



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

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

August 29, 2023
2:30 PM

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

AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

R23-146: PLAN OF SOCIETY SELF STORAGE; BRANDYWINE HUNDRED; NORTHWEST CORNER OF NAAMANS ROAD AND SOCIETY DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 90,000 SQUARE FOOT SELF-STORAGE FACILITY; CR ZONING; [APPLICATION NO. 2021-0121](#); COUNCIL DISTRICT 8 Introduced by: Mr. Cartier

D. Review/Discussion of Ordinance(s)

°23-020: REVISE ZONING MAP: APPOQUINIMINK HUNDRED, EAST OF TAYLORS BRIDGE ROAD, APPROXIMATELY 1,700 FEET SOUTH OF THOMAS LANDING ROAD; 165 TAYLORS BRIDGE ROAD, [TAX PARCEL NO. 14-008.00-046](#); 12.44 ± ACRES FROM "NC40" (NEIGHBORHOOD CONSERVATION) TO "S" (SUBURBAN). (The purpose of this County-initiated rezoning is to change the zoning of tax parcel 14-008.00-046 from NC40 to S. [Application No. 2022-0834-Z](#)) Introduced by: Mr. Bell

E. Presentations

F. Other

G. Public Comment

H. Adjournment

AGENDA POSTED: August 22, 2023

*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.nccode.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. Cartier
Date of introduction: August 29, 2023

RESOLUTION NO. 23-146

**PLAN OF SOCIETY SELF STORAGE; BRANDYWINE HUNDRED;
NORTHWEST CORNER OF NAAMANS ROAD AND SOCIETY DRIVE;
MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 90,000
SQUARE FOOT SELF-STORAGE FACILITY; CR ZONING;
APPLICATION NO. 2021-0121; COUNCIL DISTRICT 8**

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 Society Self Storage (Application No. 2021-0121), 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 SOCIETY SELF STORAGE
Brandywine Hundred**

Adopted by County Council of
New Castle County on: 8/29/2023

President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: 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.

MEMORANDUM

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

From: Charuni Patibanda

Re: Application No. 2021-0121
Society Drive Self Storage
Record Major Land Development Plan

Date: July 19, 2023

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, Senior Policy Director

Plan of Society Drive Self Storage; Brandywine Hundred; Northwest corner of Naamans Road and Society Drive; Major Land Development Plan that proposes to construct a 90,000 SF self-storage facility; 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.

Introduced by: Mr. Bell
Date of introduction: February 14, 2023

ORDINANCE NO. 23-020

REVISE ZONING MAP: APPOQUINIMINK HUNDRED, EAST OF TAYLORS BRIDGE ROAD, APPROXIMATELY 1,700 FEET SOUTH OF THOMAS LANDING ROAD; 165 TAYLORS BRIDGE ROAD, TAX PARCEL NO. 14-008.00-046; 12.44 ± ACRES FROM “NC40” (NEIGHBORHOOD CONSERVATION) TO “S” (SUBURBAN)

(The purpose of this County-initiated rezoning is to change the zoning of tax parcel 14-008.00-046 from NC40 to S. App. No. 2022-0834-Z)

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

Section 1. The Zoning Map of Appoquinimink Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits “A” and “L” dated January 4, 2022, as set forth therein.

Section 2. This is a County initiated rezoning for which the Department of Land Use has waived exploratory plan review under *New Castle County Code* § 40.31.113.

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.

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: EXISTING NC40 ZONING
TO S ZONING

EXHIBIT "A"
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2022-0834-Z

TAX PARCEL NO. 14-008.00-046



HUNDRED: APPOQUINIMINK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3,000

Prepared by: Rose.N.Zappacosta

Date: 1/4/2023



PERMANENT ORDINANCE NO. ~~22~~ 23-020

Date Adopted by County Council _____

Date Approved by County Executive _____

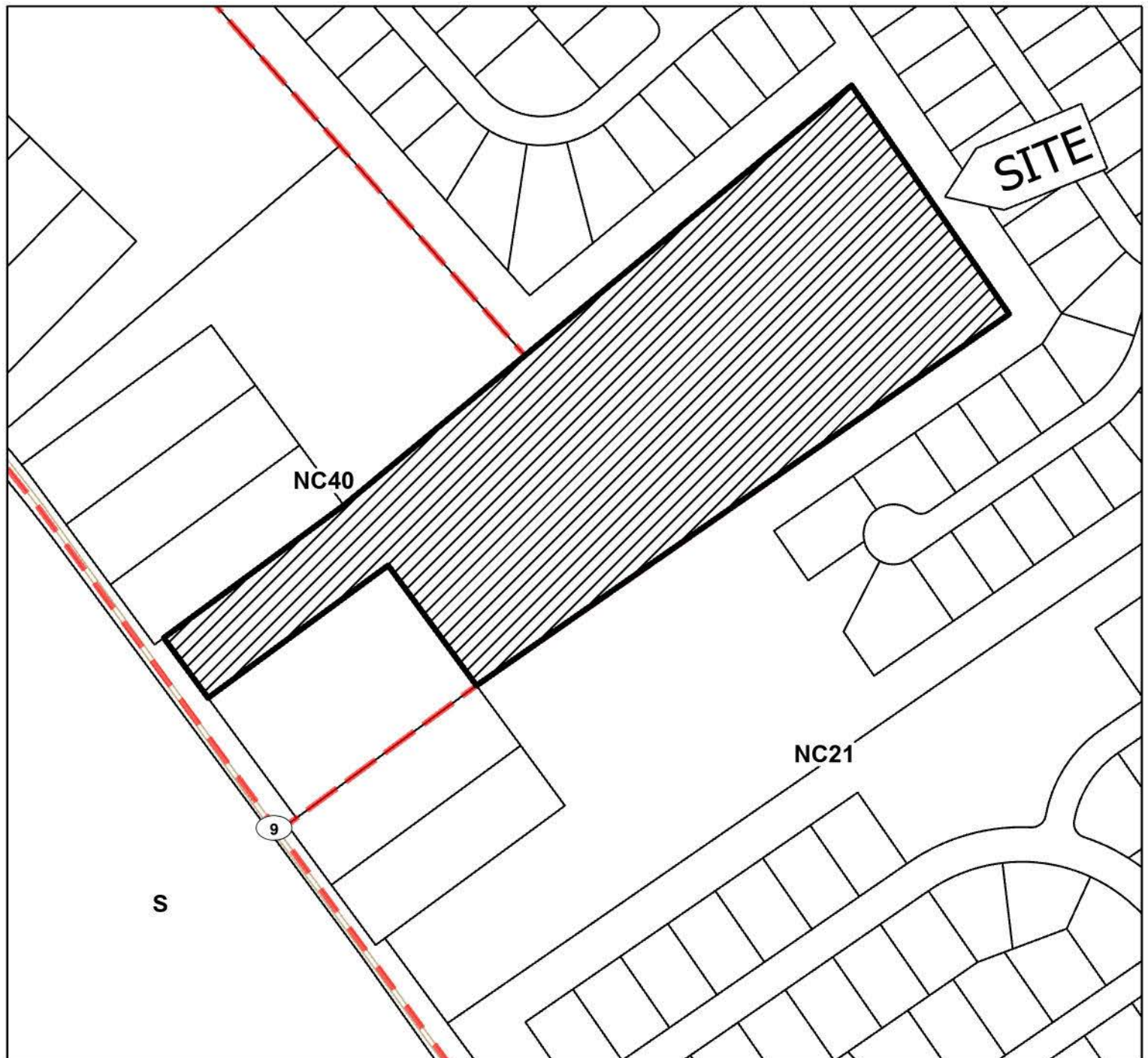
PROPERTY MAP

EXHIBIT "L"
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY

PROPOSED REZONING: EXISTING NC40 ZONING
TO S ZONING

APPLICATION NO. 2022-0834-Z
TAX PARCEL NO. 14-008.00-046



HUNDRED: APPOQUINIMINK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3,000

Prepared by: Rose.N.Zappacosta

Date: 1/4/2023



PERMANENT ORDINANCE NO. ~~23~~ 23-020

Date Adopted by County Council _____

Date Approved by County Executive _____

**DEPARTMENT OF LAND USE
RECOMMENDATION REPORT**

**Ordinance 23-020
Application 2022-0834-Z
165 Taylors Bridge Road**

June 20, 2023

Location: Northeast side of Taylor's Bridge Road, approximately 1,700 feet south of the intersection with Thomas Landing Road

Sponsor: Councilman Bill Bell, Council District 12

Description: Revision to zoning map to rezone 12.44± acres from NC40 (Neighborhood Conservation) to S (Suburban)

Applicant: Anthony J. Merola, III & Arlene Worthington

EXECUTIVE SUMMARY

The property 165 Taylors Bridge Road is approximately 12.44± acres in size, located on the northeast side of Taylor's Bridge Road, and is the current home to Gold Leaf Stables, an equestrian training facility. The proposed application is a County-initiated rezoning that will rezone the 12.44± acre property from NC40 (Neighborhood Conservation) to S (Suburban) to permit the continued use of the property as a commercial stable in a manner that is consistent with the New Castle County the zoning code. The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal and recommends **APPROVAL** of the proposed rezoning application.

DESCRIPTION

The property is situated in the east wing of southern New Castle County and fronts Taylors Bridge Road (DE Rt 9). The site is currently zoned NC40 (Neighborhood Conservation). While the Neighborhood Conservation district permits agricultural uses, commercial stables are considered a separate use that is not permitted within the NC40 zoning district. For the site to continue its existing use as an equestrian training facility and commercial stable, a rezoning to the Suburban zoning designation is required. Suburban zoning permits commercial stables that meet additional limited use standards pursuant to Table 40.03.110.A & Section 40.03.302 of the *Unified Development Code*.

ZONING & DEVELOPMENT PATTERN

The subject site is located on the east side of Taylor's Bridge Road (DE Rt 9), which is a segment of the Delaware Bayshore Byway in Southern New Castle County that runs along the eastern side of the county and along the Delaware River. In this coastal area of the county, the development pattern is comprised of a mixture of agricultural lands (primarily along the west side of Taylors Bridge Road) and low to medium density residential development. The subject site is included in an NC40 zoning district that runs along the east side of Taylors Bridge Road that includes residential parcels that are roughly 1 acre lots approximately 130ft in width. The subject site is larger in size than the surrounding properties, which

enables equestrian center operation while remaining in character with the adjacent residential and agricultural uses. To the northeast of the subject site is the development of Cantwell Ridge, zoned NC21, which while recorded in 2000, was developed under the Former Code R-2 Cluster Development Option. The Odessa Chase subdivision, located to the south east of the property, zoned NC21, was also developed using the Cluster Development Option provisions of the Former Code in 1997. On the opposite side of Taylors Bridge Road and west of the site is a 300-acre farm, zoned S (Suburban) containing the historic Vandergrift House.¹ Land south of the site is largely SR (Suburban Reserve), in keeping with the agricultural uses bordering the Delaware River and its tributaries.

BACKGROUND

Before the Planning Board for consideration is a County-initiated rezoning application for 165 Taylors Bridge Road, home to Gold Leaf Stables, an existing equestrian training facility and commercial stable. The parcel was recently subdivided from adjacent property at 167 Taylors Bridge Road through the minor subdivision process (App. 2018-0542-S). As part of the minor subdivision process, the applicant provided documentation that the subject site has been utilized for equestrian training dating back to the late 1990s. To permit the continued commercial stable use on the property the property owner, with support of their local councilperson, proposes to rezone the property from NC40 (Neighborhood Conservation) to S (Suburban).

Section 40.03.110 of the *Unified Development Code* does not allow the use of commercial stables within Neighborhood Conservation zoning districts. Commercial stables are considered permitted as a limited use within the S (Suburban) zoning district, which allows for both residential and agricultural uses in both developed and undeveloped areas of the County. Limited use standards governing the establishment of commercial stables in the Suburban district (Section 40.03.302) include that the commercial stable must not conflict with the low density nature of the districts, and that a maximum of twenty-five (25) percent of the site be improved with barns, stables, riding rinks, parking or other facilities. Based on an evaluation of the site and the recorded plan, the subject site complies with the additional standards in the UDC.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The subject application was reviewed at a PLUS meeting held on March 22, 2023. The PLUS Review Letter dated April 20th, 2023, includes comments from various state agencies regarding the proposed rezoning. The letter notes that the subject site is located within a State Investment Level 2, which reflects areas where growth is anticipated by local, county, and state plans in the near-term future. The Office of State Planning Coordination noted that they had no objections to the rezoning provided that it meets the relevant codes and ordinances of the county.

The Delaware Department of Transportation (DelDOT) noted that because the subject site fronts Taylors bridge road, which is part of the Delaware Bayshore Byway, it is subject to outdoor advertising

¹ [Vandergrift House – State of DE CRS Forms](#)

regulations found in state code. DelDOT that no new billboards or variable message boards are permitted within 660 feet of the closest right of way edge and that off premises advertising on the property (within 660 feet of the closest right of way edge of the road) is permitted.

The Delaware Department of Natural Resources and Environmental Control (DNREC), The Delaware Emergency Management Agency (DEMA), and the Delaware State fire Marshall office noted that they had no concerns regarding the proposed rezoning. The State Historic Preservation Office stated that the proposed rezoning did not appear to impact any National Register listed properties in the area and that there were no archaeological concerns related to the project.

PLANNING BOARD PUBLIC HEARING – May 2, 2023

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

Betsy Hatch, Planner II from the Department of Land Use, spoke on behalf of the application. Ms. Hatch stated that the application is a County-initiated rezoning off Taylors Bridge Road to rezone the property from NC40 to Suburban. She stated the reason for the rezoning application was to permit the continued use of the site as a commercial stable. She spoke to the surrounding zoning districts in the area as well as the development pattern of the area. Ms. Hatch noted that the rezoning application is in consistent with the New Castle County Comprehensive Development Plan (NCC2050) and Future Land Use Map designation .

Ms. Peterson inquired why the application is considered a County-initiated rezoning and not owner initiated. Janet Vinc, Planning Manager, stated that the property owner had been working with Councilman Bell, who agreed to proceed with the County-initiated rezoning on their behalf. She stated that there is no active land development plan tied to the rezoning application.

There was no public comment on the application.

ANALYSIS

The property at 165 Taylors Bridge Road is situated in the East Wing of Southern New Castle County, which is characterized by a mix of suburban development and large tracts of agricultural lands. The presence of a commercial stable in this area of the County is a use that is expected given the historic development pattern in the area. Approximately 12.44± acres in size, the subject site is large enough to accommodate several acres of passive land dedicated to pasture, buffering any impact to surrounding residential properties. Based on aerial imagery, approximately 1.5± acres of land (or approximately 12%) of the land is dedicated to site parking, barns, and riding rinks. Therefore, the subject site is in compliance with the Limited Use standards provided in of Section 40.03.302 *of the Unified Development Code*. The proposed rezoning from NC40 (Neighborhood Conservation) to S (Suburban) is also consistent with the “Residential Developed” Future Land Use designation as called out in the most recently adopted New Castle County Comprehensive Plan.

Applications for rezonings must be evaluated against the criteria for zoning map amendments that is listed in Section 40.31.410 of the Unified Development Code.

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

The New Castle Comprehensive Plan identifies the area on the east side of Taylors Bridge Road, including the subject site, as “Residential Developed”, lands that are designated for residential and, where appropriate, mixed-use developments and supporting uses. The rezoning of the subject site from NC40 (Neighborhood Conservation) to S (Suburban) is consistent with the New Castle County Comprehensive Plan and would not result in a change of the future land use designation.

B. Consistency with the character of the neighborhood.

The character of the neighborhood surrounding the subject site is characterized by a mix of medium density residential development and agricultural lands / uses. The rezoning of the subject site would not impact the established character of the neighborhood, as no new uses or development is proposed, and the subject application seeks to legalize an existing use on the property. The current use of the site as a commercial table remains consistent with the mix of agricultural and residential uses that define the character of the surrounding area.

C. Consistency with zoning and use of nearby properties.

The property at 165 Taylors Bridge Road is situated in the East Wing of Southern New Castle County in an area that is comprised of a mix of Neighborhood Conservation, Suburban, and Suburban Reserve zoning districts. The current mix of zoning districts is consistent with the existing mix of medium density, residential development and agricultural lands in this area of the county. Rezoning the site to a S (Suburban) zoning district will remain consistent with the zoning and use of surrounding properties.

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

As noted in the background, the subject site has been utilized as a commercial stable since the 1990s. The proposed will bring the existing use of the property into compliance with the Unified Development Code. In addition, the subject site remains larger in size than the surrounding residential parcels in the area and therefore remains suitable in size to accommodate the existing commercial stable use in accordance with the limited use standards provided in the Unified Development Code.

E. Effect on nearby properties.

The property at 165 Taylors Ridge Road is situated adjacent to the open space of Cantwell Ridge subdivision and Odessa Chase subdivision, which provides an additional buffer between the immediate neighboring residential uses and the existing commercial stables. When evaluating the character of the surrounding neighborhood, it should be noted that the west side of Taylors Bridge Road is comprised of 300± acres of farmland, therefore agricultural uses in this area of the Route 9

corridor are expected. There is no new development proposed for the site and the proposed rezoning will not result in any adverse effect on nearby properties.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the comments received from outside agencies, and the comments received by the public.

Based on this analysis, the Department is of the opinion that the standards are met by this proposal and recommends **APPROVAL** of the proposed rezoning application.

PLANNING BOARD RECOMMENDATION

At a business meeting held on June 20, 2023, the Planning Board considered the recommendation provided by the Department of Land Use. On a motion made by Mr. Snowden and seconded by Ms. Cahill-Krout, the Board voted to recommend **APPROVAL** of Ord. 23-020 / App. 2022-0834-Z.

The motion was adopted by a vote of 5-0-0-3 (In Favor: Cahill-Krout, Daigle, Gray, Snowden, Peterson; In Opposition: None; Abstention: None; Absent: Cochran, Drake, Visvardis).

Discussion preceding the vote included the following:

Ms. Hatch read the Department of Land Use recommendation into the record. Ms. Peterson inquired if there were any issues with existing signage on the subject site. Ms. Hatch stated that she was not aware of any signage concerns on the site, but noted that because the site is located along a designated scenic byway, the State commented in the PLUS letter that there is additional signage regulations for the site should they install signage.

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.



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



Karen Peterson
Chair
Planning Board

6/21/2023

date