



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District

Co-Chair: Janet Kilpatrick, Third District

July 1, 2025

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)

R25- : TO TERMINATE THE CROSS ACCESS EASEMENT AND MAINTENANCE DECLARATION FOR LOTS 23 AND 24 – APPLECROSS SUBDIVISION; TAX PARCEL NOS. 07-27.00-097 AND 07-027.00-026; 1 AND 9 GREAT BARN LANE; COUNCIL DISTRICT 2
Prime Sponsor(s): Ms. Durham

R25- : PLAN OF DELAWARE STORAGE SOLUTIONS; MILL CREEK HUNDRED; NORTHWESTERLY CORNER OF OLD CAPITOL TRAIL AND OLD HARMONY ROAD; COMBINE THE EXISTING TWO LOTS AND CONSTRUCT A THREE-STORY, 49,989 SQUARE FOOT SELF-STORAGE BUILDING WITH ASSOCIATED IMPROVEMENTS; CN ZONING; [APPLICATION NO. 2021-0070-S](#); COUNCIL DISTRICT 9
Prime Sponsor(s): Mr. Sheldon

D. Review/Discussion of Ordinance(s)

°22-006: REVISE ZONING MAP: BRANDYWINE HUNDRED, WEST SIDE OF NEWARK UNION PUBLIC ROAD, NORTH OF THE INTERSECTION WITH BAYNARD BOULEVARD; 8 & 20 NEWARK UNION PUBLIC ROAD, TAX PARCELS 06-103.00-101 & 06-103.00-100, 2.31+ ACRES FROM NC10 (NEIGHBORHOOD CONSERVATION) TO NC10 (NEIGHBORHOOD CONSERVATION) AND H (HISTORIC OVERLAY ZONE); COUNCIL DISTRICT 8 (The property owner is requesting the H (Historic Overlay Zone) for the subject parcels. 2021-0557-R/Z)
Prime Sponsor(s): Mr. Cartier

°25-017: REVISE ZONING MAP: NEW CASTLE HUNDRED, WEST SIDE OF OLD STATE ROAD, APPROXIMATELY 200 FEET SOUTH OF LLANGOLLEN BOULEVARD; REZONE 11.06 ACRES OF TAX PARCEL 10-034.00-067 FROM SUBURBAN (S) TO COMMERCIAL REGIONAL (CR); APPLICATION NO. 2023-0005-S/Z; COUNCIL DISTRICT 7 (The Exploratory Minor Land Development Plan with Rezoning for Old State Road LLC proposes to create a parking area for outside storage of vehicles, and rezone tax parcel 10-034.00-067 from Suburban (S) to Commercial

Regional (CR))
Prime Sponsor(s): Mr. Smiley

- E. **Presentations**
- F. **Other**
- G. **Public Comment**
- H. **Adjournment**

AGENDA POSTED: June 24, 2025

*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.

Prime Sponsor(s): Ms. Durham
Date of Introduction: July 8, 2025

RESOLUTION NO. 25-

**TO TERMINATE THE CROSS ACCESS EASEMENT AND MAINTENANCE
DECLARATION FOR LOTS 23 AND 24 – APPLECROSS SUBDIVISION; TAX
PARCEL NOS. 07-27.00-097 AND 07-027.00-026; 1 AND 9 GREAT BARN LANE;
COUNCIL DISTRICT 2**

1 **WHEREAS**, the Estate of Wilhelmina DuPont Ross and the Wilhelmina DuPont
2 Ross Trust under Agreement dated November 8, 1994 (“Declarant”) caused to be made
3 that certain Cross Access Easement and Maintenance Declaration for Lots 23 and 24 –
4 Applecross Subdivision dated October 3, 2003 (the “Declaration”), and caused the
5 Declaration to be recorded in the Office of the Recorder of Deeds in and for New Castle
6 County, Delaware (the “Recorder’s Office”) as Instrument No. 20031008-0129922; and
7

8 **WHEREAS**, Christopher D. Saridakis, Trustee of the Christopher D. Saridakis
9 Qualified Personal Residence Trust (“Saridakis”) has succeeded to the interest of
10 Declarant in Lot 23 of Applecross as shown on the Record Major Subdivision Plan for
11 Applecross of record at the Recorder’s Office as Instrument No. 20031104-0141289 (the
12 “Record Plan”), also known as 9 Great Barn Lane (“Lot 23”); and
13

14 **WHEREAS**, Thomas J. Hanna and Lynne A. Hanna have succeeded to the
15 interest of Declarant in Lot 24 of Applecross as shown on the Record Plan, also known
16 as 1 Great Barn Lane (“Lot 24”); and
17

18 **WHEREAS**, the Declaration imposes an easement on Lot 23 providing access
19 between Lot 24 and Great Barn Lane (the “Easement”); and
20

21 **WHEREAS**, Lot 24 has direct access to Great Barn Lane and, therefore, has no
22 need for the Easement; and
23

24 **WHEREAS**, Saridakis and Hanna, being the current owners of Lot 23 and Lot 24
25 (collectively, the “Lots”) desire that the Easement and the Declaration be terminated; and
26

27 **WHEREAS**, the Department of Land Use recommends in favor of terminating the
28 Easement and the Declaration; and
29

30 **WHEREAS**, Paragraph 12 of the Declaration provides that, except as otherwise
31 provided for therein, the Declaration shall not be modified, altered, amended, changed or
32 supplemented except by written agreement of the owners of the Lots and of New Castle
33 County Council.

34 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
35 Castle County, that County Council consents to the termination of the Easement and the
36 Declaration pursuant to the Declaration of Termination of Easement Agreement attached
37 hereto as Exhibit "A" and hereby authorizes the owners of the Lots to record the
38 Declaration of Termination of Easement Agreement at the Recorder's Office.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the approval of this resolution.

Exhibit "A"

Tax Parcel Nos. 07-027.00-097 and
07-027.00-026

Prepared By and Return To:
Gordon, Fournaris & Mammarella, P.A.
1925 Lovering Avenue
Wilmington, DE 19806

**DECLARATION OF TERMINATION OF
EASEMENT AGREEMENT**

THIS DECLARATION is made this ____ day of _____, 2025, by **Christopher D. Saridakis**, Trustee of the **Christopher D. Saridakis Qualified Personal Residence Trust** ("**Saridakis**") and **Thomas J. Hanna** and **Lynne A. Hanna** ("**Hanna**" and, together with Saridakis, the "**Declarants**").

BACKGROUND

A. Saridakis owns 9 Great Barn Lane, Wilmington, Delaware, also known as Lot 23 of Applecross ("**Lot 23**"), as shown on the Record Major Subdivision Plan for Applecross of record at the Office of the Recorder of Deeds in and for New Castle County, Delaware ("**Recorder's Office**"), as Instrument No. 20031104-0141289 (the "**Record Plan**"), having acquired same by deed dated December 27, 2012, of record at the Recorder's Office as Instrument No. 20121227-0076306.

B. Hanna owns 1 Great Barn Lane, Wilmington, Delaware, also known as Lot 24 of Applecross ("**Lot 24**"), as shown on the Record Plan, having acquired same by deed of Christopher Saridakis and Penelope Saridakis dated April 8, 2025, of record at the Recorder's Office as Instrument No. 20250410-0023347.

C. Lot 23 is encumbered by an easement ("**Easement**") providing access between Great Barn Lane and Lot 24 that was created by the Cross Access Easement and Maintenance Declaration for Lots 23 and 24 – Applecross Subdivision dated October 3, 2003, and recorded at Recorder's Office as Instrument No. 20031008-0129922 ("**Easement Agreement**").

D. There is an existing paved driveway (the "**Lot 24 Driveway**") that traverses Lot 24 and enters Lot 23 with a connection to Great Barn Lane pursuant to which both Lot 23 and Lot 24 have access to Great Barn Lane. Saridakis now uses a driveway located wholly

on Lot 23 at the location of the Easement for access from Lot 23 to Great Barn Lane and has previously relinquished all of his rights to the use of the Lot 24 Driveway pursuant to Release and Relinquishment of Access Easements dated April 8, 2025, and recorded at the Recorder's Office as Instrument No. 20250410-0023351.

E. Declarants execute this Declaration for the purpose of terminating the Easement Agreement.

DECLARATION

NOW, THEREFORE, Declarants hereby declare and agree as follows:

1. The recitals of this Declaration are hereby incorporated in, and made a part of, this Declaration.

2. The Easement Agreement is terminated and is without further force or effect. All easements and covenants contained therein are forever extinguished. Lot 23 and Lot 24 are no longer bound or encumbered by the Easement Agreement or any of the terms thereof. The respective owners of Lot 23 and Lot 24 hereby release each other of and from all obligations, duties and liabilities relating to or arising out of the Easement Agreement.

3. This Declaration shall be binding upon Declarants and their respective heirs, administrators, successors and assigns.

4. New Castle County Council has consented to this Declaration as required by Section 12 of the Easement Agreement, and as indicated in the below signature block.

5. This Declaration shall become effective upon the recording at the Recorder's Office of the Record Plan Modification, Applecross, prepared by Apex Engineering Incorporated that modifies the Record Plan by noting, on Sheet No. 3 thereof, that the Easement is removed.

6. This Declaration shall be construed and enforced in accordance with the laws of the State of Delaware.

7. This Declaration shall be recorded by Saridakis, at his expense, at the Recorder's Office.

[Signature pages follow]

IN WITNESS WHEREOF, Declarants have executed this Declaration, under seal, intending to be bound hereby.

SEALED AND DELIVERED
IN THE PRESENCE OF:

_____ (SEAL)

Christopher D. Saridakis, Trustee of
the Christopher D. Saridakis Qualified
Personal Residence Trust

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, That on this ____ day of _____, 2025, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Christopher D. Saridakis, Trustee of the Christopher D. Saridakis Qualified Personal Residence Trust, party to this Indenture, known to me personally to be such and he acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public

My Commission Expires:_____

IN WITNESS WHEREOF, Declarants have executed this Declaration, under seal, intending to be bound hereby.

SEALED AND DELIVERED
IN THE PRESENCE OF:

_____(SEAL)
Thomas J. Hanna

_____(SEAL)
Lynne A. Hanna

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, That on this ____ day of _____, 2025, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Thomas J. Hanna and Lynne A. Hanna, parties to this Indenture, known to me personally to be such and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public
My Commission Expires:_____

CONSENT OF NEW CASTLE COUNTY COUNCIL

New Castle County Council consents to the termination of the Cross Access Easement and Maintenance Declaration for Lots 23 and 24 – Applecross Subdivision dated October 3, 2003, and recorded at the Office of the Recorder of Deeds in and for New Castle County, Delaware, as Instrument No. 20031008-0129922.

NEW CASTLE COUNTY COUNCIL

By: _____
Monique Williams-Johns
President

Date: _____, 2025

Prime Sponsor(s): Mr. Sheldon
Requested by: Department of Land Use
Date of introduction: July 8, 2025

RESOLUTION NO. 25-

**PLAN OF DELAWARE STORAGE SOLUTIONS; MILL CREEK HUNDRED;
NORTHWESTERLY CORNER OF OLD CAPITOL TRAIL AND OLD HARMONY
ROAD; COMBINE THE EXISTING TWO LOTS AND CONSTRUCT A THREE-STORY,
49,989 SQUARE FOOT SELF-STORAGE BUILDING WITH
ASSOCIATED IMPROVEMENTS; CN ZONING;
APPLICATION NO. 2021-0070-S; COUNCIL DISTRICT 9**

1 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
2 Castle County that County Council hereby approves the following major land
3 development plan, Delaware Storage Solutions (Application No. 2021-0070-S) as
4 heretofore approved by the Land Use Department, and the President of County Council
5 is hereby authorized to endorse her approval upon the following plan.

**DELAWARE STORAGE SOLUTIONS
Mill Creek Hundred**

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
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.



New Castle County Department of Land Use

MEMORANDUM

TO: Council President
Members of County Council
Counsel to Council
Clerk of County Council

FROM: David M. Culver

RE: Application Number 2021-0070-S
Delaware Storage Solutions
Record Major Land Development Plan

DATE: June 23, 2025

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 and synopsis are attached.

cc: Marcus Henry, County Executive
Mona Parikh, Chief Administrative Officer

Plan of Delaware Storage Solutions; Mill Creek Hundred; Northwesterly corner of Old Capitol Trail and Old Harmony Road. Combine the existing two lots and construct a three-story, 49,989 s.f. self-storage building with associated improvements. CN zoning. Council District 9.

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.

UTILITIES

WATER SUPPLIER - ARTESIAN WATER COMPANY. 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.

SANITARY DISPOSAL METHOD - EXISTING PRIVATE SEPTIC SYSTEM - SEPTIC 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 WELLS (IF APPLICABLE) WILL INFLUENCE THE FINAL DESIGN. NO BUILDING PERMITS WILL BE ISSUED WITH REVIEW AND APPROVAL OF A DETAILED DESIGN FOR EACH LOT.

PROPOSED LAND USE SUMMARY

ALL VALUES ARE IN SQUARE FEET					
BUILDING	OTHER IMPERVIOUS	TOTAL IMPERVIOUS	OPEN SPACE	SWM AREA	TOTAL
16,663	13,123	29,786	38,266	3,166	68,054

PARKING RATIONALE

SELF STORAGE	3.5 SPACES PER 1,000 S.F. OF G.F.A. OF SALES/RENTAL OFFICE (1,000 SALES/RENTAL OFFICE)
REQUIRED PARKING	6
PROPOSED PARKING	6

VARIANCES OBTAINED

- VARIANCE WAS GRANTED BY THE BOARD OF ADJUSTMENT ON AUGUST 11, 2022, REFERENCE NO. 2022-0202-A.
- SECTION 04.04.110-A - MAXIMUM GROSS FAR - (REQUESTING 0.93 (0.18 REQUIRED))
 - CONDITIONS:
 - THE LANDSCAPING SHALL BE CONSISTENT WITH THE LANDSCAPE PLAN SUBMITTED INTO EVIDENCE.
 - THE BUILDING ELEVATIONS SHALL BE CONSISTENT WITH THE RENDERINGS SUBMITTED INTO EVIDENCE.

PROPERTY SUMMARY

APPLICATION NUMBER	2021-0070
TAX PARCEL #	08-054-40-152
PROPOSED ADDRESS	08-054-40-153
LOT SIZE (FOLLOWING DEDICATION)	1.6572 ACRES
ZONING	CN (COMMERCIAL, NEIGHBORHOOD)
SELF STORAGE (PERMITTED)	20241217-0085528 (-153)
DEED OF RECORD	20241217-0085528 (-152)
SURVEYED BY	RAMESH C. BATTI ASSOCIATES INC
DATUM	DECEMBER 2020 AND NOVEMBER 2021
HUNDRED	NAVDS8
	MILL CREEK

ZONING (CN) REQUIREMENTS

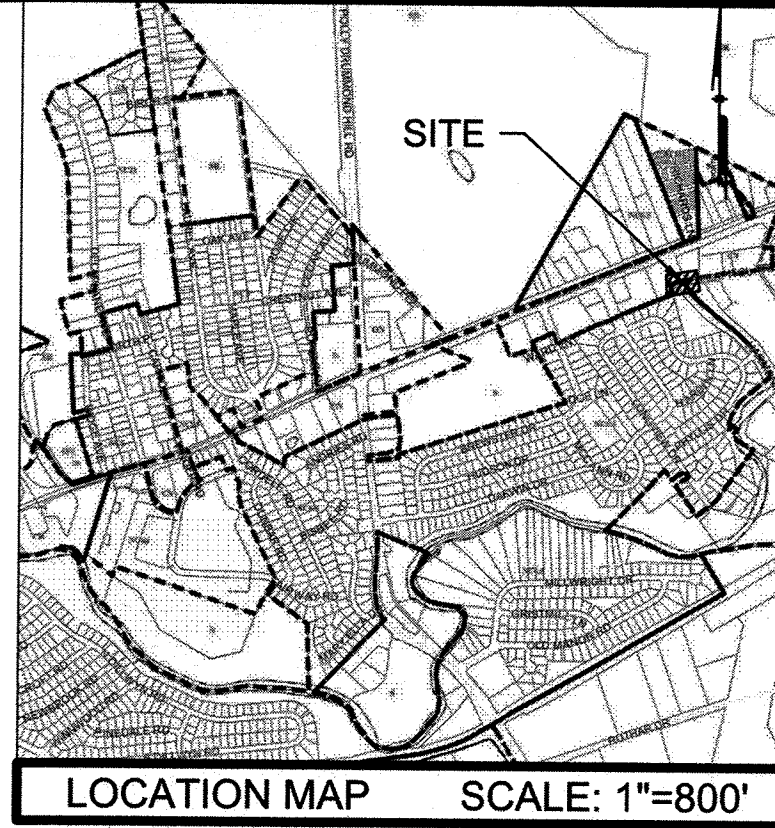
BASED ON RETAIL	REQUIRED
MINIMUM OS/LSR	0.45
MAXIMUM NET FAR	0.34
MAXIMUM GROSS FAR	0.18
MINIMUM LOT AREA	20,000 SF
MINIMUM LOT WIDTH	50 FEET
MINIMUM STREET YARD	15 FEET
MINIMUM SIDE YARD	0 FEET
MINIMUM SIDE YARD (ABUT RESIDENTIAL)	20 FEET
MINIMUM REAR YARD	20 FEET
MINIMUM PAVING STREET YARD	40 FEET
MINIMUM PAVING OTHER YARD	10 FEET
MAXIMUM BUILDING HEIGHT	35 FEET

LEGEND

	EXISTING BUILDING
	RIGHT-OF-WAY / PROPERTY LINE
	CURB
	SIDEWALK
	PAVEMENT
	SIGN
	UTILITY POLE AND LIGHT
	MAJOR CONTOUR
	MINOR CONTOUR
	WATER LINE
	COMBINED SEWER
	OVERHEAD ELECTRIC LINE
	UNDERGROUND TELECOMM LINE
	UNDERGROUND COMMUNICATIONS LINE
	MANHOLES
	INLET
	TREE
	PROPOSED BUILDING
	PROPOSED PROPERTY LINE
	PROPOSED CONCRETE CURB
	PROPOSED EASEMENT LINE
	PROPOSED CONCRETE
	PROPOSED LIMIT OF DISTURBANCE

GENERAL NOTES

- NO DEBRIS SHALL BE BURIED ON THE SITE.
- PER FEMA FIRM PANEL NUMBER 10030C0130L, EFFECTIVE DATE 01-22-20, THE PROPERTY LIES ENTIRELY OUTSIDE THE LIMITS OF A 100-YEAR FLOODPLAIN.
- THERE ARE NO PRECAUTIONARY OR PROHIBITIVE STEEP SLOPES ON THE SUBJECT PROPERTY.
- A WETLAND DELINEATION WAS PERFORMED BY PENNONI ASSOCIATES IN JANUARY 2021. A JANUARY 15, 2021 ABSENCE OF WETLANDS LETTER WAS PREPARED AND SUBMITTED TO THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE DOCUMENTING THE ABSENCE OF WETLANDS ON THE SUBJECT PROPERTY.
- PER WATER RESOURCE PROTECTION AREAS MAP 1 OF 3 FOR NEW CASTLE COUNTY, LAST REVISED MARCH 2022, THE SUBJECT PROPERTY IS NOT IMPACTED BY A WATER RESOURCE PROTECTION AREA.
- PER THE STATE INVENTORY OF NATURAL AREAS, THERE ARE NO CRITICAL NATURAL AREAS ON THE PROPERTY.
- PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY INFORMATION INCORPORATED AS BASE INFORMATION WITHIN THIS PLAN WAS PERFORMED BY BATTI ASSOCIATES IN DECEMBER 2020.
- DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
- THE LIMIT OF DISTURBANCE FOR THIS PROJECT ENCOMPASSES 67,130 SQUARE FEET.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- 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.
- A LANDSCAPE PLAN, PREPARED BY PENNONI ASSOCIATES LAST DATED SEPTEMBER 13, 2024 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
- ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON JUNE 4, 2025 AT INSTRUMENT NUMBER 202506040037107.
- UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
- THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO UDC §40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF \$6,400 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.
- 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 WATERCOURSE 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 STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN AND 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 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 FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
- UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' WIDE ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
- A WAIVER, IN ACCORDANCE WITH SECTION 22.610B OF THE UDC, FROM THE REQUIREMENT OF SECTION 22.611C TO ALLOW THE PROPOSED DEAD-END PARKING HAS BEEN APPROVED BY THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE.
- AS PER THE DELDOT RESOLUTION VACATING OLD CAPITOL TRAIL, TAX PARCEL NUMBER 08-054-40-152 AND TAX PARCEL NUMBER 08-054-40-153 ARE DESCRIBED PER INSTRUMENT NUMBER 20241217-0085528 AND INSTRUMENT NUMBER 20241217-0085528, RESPECTIVELY. A 60' WIDE CROSS ACCESS EASEMENT IS ALSO DEPICTED PER INSTRUMENT NUMBER 20250102-0000393. THE DELDOT VACATION RESOLUTION IS RECORDED UNDER INSTRUMENT NUMBER 20241114-0077344.



CERTIFICATION OF PLAN APPROVAL

APPROVED _____ BY _____
DATE _____ GENERAL MANAGER

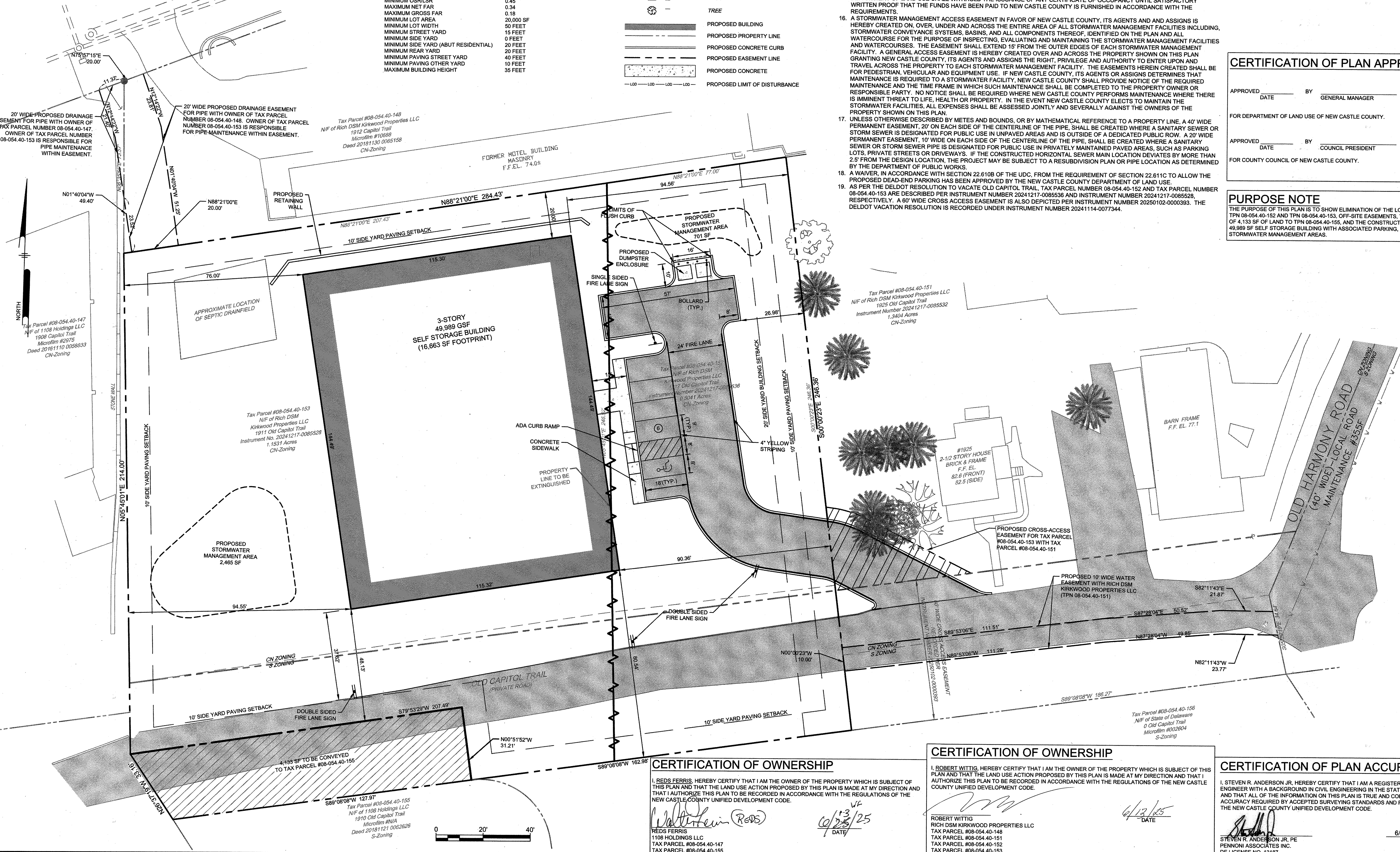
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED _____ BY _____
DATE _____ COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

THE PURPOSE OF THIS PLAN IS TO SHOW ELIMINATION OF THE LOT LINE BETWEEN TPN 08-054-40-152 AND TPN 08-054-40-153. OFF-SITE EASEMENTS, THE CONVEYANCE OF 4,133 SF OF LAND TO TPN 08-054-40-155, AND THE CONSTRUCTION OF A 3-STORY, 49,989 SF SELF STORAGE BUILDING WITH ASSOCIATED PARKING, LANDSCAPE AND STORMWATER MANAGEMENT AREAS.



CERTIFICATION OF OWNERSHIP

I, REDS FERRIS, 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.

REDS FERRIS
1108 HOLDINGS LLC
TAX PARCEL #08-054-40-147
TAX PARCEL #08-054-40-153

CERTIFICATION OF OWNERSHIP

I, ROBERT WITTIG, 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.

ROBERT WITTIG
RICH DSM KIRKWOOD PROPERTIES LLC
TAX PARCEL #08-054-40-148
TAX PARCEL #08-054-40-151
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

CERTIFICATION OF PLAN ACCURACY

I, STEVEN R. ANDERSON JR., 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.

STEVEN R. ANDERSON JR., PE
PENNONI ASSOCIATES INC.
DE LICENSE NO. 13167

6/12/2025
DATE

DELAWARE STORAGE SOLUTIONS
1911 OLD CAPITOL TRAIL
MILL CREEK HUNDRED - NEW CASTLE COUNTY - DELAWARE

RECORD MAJOR LAND DEVELOPMENT PLAN

RICH DSM KIRKWOOD PROPERTIES LLC
3304 OLD CAPITOL TRAIL
WILMINGTON, DELAWARE 19808

NO.	DATE	REVISIONS	BY
1	2025-04-22	PER NCC COMMENTS	DBB
2	2025-05-16	PER NCC COMMENTS	SRA
3	2025-06-11	REVISED SITE ENTRANCE	SRA

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNERS SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT DSMCX20004

DATE 2024-09-17

DRAWING SCALE 1"=20'

DRAWN BY SRA

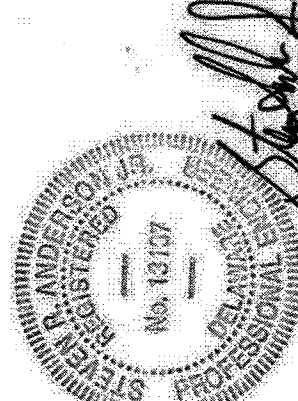
APPROVED BY DBB

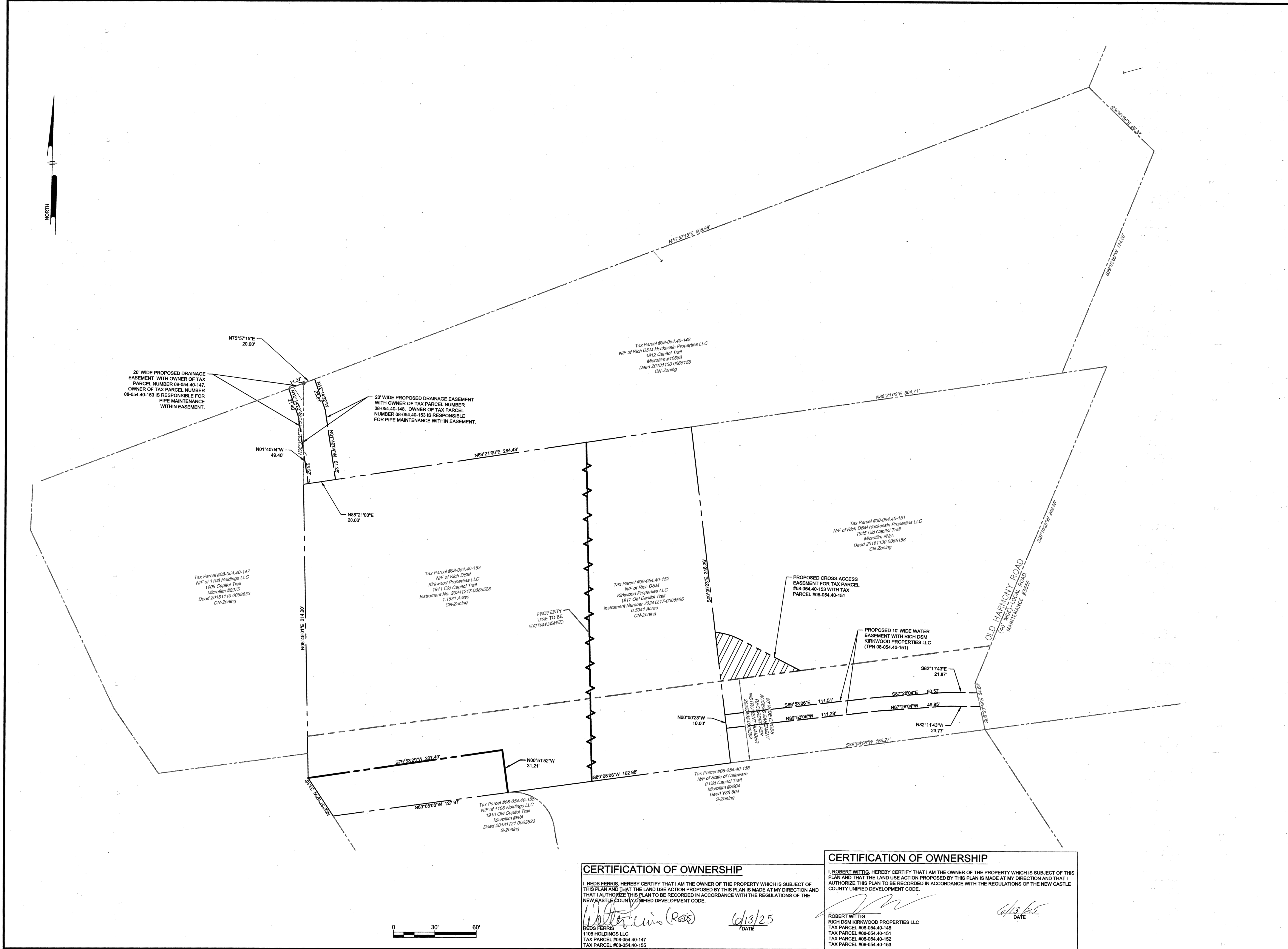
R01.01

SHEET 1 OF 2

PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
F 302.655.4451

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK





CERTIFICATION OF OWNERSHIP

I, REDS FERRIS, 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.

Reds Ferris (Reds)
REDS FERRIS
1108 HOLDINGS LLC
TAX PARCEL #08-054-40-147
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

CERTIFICATION OF OWNERSHIP

I, ROBERT WITTING, 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.

Robert Witting
ROBERT WITTING
RICH DSM KIRKWOOD PROPERTIES LLC
TAX PARCEL #08-054-40-148
TAX PARCEL #08-054-40-151
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

DELAWARE STORAGE SOLUTIONS
1911 OLD CAPITOL TRAIL
MILL CREEK HUNDRED - NEW CASTLE COUNTY - DELAWARE

RECORD MAJOR LAND DEVELOPMENT PLAN

RICH DSM KIRKWOOD PROPERTIES LLC
3304 OLD CAPITOL TRAIL
WILMINGTON, DELAWARE 19808

NO.	DATE	REVISIONS	BY
2	2025-05-11	REVISED SITE ENTRANCE	SRA
1	2025-04-22	PER NCC COMMENTS	DDB

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PROJECT: **DSMCX20004**
DATE: **2024-08-17**
DRAWING SCALE: **1"=30'**
DRAWN BY: **SRA**
APPROVED BY: **DDB**

R01.02
SHEET **2** OF **2**

ORDINANCE NO. 22-006

**REVISE ZONING MAP: BRANDYWINE HUNDRED, WEST SIDE OF NEWARK
UNION PUBLIC ROAD, NORTH OF THE INTERSECTION WITH BAYNARD
BOULEVARD; 8 & 20 NEWARK UNION PUBLIC ROAD, TAX PARCELS 06-103.00-
101 & 06-103.00-100, 2.31+ ACRES FROM NC10 (NEIGHBORHOOD
CONSERVATION) TO NC10 (NEIGHBORHOOD CONSERVATION) AND H
(HISTORIC OVERLAY ZONE); COUNCIL DISTRICT 8**

(The property owner is requesting the H (Historic Overlay Zone) for the subject parcels.
2021-0557-R/Z)

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits "A" and "L" dated October 4, 2021, as set forth therein.

Section 2. 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:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
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

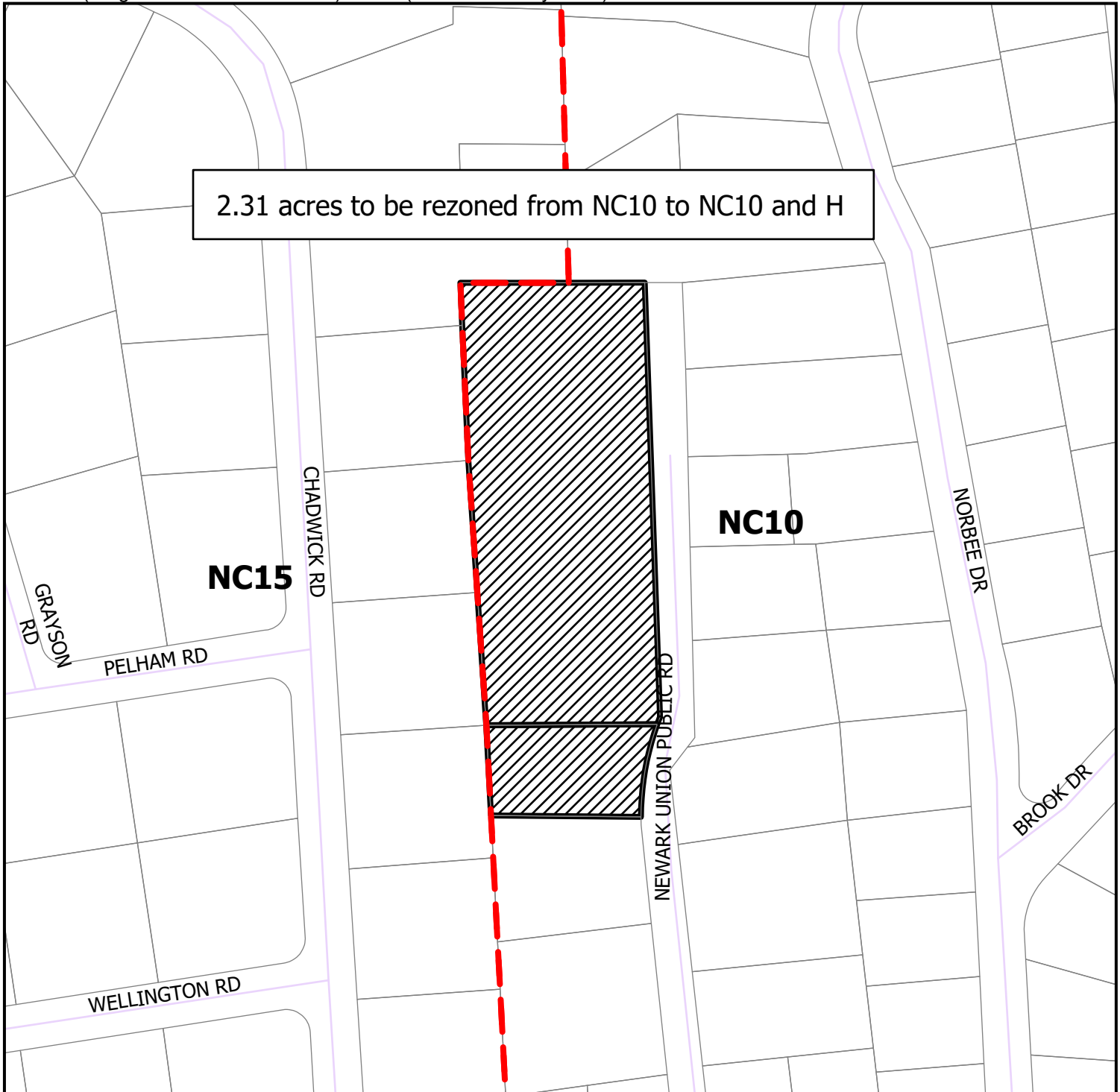
EXHIBIT "A"
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2021-0557-R/Z

APPLICANT: Newark Union Church Corporation

PROPOSED REZONING: 2.31 acres from NC10 (Neighborhood Conservation)
to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone)

TAX PARCEL NOs. 06-103.00-101
& 06-103.00-100



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

PERMANENT ORDINANCE NO. 22-006

Date Adopted by County Council _____

Date Approved by County Executive _____

Scale: 1"= 150'
Prepared by: SMB
Date: 10/04/2021

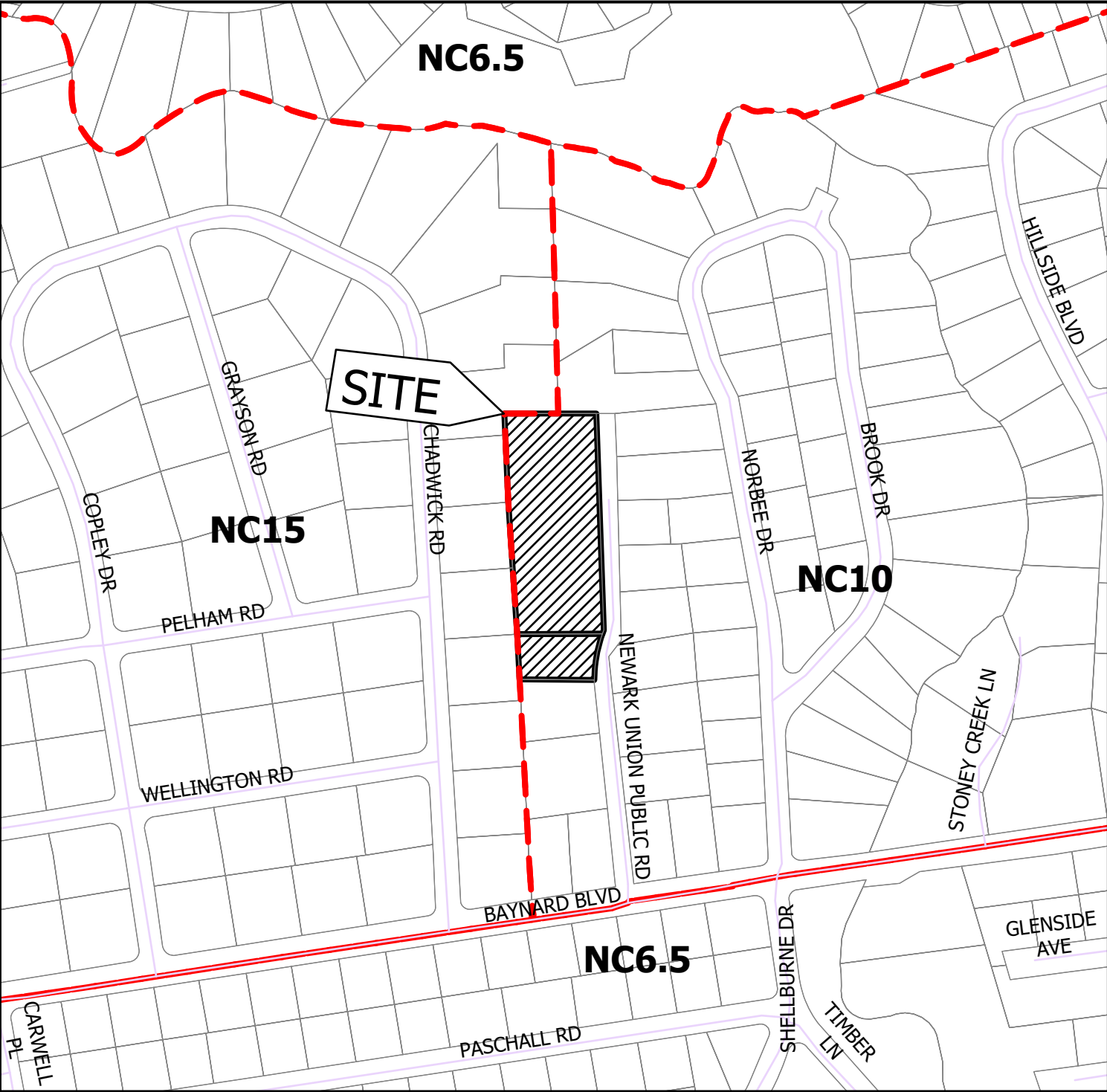


APPLICANT: Newark Union Church Corporation

APPLICATION NO. 2021-0557-R/Z

PROPOSED REZONING: 2.31 acres from NC10 (Neighborhood Conservation)
to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone)

TAX PARCEL NOs. 06-103.00-101
& 06-103.00-100



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

PERMANENT ORDINANCE NO.22 - 006
Date Adopted by County Council _____
Date Approved by County Executive _____

Scale: 1"= 300'
Prepared by: SMB
Date: 10/04/2021





New Castle County Department of Land Use

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

**Ordinance No. 22-006
Application No. 2021-0557-Z
Newark Union Church and Cemetery H-Overlay Rezoning**

May 27, 2025

Sponsor: Councilman Cartier (District 8)

Description: Revise zoning map: Brandywine Hundred, west side of Newark Union Public Road, north of the intersection with Baynard Boulevard; 8 & 20 Newark Union Public Road, Tax Parcels 06-103.00-101 & 06-103.00-100, 2.31+ acres from NC10 (Neighborhood Conservation) to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone).

EXECUTIVE SUMMARY

Ordinance 22-006 proposes to rezone 2.31 acres of tax parcels 06-103.00-101 and 06-103.00-100 from NC10 (Neighborhood Conservation) to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone).

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 Future Land Use Map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

Ordinance 22-006 proposes to rezone 2.31 acres of tax parcels 06-103.00-101 and 06-103.00-100 from NC10 (Neighborhood Conservation) to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone). The site is located 527 feet north of Baynard Boulevard. The rezoning accompanies a Site Plan (App. 2024-0267-S) proposing the establishment of assembly space with the installation of parking and sidewalks.

BACKGROUND

Discussions with the owners of Newark Union Church and Cemetery with their County Council representative and the Department regarding the establishment of a Historic Overlay Zone started in 2021.

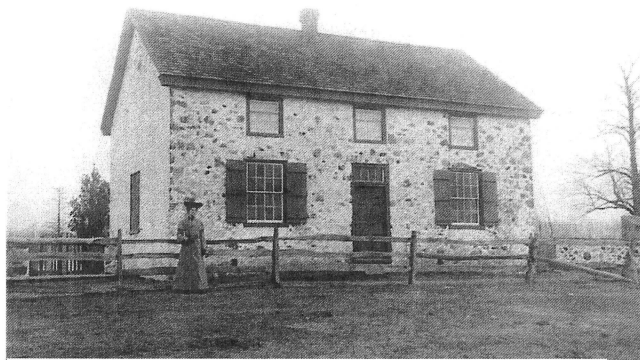
Ord. 22-006, sponsored by Councilman John Cartier, was introduced on January 11, 2022, following these discussions. The ordinance process was paused by the applicant in March of 2022.

Significant restoration efforts to the church building were completed between 2021 and 2023, as well as construction of an outhouse, a storage shed, and a carriage house re-creation with associated paving. No permits were issued for any of the work completed on the property, and the site development had not previously appeared before the Historic Review Board for review or recommendation. Case 202308255 was created in December of 2023 for building without a permit.

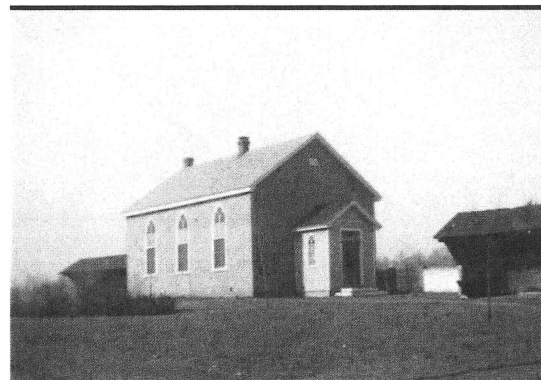
In July 2024, the owners submitted a Site Plan (App. 2024-0267-S) proposing the establishment of assembly space with the installation of parking and sidewalks. Due to the update to the site, the Site Plan application went before the Historic Review Board in October 2024. The Historic Review Board recommended approval and found the site met the Criteria for Designation pursuant to Section 40.15.110 of *New Castle County Code*.

History of the Newark Union Church

In 1682, William Penn granted Valentine Hollingsworth 986 acres on Shellpot Creek. Hollingsworth originally named the land "New Worke", a spelling which eventually evolved into "Newark". In 1687, Hollingsworth donated land for a Quaker meetinghouse and burial ground. Soon after they erected a building constructed of poplar logs which lasted for about sixty years. Upon the closure of the Newark Meeting in 1754, the cemetery adopted the name "Newark Free Burial Ground." The current structure was built in 1845 and renovated in 1906 into a late Gothic Revival style with stuccoed exterior and a frame vestibule.



1845 view before renovation



As per the National Register of Historic Places Registration Form, the Gothic Revival design of the church, which underwent renovations in 1906, has remained unchanged. The number of graves on the site has been steadily increasing annually, with additional rows being added in the northeastern section of the burial ground, aligning with the north-south layout established in the 18th century.

Historic Board Review

At the October 15, 2024 public hearing, the Historic Review Board heard from Anne Daly, Treasurer of the Newark Union Corporation, who spoke on behalf of the application. She provided a presentation about the history, restoration efforts, and current uses of the church and cemetery properties, including a description of the memorials and improvement projects within the cemetery. Ms. Daly noted there are currently four structures on the church property: the church, a new carriage shed, new storage shed, and a new restroom with a composting toilet. Pending the finding of the Historic Review Board, the site plan will be presented to the Board of Adjustment to address resolving the code enforcement case involving construction of unpermitted structures.

Ms. Silber inquired about any past studies of the original log structure location and if the cemetery is well delineated for the historic burials. Ms. Daly answered that it may have been located near the western property line and that there has not been an investigation but there is interest in performing one in the future. The historic graves are suspected to be in the area of the wall where unmarked stones have been found and there has been some use of Ground Penetrating Radar (GPR) in trying to locate them.

At their Business Meeting held on November 6, 2024, the Historic Review Board reviewed the resource (Newark Union Church and Cemetery) and determined that the structure's general architecture, form, location and period of construction met the minimum Criteria for Designation of Historic Overlay Zoning pursuant to Section 40.15.110 of the *New Castle County Code*.

PLANNING BOARD PUBLIC HEARING – April 1, 2025

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.¹

Presentation

Ann Daly, Treasurer of the Newark Union Corporation, provided a historical overview and contextual analysis of the property. During her presentation, she discussed the recent architectural constructions erected on the site and the commencement of community meetings in 2023. Ms. Daly emphasized that the approval of the proposed Historic Overlay Zone would enhance the preservation of the church site.

Planning Board Member Leone Cahill-Krout noted and inquired about the 18 variances considered by the Board of Adjustment. The applicant briefly discussed the variances and confirmed that the Site Plan application received approval of all 18 variances.

¹ April 1, 2025, Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

Public Comment

Councilman Cartier spoke in favor of the rezoning stating the historic significance of this site must be preserved.

ANALYSIS

Situated at 8 Newark Union Public Road, the Newark Union Church and Cemetery site initially served as a Quaker meetinghouse from approximately 1687 to 1747. The present structure was constructed in 1845 and underwent renovations in 1906, transforming it into a late Gothic Revival architectural style characterized by a stucco exterior and a frame vestibule.

The Newark Union Church and Cemetery's eligibility for Historic Overlay Zoning was considered by the Historic Review Board on November 6, 2024. The Historic Review Board determined that the site met criteria for designation for a Historic Overlay Zone pursuant to Section 40.15.110 of the *New Castle County Code*.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

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

The establishment of the Historic Overlay Zoning is consistent with Goal 12, Objective 12.1 and 12.2, and Strategies 12.1.2 and 12.2.2 of the New Castle County Comprehensive Development Plan of 2022. Objective 12.1 seeks to increase awareness of the County's historic resources while Objective 12.2 seeks to increase preservation of historic resources. Strategy 12.1.2 aims to promote educational programs and Strategy 12.2.2 aims to preserve neighborhoods. The proposed continued use of the Newark Church and Cemetery site as a community meeting space and museum will ensure the historic awareness of the site and community is shared.

B. Consistency with the character of the neighborhood.

The Newark Union Church and Cemetery is a contributing structure and site to the overall historic character of the neighborhood. Established in 1687 as a Quaker meetinghouse, the site has historically functioned as an assembly area for the community for hundreds of years.

C. *Consistency with zoning and use of nearby properties.*

The property is maintained by a volunteer group which utilizes the church for public gatherings and use as a museum. The property intends to remain as a community meeting place after the establishment of the Historic Overlay Zone consistent with the zoning and use of surrounding NC10 and NC15 zoned land.

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

The Newark Union Church and Cemetery's eligibility for Historic Overlay Zoning was considered by the Historic Review Board on November 6, 2024. The Historic Review Board determined that the site met the criteria for designation for a Historic Overlay Zone pursuant to Section 40.15.110 of the *New Castle County Code*. The site will remain as a cemetery and institutional use as it has dating back to the late 17th century.

E. *Effect on nearby properties.*

The site was originally established as a place of assembly in 1687 with the current building built in 1845 and renovated in 1906. The site has been in existence prior to the construction of the surrounding communities of Normandy Manor (1950s) and Welshire (1960s).

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 Future Land Use Map, the comments received from outside agencies, the comments from the Historic Review Board, 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. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 22-006.

PLANNING BOARD RECOMMENDATION

At a business meeting held on May 27, 2025, 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 Mr. Cantrell and seconded by Ms. Visvardis, the Board voted to recommend **APPROVAL** of Ordinance 22-006 as recommended by the Department of Land Use. The motion was adopted by a vote of 6-0-0-2 (In Favor: Cantrell, Daigle, Drake, Gray, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Cochran).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

No questions were posed by the members of the Planning Board.

STATUTORY GUIDELINES

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

 6-4-25

David M. Culver date
General Manager
Department of Land Use

 6/3/2025

Robert Snowden date
Acting Chair
New Castle County Planning Board

Prime Sponsor(s): Mr. Smiley
Requested by: Land Use
Date of introduction: February 18, 2025

ORDINANCE NO. 25-017

**REVISE ZONING MAP: NEW CASTLE HUNDRED, WEST SIDE OF
OLD STATE ROAD, APPROXIMATELY 200 FEET SOUTH OF
LLANGOLLEN BOULEVARD; REZONE 11.06 ACRES OF
TAX PARCEL 10-034.00-067 FROM SUBURBAN (S) TO COMMERCIAL REGIONAL
(CR); APPLICATION NO. 2023-0005-S/Z; COUNCIL DISTRICT 7**

1 (The Exploratory Minor Land Development Plan with Rezoning for Old State Road LLC
2 proposes to create a parking area for outside storage of vehicles, and rezone tax parcel
3 10-034.00-067 from Suburban (S) to Commercial Regional (CR))
4

5 NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:
6

7 Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further
8 amended by changing the zoning classification of the land shown on attached Exhibit "A"
9 dated November 21, 2024, as set forth therein.
10

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

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

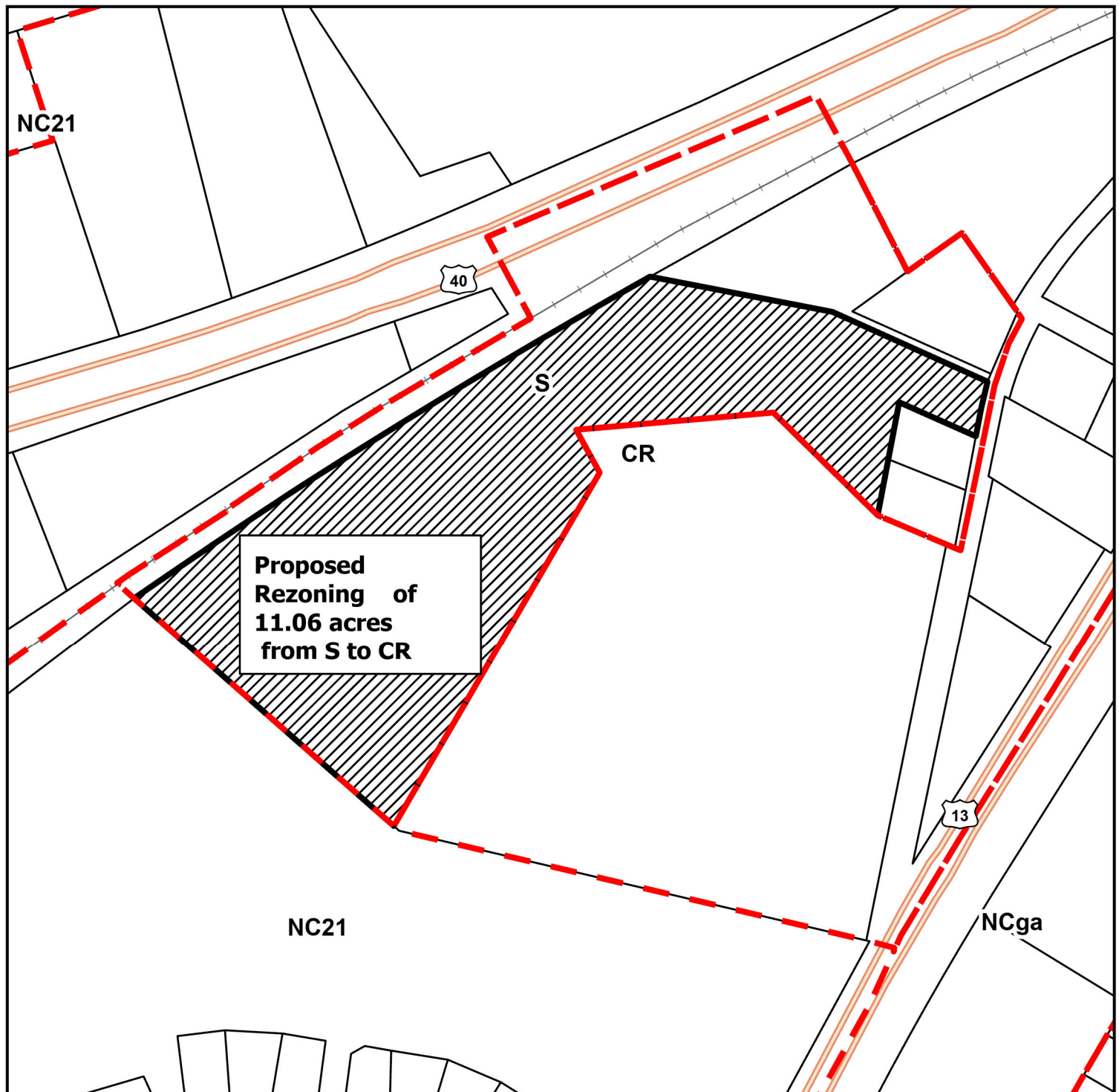
Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(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.

APPLICANT: OLD STATE ROAD LLC
PROPOSED REZONING: EXISTING S ZONING TO CR ZONING

APPLICATION NO. 2023-0005-S/Z
TAX PARCEL NO. 10-034.00-067



HUNDRED: NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3,000

Prepared by: Property.Munsaka

Date: 11/21/2024



PERMANENT ORDINANCE NO. 25-017

Date Adopted by County Council _____

Date Approved by County Executive _____



New Castle County Department of Land Use

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

**Ordinance No. 25-017
Application No. 2023-0005-SZ
Old State Road Parking (Rezoning)**

May 27, 2025

Sponsor: Councilman Smiley (District 7)

Description: Revise Zoning Map: New Castle Hundred, west side of
Old State Road, approximately 200 feet south of
Llangollen Boulevard; rezone 11.06 acres of
Tax Parcel 10-034.00-067 from Suburban (S) to Commercial Regional (CR)

EXECUTIVE SUMMARY

The Old State Road Parking (App. 2023-0005-SZ) site is located along the west side of Old State Road approximately 200 feet south of Llangollen Boulevard. The applicant is proposing installation of a gravel vehicle storage area along with a rezoning of the property from Suburban (S) to Commercial Regional (CR) to support operations at the neighboring Old State Road Self Storage.

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 Future Land Use Map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **CONDITIONAL APPROVAL** of the rezoning application with the condition that the land development plan be revised to include a paved vehicular accessway in lieu of the currently proposed stone drive aisle.

DESCRIPTION

Ordinance 25-017 proposes rezoning tax parcel 10-034.00-067 from "S" (Suburban) to "CR" (Commercial Regional) to facilitate the development of a parking area for outside storage of vehicles.

BACKGROUND

Site History

Owned by Hamilton Forrest Tilden since about 1982, the 11.06 acre property historically served as a residential home, and included a barn and other equestrian related improvements. While some accessory structures and uses have been removed, the barn still exists today. The northwestern portion of the site has historically remained undeveloped, and no development is shown in this portion of the site in the proposed development.

Ordinance 25-017

Councilman George Smiley introduced Ordinance 25-017 on February 18, 2025, proposing to rezone the site from Suburban (S) zoned land to Commercial Regional (CR) to facilitate the proposed development.

PLUS REVIEW (Preliminary Land Use Service)

The rezoning proposed by Ordinance 25-017 along with the proposed project (App. 2023-0005-Z) received comments in a PLUS Report, dated January 22, 2024, containing relevant comments from State agencies. The Office of State Planning Coordination reiterated their support for the ordinance as the proposed rezoning and development is located within a Level 1 & 2 Investment Area which is consistent with the 2020 Strategies for State Policies and Spending. The Department of Transportation provided several comments outlining requirements pursuant to the Development Coordination Manual. The Department of Natural Resources and Environmental Control (DNREC) outlined requirements for stormwater, federally-listed threatened and endangered species, and flood concern on the site. The State Historic Preservation Office recommended that an archaeologist be hired to assess the site prior to land disturbance. The Delaware State Fire Marshall's Office issued comments including fire protection water requirements, fire protection features, and accessibility. The PLUS Report proceeds to summarize recommendations from each State agency.¹

¹ PLUS Report:

<https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C27080F0B178E6E14CF12E7D932C3BF232&x=temp.pdf>

PLANNING BOARD PUBLIC HEARING – April 1, 2025

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.²

Presentation

Scott Lobdell from First State Engineering presented the application for Old State Road Parking detailing the project's proposed gravel vehicular storage area associated with the Old State Road Self Storage facility (345 Old State Rd. Parcel No. 10-034.00-069). He detailed the 2022 Comprehensive Plan Future Land Use Map change from a residential to Type 1 Commercial Corridor designation. He proceeded to detail how the project meets the Standards for zoning map amendment pursuant to Section 40.31.410 of the *New Castle County Code*.

During the public comment period, Board Member Jonathan Cochran inquired about the provision of electric power on the site. The applicant clarified that only perimeter lighting and parking lot lights will be installed. Board Member Ruth Visvardis inquired about any additional access beyond the proposed access to the site. The applicant confirmed that no additional access will be provided to the site except from Old State Road.

Public Comment

Councilman George Smiley expressed concerns regarding the possibility of the site being transformed into a trucking terminal. He also underscored the importance of establishing a substantial buffer zone to safeguard the surrounding residents.

Rebuttal

The applicants confirmed that tractor trailers are not intended to be present on the site. They have also stated that the proposed design is intended for boats, RVs, small trailers, and similar vehicles. The applicants additionally mentioned that the rear of the site will remain wooded providing a substantial buffer between the site and surrounding residents.

ANALYSIS

The Rt-40 (Pulaski Highway) and Rt-13 (duPont Highway) corridors have historically accommodated diverse commercial activities. The subject property, situated between Rt-40 and Rt-13, was previously designated as R1C under the Former Code and is currently zoned S (Suburban). However, the proposed rezoning and development aligns with the 2020 Strategies for State Policies and Spending which categorized it as a Level 1 & 2 Investment Area and the Future Land Use Map, which designated the site as a Type 1 Commercial Corridor Development area.

² August 6, 2024, Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

The adjacent property (TP# 10-034.00-069; 345 Old State Road) currently houses Old State Road Self Storage. This facility was rezoned from Suburban (S) to Commercial Regional (CR) in Ordinance 09-093, along with a proposed plan for a self-storage facility in 2007.³ The development plan expired, however a subsequent plan was approved in December of 2017 for the built self-storage facility.⁴ Application 2023-0005-S/Z (Old State Road Parking) is intended to maintain continued viability of the self-storage allowing an expansion of operations to permit vehicular storage consistent with the needs of surrounding developments. Additionally, the proposed development includes adequate buffering and will have negligible visual or operational impact on adjacent residential neighborhoods.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

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

The Future Land Use Map designates parcel 10-034.00-067 as Type 1- Commercial Corridor Development which are “*areas with strong commercial potential, such as along major roadways in the county*”. The Future Land Use Element further stresses residentially zoned land may seek a rezoning for uses allowed within commercial zoning districts so long as the proposed development is consistent with the Guiding Principles and sensitive to any adjacent residential uses.

Objective 5.1 recommends that the County “*promote business clusters by focusing resources and policies toward retaining and growing businesses in discrete sectors... including supporting emerging businesses where market demand is growing...*”

The proposed commercial development and rezoning to “CR” (Commercial Regional) is consistent with the Future Land Use Map and Goals, Objectives, and Strategies of the 2022 Comprehensive Plan.

³ App. 2007-1227-SZ Project details: <https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=299814>

⁴ App. 2013-0521-SZ Project details: <https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=464071>

B. Consistency with the character of the neighborhood.

The subject property is bounded by the Rt-40 and Rt-13 corridors and is located behind existing commercial uses along Rt-13 and a freight rail line to the north. Rezoning the parcel to “CR” (Commercial Regional) will permit the commercial expansion of operations at the self-storage facility consistent with the surrounding commercial uses.

C. Consistency with zoning and use of nearby properties.

While residential development exists on the southeast side of Rt-13 as well as to the southwest of the site (Mallard Point subdivision), the proposed commercial development and use is proposed to occur along Old State Road adjacent to the existing self-storage facility. While the entire parcel is proposed to be rezoned to “CR” (Commercial Regional), the northwest portion of the parcel will remain undeveloped.

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

The rezoning of the property will facilitate the development of a vehicle storage area to support and expand operations of a self-storage facility located on the adjacent parcel. If rezoned to Commercial Regional, the development will not require variances, and therefore the site will be suitable for the use.

E. Effect on nearby properties.

The proposed development is anticipated to have a negligible impact on the neighboring properties. To the north, the property is bordered by Rt-40 and a freight rail line. To the south and southeast along Old State Road, the property is surrounded by commercial zoning and uses. The western portion of the property adjoins the open space of Mallard Point subdivision; however, this section of the site will remain undeveloped and forested, serving as a buffer between the proposed commercial use and the residential subdivision.

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 Future Land Use Map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **CONDITIONAL APPROVAL** of the rezoning application with the condition that the land development plan be revised to include a paved vehicular accessway in lieu of the currently proposed stone drive aisle

PLANNING BOARD RECOMMENDATION

At a business meeting held on May 27, 2025, 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. Visvardis and seconded by Ms. Gray, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 25-017 as recommended by the Department of Land Use. The motion was adopted by a vote of 6-0-0-2 (In Favor: Cantrell, Daigle, Drake, Gray, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Cochran).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

Mr. Snowden asked to see the extent of the proposed paved area. Antoni Sekowski (Department of Land Use) detailed that the addition of a paved accessway would define which areas are to be used for vehicle storage. Ms. Visvardis and Mr. Cantrell followed up with clarifying questions on the paved drive aisle. Mr. Snowden inquired about the stormwater run-off calculations, and Mr. Sekowski clarified that both the stoned and paved areas are considered impervious areas which are accounted for in stormwater calculations.

STATUTORY GUIDELINES

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

 6-4-25

David M. Culver date
General Manager
Department of Land Use

 6/3/2025

Robert Snowden date
Acting Chair
New Castle County Planning Board