

**The New Castle City's Planning Commission Meeting took place on March 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  
Florence Smith  
Joe DiAngelo  
Dorsey Fiske  
Christine Masiello

Members Absent: Dr. Jack Norsworthy  
George Freebery

Staff Present: Marian Hull, URS, City Planner

City Personnel: Mayor John F. Klingmeyer  
Cathie Thomas, City Administrator  
Jeff Bergstrom, Building Inspector

Mr. Bird called the meeting to order at 6:35 p.m. Roll call was taken. It was noted that the Municipal Services Commission Substation has been rescheduled to a special meeting on 4/6/09 at 6:30 p.m. because of noticing requirements. At that meeting we will have an informal presentation by land planners hired by the Gambacorta family on one of the redevelopment areas in the City.

Approval of Minutes – **Mr. Simpson made a motion to accept the 1/26/09 minutes as presented. Mr. DiAngelo seconded the motion. The motion carried by unanimous vote.**

Budget Review – Mr. Simpson inquired whether any accounting of funds had been received regarding the comprehensive plan. Mr. Bird will have that information at the 4/6/09 meeting.

General Discussion – Mr. Bird reported he attended a WILMAPCO Citizens Committee and obtained information concerning the stimulus package and funds identified by WILMAPCO or DeIDOT. One of the items is the initiation of pavement of the rail trail portion. The stimulus plan was looking for shovel-ready projects and this was the main project in our area that the state identified. Ms. Thomas reported that there is very little in the stimulus package that the City is eligible to apply for. The DELDOT's Transportation Improvements Program for the upcoming fiscal years was also discussed. There are some funds for right-of-ways on Washington Street and State Road 9 and Sixth Street in fiscal year 2010. These are not construction funds.

Ms. Thomas informed that the fiscal year is coming to a close and the city council will be preparing the budget process for the coming fiscal year. She suggested the Planning Commission be ready to submit their request soon. Mr. Bird asked committee members to bring items they wish to see included in our budget request to the 4/6/09 special meeting. We may want to include some items for the next step of the comprehensive plan which includes review of the zoning code.

Comprehensive Plan – Marian Hull provided an overview on the status of the comprehensive plan. We have a draft updated comprehensive plan that city council reviewed during its public review meeting on 2/24/09. Between that meeting and this meeting Ms. Thomas and Ms. Hull attended a WILMAPCO Technical Advisory Meeting where they reviewed the document and provided a few comments but no major issues. This week (3/25/09) she will have the final PLUS review with the state. After this week we will put together a memo to city council with the draft plan identifying the comments

that are different from what is in the plan. This allows city council an idea of what we have heard from residents, WILMAPCO, state agencies and those helping us with implementation of the plan. The update that is being finished at this time is an update from the 2003 plan, which was quite complete. Some of the key areas where there were differences included land use, looking at the Seventh and South Street area and possible redevelopment, balancing residents and visitors needs, economic development plan, historic preservation, housing, annexation plan, open space and recreation, infrastructure and transportation plan. A copy of a presentation she has prepared is available by contacting Ms. Hull.

Mr. Bird informed that public comments will be accepted this evening on any portion of the proposed plan update. Comments should be submitted no later than 4/6/09. Comments may also be submitted to [Cthomas@newcastlecity.org](mailto:Cthomas@newcastlecity.org). He further informed that existing land use has been identified in broad areas and a key component is the suggested land use zoning draft, which takes recommendations and puts them into the land use plan. As part of plan implementation, the zoning ordinance would then need to be amended to conform to the comprehensive plan, which is another process. The floor was then opened for comments.

Hunter Fickey, representing Immanuel Episcopal Church -- Within the comprehensive plan documents there are entries (cited examples) that are incorrectly listed as being owned the Trust instead of the church. They requested those and any other references to that property be correctly identified as being owned by Immanuel Episcopal Church and not the Trust. There are also references in the documents concerning desired zoning of the properties and the construction of walking and bicycle paths through the property. (Examples were cited.) At the time the minor subdivision plan for Immanuel Episcopal Church was discussed it was noted that the church wished to sell parcel one containing the Glebe House with restrictions limiting significant further development, retain parcel two that contains the cemetery, and on parcel three the church outlined a plan to explore conservation alternatives. This would enable the church to explore the value of the property. At all the hearings held on the subdivision the church clearly indicated they wanted no change in zoning as part of that subdivision. To date the church has not found an appropriate opportunity for sale on the first parcel and they have not yet defined a partnership in conservation alternatives to enable the church to realize a significant portion that is parcel three. The church is opposed to any change in zoning of the subject properties at this time. To do so would preclude the future value of the property. In addition, the church opposes the construction of walking and/or biking paths on the subject properties until a conservation plan that is acceptable to the church is defined and executed.

*(Brief discussion about legal recourse involved with re-zonings of properties followed.)*

Junie Bixby, The Strand – Questioned the zoning of the Deemer or DiMondi property shown on a map as residential rather than open space, which was the overwhelming feeling of residents at the September 2008 public forum. Ms. Hull clarified that at the last Planning Commission meeting it was decided that privately owned parcels be zoned the lowest possible residential development while keeping economic potential intact and publicly owned parcels be zoned open space recreation. *(Lengthy discussion followed.)* Ms. Fiske cautioned that the city should be very careful when making rezoning decisions. She cited a recent Kent County decision that was upheld by the Supreme Court allowing a developer to build 214 homes on conservation farmland. The PLUS review, DeIDOT,

DNREC, and the school district all recommended against development, but because the Kent County Planning Commission approved rezoning of the property the courts upheld their decision. She emphasized the need to do wetlands studies, environmental studies and the like before placing an item on the agenda.

*Mr. Bird stated that much of the confusion about zoning of properties at this time is because the zoning ordinance was never changed to comply with the former comprehensive plan. We are now updating the comprehensive plan and trying to make a determination what the land use should be and determine zoning.*

John Wik, 2 East Third Street – Suggested recognizing that comprehensive plans will outlive many people. Increase the information in the document under land use recommendation and include the concept of transportation plans and other plans the Commission would like to see addressed before any changes are made to any parcels.

*(Additional discussion between Commission members followed concerning zoning and uses of parcels.)*

The public portion of the meeting was closed.

Adjournment – **It was moved and seconded that the meeting be adjourned.** The meeting was adjourned at 7:50 p.m.

Next Meeting -- Our next meeting is scheduled for 4/8/09 at 6:30 p.m.

Respectfully submitted,

Debbie Turner  
Stenographer