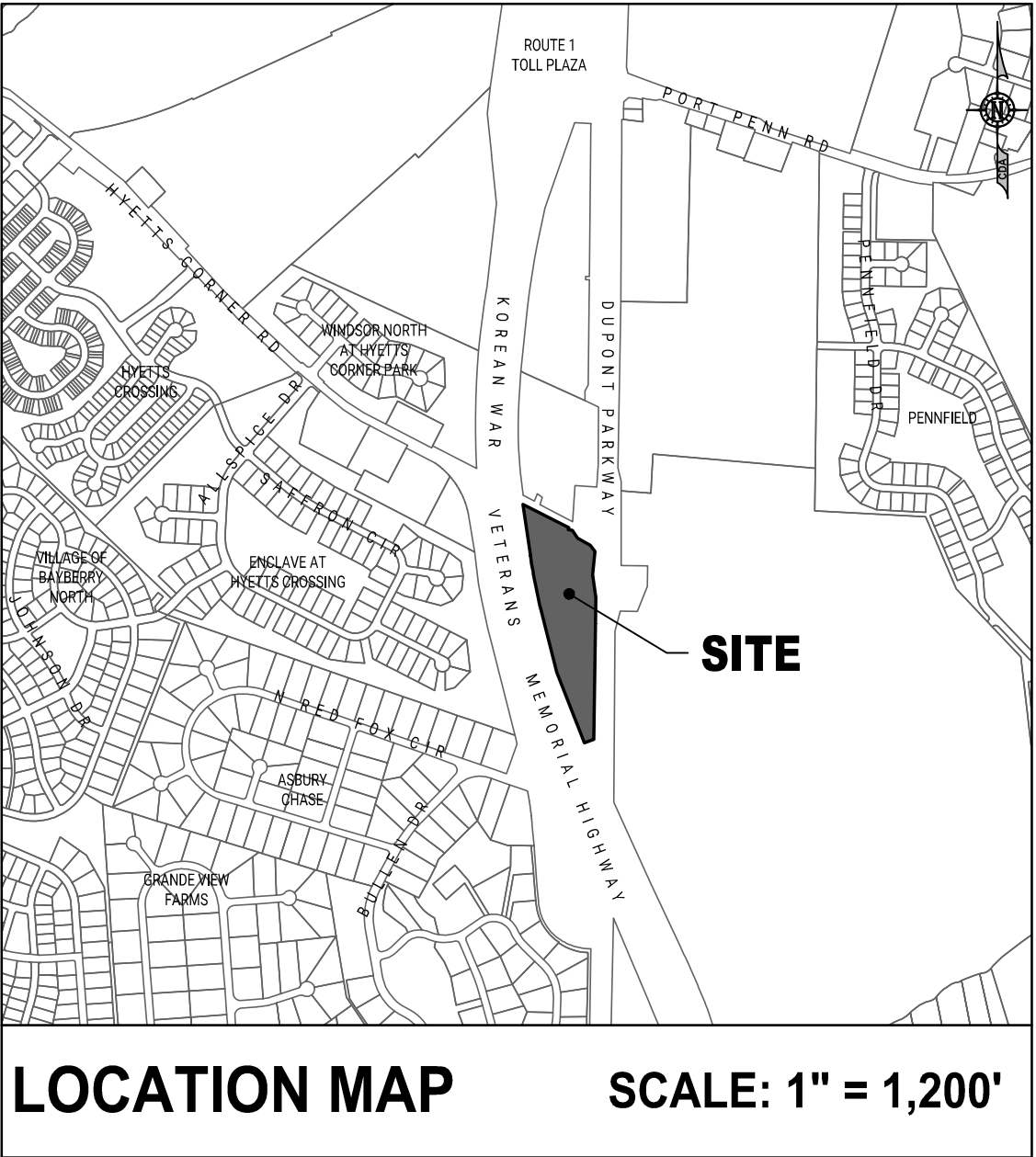
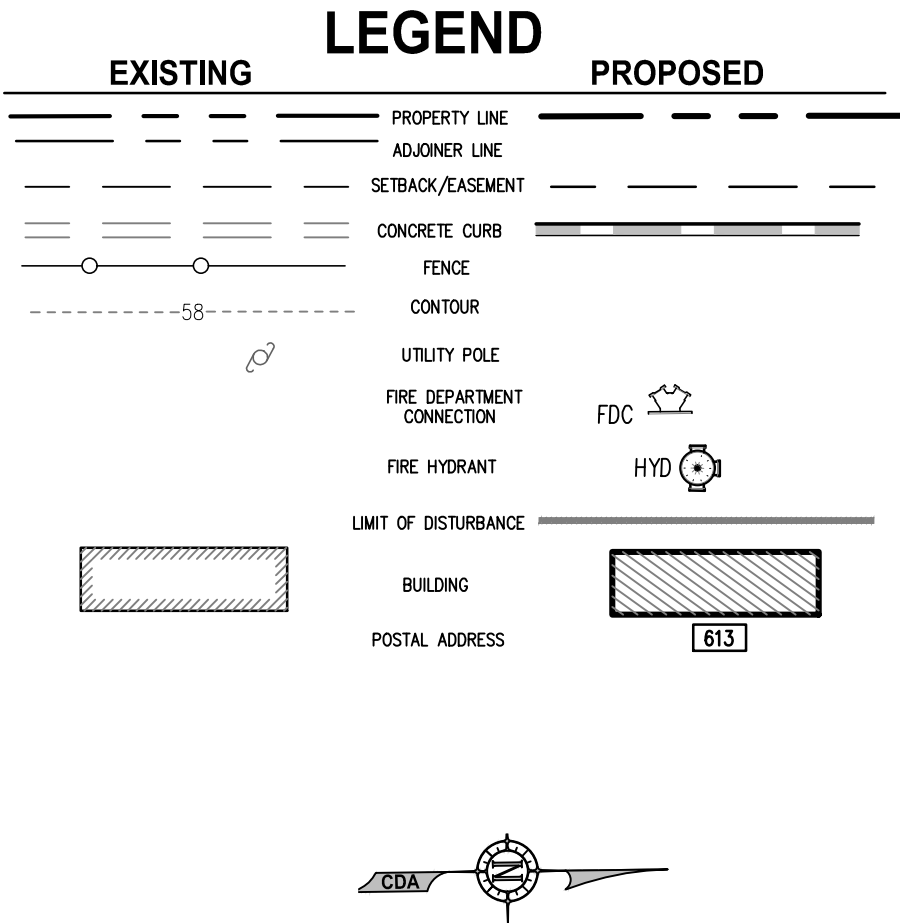
SITE DATA

1. OWNER ADDRESS:	SENTINEL SELF STORAGE LLC 818 FIRST STATE BOULEVARD WILMINGTON, DE 19804									
2. PROPERTY ADDRESS:	2229 DUPONT PARKWAY MIDDLETOWN, DE 19709									
3. TAX PARCEL NUMBER:	13-008.00-045									
4. AREA OF PARCEL:	EXISTING		PROPOSED							
	10.60± ACRES		LOT 1: 6.74± ACRES		LOT 2: 3.75± ACRES					
			R/W DEDICATION 0.11± ACRE							
5. ZONING:	TOTAL: 10.60± ACRES									
	EXISTING: S - SUBURBAN PROPOSED: CR - COMMERCIAL REGIONAL USE: MINI-WAREHOUSE/WAREHOUSE (HEAVY RETAIL AND SERVICE)									
LOT AREA	LOT WIDTH	STREET YARD	SIDE YARD	REAR YARD	BUILDING HEIGHT	PAVING STREET/OTHER				
2 ACRES	100'	40'	20'	20'	50'	25'/5'				

6. SOURCE OF TITLE:	DEED INSTRUMENT #20210810-0093033						
7. SURVEY:	JUNE 9, 2021 BY CDA ENGINEERING, INC.						
	DATUM: VERTICAL - NAVD 88						
	HORIZONTAL - COORDINATE SYSTEM AND BASIS OF BEARINGS: DELAWARE STATE PLANE NAD 83/91						
	BENCHMARK: CONCRETE MONUMENT FOUND (CENTURY) POINT NO. 1						
	NORTHING 552,497.1040						
	EASTING 500,354.0953						
	ELEVATION 44.99						
8. LOTS:	MONUMENTS: EXISTING: 8 (FOUND) / PROPOSED: 0						
	EXISTING: 1 / PROPOSED: 2						
9. GROSS FLOOR AREA:	890± SF OFFICE						
	76,609± SF STORAGE/MINI-WAREHOUSE						
	28,000± SF FLEX WAREHOUSE						
10. AREA BREAKDOWN:	105,499± SF TOTAL						
	EXISTING						
	BUILDING COVERAGE: 0.00± AC. (0%)						
	IMPERVIOUS SURFACES: 0.00± AC. (0%)						
	PROPOSED						
	BUILDING COVERAGE: 0.00± AC. (0%)						
	IMPERVIOUS SURFACES: 0.00± AC. (0%)						
	OPEN SPACE: 10.49± AC. (100%)						
	STORMWATER AREA: 0.00± AC. (0%)						
	TOTAL: 10.49± AC. (100%)						
11. PARKING:	NOTE: AREA BREAKDOWN EXCLUSIVE OF RIGHT-OF-WAY TAKING						
	REQUIRED: 4 SPACES (890± SF OFFICE/1,000 SF GFA + 3.5 SPACES)						
	19 SPACES (28,000± SF WAREHOUSE/1,000 SF GFA + 0.5 SPACES + 5 SPACES)						
	23 SPACES						
	PROVIDED: 61 SPACES INCLUDING 5 ADA SPACES						
BICYCLE PARKING:	REQUIRED: 7 SPACES						
	PROPOSED: 8 SPACES						
12. LOADING:	REQUIRED: 3 BAYS						
	PROVIDED: 3 BAYS						
13. WATER SUPPLY:	ARTESIAN WATER COMPANY - WATER SUPPLY IS SUBJECT TO THE APPROVAL OF DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.						
14. SEWER:	ON-SITE SEPTIC - SEPTIC SYSTEM FEASIBILITY HAS BEEN SATISFACTORILY ESTABLISHED FOR EACH LOT IN THIS SUBDIVISION. THE FEASIBILITY INDICATES ONLY THAT, AT THE TIME OF TESTING, THERE WAS AT LEAST ONE AREA ON EACH LOT THAT COULD MEET THE STANDARDS FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM. FEASIBILITY IS NOT A DESIGN APPROVAL AND DOES NOT IMPLY A GUARANTEE THAT SUCH APPROVAL CAN BE OBTAINED. SUCH FACTORS AS BUILDING SIZE AND USE, PLACEMENT ON THE LOT, AND LOCATION OF WATER WELL (IF APPLICABLE) WILL INFLUENCE THE FINAL DESIGN. NO BUILDING PERMITS WILL BE ISSUED WITHOUT THE REVIEW AND APPROVAL OF A DETAILED DESIGN FOR EACH LOT.						
15. WATER RESOURCES:	THIS SITE IS NOT WITHIN A WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO WRPA MAP 2 OF 3, DATED MARCH 2017.						
16. FLOODPLAIN:	THIS PROPERTY IS NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP #10003C0244L, WITH AN EFFECTIVE DATE OF JANUARY 22, 2020. A FLOOD STUDY IS NOT REQUIRED FOR THIS APPLICATION.						
17. WETLANDS:	A WETLANDS INVESTIGATION WAS CONDUCTED BY WATERSHED ECO, LLC IN AUGUST 26, 2021 PER US ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND REGIONAL SUPPLEMENT. NO WETLANDS WERE FOUND TO EXIST ON THE SITE.						
18. CRITICAL NATURAL AREA:	THE SITE IS NOT WITHIN A CRITICAL NATURAL AREA PER DELAWARE INVENTORY OF NATURAL AREAS.						
19. DEBRIS DISPOSAL:	NO DEBRIS SHALL BE BURIED ON THE SITE.						
20. DRAINAGE:	DRAINAGE AND EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.						
21. LIMIT OF DISTURBANCE:	8.0± ACRES						
22. DELDOT:	ALL ENTRANCES SHALL CONFORM TO DELDOT'S CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.						
23. LAND DEVELOPMENT IMPROVEMENT AGREEMENT:	ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LDDA, AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDDA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON _____ AT INSTRUMENT #_____.						
24. IMPACT FEES:	THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.						

25. LANDSCAPE PLAN: A LANDSCAPE PLAN, PREPARED BY DESIGNS ETC., LAST DATED _____ OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
26. DEED RESTRICTIONS: NONE
27. SUPERSEDES NOTE: THIS PLAN SUPERSEDES, IN PART, THE RECORD MINOR SUBDIVISION PLAN FOR VAN WINGERDEN ASSOC. PREPARED BY AMERICAN ENGINEERING AND SURVEYING, INC. DATED 1/24/1992 AND SUBSEQUENT REVISIONS, AND RECORDED ON 6/22/1992 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, IN MICROFILM #11282.
28. SWM MAINTENANCE FUND: THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF \$4,800.00 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
29. SWM ACCESS EASEMENT: A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER, UNDER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSES FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
30. MAINTENANCE OF COMMON FACILITIES: FOR MAINTENANCE OF THE COMMON FACILITIES SHOWN ON THE PLAN, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT #_____.

PURPOSE NOTE:
TO REZONE THE PARCEL FROM 'S' TO 'CR'; TO CREATE (2) TITLE SUBDIVISION LOTS; AND TO CONSTRUCT 76,609± SF OF MINI-WAREHOUSE/STORAGE BUILDINGS WITH A 890± SF OFFICE AND 28,000 SF FLEX WAREHOUSE BUILDING



ISSUE/REVISION	DATE
PRE-EXPLORATORY PLAN	11.17.2021
EXPLORATORY PLAN SUBMISSION	6.10.2022
ISSUED FOR PLANNING BOARD	11.15.2022
ISSUED FOR COUNCIL HEARING	2.21.2023

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING
6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804
Tel: 302 998 9202
Fax: 302 691 1314
cdaengineering.com

DRAWN BY:	ZK
CHECKED BY:	CD
PROJECT No.:	21.125.00
SCALE:	1" = 50'
DATE:	11.17.2021
CAD FILE:	

APPLICATION # 2021-0780

2229 DUPONT PARKWAY

EXPLORATORY MAJOR
LAND DEVELOPMENT PLAN

ST. GEORGES HUNDRED	NEW CASTLE COUNTY	DELAWARE
DRAWING TITLE: EXPLORATORY PLAN		

DRAWING NUMBER: REC-1

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ BY _____
DATE _____ GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED _____ BY _____
DATE _____ COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

CERTIFICATION OF PLAN ACCURACY

I, COLMCILLE DEASCANIS, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

COLMCILLE DEASCANIS
REGISTRATION #13049

CERTIFICATION OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

RICHARD J. JULIAN, JR.
SENTINEL SELF STORAGE LLC



Department of Land Use

DEPARTMENT OF LAND USE AND
PLANNING BOARD RECOMMENDATION REPORT

Ordinance 22-133

[Application 2021-0780-SZ](#)

Major Land Development Plan for 2229 Dupont Parkway

January 17, 2023

Location: Southwesterly corner of Hyetts Corner Road and Dupont Parkway.

Sponsor: James Bell, District 12

Description: Rezone parcel 13-008.00-045 (10.6 acres) from S (Suburban) to CR (Commercial Regional) to construct 76,609 square feet of self-storage space with an 890 square foot office, and a 28,000 square foot flex warehouse building.

Applicant: Sentinel Self Storage LLC

EXECUTIVE SUMMARY

The applicant proposes to rezone the subject property from S (Suburban) to CR (Commercial Regional) to construct 76,609 square feet of self-storage space with an 890 square foot office, and a 28,000 square foot flex warehouse building.

The Department has considered the Standards for Zoning Map Amendment in Section 40.31.410 of the Unified Development Code, the proposed plan, and comments received from other agencies and members of 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 **CONDITIONAL APPROVAL** of Ordinance 22-133 with the following conditions:

1. The building elevations shall be generally consistent with the renderings submitted into evidence; and
2. The landscaping shall be generally consistent with the renderings submitted into evidence.

At its business meeting held on January 17, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Ms. Drake and seconded by Mr. Daigle, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 22-133 subject to the conditions made by the Department of Land Use. The motion was adopted by a vote of 7-0-0-2 (Yes: Daigle, Drake, Gray, McGlinchey, Snowden, Visvardis, Peterson; No: none; Abstain: none; Absent: Cahill-Krout, Cochran).

DESCRIPTION

Application 2021-0780-SZ proposes to rezone a 10.6-acre parcel from S (Suburban) to CR (Commercial Regional) to construct 76,609 square feet of self-storage space with an 890 square foot office, and a 28,000 square foot flex warehouse building.

ZONING & DEVELOPMENT PATTERN

The subject property is situated between Route 1 and Route 13. Properties surrounding the subject site generally consist of S (Suburban) and NC21 (Neighborhood Conservation) zoned properties, including the residential developments of Asbury Chase and the Enclave at Hyett's Crossing. Other residential neighborhoods nearby to the west of this property include Hyetts Crossing, Windsor North at Hyetts Corner, Grande View Farms, and the Village of Bayberry North and South.

Directly to the north of this property, across Hyetts Corner Road is an Artesian Water Company water treatment plant. Along Route 13, several CR (Commercial Regional) zoned properties are located to the south of the subject property, consisting of several built and unbuilt commercial developments. These include the recorded and unbuilt Shops at Boyds Corner Road and the Plaza at Boyds. Hubers Crossing shopping center is currently under construction, and includes a stand-alone parcel for a future New Castle County public service station. Bayview Crossing and the Shoppes at St. Georges are existing shopping centers.

BACKGROUND

The subject parcel is part of the remaining lands indicated on the record plan titled Record Minor Subdivision Plan for Van Wingerden Assoc., which was recorded on June 6, 1992, as Microfilm Number 11282. The plan subdivided 272.8 +/- acres into 7 parcels and showed the approximate location of the future Delaware Route 1 as well as the expected relocation of Hyetts Corner Road, resulting in the current configuration of the subject site.

Since 1992, several of the parcels that were created as part of the minor subdivision plan have been further subdivided to create the surrounding residential developments including Hyetts Crossing, Enclave at Hyetts Crossing, and Windsor North at Hyetts Corner. The subject property, consisting of 10.6 acres has remained undeveloped.

In June of 2021, the Department received an exploratory plan submission proposing to rezone the property from S (Suburban) to CR (Commercial Regional) to construct 76,609 square feet of self-storage space with an 890 square foot office, and a 28,000 square foot flex warehouse building with associated site improvements. The project includes a title subdivision to create separate parcels for each use. Landscaping is proposed internally and around the perimeter of the site to provide buffering from Delaware Route 1 and Route 13. Access to the site is currently proposed along Route 13. The exploratory plan was reviewed by the Department under the proposed CR zoning and comments were provided to the applicant, noting the steps required for rezoning.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed rezoning was reviewed at a PLUS meeting held on August 24, 2022. The PLUS report, dated September 22, 2022, contains a summary of State Code and permitting requirements, as well as general comments from a number of State agencies.

The Office of State Planning Coordination (OSPC) noted that the project is located in a Level 2 investment area. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Development in Level 2 is consistent with 2020 Strategies for State Policies and Spending; therefore, the OSPC had no objection to the subject rezoning and plan, provided it meets the relevant codes and ordinances of New Castle County.

The following State agencies also provided comments:

The State Historic Preservation Office (SHPO) noted that potential for historic resources is high due to multiple historical sites that are located in the surrounding area. SHPO recommended an archaeological survey be completed prior to any ground disturbance.

The Delaware Department of Transportation (DelDOT) commented that, based solely on the functional class, the proposed development should have access only on Hyett's Corner Road. The applicant is working with DelDOT regarding site access.

All other State agencies comments were general in nature.

PLANNING BOARD PUBLIC HEARING – December 6, 2022

*Please note that a recording and transcripts of the hearing are available on the Department of Land Use website.

At the December 6, 2022, Planning Board Public Hearing, the applicant's attorney, Mike Hoffman, gave a presentation on the application.

In his presentation Mr. Hoffman described the proposed rezoning, how the project meets the rezoning standards, and surrounding land uses. Mr. Hoffman explained that the project proposes to separate the property into two parcels with a title subdivision to separate the proposed uses of self-storage and flex warehousing. The self-storage use is proposed to include 32 buildings of

various sizes. The flex warehouse space proposes a building of 28,000 square feet. Mr. Hoffman indicated that the plan also includes robust landscaping which is code compliant and addresses afforestation. Mr. Hoffman also noted that the project has ingress and egress along Route 13.

Mr. Hoffman explained that Southern New Castle County continues to anticipate residential growth and therefore this plan will help to accommodate that growth in terms of self-storage needs and demands.

Chairwoman Peterson asked why the title subdivision was proposed for this project. Mr. Hoffman responded the subdivision was desired from a financing/leasing standpoint it in order to keep the uses separate.

Ms. Gray asked if the proposed septic area would primarily serve the office use. Mr. Hoffman responded that the septic would serve the flex warehousing use as well as the office building.

No other Board members or members of the public had any questions or comments for this application.

ANALYSIS

In accordance with Title 9, Chapter 26, Subchapter II, Section 2659 (The Quality of Life Act) of the Delaware Code, because this project was submitted prior to the adoption of the 2022 update to the New Castle County Comprehensive Plan, it is therefore required to be processed and evaluated under the 2012 update to the New Castle County Comprehensive Plan, which was in effect when the application was accepted for review.

Section 2659. Legal status of comprehensive plan.

(c) Any application for a development permit filed or submitted prior to adoption or amendment under this subchapter of a comprehensive plan or element thereof shall be processed under the comprehensive plan, ordinances, standards, and procedures existing at the time of such application...

Standards for Zoning Map Amendment – Section 40.31.410 of the New Castle County Code

In determining whether a zoning map amendment should be recommended or approved, all of the following factors shall be considered:

A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter.

The proposed rezoning requires a change to the 2012 New Castle County Comprehensive Plan's Future Land Use Map, from New Community Development to Commercial/Office/Industrial Area.

Objective 3 of Chapter 9 prioritizes the conversion of undervalued and underutilized areas of the County into commercial sites to promote the economic development goals of the 2012 Comprehensive Plan. Application 2021-0780-SZ meets this objective as the property is currently under-utilized in an area where there are sufficient residential communities that will support the proposed commercial development.

B. Consistency with the character of the neighborhood.

Application 2021-0780-SZ is consistent with the character of the surrounding area. Existing and proposed residential subdivisions are located to the west of the subject site. Undeveloped agricultural farmland is located to the east of the subject site, which may be used for future residential development. The requested CR (Commercial Regional) zoning is appropriate given the subject site's location along a commercial corridor. The proposed self-storage and flex warehouse uses would serve the demands of both existing and future residential and commercial development in the area.

C. Consistency with zoning and use of nearby properties.

The existing zoning of the subject site and nearby uses are residential. However, due to the subject site's location between two heavily travelled roadways, a commercial zoning designation is more appropriate in order to support the continued growth expected for residential and nonresidential uses in the area. The proposed zoning is consistent with the uses associated with similar corridors and would address the needs of the uses of nearby properties.

D. Suitability of the property for the uses for which it has been proposed or restricted.

The subject site's location between Route 1 and Route 13 presents a convenient, highly visible location for commercial business, while making the site undesirable and inappropriate for residential use. Continued residential growth is anticipated for the area, which makes the site suitable for the proposed self-storage facility. No protected natural resources exist on the site and no variances are anticipated.

E. Effect on nearby properties.

The Hyetts Corner Road right-of-way separates the subject site from an Artesian Water treatment facility, located immediately to the north. All other sides of the subject site are bounded by Route 1 and Route 13. The subject site is more than 500 feet away from the closest residential property, which is located across Route 1. The proposed low traffic volume, low-impact use is unlikely to have any negative impact on nearby properties. The design of the proposed project is of a size and scale that is appropriate for the subject site and will create economic development opportunities for an otherwise underutilized parcel of land, providing a positive impact on the character of the surrounding area.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department has considered *the Standards for Zoning Map Amendment* in Section 40.31.410, A through E, of the Unified Development Code, the proposed plan, and comments received from agencies. Based on this analysis the Department is of the opinion that the standards are met by this proposal.

The Department of Land Use recommends **CONDITIONAL APPROVAL** of Ordinance 22-133 with the following conditions:

1. The building elevations shall be generally consistent with the renderings submitted into evidence; and
2. The landscaping shall be generally consistent with the renderings submitted into evidence.

PLANNING BOARD RECOMMENDATION

At its business meeting held on January 17, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Ms. Drake and seconded by Mr. Daigle, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 22-133 subject to the conditions made by the Department of Land Use. The motion was adopted by a vote of 7-0-0-2 (Yes: Daigle, Drake, Gray, McGlinchey, Snowden, Visvardis, Peterson; No: none; Abstain: none; Absent: Cahill-Krout, Cochran).

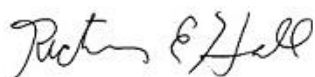
In discussion preceding the vote, the following comments were offered:

Mr. Snowden asked if the landscaping at the corners of the site is for afforestation. Mr. Gibbons responded that the proposed landscaping will account towards the afforestation requirement.

No other questions or comments were made by the Board.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.

 02/15/2023

Richard E. Hall, AICP date
General Manager
Department of Land Use

 02/14/2023

Karen Peterson date
Chair
Planning Board