



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

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

May 21, 2024
3:00 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)

R24- : PLAN OF BRANDYWINE COUNTRY CLUB; BRANDYWINE HUNDRED; WEST SIDE OF SHIPLEY ROAD, OPPOSITE OF SUMMERSET ROAD AND EAST SIDE OF CONCORD PIKE, OPPOSITE OF RIGHTER PARKWAY; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO ELIMINATE AND ESTABLISH LOT LINES, CONSTRUCT 300 APARTMENT UNITS WITH ASSOCIATED IMPROVEMENTS, CONSTRUCT 41 SINGLE FAMILY UNITS AND 24 TOWNHOUSES, DEDICATE 43.86 ACRES TO THE BRANDYWINE SCHOOL DISTRICT, DEMOLISH THE ABANDONED GOLF COURSE AND ASSOCIATED IMPROVEMENTS, DEMOLISH 7,020 SQUARE FEET OF THE EXISTING SHOPPING CENTER AND CONSTRUCT 12,200 SQUARE FEET ON TWO PAD SITES WITHIN THE EXISTING SHOPPING CENTER; ST, S AND CR ZONING; [APPLICATION NO. 2020-0566](#); COUNCIL DISTRICT 2
Prime Sponsor(s): Ms. Durham

D. Review/Discussion of Ordinance(s)

°24-018: REVISE ZONING MAP; ST GEORGES HUNDRED, EAST SIDE OF DUPONT HIGHWAY, 2320 FEET NORTH OF POLE BRIDGE ROAD; REZONE AN 8.23 ACRE PORTION OF TAX PARCEL 13-008.00-027 (235.21 ACRES), AND ALL OF TAX PARCEL 13-013.00-083 (1.99 ACRES) FROM "S" (SUBURBAN) TO "CN" (COMMERCIAL NEIGHBORHOOD) Introduced by: Mr. Bell

E. Presentations

F. Other

G. Public Comment

H. Adjournment**AGENDA POSTED: MAY 14, 2024**

*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.

RESOLUTION NO. 24-

PLAN OF BRANDYWINE COUNTRY CLUB; BRANDYWINE HUNDRED; WEST SIDE OF SHIPLEY ROAD, OPPOSITE OF SUMMERSET ROAD AND EAST SIDE OF CONCORD PIKE, OPPOSITE OF RIGHTER PARKWAY; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO ELIMINATE AND ESTABLISH LOT LINES, CONSTRUCT 300 APARTMENT UNITS WITH ASSOCIATED IMPROVEMENTS, CONSTRUCT 41 SINGLE FAMILY UNITS AND 24 TOWNHOUSES, DEDICATE 43.86 ACRES TO THE BRANDYWINE SCHOOL DISTRICT, DEMOLISH THE ABANDONED GOLF COURSE AND ASSOCIATED IMPROVEMENTS, DEMOLISH 7,020 SQUARE FEET OF THE EXISTING SHOPPING CENTER AND CONSTRUCT 12,200 SQUARE FEET ON TWO PAD SITES WITHIN THE EXISTING SHOPPING CENTER; ST, S AND CR ZONING; APPLICATION NO. 2020-0566; COUNCIL DISTRICT 2

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 Brandywine Country Club (Application No. 2020-0566) 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 BRANDYWINE COUNTRY CLUB
Brandywine Hundred**

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

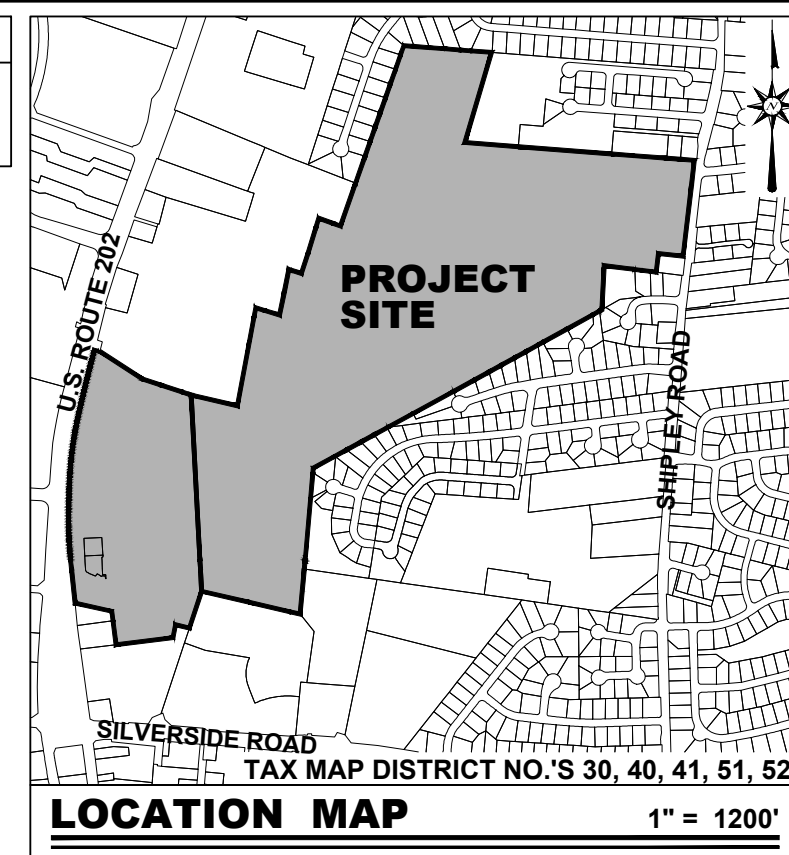
FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property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

LEGEND					
ITEM	EXISTING	PROPOSED	ITEM	EXISTING	PROPOSED
CONCRETE CURB & GUTTER			SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	→ EX. 10" S	→ 10" S
CONCRETE SIDEWALK, SLAB / PAVING			SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	→ EX. 10" F.M.	→ 12" F.M.
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT			SANITARY SEWER MANHOLE (S.M.H.)		
PAVED MULTI-MODAL PATH			SANITARY SEWER CLEANOUT		
INDIVIDUAL TREE OR BUSH			WATER MAIN & SIZE	EX. 10" W	12" W
WIRE FENCE			FIRE HYDRANT		
CHAINLINK FENCE			WATER VALVE (W.V.) OR METER (W.M.)	W.M. W.V.	W.M. W.V.
STOCKADE FENCE			STORM DRAIN MANHOLE (S.D.M.H.)		
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)			STORM DRAIN LINE (CMP OR RCP)		
DRAINAGE DITCH OR SWALE			CATCH BASIN		
EMBANKMENT SIDESLOPES (DOWN)			UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	~U.E.~	~U.E.~
CONTOUR			UNDERGROUND ELECTRIC	~U.T.~	~U.T.~
ELEVATION SPOT SHOT			UNDERGROUND TELEPHONE	~U.T.~	~U.T.~
BENCH MARK			UNDERGROUND GAS MAIN	~U.T.~	~U.T.~
PROPERTY OR RIGHT-OF-WAY LINE			PAVEMENT TO BE REMOVED		
CENTERLINE					
LIGHT POLE					

SHEET INDEX

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COVER SHEET
COVER SHEET & PLAN NOTES
DETAIL SHEETS



**BECKER
MORGAN
GROUP**

ARCHITECTURE
ENGINEERING

Delaware

309 South Governors Avenue
Dover, DE 19904
302.734.7950

The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

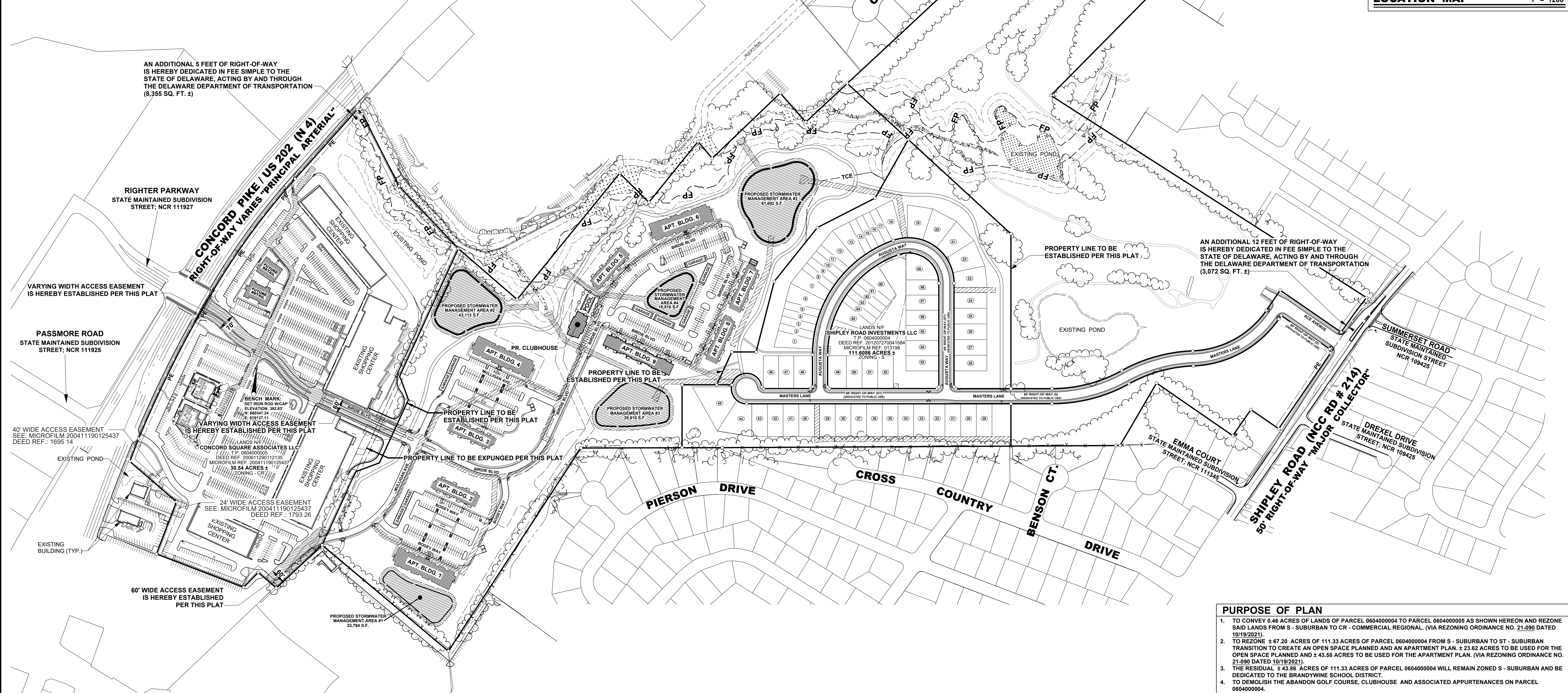
Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina

3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com



CERTIFICATION OF PLAN ACCURACY
I, CHRISTOPHER D. DUKE, HEREBY CERTIFY THAT I AM A REGISTERED 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 STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

CHRISTOPHER D. DUKE
P.E. NO. 16378
DATE: 04-26-2024

CERTIFICATION OF OWNERSHIP
WE, SHIPLEY ROAD INVESTMENTS, LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

WILLIAM J. KRAPP
DATE: 04-25-2024

CERTIFICATION OF OWNERSHIP
WE, CONCORD SQUARE ASSOCIATES, LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

WILLIAM J. KRAPP
DATE: 04-25-2024

CERTIFICATION OF PLAN APPROVAL
APPROVED _____ BY _____ (GENERAL MANAGER)

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED _____ BY _____ (COUNCIL PRESIDENT)

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE OF PLAN

- TO CONVEY 0.46 ACRES OF LANDS OF PARCEL 0604000004 TO PARCEL 0604000005 AS SHOWN HEREON AND REZONE SAID LANDS FROM S - SUBURBAN TO CR - COMMERCIAL REGIONAL, (VIA REZONING ORDINANCE NO. 21-090 DATED 10/19/2021).
- TO REZONE ± 67.20 ACRES OF 111.33 ACRES OF PARCEL 0604000004 FROM S - SUBURBAN TO ST - SUBURBAN TRANSITION TO CREATE AN OPEN SPACE PLANNED AND AN APARTMENT PLAN, ± 23.82 ACRES TO BE USED FOR THE OPEN SPACE PLANNED AND ± 43.38 ACRES TO BE USED FOR THE APARTMENT PLAN, (VIA REZONING ORDINANCE NO. 21-090 DATED 10/19/2021).
- THE RESIDUAL ± 43.66 ACRES OF PARCEL 0604000004 WILL REMAIN ZONED S - SUBURBAN AND BE DEDICATED TO THE BRANDYWINE SCHOOL DISTRICT.
- TO DEMOLISH THE ABANDON GOLF COURSE, CLUBHOUSE AND ASSOCIATED APPURTENANCES ON PARCEL 0604000004.
- TO CONSTRUCT AN OPEN SPACED PLANNED SUBDIVISION CONSISTING OF 41 SINGLE FAMILY HOMES AND 24 TOWN HOMES.
- TO CONSTRUCT 300 PROPOSED APARTMENT UNITS AS A STAND ALONE PROJECT APART FROM THE OPEN SPACE PLANNED PROJECT.
- TO CONSTRUCT A 5,000 S.F. CLUBHOUSE AND POOL AREA WITHIN THE APARTMENT PROJECT AREA.
- TO DEMOLISH A 7,020 S.F. ± PORTION OF THE EXISTING SHOPPING CENTER BUILDING ON PARCEL 0604000005 TO ACCOMMODATE TWO VARYING WIDTH ACCESS EASEMENTS AND PROPOSED PRIVATE ACCESSWAYS CONNECTING THE CONCORD SQUARE SHOPPING CENTER TO PARCEL 0604000004.
- TO CONSTRUCT 12,200 S.F. ON TWO PAD SITES ON PARCEL 0604000005 WITHIN THE EXISTING SHOPPING CENTER PARKING LOT TO REPLACE A PORTION OF THE BUILDING DEMOLISHED FOR THE CONSTRUCTION OF THE ACCESSWAY.

NATURAL RESOURCES DATA TABLE - PARCEL 0604000005

PROTECTED RESOURCE	PROTECTION RATIO PER CODE *	TOTAL AREA ON SITE**	DISTURBED AREA**	PROTECTED AREA RATIO PROVIDED
FLOODPLAIN	1.00	0.27 AC.	0.00 AC.	1.00
WETLANDS	1.00	0.13 AC.	0.00 AC.	1.00
RIPARIAN BUFFER	1.00	0.91 AC.	0.00 AC.	1.00
MATURE FOREST	0.50	0.21 AC.	0.00 AC.	1.00

NATURAL RESOURCES DATA TABLE - PARCEL 0604000004

PROTECTED RESOURCE	PROTECTION RATIO PER CODE *	TOTAL AREA ON SITE**	DISTURBED AREA**	PROTECTED AREA RATIO PROVIDED
FLOODPLAIN	1.00	4.45 AC.	0.00 AC.	1.00
WETLANDS	1.00	0.87 AC.	0.00 AC.	1.00
RIPARIAN BUFFER	1.00	5.90 AC.	0.40 AC.***	0.93
MATURE FOREST	0.70	8.35 AC.	1.68 AC.	0.80

*BASED ON CR DISTRICT FOR SHOPPING CENTER, BASED ON ST DISTRICT FOR OPEN SPACE PLANNED & APARTMENTS
**THIS AREA IS MEASURED WITHOUT OVERLAP WITH OTHER RESOURCES, HIGHER PROTECTION AREA GOVERNS.
***DISTURBANCE IN RESOURCE AREA FOR INSTALLATION OF PAVED TRAILS AND STORMWATER MANAGEMENT PRACTICE OUTFALLS.

PROJECT TITLE
APPLICATION No.: 2020-0566-S/Z

**BRANDYWINE
COUNTRY
CLUB
SUBDIVISION**
MAJOR SUBDIVISION PLAN

2822 SHIPLEY ROAD
BRANDYWINE HUNDRED
NEW CASTLE COUNTY

SHEET TITLE

**MAJOR RESIDENTIAL
LAND DEVELOPMENT
RECORD PLAN**

0 100 200 400
SCALE: 1" = 200'

ISSUE BLOCK		
13	1/4/2024	AGENCY SUBMISSION
12	11/27/2023	AGENCY SUBMISSION
11	11/9/2023	AGENCY SUBMISSION
10	11/3/2023	AGENCY SUBMISSION
9	10/4/2023	AGENCY SUBMISSION
8	8/25/2023	AGENCY SUBMISSION
7	8/11/2023	AGENCY SUBMISSION
6	7/7/2023	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION
LAYER/STATE: SHEET 1		
PROJECT NO.:		2014059.00
DATE:		2-20-2023
SCALE:		1" = 200'
DRAWN BY:		A.P.C. PROJ. MGR.: J.C.D.
SHEET		
1 OF 11		
COPYRIGHT: 2021		

[illegible]

PREMISES ARE OF RECORD IN THE CROSS-EASEMENT DECLARATION, IN DEED BOOK 1793, PAGE 0026.

42. SUBDIVISION STREETS.
- 42.1. ALL DEVELOPERS SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT'S) DEVELOPMENT COORDINATION MANUAL(DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- 42.2. ALL RIGHT-OF-WAY ARE INTENDED FOR DEDICATION TO PUBLIC USE.
43. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS MAP SHALL BE TO BE MAINTAINED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELTOT) FOLLOWING THE ACCEPTANCE OF THE STREETS. DELDOT ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY DELDOT.
- 42.4. FOR ALL PROJECTS WITH STREET INTERCONNECTIONS, A NOTE STATING "FUTURE INTERCONNECTION TO ADJOINING PROPERTY"
43. ARCHITECTURAL DESIGN- THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE SHALL REVIEW THE ARCHITECTURAL GUIDELINES AND DESIGN CRITERIA. THE REVIEW SHALL ASCERTAIN COMPLIANCE WITH THE UNIFIED DEVELOPMENT CODE'S DESIGN AND CHARACTER STANDARDS AND THE NEW CASTLE COUNTY ZONING ORDINANCE (DELCO) FOR THE PROJECT. THE REVIEW OF THE ARCHITECTURAL AND DESIGN FEATURES SHALL BE REVIEWED BASED ON THE FOLLOWING: (A) THE EVOLUTION OF BUILDING CODES, MATERIALS, AND INDUSTRY PRACTICES; AND, (B) THE SPECIFIC CHARACTERISTICS SUCH AS ARCHITECTURAL STYLE, DEVELOPMENT MIX (E.G. RESIDENTIAL VS. MIXED USE), AND TOPOGRAPHY. HOWEVER, THE REVISOR'S REVIEW SHALL ENSURE THAT THE DESIGN CHARACTER STANDARDS AND USE OF QUALITY EXTERIOR MATERIALS IS ADHERED TO.
44. MAINTENANCE ESCROW.
- PURSUANT TO SECTION 40.27.220 OF THE COUNTY CODE, THE DEVELOPER SHALL PLACE FUNDS IN AN INTEREST-BEARING ESCROW ACCOUNT TO COVER THE COSTS OF MAINTENANCE OF THE PROJECT'S OPEN SPACE PLANNED PROJECT AREA, FOR A TWO (2) YEAR PERIOD. THE AMOUNT SHALL BE \$57,000.00 (\$576.92 PER LOT) AS SHOWN ON THIS PLAN OR SUBSEQUENT PLANS.
45. LONG TERM STORMWATER MANAGEMENT FEE.
- THE PROPERTY DEVELOPER SHALL PAY TO THE 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 \$11.20/SHALL BE FUNDED FOR EACH PERMITTING YEAR OF OCCUPANCY. THE DEVELOPER SHALL PROVIDE A SUFFICIENT PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
46. ADDRESSES ARE AS ASSIGNED BY THE NEW CASTLE COUNTY GIS SERVICES.
- 20.1. DISTURBED AREA (LDC) = 82 ACRES.
47. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR ANY LOT SHOWN ON THE PLAN, THE OWNER/DEVELOPER SHALL PROVIDE A CERTIFICATION FROM THE SECRETARY OF THE DEPARTMENT OF EDUCATION THAT THE EDUCATIONAL SCHOOL ASSIGNED TO THE LOT HAS BEEN DETERMINED BY THE COUNTY SCHOOL ASSOCIATION. THE CERTIFICATION SHALL BE FILED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 01-16-2024. AS INSTRUMENT NO. 20240116-000295.
48. STREET TREES AND LANDSCAPING SHALL NOT BE PERMITTED WITHIN THE CURBED ISLANDS ALONG THE BOULEVARD.
49. THE DEVELOPER SHALL MAKE ALL OVERSIGHTS THAT ARE NOT DESIGNATED MPDUS ON ALL TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM PLANS. THE CONTRIBUTION SHALL BE TWELVE (\$12.00) DOLLARS PER ONE THOUSAND (\$1,000) DOLLARS OF PERMIT CONSTRUCTION VALUATION AND SHALL BE PAYABLE AT THE TIME OF ISSUANCE OF A CERTIFICATE OF OCCUPANCY. ALL MONIES SHALL BE DEPOSITED IN THE HOUSING TRUST FUND.
50. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE BRANDYWINE COUNTRY CLUB DATED MARCH 26, 1996 AND RECORDED ON MAY 23, 1997 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE. INSTRUMENT NO. 013198.
51. THE DEVELOPER SHALL BE RESPONSIBLE, IN PART, THE RECORD MINOR LAND DEVELOPMENT PLAN OF CONCORD SQUARE PHASE II DATED AUGUST 25, 2003 AND RECORDED ON NOVEMBER 10, 2004 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY STATE OF DELAWARE. INSTRUMENT NO. 20041119-0125437.
52. PURSUANT TO SECTION 40.07.510 OF THE COUNTY CODE, AND THAT CERTAIN MASTER DEVELOPMENT AGREEMENT RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE IN INSTRUMENT NUMBER 20203181-0196446 TWENTY PERCENT (20%) OF THE 365 DWELLING UNITS CREATED BY THIS RECORD MAJOR LAND DEVELOPMENT PLAN, OR 73 DWELLING UNITS, SHALL BE MODERATELY PRICED DWELLING UNITS.
53. FURTHER, THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE BRANDYWINE COUNTRY CLUB DATED MARCH 26, 1996 AND RECORDED ON MAY 23, 1997 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE. INSTRUMENT NO. 013198.
54. A MPDUS SHALL BE MADE AVAILABLE FOR SALE CONCURRENTLY WITH THE MARKET RATE DWELLING UNITS FOR THE PROJECT.
55. THE ISSUANCE OF BUILDING PERMITS FOR MARKET RATE DWELLING UNITS SHALL BE STOPPED AT THE LEVELS INDICATED BELOW:
 - 55.0.1 TWENTY-FIVE (25) PERCENT PENDING THE ISSUANCE OF TWENTY-FIVE (25) PERCENT OF BUILDING PERMITS FOR MPDUS.
 - 55.0.2 TWENTY (20) PERCENT PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR TWENTY-FIVE (25) PERCENT OF THE MPDUS.
 - 55.0.3 SEVENTY-FIVE (75) PERCENT PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR FIFTY (60) PERCENT OF THE MPDUS, and
 - 55.0.4 TWENTY (20) PERCENT PENDING THE ISSUANCE OF ONE HUNDRED (100) PERCENT OF BUILDING PERMITS FOR MPDUS.
56. B-PAYMENT-IN-LIEU FEES SHALL BE PAYABLE AT THE SAME PERCENTAGE AND AT THE SAME TIME MPDUS WOULD HAVE BEEN AVAILABLE. ISSUANCE OF BUILDING PERMITS SHALL BE STOPPED AT THE PERCENTAGE DESIGNATED IN THE INSTRUMENT MADE.
57. C. THE DEPARTMENT MAY ALLOW A VARIATION TO THE STOP LEVELS LISTED ABOVE AT THE REQUEST OF THE APPLICANT AND BASED GOOD CAUSE SHOWN AND UNFORESEEN CIRCUMSTANCES.
58. IF A PRIVATE, PUBLIC, FOR-PROFIT OR NON-PROFIT ORGANIZATION IS PROVIDING THE MPDUS SUBJECT TO A MEMORANDUM OF AGREEMENT WITH THE DEVELOPER, THE TIMING OF CONSTRUCTION OF THE MPDUS SHALL BE CONTROLLED BY THE MEMORANDUM OF AGREEMENT.
59. ALL MPDUS IN THE APARTMENT COMPLEX WILL BE RENTAL MPDUS.
60. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND SUBDIVISION WILL BE THE OWNERSHIP MPDUS.
61. A WRITTEN AGREEMENT DELINEATING THE TERMS AND CONDITIONS OF THE SALE OR RENTAL SHALL BE REQUIRED FOR EVERY SALE OR RENTAL OF A MPDU.
- 62.1. UNLESS WRITTEN APPROVAL IN WRITING BY NEW CASTLE COUNTY, EACH SALE OR RENTAL AGREEMENT SHALL REFERENCE THIS INSTRUMENT AND SHALL BE SUBJECT TO THE AFFORDABILITY CONTROLS CONTAINED IN THIS DIVISION.
- 62.2. ALL SALES AND RENTAL AGREEMENTS SHALL BE FORWARDED TO THE DEPARTMENT OF COMMUNITY SERVICES WITH THIRTY (30) DAYS OF EXECUTION FOR AS LONG AS THE AFFORDABILITY PERIOD APPLIES TO THE MPDU.
63. PRIOR TO THE CONVEYANCE OF A MPDU, THE BUYER SHALL SIGN AND ACKNOWLEDGE A SUFFICIENTLY NEW CASTLE COUNTY, ACKNOWLEDGING THE BUYER'S ACCEPTANCE OF THE TERMS AND CONDITIONS OF OWNERSHIP SUBJECT TO THE TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM.
64. SOIL CONTAMINATION AT THE SITE IS BEING ADDRESSED UNDER THE OVERSIGHT OF THE DNREC SITE INVESTIGATION AND REMEDIATION SECTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DNREC SITE INVESTIGATION AND REMEDIATION SECTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DNREC SITE INVESTIGATION AND REMEDIATION SECTION.
65. APARTMENT GARAGES SHALL ONLY BE USED FOR PARKING VEHICLES NOT STORAGE.
66. THE FOLLOWING VARIANCES WERE PERMITTED BY THE NCC BOA AT THE 06/17/2021 MEETING UNDER APPLICATION NO. 2021-0157:
 - 61.1. 1.00' SETBACK 5 FEET FROM THE NORTHERLY SIDE OF A PROPOSED UNNAMED STREET (40-FOOT STREET YARD SETBACK REQUIRED) ON PARCEL 0604000005.
 - 61.2. 2.00' SETBACK 5 FEET FROM THE SOUTHERLY SIDE OF A PROPOSED UNNAMED STREET (40-FOOT STREET YARD SETBACK REQUIRED) ON PARCEL 0604000005.
 - 61.3. 3.00' SETBACK 4 FEET FROM THE NORTHERLY SIDE OF A PROPOSED UNNAMED STREET (25-FOOT PAVING SETBACK REQUIRED) ON PARCEL 0604000005.
 - 61.4. 4.00' SETBACK 6 FEET FROM THE SOUTHERLY SIDE OF A PROPOSED UNNAMED STREET (25-FOOT PAVING SETBACK REQUIRED) ON PARCEL 0604000005.
 - 61.5. 0.00' BUFFERYARD OPACITY ALONG THE NORTHERLY SIDE OF A PROPOSED UNNAMED STREET (0.3' BUFFERYARD OPACITY REQUIRED).
 - 61.6. 0.00' BUFFERYARD OPACITY ALONG THE SOUTHERLY SIDE OF A PROPOSED UNNAMED STREET (0.3' BUFFERYARD OPACITY REQUIRED).
 - 61.7. 25' STREET TREES ALONG THE ALONG THE PROPOSED UNNAMED STREET (35' STREET TREES REQUIRED).
62. THE FOLLOWING CONDITIONS WERE INCLUDED IN THE VARIANCES APPROVED BY NCC BOA. AT THE 06/17/2021 MEETING UNDER APPLICATION NO. 2021-0157:
 - 62.1. THE DEPARTMENT SHALL PROVIDE A LANDSCAPE PLAN, WITH GUIDANCE FROM THE DEPARTMENT, CONSISTENT WITH THE RENDERINGS SUBMITTED TO EVIDENCE.
 - 62.2. THE BUILDING ELEVATION SHALL BE CONSISTENT WITH THE RENDERINGS SUBMITTED TO EVIDENCE.
 - 62.3. THE APPLICANT SHALL PROVIDE ADDITIONAL LANDSCAPING WITHIN THE CENTER MEDIAN OF THE PORTION OF THE ACCESS ROAD THAT CUTS THROUGH THE EXISTING SHOPPING CENTER IF PERMITTED BY DELDOT.
 - 62.4. THE ROADWAY LAYOUTS SHALL BE CONSISTENT WITH THE RENDERINGS SUBMITTED TO EVIDENCE.
 - 62.5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DNREC SITE INVESTIGATION AND REMEDIATION SECTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DNREC SITE INVESTIGATION AND REMEDIATION SECTION.
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78. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DNREC SITE INVESTIGATION AND REMEDIATION SECTION. THE DEVELOPER SHALL BE RESPONS

1.	OWNER OF RECORD:	SHIPLEY ROAD INVESTMENTS, LLC BECKER MORGAN GROUP, INC. 2822 SHIPLEY ROAD WILMINGTON, DE 19810 BRANDYWINE HUNDRED, NEW CASTLE COUNTY, DE		
4.	TAX PARCEL NUMBER:	0604000004		
5.	DEED SUMMARY:	20120727-0041584		
6.	USE:	EXISTING: PROPOSED:	FORMER GOLF COURSE/COUNTRY CLUB OPEN SPACE PLANNED SUBDIVISION	
7.	ZONING CLASSIFICATION:	EXISTING: PROPOSED:	S - SUBURBAN ST - SUBURBAN TRANSITION	
8.	TOTAL EXISTING SITE AREA: TO BE CONVEYED TO PARCEL 06040000005: TOTAL PARCEL 0604000004 REMAINING: TOTAL AREA FOR OPEN SPACE PLANNED AREA:	111.6986 ACRES ± 0.5554 ACRES ± 111.0532 ACRES ± 23.6217 ACRES ±		
9.	DENSITY CALCULATIONS: AND LOT BREAKDOWN	OPEN SPACE PLANNED AREA: ± 23.62 ACRES MAXIMUM GROSS DENSITY = 5.40 DUS/ACRE PROPOSED GROSS DENSITY = 2.75 DUS/ACRE TOTAL UNITS ALLOWABLE = 128 TOTAL SINGLES FAMILY VILLAGE PROPOSED = 41 (63.08 %) TOWNHOMES PROPOSED = 24 (36.92 %) TOTAL UNITS PROPOSED = 65 UNITS		
10.	BULK AREA STANDARDS: (OPEN SPACED PLANNED)	SINGLE FAMILY VILLAGE TOWNHOUSE STREET YARD (MIN.): 12' 15' SIDE YARD (MIN.): 6' 0' & 6' (End) REAR YARD (MIN.): 25' 20' PARKING (MIN.): 20' 20' LOT AREA (MIN.): 6,000 2,200 LOT WIDTH (MIN.): 60' 22' BUILDING HEIGHT (MAX.): 36' 40'		
11.	OPEN SPACE:	OPEN SPACE PLANNED AREA: 23.62 ACRES LOTS: 11.36 ACRES RIGHT OF WAY: 3.62 ACRES TOTAL OPEN SPACE PROVIDED: 8.64 ACRES USABLE OPEN SPACE PROVIDED: 0.66 ACRES TOTAL OPEN SPACE REQUIRED: 8.31 ACRES 8.64 AC. PROVIDED = 8.31 AC. REQUIRED		
12.	TRACT AREA CALCS:	OPEN SPACE PLANNED: EXISTING BUILDING COVERAGE: 0.00 AC. IMPERVIOUS - NON BUILDING: 0.70 AC. LOT AREA: 0.00 AC. STORMWATER AREA: 1.00 AC. NON IMPERVIOUS AREA: 22.92 AC. TOTAL: 23.62 AC.	PROPOSED 0.00 AC. 2.71 AC. 11.34 AC. 0.00 AC. 9.57 AC. 23.62 AC.	
13.	PARKING:	OPEN SPACE PLANNED OPEN SPACE PLANNED REQUIRED: 65 UNITS * 2.25/UNIT = 147 SPACES SINGLES FAMILY VILLAGE PROVIDED: 41 UNITS * 3.00/UNIT = 123 SPACES (1 GARAGE + 2 DRIVEWAY) INTERIOR TOWNHOUSE PROVIDED: 16 UNITS * 2.00/UNIT = 32 SPACES (1 GARAGE + 1 DRIVEWAY) END UNIT TOWNHOUSE PROVIDED: 8 UNITS * 4.00/UNIT = 24 SPACES (1 GARAGE + 2 DRIVEWAY) OVERFLOW PARKING PROVIDED: TOTAL PARKING PROVIDED: = 185 SPACES		
14.	SURVEY:	SAME BENCHMARK AND DATUM AS APARTMENT PLAN MONUMENTATION: EXISTING: 24 FOUND PROPOSED: 52 TO BE SET		
15.	SOURCE OF WATER:	VEOLIA WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH		
16.	SANITARY SEWER:	GRAVITY - NEW CASTLE COUNTY SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.		
17.	SANITARY SEWER FLOW:	OPEN SPACE PLANNED: 41 DETACHED DUS * 300 GPD = 12,300 GPD 24 ATTACHED DUS * 250 GPD = 6,000 GPD TOTAL AVERAGE DAILY FLOW: 18,300 GPD TOTAL PEAK FLOW: 18,300 GPD (4.0 PK FACTOR) = 73,200 GPD		
18.	LENGTH OF ROAD DEDICATION:	60 FOOT R.O.W. (PUBLIC) 2,220 FEET		
19.	NUMBER OF LOTS:	EXISTING: 1 PROPOSED: 68 (65 RESIDENTIAL LOTS, 3 - OPEN SPACE)		
20.	FIRE HYDRANTS:	EXISTING: 0 PROPOSED: 3		
21.	INVESTMENT LEVEL:	1		

SITE DATA - PARCEL 0604000005 (SHOPPING CENTER)					
1.	OWNER OF RECORD:	CONCORD SQUARE ASSOCIATES, L.L.C. 105 FOULK ROAD WILMINGTON, DE 19803			
2.	ENGINEER / SURVEYOR:	BECKER MORGAN GROUP, INC. 308 S. GOVERNORS AVENUE DOVER, DELAWARE 19904 PHONE: (302) 734-7550			
3.	PROPERTY ADDRESS:	4137, 4201, 4205, 4209, 4211, 4221, 4231, 4235, 4237, 4243, 4251, 4301, 4325, 4331, 4401, 4407, 4425, 4433, 4445, 4451, 4453, CONCORD PIKE WILMINGTON, DE 19803 BRANDYWINE HUNDRED, NEW CASTLE COUNTY, DE			
4.	TAX PARCEL NUMBER:	0604000005			
5.	DEED SUMMARY:	20061129-0112135			
6.	USE:	EXISTING: PROPOSED:	SHOPPING CENTER SHOPPING CENTER		
7.	ZONING CLASSIFICATION:	EXISTING: PROPOSED:	CR - COMMERCIAL REGIONAL CR - COMMERCIAL REGIONAL		
8.	EXISTING SITE AREA: AREA TO BE RECEIVED FROM PARCEL 06040000004: RIGHT OF WAY TO BE CONVEYED:	29.9858 ACRES ± 0.5554 ACRES ± 0.1918 ACRES ± 30.3494 ACRES ±			
9.	BULK AREA STANDARDS:	CR ZONING STREET YARD (MIN.): 15' SIDE YARD (MIN.): 20' REAR YARD (MIN.): 20' PAVING/PARKING & OTHER YARD: 25/5' LOT AREA (MIN.): 1 ACRE LOT WIDTH (MIN.): 100' BUILDING HEIGHT (MAX.): 50'			
10.	PARKING:	COMMERCIAL RETAIL: GENERAL RETAIL: 4 SPACES/1,000 S.F. G.F.A. 12,200 S.F. * (41/1,000) = 49 SPACES 3 SPACES/1,000 S.F. G.F.A. (GREATER THAN 100,000 S.F.) 215,735 S.F. * (3/1,000) = 648 SPACES 8 SPACES/1,000 S.F. G.F.A. 212,690 S.F. * (8/1,000) = 102 SPACES TOTAL REQUIRED: 799 SPACES TOTAL EXISTING: 1,405 EXISTING TO BE REMOVED: 296 PROPOSED: 120 TOTAL AT COMPLETION: 1,238 BICYCLE PARKING: EXISTING: 16 SPACES PROPOSED: 18 SPACES TOTAL: 32 SPACES			
11.	TRACT AREA CALCS:	EXISTING BUILDING AREA: ± 5.40 AC. PARKING AND DEWALKS: ± 16.76 AC. STORMWATER AREA: ± 2.87 AC. OPEN SPACE: ± 5.32 AC. TOTAL: ± 30.35 AC.	PROPOSED 5.55 AC. 16.36 AC. 2.87 AC. 5.57 AC. 30.35 AC.		
12.	SURVEY:	DATUM: MONUMENTATION: VERTICAL - NAVD 83 HORIZONTAL - NAD 83 (DE ST. PLANE) EXISTING: 13 FOUND PROPOSED: 52 TO BE SET			
13.	SOURCE OF WATER:	VEOLIA WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH			
14.	SANITARY SEWER:	GRAVITY - NEW CASTLE COUNTY SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.			
15.	INVESTMENT LEVEL:	1			

1. OWNER OF RECORD:	SHIPLEY ROAD INVESTMENTS, LLC		
2. ENGINEER / SURVEYOR:	BECKER MORGAN GROUP, INC.		
3. PROPERTY ADDRESS:	2822 SHIPLEY ROAD WILMINGTON, DE 19810 BRANDYWINE HUNDRED, NEW CASTLE COUNTY, DE		
4. TAX PARCEL NUMBER:	0604000004		
5. DEED SUMMARY:	INSTRUMENT NO. 20120727-0041584		
6. USE:	EXISTING:	FORMER GOLF COURSE/COUNTRY CLUB	
	PROPOSED:	VACANT LOT (NO USE IS CURRENTLY PROPOSED)	
7. ZONING CLASSIFICATION:	EXISTING:	S - SUBURBAN	
	PROPOSED:	S - SUBURBAN (NO REZONING)	
8. TOTAL EXISTING SITE AREA:		111,608± ACRES ±	
TOTAL TO BE CONVEYED TO PARCEL 0604000005:		0.4600 ACRES ±	
TOTAL PARCEL 0604000004 REMAINING:		111,148± ACRES ±	
TOTAL AREA DEDICATED TO SCHOOL:		+ 43,855± ACRES ±	
SCHOOL AREA TRACT 1:		+ 35,855± ACRES ±	
SCHOOL AREA TRACT 2:		+ 5,826± ACRES ±	
RIGHT-OF-WAY AREA:		+ 2,173± ACRES ±	
9. DENSITY CALCULATIONS:	SCHOOL SITE AREA:	43,855± ACRES	
AND LOT BREAKDOWN	MAXIMUM GROSS DENSITY	= N/A	
	PROPOSED GROSS DENSITY	= N/A	
	TOTAL UNITS PROVIDED	= N/A	
10. BULK AREA STANDARDS: (LOT 66 - SCHOOL AREA)	SCHOOL		
	STREET YARD (MIN.):	40'	
	SIDE YARD (MIN.):	25'	
	REAR YARD (MIN.):	40'	
	PARKING (MIN.):	20' STREET YARD, 10' OTHER YARD	
	LOT AREA (MIN.):	1 ACRE	
	LOT WIDTH (MIN.):	100'	
	BUILDING HEIGHT (MAX.):	45'	
11. TRACT AREA CALC:	TOTAL SCHOOL AREA:	EXISTING	PROPOSED
	BUILDING COVERAGE:	0.87 AC.	0.00 AC.
	IMPERVIOUS / NOT BUILDING:	5.26 AC.	1.49 AC.
	LOT AREA:	0.00 AC.	0.00 AC.
	STORMWATER AREA:	2.24 AC.	2.24 AC.
	NON IMPERVIOUS AREA:	35.49 AC.	40.13 AC.
	TOTAL:	43.86 AC.	43.86 AC.
12. PARKING:	N/A		
13. SURVEY:	SAME BENCHMARK AND DATUM AS APARTMENT PLAN MONUMENTATION:	EXISTING: 24 FOUND	PROPOSED: 50 TO BE SET
14. SOURCE OF WATER:	VEOLIA		
15. SANITARY SEWER:	GRAVITY - NEW CASTLE COUNTY		
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH			
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16. SANITARY SEWER FLOW:	N/A		
17. LENGTH OF ROAD DEDICATION:	NONE		
18. NUMBER OF LOTS:	EXISTING:	1	
	PROPOSED:	2 (DEDICATED TO SCHOOL)	
19. FIRE HYDRANTS	EXISTING:	0	
	PROPOSED:	0	
20. INVESTMENT LEVEL:	1		

OWNER OF RECORD:	SHIPLEY ROAD INVESTMENTS, LLC 105 FOULK ROAD WILMINGTON, DE 19801																														
2. ENGINEER / SURVEYOR:	BECKER MORGAN GROUP, INC. 309 S. GOVERNORS AVENUE DOVER, DELAWARE 19904 PHONE: (302) 734-7950																														
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5. DEED SUMMARY:	INSTRUMENT NO. 20120727-0041584																														
6. USE:	EXISTING:	FORMER GOLF COURSE/COUNTRY CLUB																													
	PROPOSED:	APARTMENTS COMPLEX & CLUBHOUSE																													
7. ZONING CLASSIFICATION:	EXISTING:	S - SUBURBAN																													
	PROPOSED:	ST - SUBURBAN TRANSITION																													
8. TOTAL EXISTING SITE AREA:	111.6086 ACRES ±																														
TO BE CONVEYED TO PARCEL 0604000005:	0.5554 ACRES ±																														
TOTAL PARCEL 0604000004 REMAINING:	111.0532 ACRES ±																														
TOTAL AREA FOR APARTMENT PLAN	43.5761 ACRES ±																														
9. DENSITY CALCULATIONS AND LOT BREAKDOWN	APARTMENT SITE AREA: 43.58 ACRES MAXIMUM GROSS DENSITY = 6.80 DUS / ACRE PROPOSED GROSS DENSITY = 6.88 DUS / ACRE TOTAL UNITS ALLOWABLE = 348 TOTAL APARTMENTS PROVIDED = 300 (100.00 %) TOTAL UNITS PROVIDED = 300 UNITS																														
10. BULK AREA STANDARDS (APARTMENT AREA)	<table border="0"> <tr> <th></th><th>STREET YARD (MIN.)</th><th>25'</th><th>APARTMENTS</th></tr> <tr> <td></td><td>SIDE YARD (MIN.)</td><td>12'</td><td></td></tr> <tr> <td></td><td>REAR YARD (MIN.)</td><td>20'</td><td></td></tr> <tr> <td></td><td>PARKING (MIN.)</td><td>15'</td><td></td></tr> <tr> <td></td><td>LOT AREA (MIN.)</td><td>1,800</td><td></td></tr> <tr> <td></td><td>LOT WIDTH (MIN.)</td><td>100'</td><td></td></tr> <tr> <td></td><td>BUILDING HEIGHT (MAX.)</td><td>50'</td><td></td></tr> </table>				STREET YARD (MIN.)	25'	APARTMENTS		SIDE YARD (MIN.)	12'			REAR YARD (MIN.)	20'			PARKING (MIN.)	15'			LOT AREA (MIN.)	1,800			LOT WIDTH (MIN.)	100'			BUILDING HEIGHT (MAX.)	50'	
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11. OPEN SPACE:	<table border="0"> <tr> <td>APARTMENT SITE AREA:</td><td>43.58 AC.</td></tr> <tr> <td>BUILDINGS:</td><td>3.64 AC. (INCLUDING GARAGES)</td></tr> <tr> <td>PAVEMENT:</td><td>8.10 AC.</td></tr> <tr> <td>TOTAL OPEN SPACE PROVIDED:</td><td>31.84 AC.</td></tr> <tr> <td>USABLE OPEN SPACE PROVIDED:</td><td>3.07 AC.</td></tr> <tr> <td>TOTAL OPEN SPACE REQUIRED:</td><td>17.47 AC.</td></tr> <tr> <td>31.93 AC. PROVIDED > 17.47 AC. REQUIRED</td><td></td></tr> </table>			APARTMENT SITE AREA:	43.58 AC.	BUILDINGS:	3.64 AC. (INCLUDING GARAGES)	PAVEMENT:	8.10 AC.	TOTAL OPEN SPACE PROVIDED:	31.84 AC.	USABLE OPEN SPACE PROVIDED:	3.07 AC.	TOTAL OPEN SPACE REQUIRED:	17.47 AC.	31.93 AC. PROVIDED > 17.47 AC. REQUIRED															
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12. TRACT AREA CALCS:	APARTMENTS	EXISTING	PROPOSED																												
	BUILDING COVERAGE:	0.17 AC.	3.64 AC. (INCLUDING GARAGE)																												
	IMPERVIOUS - NON BUILDING:	2.38 AC.	9.49 AC.																												
	LOT AREA:	0.00 AC.	0.00 AC.																												
	STORMWATER AREA:	0.18 AC.	3.64 AC.																												
	NON IMPERVIOUS AREA:	40.85 AC.	26.81 AC.																												
	TOTAL:	43.58 AC.	43.58 AC.																												
13. PARKING:	<table border="0"> <tr> <td>APARTMENTS</td><td></td></tr> <tr> <td>REQUIRED MIN.:</td><td>1.5 SPACES PER 1 BEDROOM UNIT, 2 SPACES PER 2 OR 3 BEDROOM UNIT, 2.25 PER 4 BEDROOM UNIT, 2.5 PER 5+ BEDROOM UNIT, 1 ADDITIONAL GUEST SPACE PER 5 UNITS.</td></tr> <tr> <td></td><td>90.1 BEDROOM UNITS * 1.5 UNIT = 135 SPACES</td></tr> <tr> <td></td><td>210.2 OR 3 BEDROOM UNITS * 2 UNIT = 420 SPACES</td></tr> <tr> <td></td><td>1 GUEST SPACE/5 UNITS * 300 UNITS = 60 SPACES</td></tr> <tr> <td></td><td>1 SPACE/100 S.F. POOL AREA * 2,300 S.F. = 23 SPACES</td></tr> <tr> <td></td><td>638 SPACES</td></tr> <tr> <td>TOTAL REQUIRED:</td><td>693 SPACES (625 SPACES + 68 GARAGE SPACES)</td></tr> <tr> <td>TOTAL PROVIDED:</td><td>(INCLUDES 16 HANDICAPPED)</td></tr> </table>			APARTMENTS		REQUIRED MIN.:	1.5 SPACES PER 1 BEDROOM UNIT, 2 SPACES PER 2 OR 3 BEDROOM UNIT, 2.25 PER 4 BEDROOM UNIT, 2.5 PER 5+ BEDROOM UNIT, 1 ADDITIONAL GUEST SPACE PER 5 UNITS.		90.1 BEDROOM UNITS * 1.5 UNIT = 135 SPACES		210.2 OR 3 BEDROOM UNITS * 2 UNIT = 420 SPACES		1 GUEST SPACE/5 UNITS * 300 UNITS = 60 SPACES		1 SPACE/100 S.F. POOL AREA * 2,300 S.F. = 23 SPACES		638 SPACES	TOTAL REQUIRED:	693 SPACES (625 SPACES + 68 GARAGE SPACES)	TOTAL PROVIDED:	(INCLUDES 16 HANDICAPPED)										
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**BECKER
MORGAN**
G R O U P

ARCHITECTURE
ENGINEERING

Delaware

309 South Governors Avenue
Dover, DE 19904
302.734.7950

The Tower at STAR Campus
100 Discovery Boulevard, Suite 10
Newark, DE 19713
302.369.3700

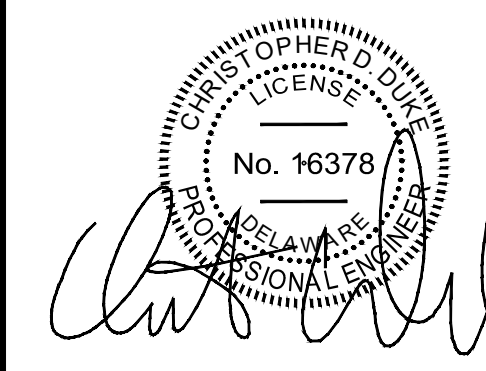
Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina

3333 Jackie Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com



PROJECT TITLE
APPLICATION No : 2020-0566-S/7

**BRANDYWINE
COUNTRY
CLUB
SUBDIVISION**

MAJOR SUBDIVISION PLAT

2822 SHIPLEY ROAD
BRANDYWINE HUNDRED
NEW CASTLE COUNTY

**MAJOR RESIDENTIAL
LAND DEVELOPMENT
RECORD PLAN**

ISSUE BLOCK		
13	1/4/2024	AGENCY SUBMISSION
12	11/27/2023	AGENCY SUBMISSION
11	11/9/2023	AGENCY SUBMISSION
10	11/9/2023	AGENCY SUBMISSION
9	10/4/2023	AGENCY SUBMISSION
8	8/25/2023	AGENCY SUBMISSION
7	8/11/2023	AGENCY SUBMISSION
6	7/7/2023	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION
PROJECT NO.:		201405
DATE:		2-20-
SCALE:		
DRAWN BY: A.P.C. PROJ. MGR.: .		
SHEET		
2 OF 11		

MEMORANDUM

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

From: Charuni Patibanda

Re: Application No. 2020-0566
Brandywine Country Club
Record Major Land Development Plan

Date: May 7, 2024

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 Brandywine Country Club; Brandywine Hundred; West side of Shipley Road, opposite of Summerset Road and east side of Concord Pike, opposite of Righter Parkway; Major Land Development Plan that proposes to eliminate and establish lot lines, construct 300 apartment units with associated improvements, construct 41 single family units and 24 townhouses, dedicate 43.86 acres to the Brandywine School District, demolish the abandoned golf course and associated improvements, demolish 7,020 SF of the existing shopping center and construct 12,200 SF on two pad sites within the existing shopping center; ST, S 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.

ORDINANCE NO. 24-018

**REVISE ZONING MAP; ST. GEORGES HUNDRED, EAST SIDE OF DUPONT
HIGHWAY, 2320 FEET NORTH OF POLE BRIDGE ROAD; REZONE AN 8.23 ACRE
PORTION OF TAX PARCEL 13-008.00-027 (235.21 ACRES), AND ALL OF TAX
PARCEL 13-013.00-083 (1.99 ACRES) FROM “S” (SUBURBAN) TO “CN”
(COMMERCIAL NEIGHBORHOOD)**

1 (The purpose of this County Initiated Rezoning is to rezone an 8.23 acre portion of
2 tax parcel 13-008.00-027 (235.21 acres), and all of tax parcel 13-013.00-083 (1.99 acres)
3 from “S” (Suburban) to “CN” (Commercial Neighborhood) to permit commercial, retail and
4 service uses consistent with the Future Land Use Map in the 2022 Update to the New
5 Castle County Comprehensive Development Plan.)
6

7 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
8

9 Section 1. The Zoning Map of St. Georges Hundred, as amended, is hereby further
10 amended by changing the zoning classification of the land shown on attached Exhibits
11 “A” and “L” dated February 2, 2024, as set forth therein.
12

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

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

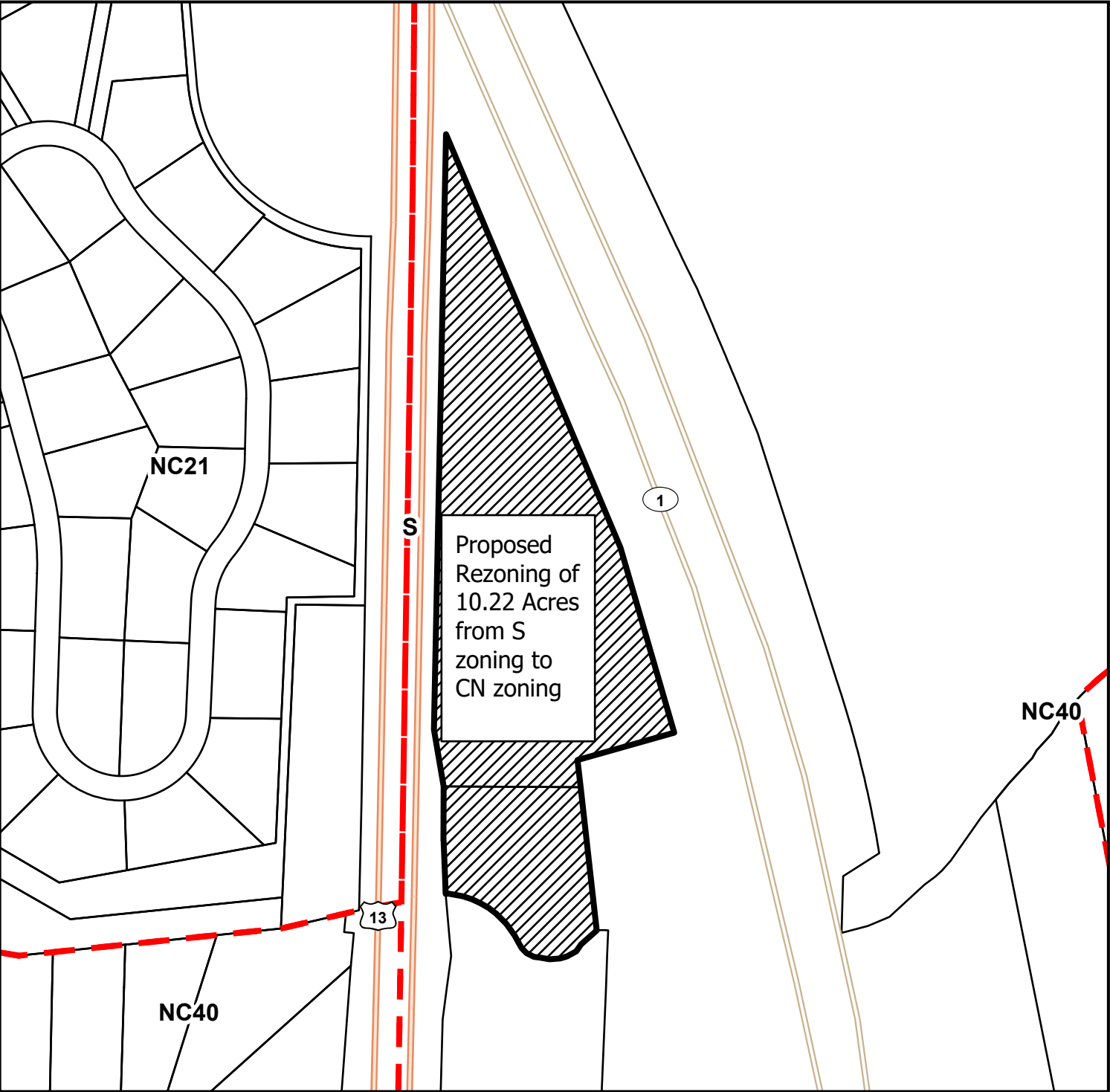
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL NOTE: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel rezoned is 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: New Castle County
PROPOSED REZONING: EXISTING S ZONING TO CN ZONING

Tax Parcel NO. P.O. 13-008.00-027;
13-013.00-083



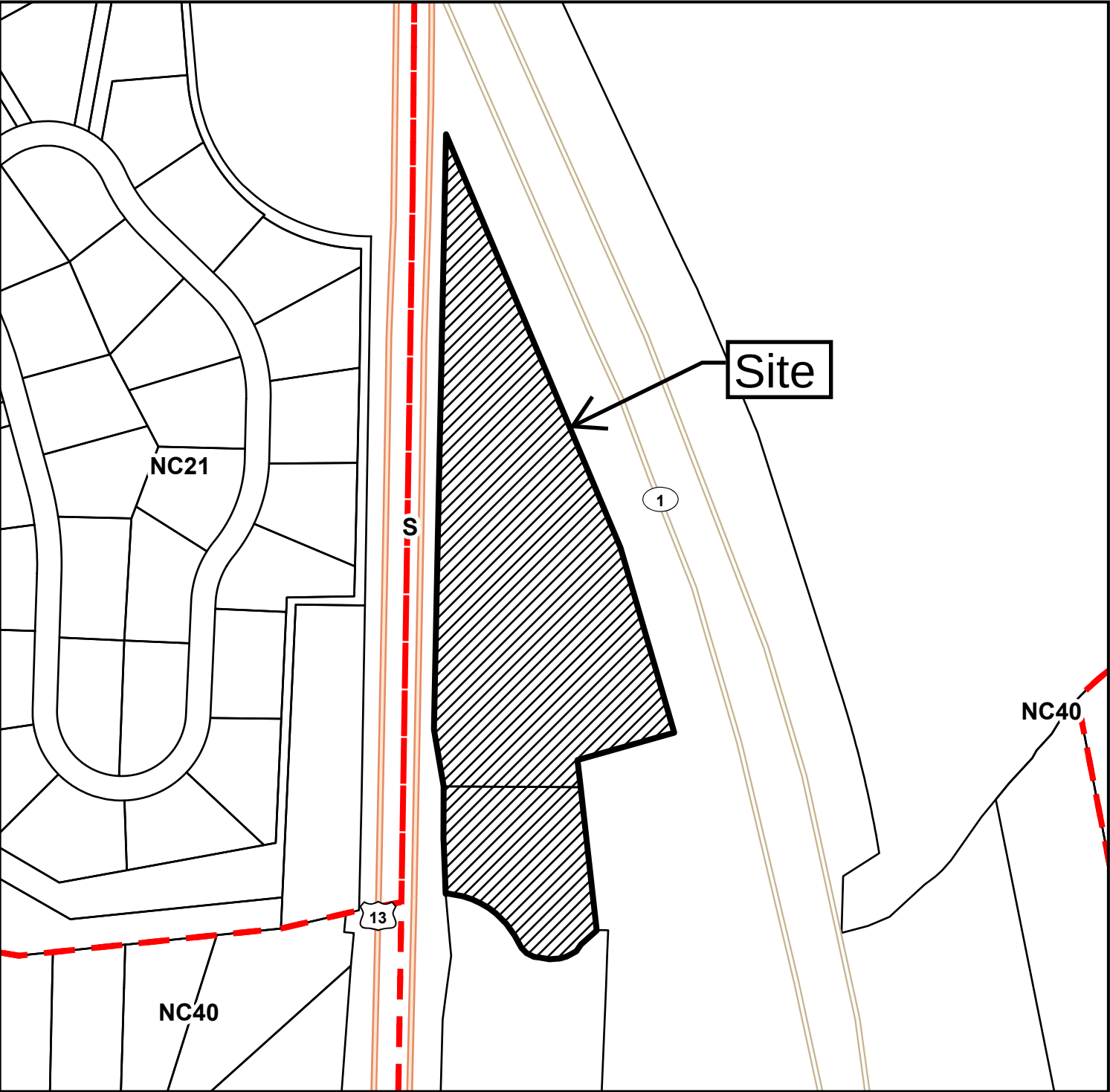
HUNDRED: ST GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE
Scale: 1:3,500
Prepared by: mtrogers
Date: 2/2/2024



PERMANENT ORDINANCE NO. 24-018
Date Adopted by County Council _____
Date Approved by County Executive _____

APPLICANT: New Castle County
PROPOSED REZONING: EXISTING S ZONING TO CN ZONING

Tax Parcel NO. P.O. 13-008.00-027;
13-013.00-083



HUNDRED: ST GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE
Scale: 1:3,500
Prepared by: mtrogers
Date: 2/2/2024



PERMANENT ORDINANCE NO. 24-018
Date Adopted by County Council _____
Date Approved by County Executive _____



Department of Land Use

**JOINT DEPARTMENT OF LAND USE & PLANNING BOARD
RECOMMENDATION**

**Ordinance 24-018
Application 2024-0051-Z
2256 DuPont Parkway**

April 30, 2024

Location: East side of DuPont Highway, 2320 feet north of Pole Bridge Road

Sponsor: Councilman Bill Bell, Council District 12

Description: County initiated rezoning to rezone an 8.23-acre portion of tax parcel 13-008.00-027 (235.21 acres), and all of tax parcel 13-013.00-083 (1.99 acres) from Suburban (S) to Commercial Neighborhood (CN)

Applicant: New Castle County (County-Initiated)

EXECUTIVE SUMMARY

Situated between the east side of DuPont Highway (US Rt 13) and Delaware State Route 1 (DE SR 1), the area proposed for rezoning is comprised of approximately 10.22 acres of vacant farmland that was previously identified during the most recent Comprehensive Plan update as an appropriate location for nonresidential uses. The proposed application is a County-initiated rezoning that will rezone the 10.22 acres from Suburban (S) to Commercial Neighborhood (CN), bringing the site into compliance with the existing Future Land Use map. Currently there is an active land development plan application proposing that the site be rezoned, to permit the site to be developed for a convenience store with gas station. 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 supportive 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 subject site is situated on the eastern edge of the central core of southern New Castle County, bound on the east and west by two major, north to south, thoroughfares (US Rt. 13 and DE Rt. 1). The overall property is currently zoned Suburban (S). The County-initiated rezoning proposes to rezone the subject site to the Commercial Neighborhood (CN) zoning district consistent with the Business Flex designation in the 2022 Comprehensive Plan.

ZONING & DEVELOPMENT PATTERN

The 10.22± acre site is centrally located between DuPont Highway (US Rt 13) to the east and DE SR 1 to the west, the two most major north to south thoroughfares in southern New Castle County. As a result of the configuration of these two thoroughfares south of the C&D Canal, the land development pattern is largely

comprised of medium density residential uses to the east of DuPont Highway and a mix of agricultural lands and medium to low density residential uses to the west of DE SR 1. The lands that are uniquely situated between the DuPont Highway and DE SR 1, such as the subject site, are largely comprised of undeveloped lands or low-density, nonresidential uses such as the Shoppes of St. Georges to the south.

Dating back to the adoption of the Zoning Code in 1954, the subject site has had a residential zoning designation (R-2). With the adoption of the Unified Development Code in 1997, the property was zoned Suburban (S) consistent with the prior R-2 zoning designation. The present zoning pattern in the surrounding area largely reflects the land development pattern and uses in the surrounding area, with a mix of Suburban (S), Neighborhood Conservation (NC-21) and Neighborhood Conservation (NC-40) districts to the east of DuPont Highway and Suburban (S) zoned lands to the west of the site across DE SR1. Further south of the site at the intersection of DuPont Highway and Pole Bridge Road, there is existing Commercial Regional (CR) lands that provide for the Shoppes of St. Georges and the businesses located further south of the site.

BACKGROUND

Ordinance 24-018 was introduced at County Council on February 13, 2024, at the request of the Councilman Bell. The County-initiated rezoning is predicated by a land development application originally filed in 2019 (Application 2019-0698-S)¹ which proposes the development of the 10.22± acre site as a convenience store with gas station, as well as other retail shops and uses. At the time of application, the Department of Land Use was initiating the update of the Comprehensive Plan and evaluating existing zoning of nearly every parcel within the County. During the Comprehensive Plan process, the site was identified as an area where the existing zoning is not conducive to the type of development appropriate for the location. For these reasons, the updated Future Land Use Map (FLUM)² identified the subject site as Business Flex, which are areas where there is existing or potential for nonresidential development.

The rezoning of the subject site from Suburban (S) to Commercial Neighborhood (CN) was initially considered and recommended for approval, by the Planning Board during their review of Ordinance 23-083 (Comprehensive Rezoning Ordinance) in the fall of 2023. Ordinance 23-083 was, however, subsequently withdrawn by County Council, and therefore the rezoning of the site is now being considered under the separate Ordinance 24-018.

At the March 3, 2024, public hearing, the Planning Board heard several individuals and the district councilperson give testimony regarding the support and need for the rezoning to provide for nonresidential development to support the nearby residential communities. If adopted, Ordinance 24-018 would allow for the uses proposed under Application 2019-0698-S.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The rezoning of the site, as noted above, was initially incorporated into Ordinance 23-083 and as such has already been considered at the State of Delaware PLUS review on August 23, 2023. The Office of State

¹ <https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=663488>

² The 2022 New Castle County Comprehensive Plan and associated Future Land Use Map was adopted on July 26, 2022.

Planning, in communication with the Department of Land Use, indicated that rezonings originally proposed by Ordinance 23-083 do not require additional consideration by PLUS.

The PLUS Report, dated August 23, 2023, contains comments from several State agencies. The Office of State Planning Coordination reiterated their support for the 2022 New Castle County Comprehensive Plan and its goals and strategies as well as for the rezonings proposed by Ordinance 23-083. No other State agencies had any comments.

PLANNING BOARD PUBLIC HEARING – March 3, 2024

*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 III with the Department of Land Use, spoke on behalf of the County-initiated rezoning application. She provided a brief description of the proposed rezoning, noting that the application seeks to rezone approximately 10.33+ acres from Suburban (S) to Commercial Neighborhood (CN). She spoke to the background of the rezoning and noted that the site was identified during the comprehensive plan process as an area that would be appropriate for nonresidential uses and the Business Flex designation. She stated that the rezoning meets the goals and objectives of the 2022 Comprehensive Plan and is part of the overall implementation of the plan. The Board had no questions for Ms. Hatch.

Councilman Bill Bell, the district councilperson, spoke in favor of the application. He noted his support of the rezoning, noting that the area is in need of supporting infrastructure. He stated that the rezoning of the site had gotten caught up in the comprehensive plan process and stated that the rezoning was long overdue and had been vetted through the community over the past four years. He stated that the community in the surrounding area desperately needed the proposed plan for a gas station, As the surrounding area had grown with residential development. Councilman Bell stated that many of the people in the surrounding area have to drive several miles in order to fill up their vehicle with gas. He stated that based on the location, it was a good use of the land to have a gas station and convenience store on the site.

Dale Swain, Dutch Neck Farms residents, spoke in favor of the application. He stated that he was in favor of the rezoning and the development of the site. Mr. Swain noted his support that Ordinance 24-018 was being considered separately from the rest of the parcels that were included in Ordinance 23-083. He stated that he did have questions regarding traffic studies and environmental impacts, as well as the overall land development process.

Donna Casey, President of Asbury Chase HOA, spoke in favor of the application. Ms. Casey noted that the community had been working with the developer on the plan for over four years. She stated that the developer has provided the community with all the answers to their questions and stated that the community was satisfied with the development. She noted her disappointment in the process that has occurred that has seemed to delay the construction of needed infrastructure and services. She encouraged the Planning Board to consider approving the rezoning and noted the importance of the project to the community.

Gale Costello, Asbury Chase resident, spoke in support of the rezoning application. She stated that the community had worked with the developer for over four years on the proposed project for the site. She echoed many of the statements made by Ms. Casey and stated that the area was in need of supporting infrastructure such as gas stations and retail.

Thomas Price, Asbury resident, spoke in favor of the application. He stated that he agreed with the Ms. Costello and Ms. Casey that the community is in need of additional infrastructure. Mr. Price stated that there are no convenient gas stations for the surrounding community to access and that the community desired to have a WaWa constructed on the site.

John Purcell spoke in favor of the application. He stated that the neighborhood needs the proposed development and that the community has to travel significant distances to get gas or a gallon of milk.

There was no further comment on the application.

ANALYSIS

Dating back to the mid-twentieth century, the site has retained a residential zoning designation which was carried forth with the adoption of the Unified Development Code. The lands, have remained undeveloped and utilized for agricultural purposes, were further impacted with the construction of DE SR1 in the early 2000's which resulted in the split of the site from the rest of the farmland to the east. The existing size, layout, and configuration of the lands between DuPont Highway and DE SR1 are not conducive for residential development but rather remain appropriate in size for nonresidential developments to support the established residential developments to the east and west of the two thoroughfares. Ordinance 24-018 will bring the site into conformity with the Comprehensive Plan, which identifies the site as Business Flex for the reasons stated above. The proposed rezoning has received significant community support, with members of the community expressing their desire for more convenient access to essential nonresidential services such as gas and small convenience stores.

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

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 County Comprehensive Plan identifies the subject site as “Business Flex”, which are areas where there is existing or potential for nonresidential development. The rezoning of the subject site from Suburban (S) to Commercial Neighborhood (CN) is consistent with the New Castle County Comprehensive Plan and will 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 uses, agricultural uses, and nonresidential uses. The site is, centrally located between DuPont Highway and DE SR 1 and lends itself to nonresidential uses that would serve and supporting the neighboring communities. The rezoning of the site and use of the property for nonresidential is thereby consistent with the established character of the surrounding neighborhood.

C. Consistency with zoning and use of nearby properties.

Based on the existing zoning pattern and uses of nearby properties, the rezoning of the subject site from Suburban (S) to Commercial Neighborhood (CN) would be consistent with the other nonresidential uses and Commercial Regional (CR) zoning to the south of the site.

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

The subject site is currently utilized for agricultural purposes and is unimproved. Due to the property's location fronting a major thoroughfare, the site is suitable for the uses permitted under the Commercial Neighborhood (CN) zoning district.

E. Effect on nearby properties.

The rezoning on the subject site from Suburban (S) to Commercial Neighborhood (CN) would have little to no impact on nearby properties, as the subject site is bordered by DE SR 1 to the east and DuPont Highway to west, providing a permanent barrier between nearby uses.

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 April 30, 2024, the Planning Board considered the recommendation provided by the Department of Land Use as well as comments from outside agencies and the public.

On a motion made by Ms. Cahill-Krout and seconded by Mr. Snowden, the Board voted to recommend **APPROVAL** of the County-initiated rezoning (Ord. 24-018) as recommended by the Department of Land Use.

The motion was adopted by a vote of 6-0-0-3 (In Favor: Peterson, Visvardis, Snowden, Daigle, Cahill-Krout, Cantrell; In Opposition: None; Abstention: None; Absent: Gray, Drake, Cochran).³

Prior to the vote the following discussion occurred:

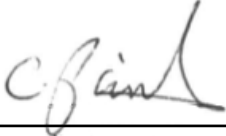
Ms. Hatch read the Department of Land Use recommendation into the record. Mary Jacobson, the Board's attorney, inquired about the procedures County-initiated rezonings, since typically the Board sees zoning

³ Prior to the vote, Mr. Cantrell stated for the record that he had reviewed the record and all meeting materials from the March 3, 2024 Planning Board public hearing.

requests from applicants as part of the land development process. Antoni Sekowski, Assistant General Manager, noted that because the subject rezoning was tied into the Future Land Use Map changes and the previous 23-083 (Comprehensive Rezoning), the district councilperson asked that the rezoning move forward separately to avoid any future delays of other applications. Char Patibanda, General Manager, noted that the rezoning is considered a County-initiated rezoning and therefore the minor land development plan would not be considered by the Planning Board. Ms. Cahill-Krout noted that it should be clarified for the record that the Board is only considering the rezoning and for future County-initiated rezonings, the Board should refrain from addressing unassociated land development plans for clarity.

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.

 05/02/2024

Charuni Patibanda date
General Manager
Department of Land Use

 05/02/2024

Karen Peterson date
Chair
Planning Board