

**Public Hearing: City Council of the Mayor and Council of New Castle**  
**New Castle Senior Center, 400 South Street – Thursday – September 23, 2010 – 6:30 p.m.**

**Present:**

Council President William Barthel  
Councilperson John Gaworski  
Councilperson Teel Petty

**Absent:**

Councilperson Ted Megginson  
Councilperson John Cochran

**Also Present:** Mayor Jack Klingmeyer, City Administrator Cathryn Thomas, City Planner Marian Hull, City Solicitor Roger Akin, Building Official Jeff Bergstrom

President Barthel explained the purpose of the Special Meeting was a Public Hearing related to the proposed ordinance to amend the City of New Castle Zoning Ordinance and Zoning Map.

City Planner Marian Hull went through an overview of the proposed amendments. The general areas subject to a portion of the proposed Zoning amendments, which includes establishment of the new Downtown Gateway District, along with parking and signage regulations are: 7th and South streets; the Ferry Cut-Off. Other amendments include changes in the existing General Commercial (GC) Zoning District regulations and the process for the City's Zoning Amendment Procedure.

The changes proposed for the zoning amendment process include a review procedure and establishes authority to require information to be used. It is modeled after that procedure used in the City of Newark.

The Downtown Gateway (DG) District Zoning proposal implements comprehensive plan recommendations to facilitate redevelopment of the 7th and South Streets and the Ferry Cut-Off areas. The aim is to create an extension of the existing downtown area and encourage development that is pedestrian friendly with a neighborhood feel. The new zoning would allow a mix of uses, including commercial, residential and office space.

The proposal includes design and development standards, a mix of standards found in existing Retail Commercial (RC) and Service Commercial (SC) zones. It is intended to manage scale, orientation and massing of new developments. Auto serving uses are prohibited. The maximum building height is proposed to be 45 feet or three stories, front yard parking is prohibited and maximum setbacks are set.

It also includes design standards requirements. There are parking standards and sign regulations.

The meeting was then open to public comments:

John DiMondi said he had a real problem with putting new zoning into those areas, particularly the existing industrial area.

Officials explained that for most current uses located in that zone, which would not be permitted under the new regulations, they would be classified as "pre-existing, non-conforming." Some uses however, under a segment of the current zoning ordinance, would require a limited number of uses to be phased

out no later than three years after the implementation of the new zoning

A resident said she wished the City would change the code citywide that allows taller structures like the new Deemers apartments.

Concern was expressed about the proposal to not allow car serving businesses in the areas and also about traffic concerns.

Chris Castagno asked how the City gets from where the areas are now to where they are envisioned.

Ms. Hull said the changes would occur over time. There is a phase-out over a three-year period.

Mr. Castagno expressed concerns about such changes.

Solicitor Roger Akin addressed a question about the constitutionality of such changes, which he said is not unconstitutional according to the courts. He said the City Council could consider amendments to soften it.

John Gambacorta asked why automobile and truck services are being targeted. He explained the family business has been there for 75 years. Ideally the property would be redeveloped, which he would love, but given the current economy he is uncertain that will happen in the next three years. He is concerned about the phase-out.

Ms. Hull said the intent is to create a pedestrian friendly environment. It is not the intention to target any business.

President Barthel said this is a proposal, based on the Planning Commission recommendations. He said he personally has a problem with that concept.

Mayor Klingmeyer said this is a chance to upgrade the area. It would benefit the property owners.

Ms. Hull said there are two issues to look at: 1) nonconforming use standards—make sure it's what the City wants to phase out; and 2) how aggressively the City pursues the preferred standards.

A resident urged the Council to adopt a citywide residential lighting code.

Richard Stadt suggested the City look at dual zoning that would allow property owners to elect into. He said he was unable to find anything in the comprehensive plan related to the removal of uses from the GC zone.

Ms. Hull said some uses, such as single family housing, in GC are not appropriate.

President Barthel said the proposal is still a draft and the City Council will consider the comments and the proposal over the upcoming months.

Respectfully submitted,

Michael Dickinson  
New Castle City Clerk