

Planning Commission Meeting for New Castle City took place on November 23, 2009 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: David Bird, Chair
Bill Simpson, Co-Chair
Joe DiAngelo
Dan Knox
Dorsey Fiske

Members Absent: Dr. Jack Norsworthy
Vera Worthy
Florence Smith

Staff Present: Marian Hull, URS, City Planner

City Personnel: Jeff Bergstrom, City Building Inspector

City Council: Bill Barthel, City Council President
Ted Megginson, City Council Liaison

Mr. Bird called the meeting to order at 6:40 p.m. Roll call was taken.

Approval of Minutes – Mr. Simpson noted an error in attendance on page 1. **A motion was made and seconded to approve the minutes of the 10/26/09 meeting as amended. The minutes were adopted by unanimous vote.**

Review of URS Proposal for Preparing Code Changes to Implement Comprehensive Plan Changes – Ms. Hull reported there are two (2) tasks that are interrelated. One is a visioning workshop for redevelopment and the other is the zoning updates that would follow from that workshop. She proposed a joint work session between the Planning Commission and City Council and its staff to outline this body's issues and concerns. URS would do research on those issues/concerns and then the public visioning workshop would take place about one month later. At the workshop we would take ideas from the work session and Comprehensive Plan process and test them with members of the community. The rezoning portion would follow thereafter. She said this process will involve looking at all commercial districts in the City and review uses. In the two redevelopment areas we need to determine whether the existing zoning district somewhat works and can be tweaked by adding a zoning overlay of some type of zoning standards to criteria that currently exists or whether we need a new zoning district. In the first year we would be dealing with scope of zoning which includes a mixed-use development code, map changes to reflect potential zoning districts, revisions to commercial districts, and preparation of an environmental protection overlay. There are a number of good models in existence that can be referenced. (*Discussion about the visioning workshop followed.*) Ms. Fiske would like to see zoning in the entire City reviewed. Ms. Hull noted that resources are available for one area the first year (7th Street and Ferry Cut-Off). She stressed keeping things as simple, transparent and easy to administer as possible. Ms. Fiske asked about the possibility of receiving grants or enlisting the help of the University of Delaware (UD). Ms. Hull said she has explored grant monies with the State planning agency and WILMAPCO to see what monies might be available and it isn't feasible over the next 12-18 months; UD may be able to offer some services. Mr. Bird mentioned that we need to keep abreast of the progress of the National Park Service legislation and when it is enacted for opportunities.

In summary, Mr. Bird stated that the Planning Commission is seeking a recommendation to City Council to go forward with this study. He asked Ms. Hull if her firm will be

researching cost comparisons with other cities to projected costs here. Ms. Hull informed that she and Ryan Mawhinney will be working together on this phase of the zoning code. She added that Mr. Mawhinney has experience in writing several traditional neighborhood development style ordinances that we will be looking at to encourage development in New Castle. Based on her experience in other communities she developed a budget that takes into consideration the comprehensive plan and what level of detail is required in the zoning process along with the community workshop. It will consume the Planning Commission's budget for this year. She would like to move quickly on this portion because of the development interest in this area (7th Street) and be consistent with our vision. She gave June as a target for finishing this phase. If this phase is approved at the December meeting, work will begin on immediately. She looks to have the joint work session in January and go forward with the community meeting in February then actual ordinance writing continues from this point. The first draft would be ready in March. It is an ambitious timeline but something she feels can be achieved.

Ms. Fiske made a motion to approve recommendation for approval of this work plan to City Council. Mr. Simpson seconded the motion. The motion was approved by unanimous vote.

Budget Review – Mr. Bird reported that no budget updates have been received. To date our budget has dealt with regular meetings and memberships for Commission members to the American Planning Association (APA). (*Discussion about Delaware APA Meetings followed.*)

City Council -- Mr. Bill Barthel, City Council President, appeared before the Commission to personally address why City Council has determined at this time not to proceed further with the rezoning of the Abex property. (*Motion approved at 10/26/09 Planning Commission Meeting to recommend approval of rezoning proposal to City Council.*) At this time the City and Planning Commission need to take a broader look at what that area can be. The general/commercial zoning most likely will not look as it does at this time after possible code changes. Proceeding before any rezoning could possibly put the City in a situation that could be detrimental to our future direction. City Council looks forward to working with the Planning Commission in a timely fashion to determine what options are available to the City. (*Discussion followed.*)

Mr. Eric Mayer, owner of the property, commented that he developed the plan that was presented to this body with the assistance of Ms. Hull. Ms. Hull reminded Mr. Mayer that she did inform him of the possibility that rezoning would not be approved until after the code change process. Mr. Simpson noted that the problem is not with Mr. Mayer's plan but with the City's zoning. Mr. Bird said the Planning Commission has tried to work within the structure of the zoning ordinance. Mr. Mayer expressed his displeasure at the lack of communication involved in this process. He is willing to work with the City. Mr. DiAngelo informed that he was on City Council when general/commercial zoning was brought into the City. We adopted what New Castle County used without revising it. We now need to eliminate/restrict some of the undesirable things involved with general/commercial or

develop a new zoning classification that is best suited for the City. Mr. Simpson noted that the property owner can do something at this time that is within his rights (industrial/factory/mill/granary) and the City cannot do anything about it. He stressed that this body act quickly to ensure appropriate zoning is secured for the area.

Mr. Barthel clarified Council's position. They feel we (Council and Planning Commission) need to look at everything. We don't know what general/commercial will be after this process, whether it will stand or be changed. Council did note a six-month timeline which was confirmed by Ms. Hull tonight. We need to be prudent going forward.

Mr. Barthel presented a copy of a letter that City Solicitor Roger Akin sent to Mr. James Harker, counsel for Mr. Mayer, concerning Council's position on the rezoning request of the Abex site. *(The letter was read aloud for the record.)*

Mr. Barthel then addressed Ms. Fiske's information about expansion plans of the Family Foundation School. It is her understanding that they will make a presentation at the next Trustees meeting. Her concern is that the City is kept informed of their plans. *(Discussion about impact of potential expansion plans took place.)*

General Discussion

Ms. Fiske inquired about a DeIDOT presentation that was to be given to this body concerning transportation concerns. Mr. Bird will look into this matter and report back.

Mr. Bird informed Commission members about an email concerning a consortium of State personnel and some municipalities that will be meeting soon concerning population projections. He will circulate the information to Commission members.

Mr. Bird noted recent news reports addressing this body's action dealing with rezoning of the property next to the middle school (DiMondi). Facts were not properly addressed in reports, which is unfortunate. *(Discussion followed.)*

Next Meeting – The next meeting is scheduled for 12/28/09 at 6:30 p.m.

Adjournment – **Mr. DiAngelo made a motion to adjourn the meeting. Mr. Simpson seconded the motion which was approved by unanimous vote. The meeting was adjourned at 7:30 p.m.**

Respectfully submitted,

Debbie Turner
Stenographer