

Board of Adjustment Public Hearing



A New Castle City Board of Adjustment Hearing took place on December 6, 2005 at 7:30 p.m. in the City of New Castle's Town Hall.

Present: Mayor John F. Klingmeyer
David Athey, City Engineer
Gerard Kavanaugh, City Solicitor
Jeff Bergstrom, Building Official
Don Lisky, Morris, Nichols, Arsht and Tunnel
Dave Jones, Founder of Pencader Business & Finance Charter School, Applicant

Mayor Klingmeyer called the meeting to order at 7:30 p.m. by Mayor Klingmeyer. Roll call was taken. Mayor Klingmeyer read the Notice of Public Hearing that states, "An application has been filed by 4048 Associates LLC, 4048 New Castle Avenue, New Castle, Delaware 19720 for a variance to permit the operation of a high school to be named Pencader Business and Finance Charter High School on property they own at 170 Lukens Drive in Riveredge Business Park, New Castle, Delaware.

Under the terms of the City of New Castle zoning code, a school is not permitted as a matter of right in an IOP zone. However, pursuant to Section 230-24B of the zoning code, a commercial use which is not otherwise permitted as a matter of right under the IOP zoning classification, is permitted provided a special exception is granted by the City of New Castle Board of Adjustment.

For the purpose of considering this application, the Board of Adjustment will hold a public hearing on Tuesday, December 6th, 2005, at 7 p.m. in Old Town Hall, 2nd Floor, located at 2nd and Delaware Street, New Castle, Delaware."

Messrs. Lisky and Jones came forward to make their presentation. Mr. Lisky informed he appears on behalf of 4048 Associates LLC, which is part of the Greggo & Ferrera family of companies and owns an existing office building at 170 Lukens Drive in the Riveredge Business Park. The property is zoned industrial office park. The existing office Building consists of a two-story structure containing approximately 43,000 square feet of office space. Two previous tenants have vacated the building. The building has been empty for two plus years. The Pencader Business and Finance Charter High School has expressed an interest in leasing the building. They will be a public high school open to students in New Castle County. This institution was chartered in 2005 by the Delaware Department of Education. It will be Delaware's first high school where the focus is on business, finance and entrepreneurship. The primary goal of the school is to deliver instruction to students that will enable them to be successful in business and the financial services industry immediately following high school graduation as well as those students wishing to continue into post-secondary education in business and finance.

Mr. Jones then presented a brief overview of the project.

Mr. Lisky added that under the terms of the New Castle zoning code a high school is not permitted as a matter of right in an IOP zone, although a daycare center, preschool and nursery school are allowed. Pursuant to Section 230-24(B) of the zoning code, a commercial use which is not otherwise committed as a matter of right

under the IOP is permitted provided this Board grants a special exception. (Mr. Lisky continued with his presentation.) Students will be encouraged to intern with local businesses, many within walking distance. The use of the property for this school will not interfere or create conflict with other neighboring property. Students will arrive at approximately 7:30 a.m. and leave approximately 2:30 p.m. Nearly all students will arrive by bus with a small percentage commuting by automobile. There is ample utility infrastructure to support the school. The school will provide a source of revenue from property taxes and utility services and it will be an educational resource for New Castle. It will provide a source of employment for students who will be encouraged to intern at local facilities.

Mayor Klingmeyer asked if they had been to the Planning Commission. Mr. Lisky informed that it is their understanding that as an existing facility it is not necessary. (Discussion about how the school differs from a liberal education, how the curriculum compares to other high schools, parking and location took place.)

The Mayor asked about the number of students who will be attending. Mr. Jones said the overall plan calls for 800 to be phased in over a period of time.

Mr. Kavanaugh asked if the Department of Education has approved this facility for a high school and Mr. Lisky informed it has been approved.

Mr. Athey expressed concerns about issues or problems with students.

Mr. Jones informed he has visited many of the businesses there and advised them to report any problems to him. Mr. Athey followed with another concern about other businesses and the traffic versus delivery vehicles. Mr. Jones did not feel this would be an issue based on the school's hours.

Mayor Klingmeyer asked how many will be bussed because of the large geographic area.

Mr. Jones said they would designate "hubs" where students would be picked up by busses. They will know by mid-May exactly how many students will be coming from where and where the hubs will be. He will be happy to provide that information.

David Bird asked about the square footage of the project. Mr. Jones confirmed 44,600 square feet. Mr. Bird asked about traffic in the area, specifically 18-wheel traffic. Mr. Jones informed there have been no significant concerns expressed about traffic. Mr. Bird is still concerned with potential traffic and asked about future expansion. Mr. Jones said there is room for expansion and as far as parking spaces are concerned, he has the authority to determine who gets a parking space.

Earl Carpenter asked about expenses for students. Mr. Jones informed there will be a mandatory dress code in place so there will be costs involved for polo shirts.

(Discussion followed about interpretation of 230-57(B)(1)(b).) Mr. Lisky informed they would be making renovations to the interior of the building; nothing exterior that would trigger an independent review process.

Mr. Kavanaugh asked if a review of this application for a special exception is required under the IAP. Mr. Bergstrom informed this applicant does not have to go to the Planning Commission.

Mr. Carpenter asked about athletics, which is an external use. Mr. Jones said they will have sports.

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Mr. Kavanaugh informed the body that all requirements for the application have been met. He asked Mr. Jones when he planned to start school. He informed August 28th.

Mr. Kavanaugh made a motion that the application for special exception be granted. Mr. Athey second the motion with was approved unanimously.

Adjournment

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Debbie Turner
Stenographer