

Planning Commission Meeting for New Castle City took place on July 27, 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
Dan Knox
Vera Worthy

Members Absent: Dr. Jack Norsworthy

Staff Present: Chris Rogers, AICP, URS (representing Marian Hull)

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

Mr. Bird called the meeting to order at 6:40 p.m. Roll call was taken. Mr. Bird recognized Ms. Vera Worthy as our newest member to the Planning Commission.

Approval of Minutes – A motion was made and seconded to approve the 5/18/09 minutes of the Planning Commission Meeting. The motion was approved by unanimous vote.

Storm Hazard/Sea Level Rise Planning Project – Mr. David Carter, Environmental Program Manager for DNREC/Delaware Coastal Programs Cooperative, provided a presentation concerning coastal issues affecting the City of New Castle. His program touched on global tidal changes, the four (4) dikes (Buttonwood, Second Street, Gambacorta Marsh, Army Creek) protecting New Castle, coastal erosion, sea level rise, tides, tide gates, drainage system, storm surge, pumping stations, bridges, and flooding. Using photos and graphs he provided an account of past flooding events and how the rise in sea level affects the City. The average rise of sea level over the last 100 years shows 1.14 feet. He is working on a tide station in New Castle in order to better gauge what is going on here. The nearest station currently is at Reedy's Point. He urged City government officials to take action now. Decisions need to be made for an action plan, costs, strategy and long-ranging planning for future projects (infrastructure, walkways) in the City in order to identify vulnerable spots and decide what the City wants to fix and what not to fix, reduce overall impacts, speed damage recovery if an event occurs, and a timeline for same. He added that emergency response (fire and police) needs to be a part of the City's plan. Going forward he will continue to work with Jeff Bergstrom to determine how best to proceed (meetings, community workshops). Mr. Carter offered staff technical support and some funding for engineering to the City.

Mr. Bird noted that identifying issues and developing strategies will be important to the City with future Comprehensive Plans, zoning and subdivision recommendations. *(Discussion about drainage issues in the City and increased County development contributing to drainage issues followed.)* Mr. Simpson noted that at DeIDOT's recent presentation to this body concerning a project for the City he inquired about drainage issues associated with that project and DeIDOT admitted they had not considered drainage issues when planning for the project. *(Lengthy discussion about where the City goes now followed.)* Mr. Carter reiterated that the Planning Commission, City Council, Mayor and the community will need to be very involved in this process. *(Additional discussion followed.)*

Review, Discussion and Decision on a Recommendation to the City Council to have the Delaware Department of Transportation proceed with engineering work on proposed short- and long-term traffic solutions for the City of New Castle – Deferred until later in meeting; no representative from the Department of Transportation was present.

Further Post-Public Hearing Review of Request for Rezoning of 0 & 901 Delaware Street – Mr. Jeff Williams of Kercher Engineering presented to the Board. A brief history of their project to date was given. A diagram of their plan (R2) was used throughout his presentation. He noted they are planning 36 new homes (duplexes) with a driveway for each home and sidewalks throughout the community for pedestrian access, areas of open space, and a sanitary sewer connection to be made to the 36" interceptor that runs along the railroad tracks at the back of the parcel. He has been in contact with New Castle County Special Services and New Castle City Municipal Services Corporation to review various aspects associated with the project (sewer, water, electric). Other issues he reviewed included storm water and treatment of same, wetlands, flood plain, and entrance into the subdivision (including comments from DeIDOT). The number of homes could go down but will not increase. (*Lengthy discussion about storm water and its treatment followed.*)

Mr. Simpson noted that the Planning Commission had agreed that we would look at an overlay district concept where we take open space and recreational areas and incorporate in with the zoning being requested and he inquired whether anything had occurred since that time. Mr. Williams' response was 'no'. Mr. Simpson expressed disappointment in the lack of action, further noting that the density being proposed is greater than the R1. He feels that discussion should have taken place between Mr. Williams, URS and someone from this body. (*Mr. Rogers did not see any notes in the file pertaining to this issue.*) Mr. Simpson stressed that he is not implying that the proposed plan is a bad plan, rather he was looking for the possibility that the developer could establish a city park on the property in return for putting the road across the property.

Mr. Chris Rogers reviewed the correspondence dated 7/27/09 from URS (Dave Athey) to Mr. Bergstrom. Topics covered included sediment and storm water management regulations, traffic issues (traffic impact study), deceleration/acceleration lanes, sewer, water capacity for proposed subdivision, wetlands, flood plains, historic resources, development effects on wildlife, possible development of an active recreational area on the City parcel, and open space within the proposed development. (*Much discussion about the items contained in the letter took place throughout the review followed by questions from Mr. Rogers to Mr. Williams.*) Wiring will be underground; deed restrictions will be up to the developer. Mr. Simpson touched again on the overlay concept because it would eliminate the need to rezone and could be a model of how we can do things in the City. An ordinance would be involved so City Council would need to be involved. Mr. Williams will speak to his client and try to set up a meeting with Marian Hull to discuss what options are available in the current zoning code with some connection between the open space and density. Mr. Bird added that it would help the Planning Commission in our deliberations because this area was previously zoned open space and there is the recognition of two (2) parcels of private property within this area and we are interested in seeing what can be done with open space and low density. Mr. Simpson stated we are taking an R2 development with a foot print that overlaps open space but the density is

equivalent to R1 for the entire parcel. *(Lengthy discussion about density, signage, and the use and future of the City-owned property adjacent to this project followed.)* The Mayor suggested that the Planning Commission be the lead agency dealing with DelDOT rather than going through the developer.

Proposed Re-development and Discussion of the Abex Site on 700 West 7th Street – Copies of their plan were distributed to Planning Commission members. Mr. Bill Ganc, a realtor representing the Seeds of Greatness Church (prospective buyer) and Mr. Eric Mayer (owner) presented to Commission members. This site was formerly an industrial site. An environmental investigation (Phase One) was performed on the site. The end result is that more investigation is needed. The church has applied to have the portion of the site they wish to purchase submitted as a Brownfield site, that develops sites such as this one. DNREC has accepted the entire site (17.5 acres) into the Brownfield program. *(Mr. Ganc detailed DNREC's Brownfield procedure.)* Messrs. Ganc and Mayer met with Ms. Hull and Mr. Bergstrom concerning rezoning and taking 10 acres and giving to the church which would reduce the tax basis for the City. In doing so they want to make up for the loss with the remaining portion of the parcel (7.5). Per Ms. Hull, we will be requesting zoning of general/commercial with a general exception which will fall under long-term plans in the City's Comprehensive Plan dealing with mixed use in the area. *(This area is part of the redevelopment area that is mixed use.)* The plan shows two (2) buildings; one (1) building will be the church while the other building will be built later. It will house an auditorium, gym, banquet facilities. They plan on keeping some of the current buildings and renovate to office space in the future. The one (1) acre parcel is located across the street and his plan is to request residential. They plan a multi-level (5 stories with parking on the first level) condo that is green friendly for this area. *(Discussion about the existing berm followed.)*

Mr. Bird inquired with Mr. Bergstrom if this area would also be available for the planned unit development portion of the ordinance. Mr. Bergstrom responded that the only real mixed use the City has is in the general/commercial district. He suggested deed restricting to eliminate adult businesses near the church.

Expressing concern with zoning general/commercial, Mr. Bird noted that various special exemptions could be used. *(Discussion about uses in general/commercial zoning followed.)* He continued that there are four (4) other parcels in town coming up after this parcel is handled and this body wants to ensure they are uniform and fair to all parties. Discussion about parking and possible sharing arrangements was raised.

Mr. Simpson asked about drainage on the one (1) acre parcel. Mr. Ganc said that DNREC may require them to cap the entire site, and then something would need to be done with the way the wetlands discharge to allow water to run off. Mr. Simpson said that would be the least desirable option; this Commission would want as much water going into the ground as possible rather than a ditch that runs through a pipe to the river. Mr. Mark Parker of Landmark Engineering said the current approach is to protect the wetlands. These wetlands would be dedicated to the City. Under the Green Reserve Program in coordination with Brownfields their hope is to create a buffer around the wetlands, filter strips and bio swales and additional landscaping to improve soil conditions, improve vegetative stabilization in the area and to work on a flood mitigation plan. The best options will be made available. *(Further details about the entranceways, traffic, and railroad crossing were presented by Mr. Parker followed by lengthy discussion between Commission members and Mr. Parker.)*

Mr. Bird would like Planning Commission members to review what the general/commercial zoning contains and be prepared to go forward at our next meeting. He commended Mr. Ganc for his redevelopment plans. Mayor Klingmeyer inquired what timeline is being considered for this project citing a fair amount of time to study their plans and the process involved with the public's input. *(Additional discussion.)*

Mr. Mayer commented that he has spent a long time cleaning the property and kept the brick buildings because he had a vision for them. Anything done there is going to look nice. Mr. Simpson complimented him on the look of the property.

Review, Discussion and Decision on a Recommendation to the City Council to have the Delaware Department of Transportation proceed with engineering work on proposed short- and long-term traffic solutions for the City of New Castle – Mr. Simpson has reviewed what was presented and thought about it and feels it is a good idea. Traffic will flow the way we need it to flow. It will impact people and that can't be helped. There has to be give and take. *(He cited several examples.)* He emphasized that DeIDOT has the money now and we need to act now. Ms. Fiske expressed concern about having public input and is skeptical about the plan being good for the City. Mayor Klingmeyer added that the Planning Commission needs to push the project.

Improvements include making limited construction funds available and the initial construction plans are to try to deal with traffic congestion now which is in line with our Comprehensive Plan. Mr. Bird is concerned with what controls/input this Commission might have as we move along. This concern does not preclude us from continuing to look at another resolution besides Washington Street. The bulk of this work is engineering work and would be a good time to make design suggestions. *(Discussion.)* Our recommendation would permit DeIDOT to begin engineering work only. There will be public hearings regarding this project.

Mr. Simpson made a motion to recommend to City Council to have the Department of Transportation proceed with the engineering work on the proposal presented this evening and also consider alternate plans as presented by the Planning Commission that make the plan more in line with our proposed Comprehensive Plan. *(Clarification: this motion would not hold up funding and allow the applicant to proceed.)* Ms. Fiske seconded the motion. A roll call vote was called.

Ms. Fiske – voted in favor of the recommendation stating that it would be worthwhile for the town.

Mr. Knox – voted against the recommendation citing his concerns with traffic flow being addressed on certain streets/areas of the City at the expense of other streets/areas in the City.

Mr. DiAngelo – feels the plan has many good points but questioned the process of the public hearing process.

Mr. Simpson recommended suspending the vote and reopening discussion on this matter.

Mr. Simpson clarified that the motion is to allow the Department of Transportation to proceed with engineering work, which is a lengthy process. Public hearings are part of this process. The Planning Commission will have the opportunity to provide input during this process. Other concerns, such as traffic, that this body has discussed at length would continue to be addressed. *(Discussion followed among Planning Commission members.)*

Mr. Knox – (after hearing more discussion) changed his vote and voted in favor of the

recommendation to go forward with the engineering process. He is comfortable knowing there will be public hearings and additional presentations and no construction is taking place at this time.

Mr. DiAngelo – voted in favor of the recommendation to proceed with the engineering process.

Ms. Worthy – voted in favor of the recommendation stating that the project in its entirety has not been given approval and looks forward to having additional input as the process proceeds.

Ms. Smith – voted in favor of the recommendation also citing hearing more information about traffic issues.

Mr. Simpson – voted in favor of the recommendation stating there are good parts of the plan and not so good parts of the plan. We will have the opportunity to provide input to DeIDOT as residents of the City. We are a 17th century town handling 21st century traffic.

Mr. Bird – voted in favor of the recommendation for the reasons stated and adding that it is in conformance with our Comprehensive Plan and we will have adequate input to provide our ideas and recommendations to DeIDOT.

The motion was approved by a unanimous vote.

Next Meeting -- Our next meeting is scheduled for 8/24/09 at 6:30 p.m.

Adjournment – **It was moved and seconded that the meeting be adjourned.** The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Debbie Turner
Stenographer