

**The New Castle City's Planning Commission Meeting took place on
July 28, 2008 at 6:30 p.m. in the City of New Castle's Town Hall.**

Members Present: David Bird
Joe DiAngelo
Bill Simpson
Dorsey Fiske
Christine Masiello

Members Absent: Dr. Jack Norsworthy, Chair
George Freebery

Staff Present: Marian Hull, URS, City Planner

City Personnel: Jeff Bergstrom, Building Inspector

City Council: Jan Churchill, Councilperson

Mr. Bird called the meeting to order at 6:40 p.m. and will conduct the meeting this evening. (*Dr. Norsworthy will not be in attendance this evening.*) Roll call was taken.

Approval of Minutes – Mr. Bird said he got the sense that the Planning Commission would be hesitant to approve any change in zoning until the comprehensive plan process was completed. They will listen to requests but would hold off any zoning changes until this process is completed. Other Commission members recalled this wording as well. The minutes will be amended by adding this text (p. 2, 'Rezoning of Hermitage'). **It was moved and seconded that the minutes of the 6/23/08 meeting be approved as amended. The motion was approved by unanimous vote.**

Budget Review – No information on this subject in Dr. Norsworthy's absence. Councilperson Churchill informed the budget review process has been completed. A formal report will be provided at our next meeting.

Immanuel Episcopal Church Glebe Lane Subdivision – Mr. Carmen Casper, surveyor who prepared the subdivision plan for the church property addressed the Commission. The subdivision plan was submitted to the consultant who had questions and they have addressed same. They appear tonight with the subdivision plan as amended. The purpose is to divide the existing tax parcel into three parcels (one for the cemetery, one for the land and one for the remaining lands). Using the diagram he described the plan for Commission members. Ms. Hull informed that she and Mr. Dave Athey, City Engineer, have reviewed the plan. Everything has been addressed. Our review of the overall subdivision plan at last month's meeting appeared to comply with zoning. The floor was opened for comment. (*Types of zoning for the parcels and the type of building for that zoning were discussed.*) Mr. Hunter Ficke, Property Use Committee, Immanuel Episcopal Church, informed their intention is to have the property subdivided into three parcels. The parcel with the house on it on the other side of Glebe Lane

would be sold with deed restrictions prohibiting sub-dividing. The cemetery boundary has been expanded to give it a buffer zone of marsh and woods. They are exploring selling a conservation easement to preserve in perpetuity the remaining parcel of land. They are not asking for any change in zoning because if they are not successful in this venture it would compromise the value of the property in the future for church members.

A motion was made and seconded to approve the subdivision as presented in the plans. Each Commission member offered their vote and rationale for same. The motion was approved by unanimous vote.

Rezoning of 21-010.00-017 (0 Delaware Street) in the Vicinity of the Heritage Property – William Rhodunda of Wolf Block LLP and Jeff Williams of Kercher Engineering provided additional information to Commission members. *(Discussion about potential traffic studies followed.)* Concerning traffic, there will not be a traffic impact study required by DeDOT but there will be traffic analysis of the intersection. Their plan calls for a single entrance for the subdivision, school property and adjoining properties. They do not plan on using Trust property for the entrance. Mr. Williams used a diagram to review the plan with Commission members and addressed their concerns. Based on how the deeds read, the City Solicitor has confirmed that this property is to be deeded as parkland with the exception that roads can be constructed for the expansion of the City. *(Discussion about access followed.)* Layout as originally presented has not changed. There are environmental issues to be addressed. There is a sewer line that runs along the railroad tracks that New Castle County Special Services has said they could tie into. Zoning of the parcels was then discussed. *(R3 is consistent with the City's current Comprehensive Plan.)* Ms. Hull informed that the 1993 Comprehensive Plan recommends the majority of these two parcels be used for mixed use. Technically R3 is mixed use. Ms. Hull does not necessarily agree with mixed use because it is behind a school and near a possible future park. *(Lengthy discussion about mixed use and commercial use followed.)*

Mr. William DiMondi (one of the owners of one of the parcels) read an excerpt from the deed of that property addressing commercial usage.

All deeds have been presented to the City Solicitor for review.

The process they are looking at currently is whether the City will consider R3 zoning to build the additional residential units. The number of units to be built will be determined after environmental studies (flood plain/wetland) are done. Those studies will not be done until zoning is changed to R3 (normal practice). They are seeking the Planning Commission's approval to recommend the plan to City Council. That plan and access approval across the property will be up to City Council to determine.

Concern was raised about the location of the railroad tracks and residential units. According to Mr. Williams there is 50 feet between the rear of the homes and the tracks. They are also open to putting in some type of buffer.

Lengthy discussion followed about zoning, density, updating the Comprehensive Plan to ensure proper zoning is considered, and public input.

Mr. Rhodunda requested the Commission consider their application this evening citing the existing Comprehensive Plan, down zoning type of use (foregoing commercial development), site planning, entranceway and density (which is financially driven).

(Discussion surrounding R3 zoning versus R2 zoning and deed restrictions followed.)

Mr. Bergstrom advised that if the Mayor and Council accept rezoning the property a public hearing will be necessary and the project will be subject to PLUS requirements. The process can't start until the Planning Commission makes a recommendation.

Public comments included infrastructure, increased population associated with economic development, zoning and the Comprehensive Plan. *(Discussion followed.)*

A motion was made to recommend approval for this property to R3 zoning. The motion was seconded. Mr. Simpson amended the motion to recommend to Council that they consider restricting in some way the development of the property for purely residential. The amendment was seconded.

Amendment reads as follows -- Recommend approval for the property to be zoned R3 with the restriction by Council that it be purely residential.

(Mr. Williams clarified that there are two parcels involved, not one property.)

The motion was amended (taking into account there are two parcels) and accepted.

Amended motion reads as follows -- Recommend those properties be rezoned from their existing zoning to R3 with the qualification that it be restricted to residential use.

Commission members cast their vote and provided rationale for same.

Voting in favor: Christine Masiello, Bill Simpson, Joe DiAngelo

Voting against: Dorsey Fiske, David Bird

The motion was approved by a vote of 3-2 and will be forwarded to the Mayor and City Council.

(Two minute intermission.)

Comprehensive Plan Update – Using an aerial photo of the city showing current zoning, Marian Hull discussed with Commission members topics such as development areas, annexation areas, sidewalks and areas that need rezoning. They discussed some of the items to be addressed with the public at the 9/16/08 gathering. Also, she wanted to review the existing comprehensive plan recommendation to change zoning on vacant parcels in the City that are not zoned consistently with the current Comprehensive Plan. Changes were recommended in the previous Comprehensive Plan, but have not been implemented to date.

General Discussion

None.

Adjournment – **It was moved and seconded that the meeting be adjourned.**

The meeting was adjourned at 9:20 p.m.

Next Meeting -- Our next meeting is scheduled for 8/25/08.

Respectfully submitted,

Debbie Turner
Stenographer