



CIVIC LEAGUE For New Castle County

Informed Citizens for Sound County Growth

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**October
2010**

STATEMENT OF PRINCIPLE

Monitor and selectively evaluate government actions including laws, regulations and policy.

Provide appropriate forums for informing as well as soliciting input from the public.

Establish positions based on responsible studies and consistent with the aims and purpose of the organization.

Advocate these positions.

Founded in 1962, the Civic League is non-profit volunteer organization, which studies and illuminates County and State government actions concerning comprehensive developments and the quality of life and is a vocal advocate of relevant positions.

County Comments is the official publication of the Civic League for New Castle County.

Chuck Mulholland,
President

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COUNTY COMMENTS

CIVIC LEAGUE FOR NEW CASTLE COUNTY
Informed Citizens for Sound County Growth

MEETING

Wednesday, October 20, 2010

6:30 PM at the Delaware State Police Troop 2 Building
100 La Grange Avenue
(Rte 40 East of Route 896)

AGENDA

Candidates Forum

Revised Plan for Acierno/Stopyra Shopping Center

Submitted to Department of Land Use
(Opposite Holy Angels Church and School)
Public Hearings to be Scheduled Soon

A revised preliminary plan for the Commercial Regional Shopping Center proposed for the Acierno/Stopyra Tract has been submitted to the New Castle County Department of Land Use (DLU) by Mr. Frank Acierno. This development would require the rezoning of about 50 acres of the tract from its present Suburban (S) status to Commercial Regional (CR) status - AHUGE CHANGE!

This preliminary plan shows a 350,000 sq. ft commercial complex consisting of a three-store retail center facing Possum Park Road across from Holy Angels Church and School, the school athletic field and the Newark National Little League ball park. Parking for the center fills the area between the retail stores and Possum Park Road stretching from the bridge over Middle Run (near Wendy's) almost up to the upper entry drive for Holy Angels. Two stand alone restaurants are at the Capitol Trail/Rte. 2 end with a bank at the upper end.

The only "all way" entrance to the complex would be on Possum Park Road (Rte. 72) at the Holy Angels flashing light which gives access to their parking area. A new full traffic signal would control traffic flow there. A second entrance would be on Capitol Trail/Rte. 2 opposite the entrance to Possum Park Apartments. Since this would be "right turn in, right turn out" for traffic headed toward Newark only, no traffic signal would be needed there.

Citizen Advocacy Possum Park Area (CAPPA Inc.) has consistently opposed the rezoning of any part of the Stopyra/Acierno tract for large scale commercial use seeing such use as completely inconsistent with the the present and future character of the Possum Park Area. The NCCo Comprehensive Plan (Comp Plan) classifies this tract as "Residential 1-3 units/acre". The zoning map in the NCCo Unified Development Code (UDC) designates the tract as "Suburban (S)" which allows "mixed use" consistent with the Comp Plan overall development density.

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Current Resident or

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2. Review these documents through our "Working Groups". These are:

- Traffic and Access
- Topography and drainage
- Community Impact
- Market Need

Studies are prepared by each group for inclusion in a written "Critique" of the rezoning proposal, which is submitted to DLU for inclusion in the rezoning record.

3. Make oral presentations, based on this "Critique", to NCCo DLU, Planning Board and County Council.
4. Encourage attendance by CAPPa area residents at relevant Public Hearings.
5. Maintain a CAPPa area mailing list which currently has almost 2000 households included.
6. Communicate with area residents by attending local Civic Association meetings, and through CAPPa newsletters and eNewsletters.
7. Work with CAPPa area CA's and other area institutions on issues related to land use. and more...

CAPPa articles submitted by David Onn
CAPPa President

Remember 24 years ago?

We remind you that 24 years ago, when the "Lord and Taylor" rezoning was requested by Mr. Acierno, over 300 members of the public attended the Newcastle County Council Public Hearing. They were composed of Possum Park Area residents as well as parishioners, parents and staff from Holy Angels Church and School. The rezoning was defeated by a unanimous vote (7 - 0): NCCo Council was smaller back then.

What Became of "Target"?

You may remember that in 2007 Mr. Acierno filed for a Commercial Regional rezoning similar to the present one. The anchor stored named was "Target". That rezoning request was made under the "re-development" clause of the NCCo Unified Development Code, which has been much in the news lately (Barley Mill Plaza, Greenville Center among others).

The Department of Land Use ruled that "redevelopment" did not apply to such a green-field site. Mr. Acierno appealed that decision as far as Delaware Superior Court where the ruling by the Department of Land Use was upheld.

Meanwhile "Target" is opening soon at Christiana Mall - the final home of Strawbridge's (1974 rezoning try) and Lord and Taylor (1987 rezoning try). There must be a valuable lesson in this pattern!

What is CAPPAA?

Citizen Advocacy Possum Park Area (CAPPAA Inc.) was formed in 1985 in response to the first Acierno proposal for rezoning the Acierno/Stopyra Tract from residential (R-2 then) to Regional Commercial. We are an "Umbrella Civic Association" similar to Pike Creek Civic League and others in NCCo. We work on issues that affect the entire Possum Park area. Centered on Possum Park Road, the CAPPAA area of concern is bordered by Paper Mill Road, Fox Den Road, Polly Drummond Hill/Red Mill Road, and the CSX tracks back to Newark.

After the defeat of the first Acierno/Stopyra rezoning request much new development occurred in this area, both in the County and the City of Newark. This included Chapel Woods, Woods at Louviers, Hunt at Louviers, Nonantum Mills and Stafford among others. CAPPAA was involved with the rezoning and subdivision plans for most of these. Our emphasis was on reducing the high unit densities of the developers' original plans, minimization of traffic impact, and preservation of open space. We were also active in resolving the long-standing problem of providing consistent water pressure to Chapel Hill/West Meadow by the City of Newark.

Our aim, as an "Umbrella" group is to formulate well researched and considered presentations to the Department of Land Use, The Planning Board and County Council and save those hard-working bodies from hearing multiple, and often repetitive, presentations from a dozen or more local civic associations - though we encourage those CA's to express their agreement, or disagreement, with the positions taken by CAPPAA. CAPPAA Board Members must have experience and interest in land use issues.

What is CAPPAA Doing About the Acierno/Stopyra Rezoning Proposal?

CAPPAA Board Members and colleagues have been, and will continue, following the progress of this proposal from the first Exploratory Plan submission to DLU through to the final decisive vote by NCCo Council. This involves many activities including:

1. Monitor the progress of the proposal through the DLU, obtaining copies of key documents for review. These would include maps and plans, the Traffic Impact Study (TIS), geological survey etc.

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America's Top States for Business 2010

<http://www.cnbc.com/id/37516046/>

By using this link you can read Delaware's national rankings under the "America's top states for business 2010", a special report compiled by CNBC. As you may read, Delaware is ranked #1 for "Business friendliness", yet dropped to an overall ranking of 42 when all the other categories were calculated.

For this link, Transportation, we ranked 44th, above Mississippi, Vermont, New Hampshire, Hawaii, and Alaska.

<Http://www.cnbc.com/id/37516044/>

This is the Quality of Life link, finding Delaware at a paltry #47, just above Alabama, Tennessee, and Louisiana. That's 3rd from bottom in the entire United States!

Given the recent issues involving traffic, our neighbors in the Barley Mill, Elsmere, and Grenville areas with the Citizens for Responsible Growth regarding the Stoltz projects, as well as the Citizens Advocacy Possum Park Area regarding the Acierno/ Stopyra rezone proposal across from Holy Angels School in Newark, perhaps those holding elected office may reflect on the national findings of this special report.

44th for Transportation and 47th for Quality of Life are not the study findings from the citizens of New Castle County, but surely reflect a growing sentiment among many residents, such as all the members of the mentioned organizations, to name a few.

State	Quality of Life	Trans- portation	Overall	State	Quality of Life	Trans- portation	Overall
Hawaii	1	49	48	Alaska	26	50	50
Colorado	2	36	3	Kansas	27	8	11
Vermont	3	46	37	Maryland	28	43	27
New Hampshire	4	47	19	Texas	29	1	1
Utah	5	32	*8	Arizona	29	23	18
Maine	6	41	39	Florida	31	21	28
Massachusetts	6	39	5	North Carolina	32	10	4
Washington	8	35	15	Rhode Island	33	48	49
Connecticut	9	40	35	New Mexico	34	18	38
Wyoming	10	24	14	Georgia	35	2	10
South Dakota	11	27	7	Michigan	36	24	41
Minnesota	12	11	*8	Nevada	37	31	47
North Dakota	13	20	12	Ohio	38	2	34
New Jersey	14	32	22	Missouri	39	7	17
California	15	16	*32	West Virginia	40	38	46
Montana	15	24	36	Oklahoma	41	41	25
Iowa	17	32	6	Mississippi	42	45	45
Idaho	18	29	26	Arkansas	43	36	*32
New York	18	22	24	Indiana	44	6	21
Virginia	18	12	2	South Carolina	45	8	31
Nebraska	21	18	13	Kentucky	46	4	40
Oregon	22	15	23	Delaware	47	44	42
Wisconsin	23	14	29	Alabama	48	27	43
Illinois	24	12	30	Tennessee	49	4	16
Pennsylvania	25	16	20	Louisiana	50	30	44

Submitted by Chuck Mulholland, President CL