

New Castle City Planning Commission Meeting

Minutes

October 27, 2014 -- 6:30 p.m.

City of New Castle's Town Hall

Members Present: David Bird, Chair
David Baldini
Joe DiAngelo
Josephine Moore
Jonathan Justice
Mike Quaranta
Vera Worthy

Members Absent: Daniel Bungy
Florence Smith

Also present: Ryan Mawhinney, Sr. Planner, URS
Debbie Turner, Stenographer

The meeting was called to order at 6:34 p.m.

Minutes – A motion was made and seconded to approve the 9/22/14 minutes. Motion approved.

Site Plan/Landscape Plan/Project Review – West 7th Street Multi-Family Apartment Development on Tax Parcel #21-014.00-398 --

Jeff Stapen, managing partner, Route 9 Holdings, presented. (*Architectural renderings were used for presentation; handouts provided to commissioners.*) He is proposing a 120-unit multi-family housing project in the Downtown Gateway (DG) zoning district. Units will be two bedroom/two bath each. Location is intersection of Washington Street and Route 9. Project consists of 6,000 square feet of amenities and accessory space underneath the units. Amenities will be restricted to tenants only. Each building has parking underneath and along the exterior of the property. They hope to use green roofs for storm water management. All three buildings are similar. An elevator will be in the center of the building. Tom DeAscanis is the project engineer.

Project is in compliance with existing zoning. There will be 182 parking spots for the project (180 required).

Mr. Baldini noted the concept of the DG District is to have mixed use, commercial and residential, with parking and accessibility to the City via pedestrian walkways. Mr. Stapen said that population is needed to fulfill the intent of the DG zoning. Retail, banking, office space and the like will follow as the Code allows. The original project was brought before the Board of Adjustment and tabled based on lack of parking required under the zoning. The original project was scaled down by reducing density from 9,000 square feet to 6,000 square feet and changing the project to multi-family, adding parking spaces, and changing the potential for retail to fit the DG zoning requirements. Parking was the original project's main concern. The applicant has corrected the parking issue by reducing density. Adding 3,000 square feet for mixed use would require 192 parking spots. Mr. Baldini said by not having ten additional parking spots then revenue is impacted on the project.

Mr. Bergstrom clarified that the Planning Commission is being asked to determine if the site plan, landscape plan, and signage are compliant and make a recommendation to City Council. The project as presented is in compliance with the DG zoning code.

Mr. Mawhinney reviewed a letter from URS to the City dated 10/14/14 confirming the plan does meet compliance. He reviewed three issues in a letter from URS dated 9/30/14 to City Council.

- Permitted use (multi-family) -- look to the “intent” statements. He suggested talking with the City Solicitor about how intent statements are applied to a site plan review.
- Create a pedestrian-oriented neighborhood/commercial development providing primarily local goods and services. Encourage human-scale gathering places for the community through building design and orientation, and by encouraging a mix of uses.
- Improve pedestrian environment along streets and parking lots and other pedestrian areas (street trees, lighting, pathways, sidewalks).

Square footage for each apartment will be about 960 square feet. At this time rent is set for \$2,000 per month. Access and egress point for the project will be from Route 9 and meets DelDOT requirements. Mr. Bergstrom confirmed the applicant has met the necessary space requirements in between the buildings for emergency equipment. Discussion about building orientation followed.

Mr. Bergstrom conferred with Debbie Pfeil, URS Planner, on the size of the signage and determined that it is compliant. Mr. Mawhinney noted the outstanding issue of landscaping pertaining to shade trees. The Code calls for shade trees be distributed at one for every five spaces or one tree for five spaces over the entire parking area. Colm DeAscanis of CDA Engineering, Inc. addressed the issue to the satisfaction of the Commissioners.

Ms. Moore inquired about having a play area on the property for children. Any play area would need to be at the rear of the property, and there are no playground plans at this time. The DG zoning code does not require recreational amenities for children.

Mr. Bird is concerned with moving forward with this project citing it sets a precedent by taking a parcel and maximizing residential units while not providing commercial uses. Approving this site plan without comments to City Council about not having commercial as part of the project is dangerous. He believes there will be demand for commercial uses once there are enough residents in the area. Mr. Bird wondered if this body could ask the Board of Adjustment to consider this case in order to facilitate the intent of the DG Zoning Code to use mixed used and perhaps approve an exception in this area to facilitate the intent of the DG Zoning Code.

Mr. Bergstrom is confident the storm water management that includes green roofs and a bio-retention area in the rear will be sufficient. The project received favorable feedback from the PLUS review.

In summary, the project is not in compliance with mixed use, but is compliant as the DG Zoning Code is written. Mr. Baldini reiterated his concern that the intent of the DG zoning is being compromised.

Discussion has revealed inconsistencies with the intent of the DG Zoning District and how it is written.

Mr. Quaranta made a motion to recommend to City Council the approval of the site plan, landscape plan (includes signage) as submitted. Mr. Justice seconded. Roll call vote taken.

Mr. DiAngelo – Yes. It is difficult to comprehend correspondence received from URS. Discussion tonight clarified some of his questions. Commissioners should have more time for presentations. The plan and concept is good for the City.

Mr. Quaranta – Yes. He cited Mr. DiAngelo’s comments.

Mr. Baldini – Yes.

Mr. Justice – Yes, based on the presentation. There does not appear to be any problems with it.

Ms. Moore – No.

Ms. Worthy – Yes, based on the discussion presented.

Mr. Bird – No. It sets a dangerous precedent with the intent of the DG Zoning Code. He appreciates the effort that went into the project and thinks it is a good project. He thinks it will add to the area and may stimulate commercial activity in the area. He hopes the Board of Adjustment would consider the request to grant an exception to the parking in order to facilitate commercial activity. At the same time he realizes the site plan complies with City requirements. The presenters would like to have done more but could not because of the way the DG Zoning Code is written.

Motion approved by a vote of 5 in favor and 2 votes against the recommendation.

Mr. Quaranta made a motion that it is the sense of the Planning Commission that the Board of Adjustment consider the applicants’ request for a parking variance relative to commercial use. Mr. Baldini seconded. Motion approved.

Mr. Quaranta made a motion that the Planning Commission use its resources to direct its URS consultant to draft changes to the Code that clarify the DG Zoning District requirements subject to Planning Commission review and further public comment. Furthermore, the URS consultant return those recommendations to the Planning Commission in advance of its next regularly scheduled meeting, and review the inconsistencies in the existing Code relative to the DG District and receive public input and submit to City Council in order to remedy those inconsistencies. Mr. Bird seconded.

Ms. Moore thinks clarity to the DG Zoning Code is needed and she would like a timeline attached to same. Motion approved.

Chris Castagno commented. He is a City resident and commercial real estate broker with interests in the DG Zoning District. As a former City Council President he was part of the

vision and intent of the DG Zoning Code. He believes in how the “intent” portion was written and agrees that the Code does not align with it. He thanked the Planning Commission for addressing this matter. He said that every parcel in the DG Zoning District is in the flood plain causing problems with raising properties out of the flood plain in order to have commercial establishments. Smaller parcels will be more challenged than larger ones. He cautioned the Planning Commission to consider there are development challenges mostly driven by flood plain regulations. Every parcel will have its own challenges. He asked commissioners to recognize that shared use parking is part of urban expansion that is part of the DG Zoning Code. Making every parcel require its own parking was not the intent of the DG Zoning Code.

Ms. Moore noted her concern with 1.5 parking spaces per unit on this project and that there is not enough parking associated with the project. Mr. Quaranta said that “1.5” is an industry standard and may or may not apply to the City of New Castle. She wants to ensure there is consistency in the process.

Budget Status – Copies of the budget was distributed.

Other Business – Mr. Bird said if more parking is being considered for Third Street that the Parking Sub-committee look on the Battery Park side and perhaps consider diagonal parking versus parallel parking to increase parking spaces.

Over the summer Mr. Justice reported the Parking Sub-committee did a survey of occupied and vacant parking spaces concentrating on commercial streets (Delaware Street and adjacent). Data should be available soon.

January 2015 – Election for a new Chairperson of this group.

Commissioners Comments – Mr. Bird wants to start reviewing neighborhoods with residents in January 2015. He wants to get an update from Ms. Pfeil (surveys, neighborhoods identified) on what has been done to date to prepare for discussions.

The next Planning Commission meeting is 11/17/14. The meeting was adjourned at 7:25 p.m.