

City Council of the Mayor and Council of New Castle
Public Hearing: Town Hall – 201 Delaware Street – New Castle
Tuesday – November 10, 2009 – 6:30 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson Ted Megginson
Councilperson Teel Petty

Absent:

Councilperson John Gaworski

Also present:

Treasurer Janet Carlin, Administrator Cathryn Thomas; Finance Director Marian Delaney, City Solicitor Roger Akin, City Planner Marian Hull, Police Chief Kevin McDerby

Consideration of a Rezoning Request, as follows:

- the Abex property at 610 W. 7th Street, Tax Parcel No. 21-014.00-132 (16.65 acres), requested to be rezoned from I (Industrial) to GC (General Commercial);
- a parcel across the street from the Abex property at 610 W. 7th Street, Tax Parcel No. 21-017.00-126 (.83 acres), requested to be rezoned from OS&R (Open Space and Recreation) to GC (General Commercial).

Council President Barthel read a letter from Mr. John DiMondi. He wrote, related to the two rezonings being considered, that there was no precedent for changing parcels from open space to a higher density, except where it is for a correction or for a public use. Mr. DiMondi stated if Council does that it will have the designation and notoriety of being the first Council to do so.

Mr. Mark Parker of Landmark Engineering said he represented the interested parties for the property. The property owner is Eric Mayer. The purpose of the rezoning is to provide for the construction of a 53,000 square foot church, parking and condominiums across the street. The Seeds of Greatness Church would occupy 10 acres. The remaining piece would become 256 apartment units. The site would contain a retail component.

On the south side of the property would be wetland relocation. The project would work through the Green Project Reserve and brownfield redevelopment.

Mr. Parker outlined the benefits for the community. It would be better to have a church than a vacant lot. There will be health fairs and a youth center. There will be a retail component that will provide more jobs and increased tax base. The owner also is interested in there being pedestrian walkways. The condominium area will be built for public access. The project also will achieve cleanup of the contaminated site.

Councilperson Petty asked whether Mr. Parker said the wetland portion would be returned to the City and asked who would do the maintenance in the future.

Mr. Parker said that under the Green Project Reserve it has been requested that a portion would be titled to the City. City Building Official Jeff Bergstrom and the Green Project Reserve requested it be deeded back to the City.

Councilperson Megginson asked how many parking spots the project needs per unit.

Mr. Parker said the project is at 408 spaces. Technically you only needed 1.5 spaces per unit.

Councilperson Cochran said he believe it was 2.5 spaces per unit.

Administrator Thomas reiterated Councilperson Petty's point regarding the wetlands area being owned by the City. The ownership of these types of facilities was the subject of discussion at a public information meeting. Administrator Thomas advised the developer keep its thoughts open of whether the developer or the City would own it.

Councilperson Petty asked if the wetlands are self-sustaining, then why do the existing ones need to be replaced? She also asked about plans to have parking under the units.

Mr. Parker said some of the parking spots are planned to be under some of the buildings.

City Planner Marian Hull said the applicant has been working with City staff and the Planning Commission over a number of months. There is pressure to move more quickly than the City might be able to do. They made it clear to the applicant it has to demonstrate the benefits.

The Comprehensive Plan now has a vision of a mixed-use extension of downtown for this area of the City. General Commercial is the only zoning which would allow all the uses proposed, but the question is whether the City wants all that zoning allows for that area.

Council President Barthel asked Ms. Hull if the area of the City has been looked at in its entirety.

Ms. Hull said work has not begun yet but the Planning Commission has requested it. The first step would be a joint meeting with the Council, the Mayor and the Planning Commission to provide some direction. In January, there would be a community visioning workshop and in February have something in place. Within six months, the City would be able to consider changes for adoption.

Council President Barthel said the General Commercial zoning could end up being much different than it currently is, based on the workshops.

Ms. Hull said if the City approved the rezoning before any of those changes, it would be a risk for the City.

Council President Barthel opened the hearing to public comments.

Ms. Kathy McDonough pointed out the site has a capped landfill.

Mr. Parker said the developer will need to ensure it is not disturbed.

Don Reese, of West Seventh Street, said if the wetlands area is decided to the City that means the City is going to incur more expenses to maintain it. He also asked if the apartments are going to be owned by the church and will be exempt from taxes. He also asked where the 100-year flood plain is and how that affects parking under the housing units.

Mr. Parker said the church would not own the apartments and the retail area will not be owned by the church. He said the parking will be above the flood plain.

Mr. Reese asked if they know they will need 512 parking spots for the apartments. He also asked about parking for the retail area.

Mr. Parker said there will be 144 parking spots under the building. He explained the concept under discussion now is shared use parking.

Mr. Reese said there are approximately 22,000 cars a day come down Seventh Street through that intersection and the project would put even more cars there.

Mr. Parker said the developer has offered to do a traffic impact study. The developer would make contributions toward the work in the area. DelDOT is going to make improvements to the area.

Chief McDerby said that 10 years ago when he came to New Castle there was a wonderful WILMAPCO study on what was supposed to be done – five years ago. He does not expect to see it in his lifetime.

Administrator Thomas said when the City talked with DelDOT officials, the officials said they plan to put in preparations for a traffic signal but currently the intersection does not warrant a signal. She did tell the DelDOT officials it is likely that whatever gets developed on this site will likely cause an increase in traffic.

Council President Barthel said the City Council is not planning at tonight's meeting to have a reading of the ordinance on the proposed rezoning. He said the City needs public hearings on the rezoning of the property and what is going to be done generally in that area of the town. He said Council would move as quickly as possible, at a speed which is prudent for the City. He suggested the developer get back in touch with the City Planner and the Planning Commission and work with them as the City hones its plans for that area of the City.

He explained that this isn't an isolated area. It is one area among three in the City identified as key for redevelopment, so the City should take a step back and look at the whole area.

The hearing was adjourned at 7:10 p.m.