

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Name of Municipality: Town of Bellefonte, Delaware	
Address c/o Connolly Gallagher LLP 267 E. Main Street Newark, DE 19711	Contact Person: Max B. Walton, Esq.
	Phone Number: 302-888-6297
	Fax Number: 302-757-7299
	E-mail Address: mwalton@connollygallagher.com

Date of Most Recently Certified Comprehensive Plan: 5/20/2007

Application Type:

Comprehensive Plan Amendment: X

Ordinance: _____

Other: _____

Link to the proposed ordinance: See Exhibit 1

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: Connolly Gallagher LLP 267 E. Main Street Newark, DE 19711	Contact Person: Max B. Walton, Esq.
	Phone Number: 302-888-6297
	Fax Number: 302-757-7299
	E-mail Address: mwalton@connollygallagher.com

Maps Prepared by: N/A – See Ordinances Enclosed with Application	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Please describe the submission:

See Cover Letter and Exhibits A-D.

Max B. Walton
TEL (302) 888-6297
FAX (302) 757-7299
EMAIL mwalton@connollygallagher.com
REPLY TO 267 East Main Street
Newark, DE 19711

September 30, 2014

By Electronic Mail

Laura Simmons
Office of State Planning
540 South DuPont Highway
Dover, DE 19901

**Re: Request for Preliminary Land Use Service (PLUS) Review
Town of Bellfonte, Delaware - Proposed Rezoning and Proposed
Change To Comprehensive Development Plan**

Dear Ms. Simmons:

This office acts as special counsel to the Town of Bellfonte, Delaware (“Town”) with respect to proposed changes to the Town’s certified Comprehensive Development Plan (“Comp Plan”). Under the Town’s current Comp Plan, the Town has designated 202 Schoolhouse Lane (Tax Parcel No. 17-001.00-044) (“Parcel 1”) as R-1, and this parcel is located in the Town’s Residential 1 and 2 Family District. The equitable owner of Parcel 1 proposes to rezone Parcel 1 from its present zoning classification to MX-2 (Mixed Use 2 District), which is part of a larger plan to combine Parcel 1 with an adjacent tax parcel (Tax Parcel No. 17-001.00-045), currently zoned MX-2, for the purposes of adding additional off-street parking and facilitating a small addition to the existing building on the adjacent tax parcel.

The Town (via the Planning Commission) is seeking authorization, subject to approval by the Commissioners in their discretion, to amend the Comp Plan to change the land use classification of Parcel 1 on the future land use map from R-1 (Residential 1 and 2 Family District) to MX-2 (Mixed Use 2 District). If the proposal receives a favorable PLUS review, the Commissioners will thereafter



consider ordinances to amend the Comp Plan and rezone Parcel 1 in accordance with the new MX-2 designation.

The proposal for the Comp Plan and proposed code changes for Parcel 1, along with drafts of proposed ordinances to effectuate the rezoning and the Comp Plan change, were reviewed by the Planning Commission on September 25, 2014. On September 25, 2014, the Planning Commission unanimously voted to send the application and the proposed ordinances for PLUS review.

To facilitate PLUS review, attached please find: (1) the PLUS application (Exhibit A); (2) the pertinent portions of the Applicant's application to the Town (Exhibit B); (3) a draft ordinance to amend the Comp Plan (noting the proposed minimal Comp Plan change) (Exhibit C); and (4) a draft ordinance to rezone Parcel 1 from R-1 to MX-2 (Exhibit D). We ask that all of these documents be considered as a component of PLUS review for the proposal.

We thank you for your consideration of this submission, and we ask that this proposal be placed on the agenda for the October PLUS meeting.

As always, if you have any questions, please feel free to contact me.

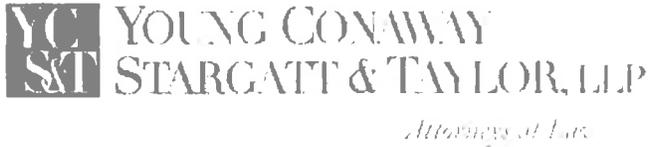
Sincerely,



Max B. Walton

cc: Town of Bellefonte (by electronic mail; w/enc.)
William Gonser, Esq. (by electronic mail; w/o enc.)
John E. Tracey, Esq. (by electronic mail; w/o enc.)

Exhibit B



WILMINGTON
GEORGETOWN
MIDDLETOWN
NEW YORK

John E. Tracey
P 302.571.6740
F 302.576.3382
jtracey@ycst.com

August 18, 2014

HAND DELIVERY

William A. Gonser, Jr., Esquire
Gonser and Gonser, P.A.
Concord Plaza
Hagley Building, Suite 203
3411 Silverside Road
Wilmington, DE 19810

Re: Rezoning of Tax Parcel No. 17-001.00-044; 202 Schoolhouse Lane

Dear Bill:

As directed by the Commissioners for the Town of Bellefonte, enclosed please find the following rezoning materials in connection with the above-referenced Tax Parcel on Schoolhouse Lane in the Town of Bellefonte:

1. Letter dated July 17, 2014 to Bellefonte Town Commission;
2. Application fee check in the amount of \$1,000.00 payable to the Town of Bellefonte;
3. Sketch Plan #1 showing 56 parking lot spaces;
4. Rezoning Plan

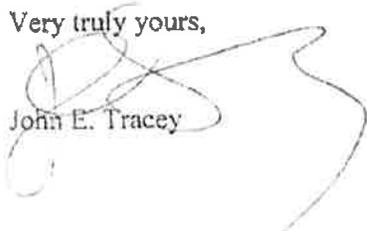
As we have discussed previously, I believe that this request must be vetted by both the Town Planning Commission as well as the Town Council. The open question, beyond this, is whether the application must also be reviewed by the Office of State Planning pursuant to 29 *Del.C.* §9203. Ms. Connie Holland or Mr. Herb Inden at the Office of State Planning should be able to assist in this regard.

Rodney Square • 1000 North King Street • Wilmington, DE 19801
P 302.571.6600 F 302.571.1253 YoungConaway.com

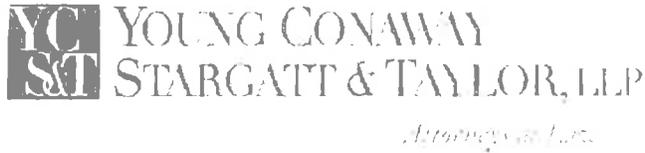
YOUNG CONAWAY STARGATT & TAYLOR, LLP
William A. Gonser, Jr.
August 18, 2014
Page 2

As this matter has languished for a bit, please let us know if there is anything that my client or I can do to assist you in getting this matter before the Town. As always, please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,


John E. Tracey

JET:ki
Enclosures
Cc: Mr. Jessie Logan



WILMINGTON
GEORGETOWN
MIDDLETOWN
NEW YORK

John E. Tracey
P 302.571.6740
F 302.576.3382
jtracey@ycst.com

July 17, 2014

Bellefonte Town Commission *
Bellefonte Town Hall
901A Rosedale Avenue
Wilmington, DE 19809

Re: Rezoning of Tax Parcel No. 17-001.00-044; 202 Schoolhouse Lane

Dear Commissioners:

Pursuant to Article 10, §10-01(B)(2) of the Town of Bellefonte Code, my client, Showworks Audio-Visual, Inc., writes in support of the application of 202 Schoolhouse Ln, LLC to rezone Tax Parcel No. 17-001.00-044, also known as 202 Schoolhouse Lane, from its present zoning classification of R-1 to the classification MX-2 as part of a larger plan to combine the 202 Schoolhouse Lane parcel with the adjacent parcel located at 728 Philadelphia Pike. A Comprehensive Plan amendment would also be needed as part of this process. It is my client's intention to purchase the property if the rezoning application is successful.

It is our understanding that the 202 Schoolhouse Lane parcel has, for some time, not been used for residential purposes (having most recently served as a church). The site is heavily blacktopped and shares an entrance with the 728 Philadelphia Pike property as the parcels currently exist. The 728 Philadelphia Pike property, which was formerly the site of the Crystal Ballroom, has been problematic for some time. It does, however, present a good opportunity for my client to utilize for its business, a business which has been based in North Wilmington since its inception. This business focuses on providing audio visual services for corporate and other large gatherings. These events would not occur at the property and there would be limited customer traffic at the location. The primary use of the 728 Philadelphia Pike property would be for office space, storage and showroom, while the 202 Schoolhouse Lane would be used primarily for expanding the parking for the business, as well as for a small expansion of the existing Crystal Ballroom structure. The existing building at 202 Schoolhouse Lane would be removed to accommodate a revised parking lot.

In accordance with Article 10, §10-01(B)(2)(a)(3), my client supports the request to change the zoning of this .26 acre parcel from its current classification of R-1 to the

Rodney Square • 1000 North King Street • Wilmington, DE 19801
P 302.571.6600 F 302.571.1253 YoungConaway.com

classification of MX-2 to facilitate the combining of the smaller parcel into the larger parcel. This will enable the property to provide for additional off-street parking for the larger parcel as well as to integrate two properties that have functioned (at least somewhat) together into a single parcel with unified zoning. Given that the 202 Schoolhouse Lane parcel has, for some time, been used for nonresidential purposes, the change in zoning is simply recognition of this historic, nonresidential use. Moreover, the proposed use of the 202 Schoolhouse Lane parcel is nonintrusive and will be designed such that it will be adequately buffered from neighboring properties to the south and west.

Very truly yours,


John E. Tracey

 ORIGINAL

July 31, 2014

Bellefonte Town Commission
Bellefonte Town Hall
901A Rosedale Avenue
Wilmington, DE 19809

Re: Rezoning of Tax Parcel No. 17-001.00-044; 202 Schoolhouse Lane

Dear Commissioners:

Tracy G. Grogan
Pursuant to Article 10, §10-01(B)(2) of the Town of Bellefonte Code, I, *Tracy G. Grogan* as an authorized member of 202 Schoolhouse Lane, LLC, the owner of a parcel of land identified as Tax Parcel No. 17-001.00-044, also known as 202 Schoolhouse Lane, hereby submit this application to rezone the property from its present zoning classification of R-1 to the classification MX-2 as part of a larger plan to combine the 202 Schoolhouse Lane parcel with the adjacent parcel located at 728 Philadelphia Pike. A Comprehensive Plan amendment would also be needed as part of this process.

Enclosed with this letter, you will find two (2) copies of the plan with metes & bounds descriptions included, a check in the amount of \$1,000 representing the application fee in this matter, and a list of all property owners within 100 feet of the subject property (those to the east live beyond the town limits). I have also included of support from the potential purchaser of the property detailing the reasons that this request is being submitted. Please have your counsel or the appropriate representative of the Town contact me with regard to the process to move this application forward.

Very truly yours,

Tracy G. Grogan
Tracy G. Grogan
202 Schoolhouse Lane, LLC

Enclosures

**List of property owners within 100'
of requested rezoned property:**

Tax Parcel: 17-001.00.042
James A Nilan Jr. Evelyn Mackie Trustees
206 School House Lane
Wilmington, DE 19809

Tax Parcel: 17-001.00.043
Gregory J & Almee J Ferrari
204 School House Lane
Wilmington, DE 19809

Tax Parcel: 17-001.00.036
Gregory S Banka
107 Beeson Road
Wilmington, DE 19809

Tax Parcel: 17-001.00.035
John J & Vicki A Esch
105 Beeson Road
Wilmington, DE 19809

Tax Parcel: 17-001.00.034
David E Wishowsky
103 Beeson Road
Wilmington, DE 19809

Tax Parcel: 17-001.00.033
Johnnie & Linda Williams
101 Beeson Road
Wilmington, DE 19809

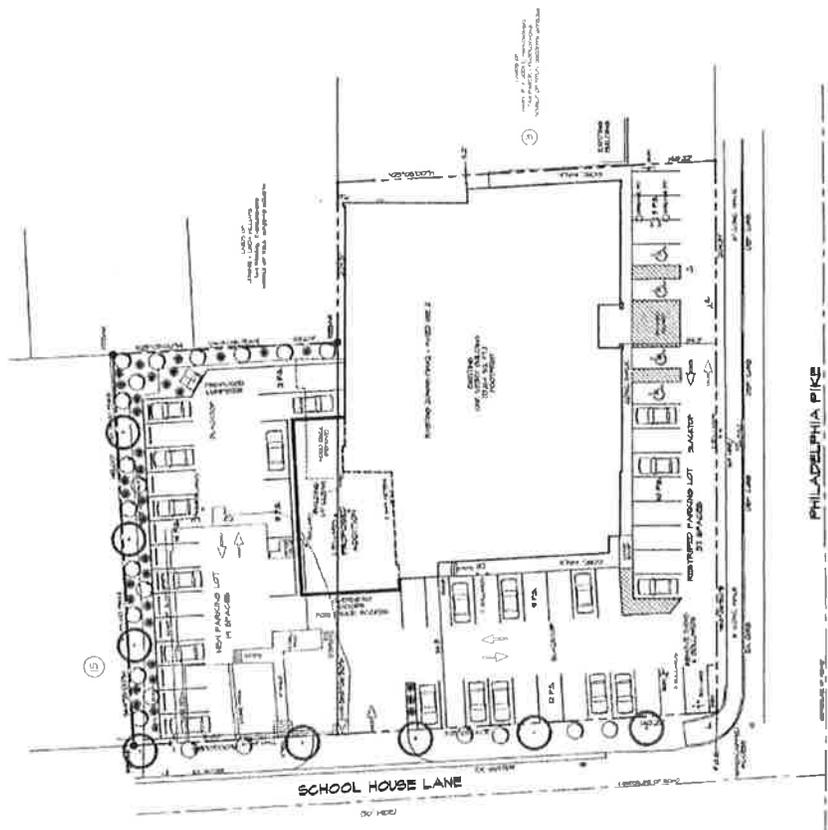
Tax Parcel: 17-001.00.046
Mark P & Jodi L Werzbowski
722 Philadelphia Pike
Wilmington, DE 19809

**Current Owner of Property to be
rezoned:**

Lands of LLC c/o Talbert Gwynn
302-494-7851
202 Schoolhouse Lane
Tax Parcel: 17-001.00.044
Source of title: 20040826 0094921

Purchaser of Property to be rezoned:

Jesse Logan
302-528-4997
Showworks Audio Visual Inc.
100 Naamans Road
Suite 1-C
Claymont, DE 19703



TOTAL PARKING LOT SPACES
56 PARKING SPACES

SKETCH PLAN #1

VILLA MONTFERRI
 1015 4 5 6 7 8 9 10 11
 PHILADELPHIA ST.

TOWN OF BELLEVILLE, NEW CASTLE COUNTY
 DELAWARE

DATE: JAN 1988
 DRAWN BY: [Signature]

HOWARD L. ROBERTSON, INC.
 201 BRADDOCKVILLE BOULEVARD
 WILMINGTON, DELAWARE 19806

NO.	DATE	DESCRIPTION

REVISIONS
 SHEET 1 OF 1

Exhibit C

Sponsor: _____
Planning Review Commission: _____
Public Notice: _____
Public Hearing: _____

ORDINANCE 2014-_____

**ORDINANCE TO REVISE ZONING MAP: TOWN BELLEFONTE, EASTERN SIDE
SCHOOLHOUSE LANE, BETWEEN PHILADELPHIA PIKE AND WYNNBROOK
AVENUE; 0.263 ACRE FROM R-1 (RESIDENTIAL 1 AND 2 FAMILY DISTRICT) TO
MX-2 (MIXED USE 2 DISTRICT)**

WHEREAS, the owner of 202 Schoolhouse Lane (Tax Parcel No. 17-001.00-044) proposes to rezone the property from its present classification of R-1 (Residential 1 and 2 Family District) to MX-2 (Mixed Use 2 District) as part of a larger plan to combine Tax Parcel 17-001.00-044 with adjacent Tax Parcel 17-001.00-045 for purposes of, among other things, adding additional off-street parking spaces and facilitating a small addition to the existing building on Tax Parcel 17-001.00-045; and

WHEREAS, the owner of 202 Schoolhouse Lane (Tax Parcel No. 17-001.00-044) has also, pursuant to 22 Del. C. §702(e), requested that the Town's Zoning Map be amended to change the zoning classification of Tax Parcel No. 17-001.00-044 from Single Family Residential to MX-2 (the "Proposed Zoning Change"); and

WHEREAS, the Planning Commission of the Town of Bellefonte, at a public hearing, took testimony on the Proposed Zoning Change and has provided its recommendation to the Commissioners of the Town of Bellefonte; and

WHEREAS, Section 10 of the Land Use Code of the Town of Bellefonte provides that the Commissioners of the Town of Bellefonte, following a public hearing, may amend the Land Use Code if it finds that the Review Criteria in §10-02.C(3) have been satisfied; and

WHEREAS, the Commissioners of the Town of Bellefonte, in consideration of the application materials, the Recommendation of the Planning Commission, and the testimony before it at a public hearing, find that the Proposed Zoning Change is appropriate; and

WHEREAS, the Commissioners of the Town of Bellefonte expressly find that the Proposed Zoning Change is consistent with the Town's Comprehensive Development Plan as amended; and

WHEREAS, the Commissioners of the Town of Bellefonte also expressly find that the Proposed Zoning Change benefits the health, safety and welfare of the Town, provides for adequate light and air, will not contribute to the overcrowding of land, will not adversely impact

public facilities or other public requirements, and finds that the character of the area will not be adversely impacted by the Proposed Zoning Change.

NOW THEREFORE, in accordance with all laws and procedures, **BE IT ORDAINED** by the Commissioners of the Town of Bellefonte, an appropriate majority thereof concurring after careful review, that:

1. The Zoning Map of the Town of Bellefonte is hereby further amended by changing the zoning classification of Tax Parcel No. 17-001.00-044 to MX-2, as set forth in Exhibit A attached hereto;

2. Upon adoption of this Ordinance, the Official Zoning Map of the Town of Bellefonte shall be updated to reflect the rezoning of the above-referenced parcel.

AND, BE IT FURTHER ORDAINED by the Commissioners of the Town of Bellefonte that this Ordinance, including the revised Zoning Map attached as Exhibit A hereto, shall take effect upon adoption.

Synopsis: This Ordinance will authorize the rezoning 202 Schoolhouse Lane (Tax Parcel No. 17-001.00-044) from R-1 to MX-2.

PASSED BY THE COMMISSIONERS _____

Name: _____
Title: _____
Commissioner of Bellefonte
New Castle County, Delaware

Name: _____
Title: _____
Commissioner of Bellefonte
New Castle County, Delaware

Exhibit A

TOWN OF BELLEFONTE

New Castle County, Delaware

Zoning Map

Adopted 08/02/2010

Zoning Districts

R-1, 1- & 2-Family



R-2, Multi-Family

RMX-1, Residential Mixed Use 1



MX-2, Mixed Use 2

Additional Data

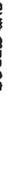
* Town Park Split-Zoned Parcels

Base Map Data

Parcel Boundaries



Town Boundary



Streets and Roads



FOR REFERENCE ONLY
CONSULT OFFICIAL ZONING MAP
AT BELLEFONTE TOWN HALL

Sources: Municipal Boundary - Office of State Planning Commission, 08/15/2010.
County Boundary - Delaware State Planning Commission, 08/15/2010.
Streets & Roads - Delaware Department of Transportation Centerline File, January 2010.

NOTE: This map is provided by the Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No warranty is made by IPA for the accuracy of the information shown on this map. Any use of this document for purposes other than for which it was intended.



UNIVERSITY OF DELAWARE
www.ipa.uod.edu
Institute for Public Administration



* Proposed Rezoning from R-1 to MX-2

Exhibit D

Sponsor: _____
Planning Review Commission: _____
Public Notice: _____
Public Hearing: _____

ORDINANCE 2014-_____

**ORDINANCE TO AMEND THE TOWN OF BELLEFONTE
(2008) COMPREHENSIVE PLAN: FUTURE LAND USE MAP**

WHEREAS, the owner of 202 Schoolhouse Lane (Tax Parcel No. 17-001.00-044) proposes to rezone the property from its present classification of R-1 (Residential 1 and 2 Family District) to MX-2 (Mixed Use 2 District) as part of a larger plan to combine Tax Parcel 17-001.00-044 with adjacent Tax Parcel 17-001.00-045 for purposes of, among other things, adding additional off-street parking spaces and facilitating a small addition to the existing building on Tax Parcel 17-001.00-045; and

WHEREAS, the owner of 202 Schoolhouse Lane (Tax Parcel No. 17-001.00-044) has also, pursuant to 22 Del. C. §702(e), requested that the Bellefonte Comprehensive Plan (2008) be amended by revising the Town of Bellefonte: Future Land Use Map to reflect the change in classification from R-1 (Single Family Residential) to MX-2 (Mixed Use) (the "Comprehensive Plan Amendment"); and

WHEREAS, the proposed amendment to the Future Land Use Map of the Town's Comprehensive Plan is attached hereto as Exhibit A; and

WHEREAS, the Planning Commission of the Town of Bellefonte, at a public hearing, took testimony on this application and has since provided its recommendation to the Commissioners of the Town of Bellefonte on the application; and

WHEREAS, the proposed Comprehensive Plan Amendment has been reviewed by PLUS and the State of Delaware has provided its comments which have been considered by the Planning Commission in its recommendations; and

WHEREAS, Section 10 of the Land Use Code of the Town of Bellefonte provides that the Commissioners of the Town of Bellefonte, following a public hearing, may amend the Land Use Code if it finds that the Review Criteria in §10-02.C(3) have been satisfied; and

WHEREAS, the Commissioners of the Town of Bellefonte, in consideration of the application materials, the Recommendation of the Planning Commission and the testimony before it, following a public hearing, deem that the proposed Comprehensive Plan Amendment is appropriate; and

WHEREAS, the Commissioners of the Town of Bellefonte expressly find that the Comprehensive Plan Amendment benefits the health, safety and welfare of the Town, provides for adequate light and air, will not contribute to the overcrowding of land, will not adversely impact public facilities or other public requirements, and finds that the character of the area will not be impacted by the Comprehensive Plan Amendment.

NOW THEREFORE, in accordance with all laws and procedures, BE IT ORDAINED by the Commissioners of the Town of Bellefonte, an appropriate majority thereof concurring after careful review, that:

1. The Bellefonte Comprehensive Plan (2008), as amended, is hereby further amended to reflect the revision to the Town of Bellefonte: Future Land Use Map changing the land use classification of a single parcel designated on Exhibit A from R-1 (Single Family Residential) to MX-2 (Mixed Use).
2. This Comprehensive Plan Amendment shall supersede any inconsistent statements contained within the Bellefonte Comprehensive Plan (2008).

Synopsis: This Ordinance will amend the Bellefonte Comprehensive Plan (2008) by revising the Town of Bellefonte: Future Land Use Map to reflect a recent change in classification from R-1 (Single Family Residential) to MX-2 (Mixed Use).

AND, BE IT FURTHER ORDAINED by the Commissioners of the Town of Bellefonte that this Ordinance, including the revised Future Land Use Map attached hereto as Exhibit A, shall take effect upon adoption.

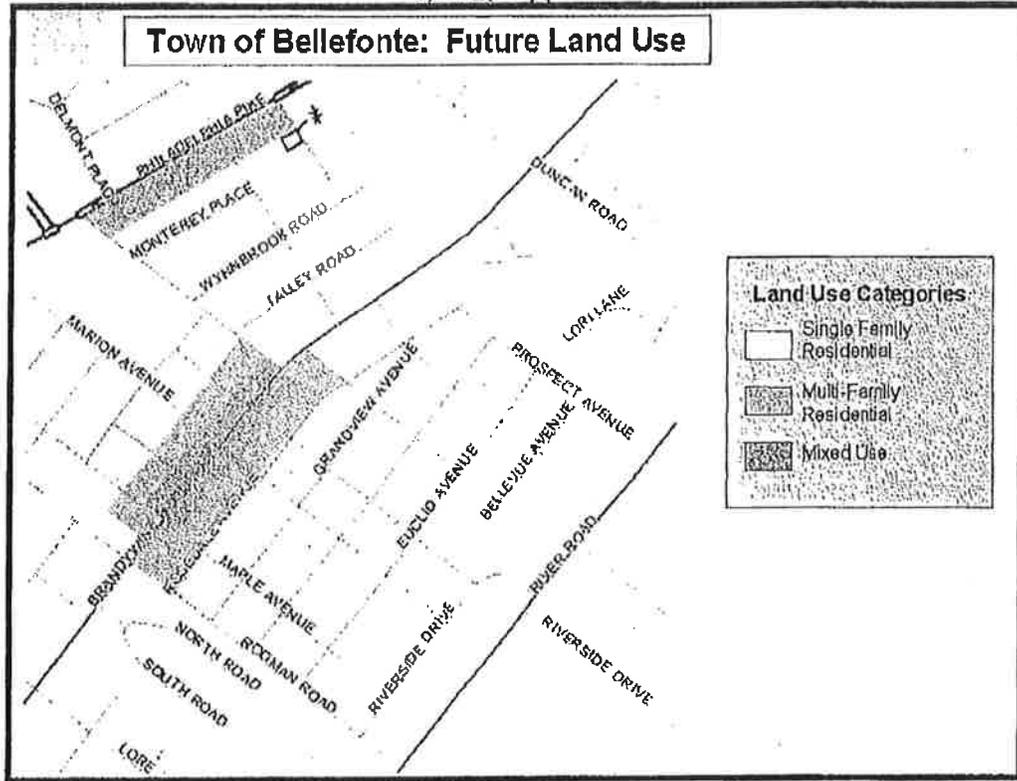
PASSED BY THE COMMISSIONERS _____

Name: _____
Title: _____
Commissioner of Bellefonte
New Castle County, Delaware

Name: _____
Title: _____
Commissioner of Bellefonte
New Castle County, Delaware

Map 13: Bellefonte Future Land Use

Exhibit A



* Amendment to Town of Bellefonte Comprehensive Plan (2008)
from Single Family Residential to Mixed Use