



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District

Co-Chair: Janet Kilpatrick, Third District

July 15, 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-: PLAN OF FALCONER'S ROW; CHRISTIANA HUNDRED; NORTHEASTERLY CORNER OF BUCK ROAD AND MONTCHANIN ROAD; CREATE 11 RESIDENTIAL LOTS AND OPEN SPACE SUBDIVISION PLAN ON TAX PARCELS 07-024.00.024 AND 07-027.00.043 AND PORTIONS OF 07-027.00-027, 07-027.00-039, AND 07-029.00-040 REMAINING PORTIONS 07-027.00-027 AND 07-027.00-040 WILL NOT BE PART OF THE SUBDIVISION; SE ZONING; [APPLICATION NO. 2020-0468-S](#); COUNCIL DISTRICT 2

Prime Sponsor(s): Ms. Durham

D. Review/Discussion of Ordinance(s)

°24-172: REVISE ZONING MAP: CHRISTIANA HUNDRED, NORTH SIDE OF BUCK ROAD, 903 FEET EAST OF THE CENTERLINE OF MONTCHANIN ROAD; REZONE 1.78 ACRES OF TAX PARCEL 07-027.00-039 FROM SUBURBAN ESTATE (SE) TO SUBURBAN ESTATE (SE) AND H (HISTORIC OVERLAY ZONE) (The Exploratory Major Subdivision Plan for Falconers Row proposes to reconfigure tax parcels; 07-024.00-024, 07-027.00-027, 07-027.00-039, 07-027.00-040 and 07-027.00-043 and create an eleven (11) lot subdivision with associated site improvements, utilizing the open space subdivision option with minimum one acre lots, and rezone proposed Lot 11 (1.78 acres of existing parcel 07-027.00-039) from "SE" (Suburban Estate) to Suburban Estate (SE) and "H" (Historic Overlay Zone). App. 2020-0468-S/Z, Council District 2)

Prime Sponsor(s): Ms. Durham

E. Presentations

F. Other

G. Public Comment**H. Adjournment****AGENDA POSTED: JULY 8, 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
Requested by: Department of Land Use
Date of introduction: July 22, 2025

RESOLUTION NO. 25-120

**PLAN OF FALCONER'S ROW; CHRISTIANA HUNDRED;
NORTHEASTERLY CORNER OF BUCK ROAD AND MONTCHANIN ROAD;
CREATE 11 RESIDENTIAL LOTS AND OPEN SPACE SUBDIVISION PLAN ON
TAX PARCELS 07-024.00.024 AND 07-027.00.043 AND PORTIONS OF 07-027.00-
027, 07-027.00-039, AND 07-029.00-040 REMAINING PORTIONS 07-027.00-027 AND
07-027.00-040 WILL NOT BE PART OF THE SUBDIVISION; SE ZONING;
APPLICATION NO. 2020-0468-S COUNCIL DISTRICT 2**

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, Falconer's Row (Application No. 2020-0468-S) as heretofore
4 approved by the Land Use Department, and the President of County Council is hereby
5 authorized to endorse her approval upon the following plan.

**FALCONER'S ROW
Christiana Hundred**

Adopted by County Council of
New Castle County on: 7/22/25

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 Culver

RE: Application Number 2020-0468-S
Falconer's Row
Record Major Land Development Plan

DATE: July 2, 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.

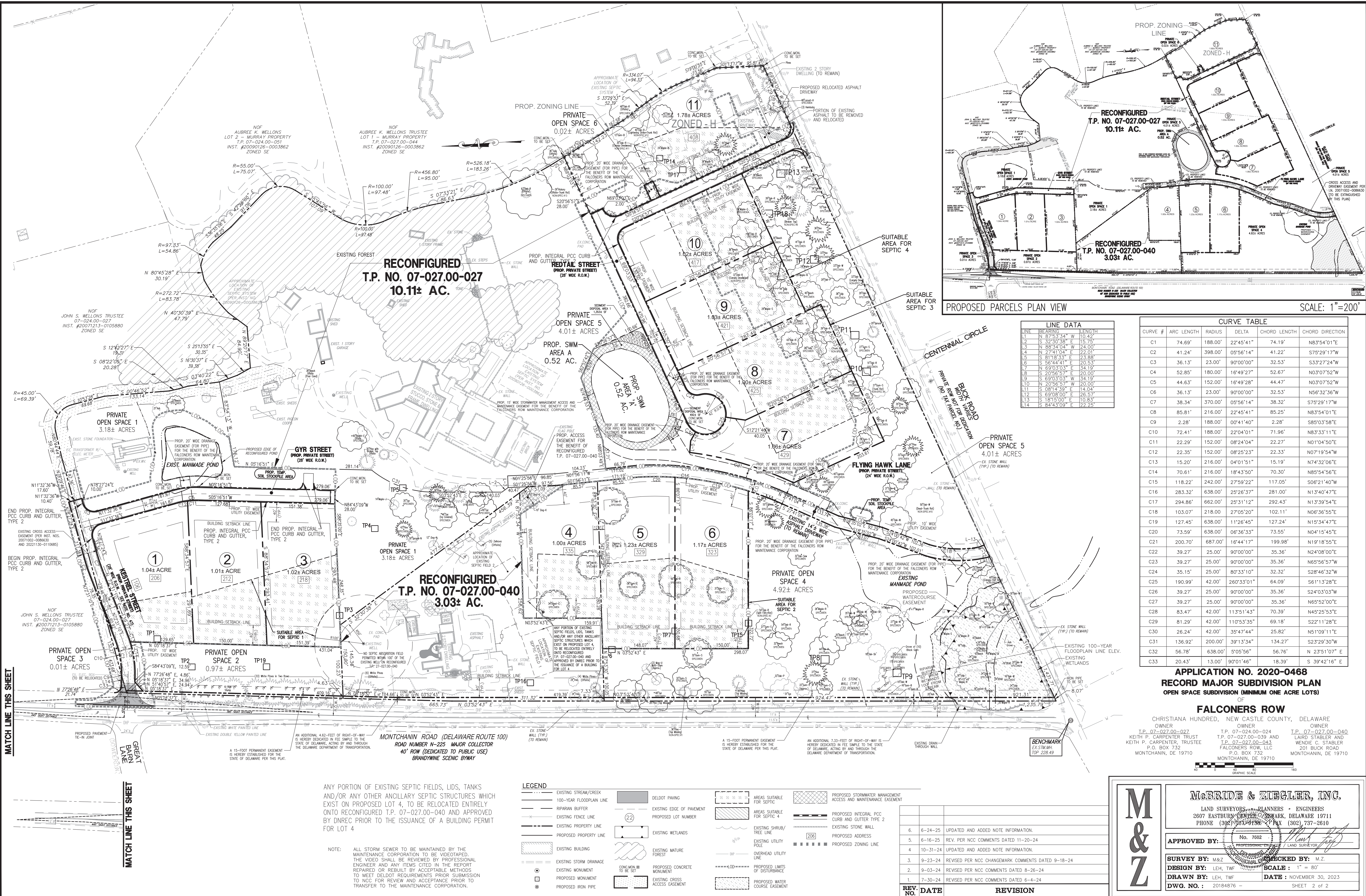
A suggested title and synopsis are attached.

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

Northeasterly corner of Buck Road and Montchanin Road. Create 11 residential lots and open space subdivision plan on tax parcels 07-024.00.024 and 07-027.00.043 and portions of 07-027.00-027, 07-027.00-039, and 07-029.00-040 remaining portions 07-027.00-027 and 07-027.00-040 will not be part of the subdivision. SE Zoning. CD 2. Christiana Hundred.

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.



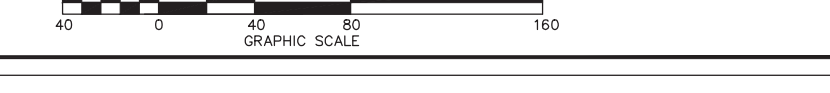
PROPOSED PARCELS PLAN VIEW

SCALE: 1"=200'

LINE DATA	
LINE	BEARING
L1	N 87°53'34" W
L2	S 32°50'38" E
L3	N 88°54'04" W
L4	N 27°41'04" E
L5	S 81°18'33" E
L6	S 56°44'41" E
L7	N 69°03'03" E
L8	S 20°56'57" E
L9	S 69°03'03" W
L10	N 20°56'57" W
L11	S 08°14'39" E
L12	S 69°08'00" E
L13	S 81°13'00" E
L14	S 84°43'09" E

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD DIRECTION
C1	74.69'	188.00'	22°45'41"	74.19'	N83°54'01"E
C2	41.24'	398.00'	05°56'14"	41.22'	S75°29'17"W
C3	36.13'	23.00'	90°00'00"	32.53'	S33°27'24"W
C4	52.85'	180.00'	16°49'27"	52.67'	N03°07'52"W
C5	44.63'	152.00'	16°49'28"	44.47'	N03°07'52"W
C6	36.13'	23.00'	90°00'00"	32.53'	N56°32'36"W
C7	38.34'	370.00'	05°56'14"	38.32'	S75°29'17"W
C8	85.81'	216.00'	22°45'41"	85.25'	N83°54'01"E
C9	2.28'	188.00'	00°41'40"	2.28'	S85°03'58"E
C10	72.41'	188.00'	22°04'01"	71.96'	N83°33'11"E
C11	22.29'	152.00'	08°24'04"	22.27'	N01°04'50"E
C12	22.35'	152.00'	08°25'23"	22.33'	N07°19'54"W
C13	15.20'	216.00'	04°01'51"	15.19'	N74°32'06"E
C14	70.61'	216.00'	18°43'50"	70.30'	N85°54'56"E
C15	118.22'	242.00'	27°59'22"	117.05'	S06°21'40"W
C16	283.32'	638.00'	25°26'37"	281.00'	N13°40'47"E
C17	294.86'	662.00'	25°31'12"	292.43'	N13°39'54"E
C18	103.07'	218.00'	27°05'20"	102.11'	N06°36'55"E
C19	127.45'	638.00'	11°26'45"	127.24'	N15°34'47"E
C20	73.59'	638.00'	06°36'33"	73.55'	N04°15'45"E
C21	200.70'	687.00'	16°44'17"	199.98'	N19°18'55"E
C22	39.27'	25.00'	90°00'00"	35.36'	N24°08'00"E
C23	39.27'	25.00'	90°00'00"	35.36'	N65°56'57"W
C24	35.15'	25.00'	80°33'10"	32.32'	S28°46'32"W
C25	190.99'	42.00'	260°33'01"	64.09'	S61°13'28"E
C26	39.27'	25.00'	90°00'00"	35.36'	S24°03'03"W
C27	39.27'	25.00'	90°00'00"	35.36'	N65°52'00"E
C28	83.47'	42.00'	113°51'43"	70.39'	N45°25'53"E
C29	81.29'	42.00'	110°53'35"	69.18'	S22°11'28"E
C30	26.24'	42.00'	35°47'44"	25.82'	N51°09'11"E
C31	136.92'	200.00'	39°13'34"	134.27'	S23°29'30"W
C32	56.78'	638.00'	5°05'56"	56.76'	N 23°51'07" E
C33	20.43'	13.00'	90°01'46"	18.39'	S 39°42'16" E

APPLICATION NO. 2020-0468
RECORD MAJOR SUBDIVISION PLAN
OPEN SPACE SUBDIVISION (MINIMUM ONE ACRE LOTS)
OF
FALCONERS ROW
CHRISTIANA HUNDRED, NEW CASTLE COUNTY, DELAWARE
OWNER
T.P. 07-027.00-027
KEITH P. CARPENTER, TRUSTEE
P.O. BOX 732
MONTCHANIN, DE 19710
OWNER
T.P. 07-024.00-024
T.P. 07-027.00-039 AND
T.P. 07-027.00-043
FALCONERS ROW, LLC
P.O. BOX 732
MONTCHANIN, DE 19710
OWNER
T.P. 07-027.00-040
LAIRD STABLER AND
WENDIE C. STABLER
201 BUCK ROAD
MONTCHANIN, DE 19710



McBRIDE & ZIEGLER, INC.
LAND SURVEYORS • PLANNERS • ENGINEERS
2607 EASTBURN CENTER, MARK, DELAWARE 19711
PHONE (302) 301-1198 • FAX (302) 737-2810

APPROVED BY: [Signature]
No. 7602
PROFESSIONAL ENGINEER
LAND SURVEYOR
SURVEY BY: M&Z
DESIGN BY: LEH, TW
DRAWN BY: LEH, TW
DWG. NO.: 20184876
CHECKED BY: M.Z.
SCALE: 1" = 80'
DATE: NOVEMBER 30, 2023
SHEET 2 of 2

ANY PORTION OF EXISTING SEPTIC FIELDS, LIDS, TANKS AND/OR ANY OTHER ANCILLARY SEPTIC STRUCTURES WHICH EXIST ON PROPOSED LOT 4, TO BE RELOCATED ENTIRELY ONTO RECONFIGURED T.P. 07-027.00-040 AND APPROVED BY DNREC PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR LOT 4

NOTE: ALL STORM SEWER TO BE MAINTAINED BY THE MAINTENANCE CORPORATION TO BE VIDEO-TAPPED. THE VIDEO SHALL BE REVIEWED BY PROFESSIONAL ENGINEER AND ANY ITEMS CITED IN THE REPORT REPAIRED OR REBUILT BY ACCEPTABLE METHODS TO MEET DELOUT REQUIREMENTS PRIOR SUBMISSION TO NCC FOR REVIEW AND ACCEPTANCE PRIOR TO TRANSFER TO THE MAINTENANCE CORPORATION.

- LEGEND
- EXISTING STREAM/CREEK
 - 100-YEAR FLOODPLAIN LINE
 - RIPARIAN BUFFER
 - EXISTING FENCE LINE
 - EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - EXISTING BUILDING
 - EXISTING STORM DRAINAGE
 - EXISTING MONUMENT
 - PROPOSED MONUMENT
 - PROPOSED IRON PIPE
 - DELOUT PAVING
 - EXISTING EDGE OF PAVEMENT
 - PROPOSED LOT NUMBER
 - EXISTING WETLANDS
 - EXISTING MATURE FOREST
 - PROPOSED CONCRETE MONUMENT
 - EXISTING CROSS ACCESS EASEMENT
 - AREAS SUITABLE FOR SEPTIC
 - AREAS SUITABLE FOR SEPTIC 4
 - EXISTING SHRUB/TREE LINE
 - EXISTING UTILITY POLE
 - OVERHEAD UTILITY LINE
 - PROPOSED LIMITS OF DISTURBANCE
 - PROPOSED WATER COURSE EASEMENT
 - PROPOSED STORMWATER MANAGEMENT ACCESS AND MAINTENANCE EASEMENT
 - PROPOSED INTEGRAL PCC CURB AND GUTTER TYPE 2
 - EXISTING STONE WALL
 - PROPOSED ADDRESS
 - PROPOSED ZONING LINE

REV. NO.	DATE	REVISION
6.	6-24-25	UPDATED AND ADDED NOTE INFORMATION.
5.	6-16-25	REV. PER NCC COMMENTS DATED 11-20-24
4.	10-31-24	UPDATED AND ADDED NOTE INFORMATION.
3.	9-23-24	REVISED PER NCC CHANGEMARK COMMENTS DATED 9-18-24
2.	9-03-24	REVISED PER NCC COMMENTS DATED 8-26-24
1.	7-30-24	REVISED PER NCC COMMENTS DATED 6-4-24

MATCH LINE THIS SHEET

MATCH LINE THIS SHEET

FALCONERS ROW

Application No. 2024-0468-S/Z

Resolution No. 25-114

Ordinance No. 24-172

Land Use Committee

800 North French Street

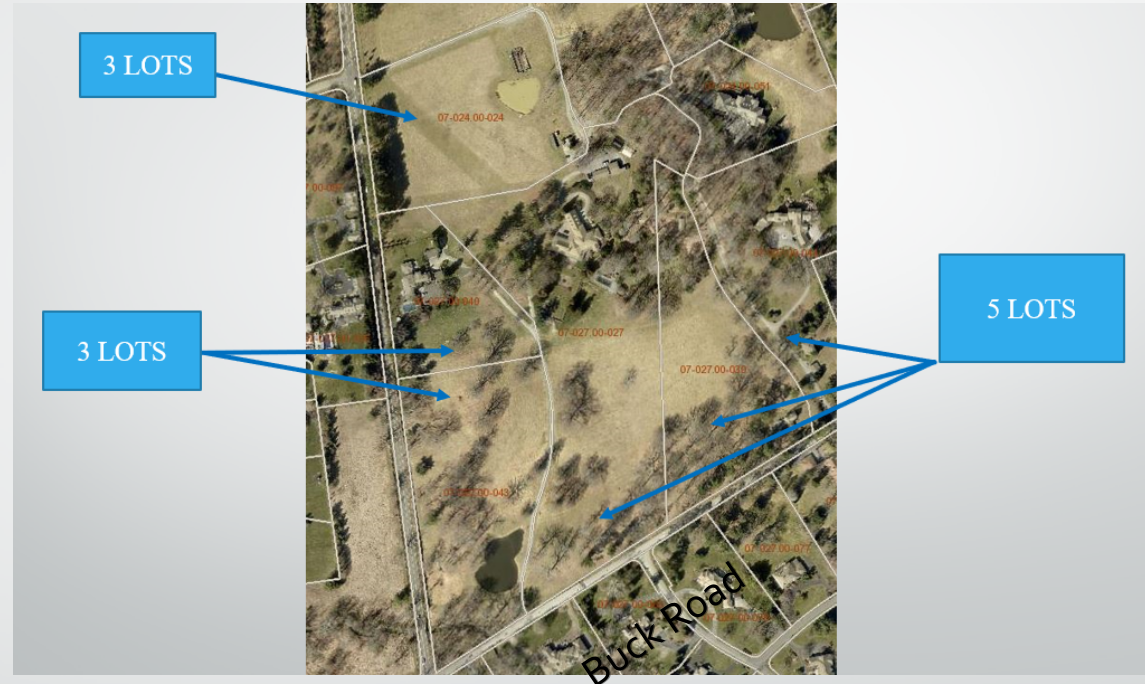
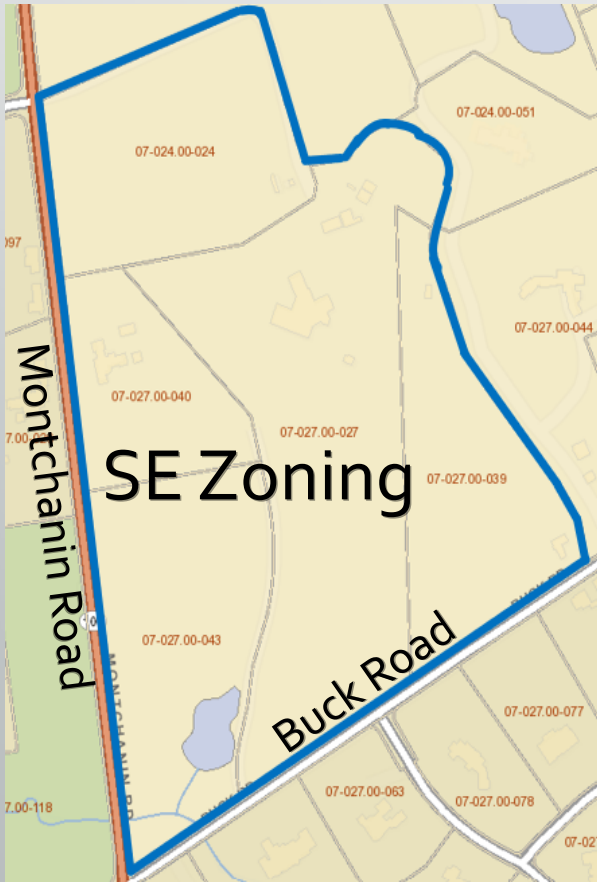
Wilmington, DE 19801

July 15, 2025

3:00 PM

MAJOR SUBDIVISION PLAN

Resolution No. 25-114



Reconfigure 5 parcels to create an 11-lot subdivision bordered by Buck and Montchanin Roads. CD2.

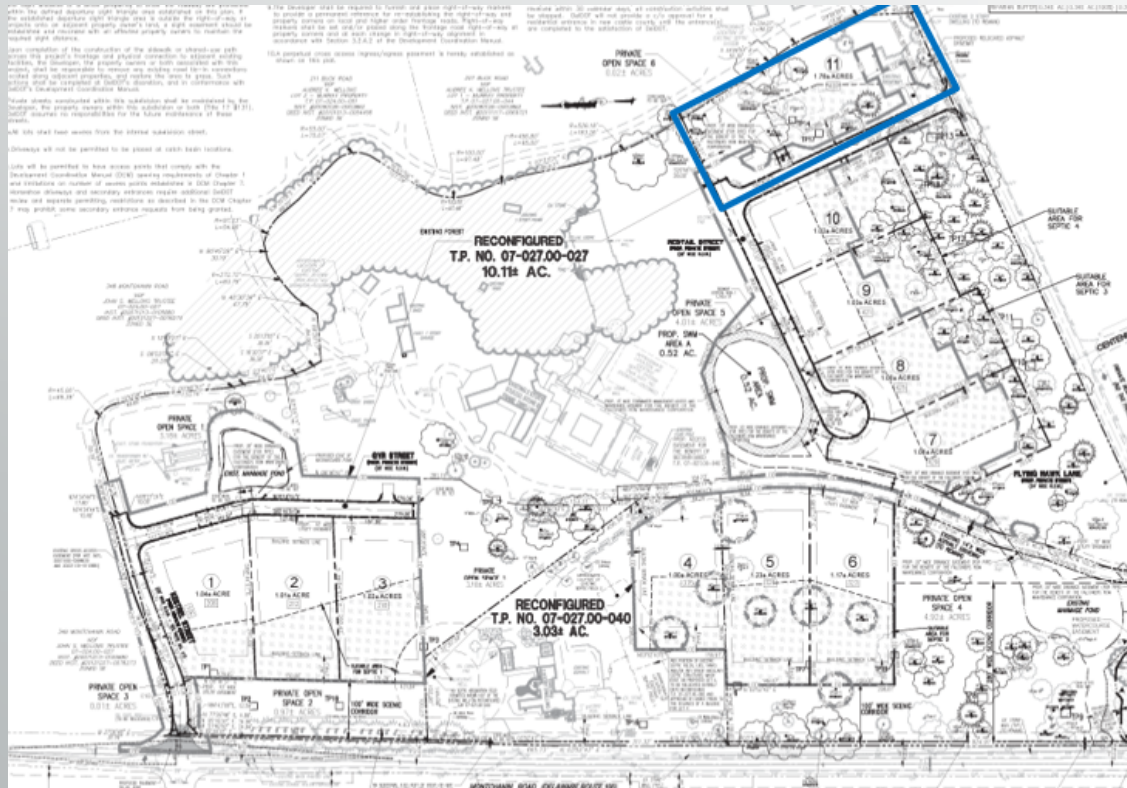
FALCONERS ROW MAJOR SUBDIVISION PLAN



- Create eleven (11) one-acre+ residential lots (Open Space Subdivision)
- 13.12 acres (48%) open space
- Rezone 1.78 acres of TP# 07-027.00-039 from SE to SE/H (Lot #11)
- Maintain existing historic dwelling with optional future ADU on Lot #11.
- Department of Land Use Approval on 7/8/2025

HISTORIC (H) ZONING MAP AMENDMENT

Ordinance No. 24-172



- Applicant volunteered to rezone 1.78 acres from SE to SE/H to maintain historic home on new Lot #11.
- Cultural Resource Survey completed at the request of HRB.
- Department of Land Use, Historic Review Board and Planning Board recommended Approval of Ordinance No. 24-172.

“Jackson House”



- Built in 1927
- Owned by Margareta duPont –Carpenter and R.R.M. Carpenter
- Architecturally significant structure contributing to the character of the surrounding area

Cultural Resource Survey

- Age: Dwelling constructed circa 1927
- Ownership: Owned by Margaretta du Pont Carpenter and Robert Ruliph Morgan (RRM.) Carpenter, President - Knollwood Corp.
- Current Condition: Good
- Integrity: Original site
- Style: Dutch Colonial Revival
- Historic Context: 1880 – 1940 Urbanization and Early Suburbanization
- Historic Period Themes: (A) Settlement Patterns and Demographic Changes, (B) Architecture, Engineering and Decorative Arts.

 DELAWARE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
STATE HISTORIC PRESERVATION OFFICE
21 THE GREEN, DOVER, DE 19901

CULTURAL RESOURCE SURVEY
PROPERTY IDENTIFICATION FORM

CRS # N00000
SPO Map 08-09-36
Hundred Christiana
Quad Wilmington North
Other

1. HISTORIC NAME/FUNCTION: Dwelling

2. ADDRESS/LOCATION: 205 Buck Road, Wilmington, DE

3. TOWN/NEAREST TOWN: Montchanin vicinity? ☒

4. MAIN TYPE OF RESOURCE: building ☒ landscape ☐ structure ☐ district ☐ site ☐ object ☐

5. MAIN FUNCTION OF PROPERTY: Dwelling

6. PROJECT TITLE/ REASON FOR SURVEY (if applicable):
Major Subdivision Plan for Falconers Row

7. ADDITIONAL FORMS USED:

#	Form	List property types
1	CRS 2 Main Building Form	Dwelling
1	CRS 3 Secondary Building Form	Shed
	CRS 4 Archaeological Site Form	
	CRS 5 Structure (Building-Like) Form	
	CRS 6 Structure (Land Feature) Form	
	CRS 7 Object Form	
	CRS 8 Landscape Elements Form	
1	CRS 9 Map Form	N/A
1	CRS 13 Photographs Form	N/A
	CRS 14 Potential District Form	
	CRS 15 Structure Form	

8. SURVEYOR INFORMATION:

Surveyor name: Catherine Morrissey

Principal Investigator name: Michael J. Emmons, Jr.
Emmons Heritage Consulting for Breckstone
Architecture

Organization: Date: Sept. 8, 2024

doc# 2006120601 CRS:1

Criteria for Historic “H” OVERLAY – UDC §40.15.110

Resource must be at least fifty (50) years old, or exceptionally important to the County and meet one (1) or any combination of the criteria listed in UDC §40.15.110.

The Historic Review Board determined that the dwelling meets 5 criteria:

B. Has significant character, interest, or value as an example of the development, heritage or cultural characteristics of the County, the State or the United States.

D. Exemplifies the cultural, political, economic, social or historical heritage of the community.

J. Is part of the historic context of a square, park or other distinctive area which should be preserved according to a plan based on a historic, cultural or an architectural context.

L. Is associated with the lives of persons important to the County’s past.

M. Provides the historic setting for an identified resource or historic district.

SATISFIES CRITERIA FOR H OVERLAY

UDC §40.15.110

- ✓ Resource is at least fifty (50) years old
- ✓ Satisfies Criteria B, D, J, L and M listed in UDC §40.15.110:

The Department of Land Use, Historic Review Board and Planning Board voted to recommend **APPROVAL** of Ordinance 24-172.

Standards for Zoning Map Amendment

UDC §40.31.410

- A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter.
- B. Consistency with the character of the neighborhood.
- C. Consistency with zoning and use of nearby properties.
- D. Suitability of the property for the uses for which it has been proposed or restricted.

Marcus A. Henry
County Executive



David M. Culver
General Manager

New Castle County Department of Land Use

MEMORANDUM

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

FROM: David Culver

RE: Application Number 2020-0468-S
Falconer's Row
Record Major Land Development Plan

DATE: July 2, 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

ORDINANCE NO. 24-172

**REVISE ZONING MAP: CHRISTIANA HUNDRED, NORTH SIDE OF BUCK ROAD,
903 FEET EAST OF THE CENTERLINE OF MONTCHANIN ROAD; REZONE 1.78
ACRES OF TAX PARCEL 07-027.00-039 FROM SUBURBAN ESTATE (SE) TO
SUBURBAN ESTATE (SE) AND H (HISTORIC OVERLAY ZONE).**

(The Exploratory Major Subdivision Plan for **Falconers Row** proposes to reconfigure tax parcels; 07-024.00-024, 07-027.00-027, 07-027.00-039, 07-027.00-040 and 07-027.00-043 and create an eleven (11) lot subdivision with associated site improvements, utilizing the open space subdivision option with minimum one acre lots, and rezone proposed Lot 11 (1.78 acres of existing parcel 07-027.00-039) from “SE” (Suburban Estate) to Suburban Estate (SE) and “H” (Historic Overlay Zone). **App. 2020-0468-S/Z**, Council District 2.

NOW, THEREFORE, 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 6, 2024, 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:

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

Approved on:

County Executive
New Castle County

SYNOPSIS: Same as title.

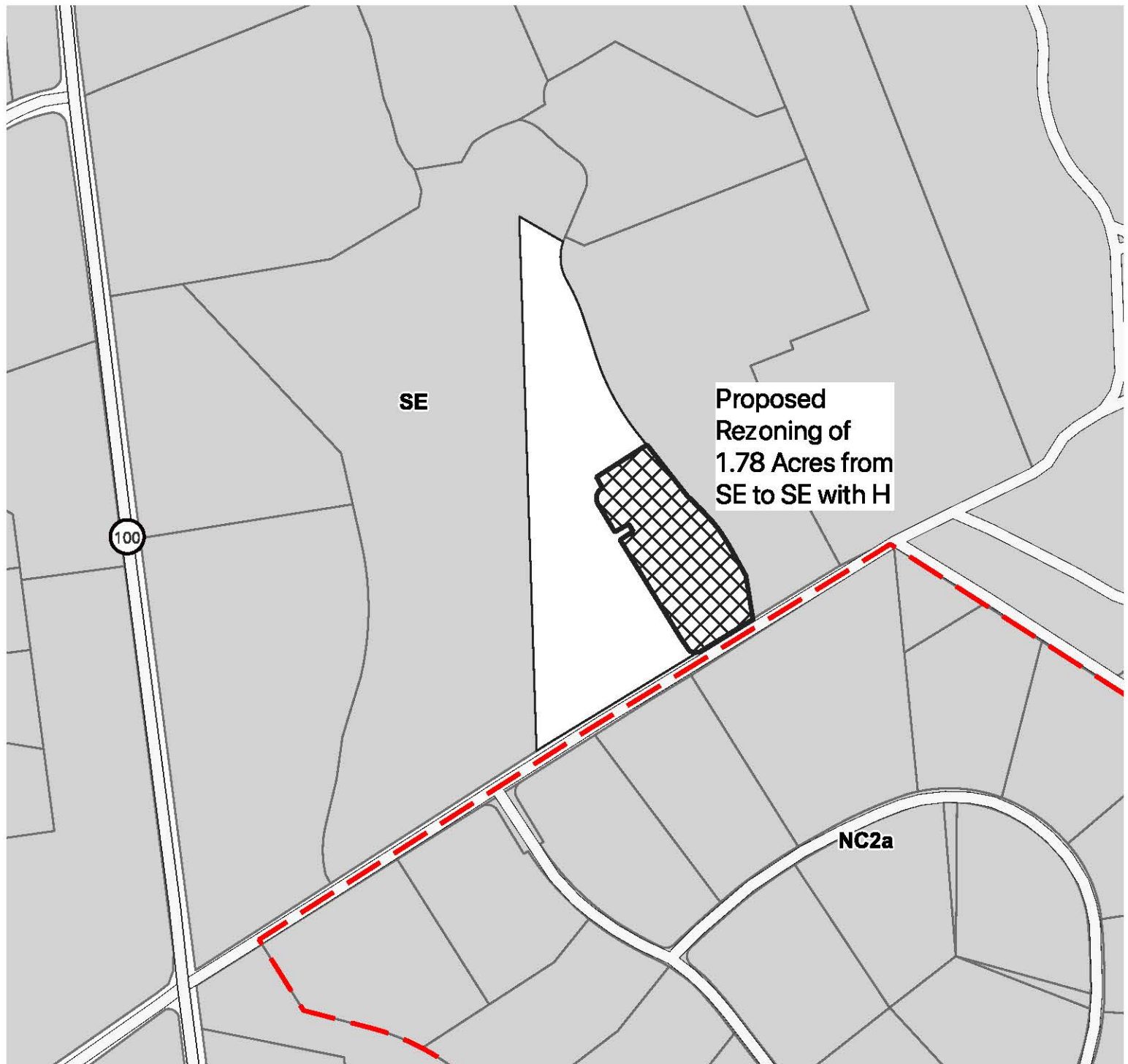
FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(s) rezoned is (are) developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: SE TO
SE with H

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2020- 0468-S/Z
TAX PARCEL NO: 07-027.00-039



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3637
Prepared by: Matthew Rogers

Date: 10/6/2024



PERMANENT ORDINANCE NO. 24-172
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: SE TO
SE with H

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2020- 0468-S/Z
TAX PARCEL NO: 07-027.00-039



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5720
Prepared by: Matthew Rogers

Date: 10/6/2024



PERMANENT ORDINANCE NO. 24-172
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. 24-172
Application No. 2024-0710-Z
Falconer's Row H-Overlay**

February 18, 2025

Sponsor: Councilwoman Durham (District 2)

Description: Revise zoning map: Christiana Hundred, north side of Buck Road, 903 feet east of the centerline of Montchanin Road; Rezone 1.78 acres of tax parcel 07-027.00-039 from Suburban Estate (SE) to Suburban Estate (SE) and H (Historic Overlay District).

EXECUTIVE SUMMARY

Ordinance 24-172 proposes to rezone 1.78 acres of tax parcel 07-027.00-039 from Suburban Estate (SE) to Suburban Estate and Historic Overlay. The area encompasses all of Lot 11 in the proposed Falconer's Row Major Land Development Plan (App. 2020-0468-S) including the existing Jackson House ca. 1935.

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 24-172 proposes rezoning 1.78 acres of tax parcel 07-027.00-039 from Suburban Estate (SE) to Suburban Estate (SE) and Historic Overlay (H). The site is located approximately 903 feet east of the centerline of Montchanin Road on the north side of Buck Road and contains the historic Jackson House (ca. 1935). This rezoning is part of the Falconer's Row 11 lot residential subdivision (Application 2020-0468-S).

BACKGROUND

The application for the Falconer's Row subdivision was submitted to the Department of Land Use in February of 2020, prior to the adoption of Ord. 20-072, which requires additional commitments for historic structures that are part of a major land development plan. Ord. 20-072 was adopted October 27, 2020, and was therefore subject to provisions of Article 15 at the time of submission. Under the previous code, the Historic Review Board maintained the authority to provide recommendation only on major land development plans submitted to the Department of Land Use.

The Falconer's Row subdivision proposes an 11 single-family lot development, utilizing the open space subdivision development option.

The Department identified the Jackson House as an historic resource and submitted the plan to the Historic Review Board for review at their January 30, 2024, public hearing and subsequent business meeting held on February 6, 2024.

Ord 24-172, sponsored by Councilwoman Durham, was introduced on November 19, 2024, following the recommendation from the Historic Review Board that the Jackson House meets the minimum Criteria for Designation for Historic Overlay Zoning.

History of Jackson House

Located at 205 Buck Road, the Jackson House is a two-story, Colonial Revival dwelling that was constructed ca. 1935 by the Carpenter family. The Jackson House is a contributing structure to the overall character of Buck Road, east of Montchanin Road, a gateway that provides access to iconic sites, including Hagley Museum and Library. Constructed by the Carpenter Family in the early twentieth century, the house has been a feature of the estate which has long been associated with the lives and stewardship of the du Pont / Carpenter families.

Historic Board Review

At the January 30, 2024, public hearing, the Historic Review Board heard the applicant's testimony for Falconer's Row, an eleven-lot subdivision proposed on the historic L.R.M. Carpenter Estate. The overall property contains the historic dwelling, known as the Jackson House, located at 205 Buck Road and is a contributing landscape to the Brandywine Valley National Scenic Byway. Under the stewardship of the Carpenter Family, the site is also characterized by maintained open space enclosed by historic stone walls that front both Montchanin Road and Buck Road.

As part of the land development proposal, the applicant testified that they would be amenable to rezoning the reconfigured parcel for 205 Buck Road to H-zoning and recommended that the applicant consider rezoning 1.78 acres of tax parcel 07-027.00-039, containing the Jackson House to include H-Overlay zoning.

At their Business Meeting held on February 6, 2024, the Historic Review Board reviewed the resource (the Jackson House) and determined that the structure's general architecture, form, location / setting and period of construction met the minimum Criteria for Designation of H-Overlay zoning pursuant to Section 40.15.110 of the *New Castle County Code*.

The Historic Review Board determined that the site meets criteria for designation for an historic overlay zoning district B, D, J, L, and M listed in Section 40.15.110 of the *New Castle County Code*:

- B. Has significant character, interest, or value as an example of the development, heritage or cultural characteristics of the County, the State or the United States.*
- D. Exemplifies the cultural, political, economic, social or historical heritage of the community.*
- J. Is part of the historic context of a square, park or other distinctive area which should be preserved according to a plan based on a historic, cultural or an architectural context.*
- L. Is associated with the lives of persons important to the County's past.*
- M. Provides the historic setting for an identified resource or historic district.*

PLUS REVIEW (Preliminary Land Use Service)

In the Falconer's Row Subdivision (App. 2020-0468-S) PLUS Report, dated June 23, 2023, no relevant comments relating to the Jackson House and establishment of the Historic Overlay Zoning were presented by State agencies.¹

PLANNING BOARD PUBLIC HEARING – January 7, 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

Shawn Tucker, representing the applicant, stated that the subdivision plan, Falconer's Row, had been in front of Planning Board (August 1, 2023), and the purpose of this appearance was to establish the Historic Overlay Zoning on the proposed Lot 11 as recommended by the Historic Review Board. He stated that in discussions with the Department in December of 2023, the Jackson House was identified as an architecturally significant structure contributing to the character of the surrounding area. Mr. Tucker explained that the establishment of the Historic Overlay Zoning would provide additional protection of the historic structure along with requiring further Historic Review Board approval for any

¹ Preliminary Land Use Service Report – June 23, 2023

² January 7, 2024, Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

proposed additions or alterations. He proceeded to explain how the structure meets the Historic criteria per the *Unified Development Code*.

No questions were posed by Planning Board members.

Public Comment

There was no public comment on the application at the public hearing.

Written Public Comment:

The Department of Land Use did not receive written public comment while the record was open.

ANALYSIS

Located at 205 Buck Road, the Jackson House is a two-story, Colonial Revival dwelling that was constructed ca. 1935 by the Carpenter family. The Jackson House is a contributing structure to the overall character of Buck Road, east of Montchanin Road, a gateway that provides access to iconic sites, including Hagley Museum and Library. Constructed by the Carpenter Family in the early twentieth century, the house has been a feature of the estate which has long been associated with the lives and stewardship of the du Pont / Carpenter families.

The Jackson House's eligibility for Historic Overlay Zoning was initially considered by the Historic Review Board on January 30, 2024. The Historic Review Board determined that the site meets criteria for designation for an historic overlay zoning district B, D, J, L, and M listed in Section 40.15.110 of the *New Castle County Code* (see above).

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 12.2, and Strategies 12.2.3 and 12.2.11 of the New Castle County Comprehensive Development Plan of 2022. Objective 12.2 seeks to increase preservation of historic resources while Strategies 12.2.3 and 12.2.11 aim to incorporate additional protections of historic contexts and supporting Byways efforts. The Brandywine Scenic Byway is characterized by its historic estates and scenic viewsheds. The preservation of the Jackson House helps protect a feature structure associated with the lives and stewardship of the historic du Pont / Carpenter properties.

B. *Consistency with the character of the neighborhood.*

The Jackson House is a contributing structure to the overall character of Buck Road, a gateway that provides access to iconic sites, including Hagley Museum and Library. Located along the Brandywine Valley National Scenic Byway, the house has been a feature of the estates which has been associated with the lives and stewardship of the du Pont / Carpenter families.

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

The property shall remain as a residence after the establishment of the Historic Overlay Zoning which is consistent with the surrounding Suburban Estate zoning and the other 10 lots proposed within the Falconer's Row subdivision.

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

The Jackson House's eligibility for Historic Overlay Zoning was initially considered by the Historic Review Board on January 30th, 2024. The Historic Review Board determined that the site meets Criteria B, D, J, L, and M listed in Section 40.15.110 of the New Castle County Code.

E. *Effect on nearby properties.*

The property shall remain as a residence and have a minimal impact on the surrounding properties.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the 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 24-172.

PLANNING BOARD RECOMMENDATION

At a business meeting held on February 18, 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. Gray and seconded by Mr. Daigle, the Board voted to recommend **APPROVAL** of Ordinance 24-172 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.

Robert Snowden remarked that in our current housing market buyers tend desire much larger homes (McMansions) at the expense of demolishing many of the existing early to mid 20th century homes that that are integral to the fabric of New Castle County. He remarked on the importance of preserving houses and architectural styles from that era.

Matthew Rogers elaborated that when Article 15 was revised in 2021, Section 40.15.310 of the New Castle County Code required that not only historic properties acquire a Historic Overlay but also provide a preservation plan which is approved by the Historic Review Board.

Antoni Sekowski added that the Falconer's Row application predates the code requirement for a preservation plan, however the applicant has volunteered to comply with the current requirements of the code.

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.

 3-5-25

David Culver date
General Manager
Department of Land Use

 3/7/2025

Robert Snowden date
Acting Chair
Planning Board