

The New Castle City's Planning Commission Meeting took place on August 25, 2008 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: Dr. Jack Norsworthy, Chair
David Bird
Joe DiAngelo
Bernard Pinkett
Dorsey Fiske
George Freebery
Christine Masiello

Member Absent: Bill Simpson

Staff Present: Marian Hull, URS, City Planner

City Personnel: Jeff Bergstrom, Building Inspector

City Council: Jan Churchill, Councilperson

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

Approval of Minutes – Two minor changes (spelling & clarification) were noted. **It was moved and seconded that the minutes of the 7/28/08 meeting be approved as amended. The motion was approved by unanimous vote.**

Discussion to Consider a Request for Rezoning Two Parcels from Open Space and Recreation (OS&R) to R-3 Residential: 901 Delaware Street, Parcel No. 21-010.00-016 and 0 Delaware Street, Parcel No. 21-010.00-017 – Dr. Norsworthy reported there were some concerns from the City Solicitor concerning the recommendation to change R3 zoning but to restrict commercial access that was made at the last meeting. That recommendation cannot be legally done which is why it appears on the agenda this evening. William Rhodunda of Wolf Block LLP appeared on behalf of the applicants. They believe that legally a recommendation can be made to City Council that there not be any commercial usage on the property, but his clients (DiMondi owners & equitable owner of the Deemer property) fully intend to deed restrict the properties to prohibit commercial development.

Dr. Norsworthy expressed his concern that in the June meeting it was recommended to put this off until after the Comprehensive Plan update is finished. He also understands the clients' wishes to move forward with the process. He is also concerned with the number of homes, quality of homes being planned for that location and traffic impact.

A public hearing will be conducted Wednesday, 8/27/08, to further address some of City Council's concerns and further explain details. The maximum number of lots on the two properties is 51 units, but there are environmentally sensitive areas that may require the number of units to decrease (possibly a maximum of 46 units). Because of the expense of engineering plans, they are working on rezoning at this time.

A traffic impact study will not be required because traffic counts generated by subdivisions of this size are not a concern for DeIDOT. DeIDOT is more concerned about access for the various properties. *(Discussion followed.)*

Mr. Bird commented that this area may be a topic of discussion at the 9/16/08 community input meeting for the Comprehensive Plan. This Commission will take into consideration the community's input and advice of its planning consultant in making its recommendation to City Council. He feels the Planning Commission should work with the owners of the property to determine the best use of the property. Mayor Klingmeyer encouraged the Planning Commission to take a more active role in developing plans by working with all pertinent parties.

Mr. Rhodunda said they feel they have a good concept and welcome working with City Council and the Planning Commission to move forward with this project. They will address all concerns expressed about this project.

A question and answer session followed about a homeowners' association, railroad track buffer/barrier, entrance ways, type of population in development, design of homes, deed restrictions and zoning.

Dr. Norsworthy has spoken to the City Solicitor who advised that this Commission is required to give a timely decision. The definition of 'timely' is not specific. It is relative to each individual property. *(Further discussion about traffic followed.)*

Ms. Hull informed that this project is in its infancy. They have provided a basic design and a lot more design needs to take place once they know what they can or cannot build on the site. The applicant needs to come back for a subdivision review and that is the time the Planning Commission can work with the applicant about design and development potential.

No other action is being taken by the Planning Commission at this time.

Discussion to Consolidate Several Parcels (14) and Part of One Parcel Into One Parcel 21-002.00-061. Proposed Lot 32 will have an area of 20.85+ acres Lukens Drive – Mr. Donald Isken presented on behalf of Parkway Gravel, property owner. Parkway Gravel is an affiliate of the Greggo & Ferrara Companies. This property consists of 14 small, industrial-zoned parcels in the Riveredge Business Park. They would like to consolidate these parcels into one parcel measuring about 21 acres. The intention is to allow construction of a 150,000 square foot building that will become the new home of TA Instruments, which is an existing tenant in the Riveredge Business Park and has decided to remain in New Castle rather than relocate. He referenced a letter dated 8/21/08 from URS addressed to the City Administrator raising comments/questions regarding this project. *(Copies distributed to Commission members.)* Mark Ziegler of McBride and Ziegler is the project engineer. Mr. Ziegler spoke on stormwater management, landscaping and grading issues. *(Discussion followed.)* Mr. Isken addressed the elimination of North Mews Drive and North Court, both paper streets. Those proposed streets are no longer needed since the plan is being reconfigured. Precedent has been set in the City and within this business park (examples were cited). Mr. Ziegler followed by addressing additional concerns about sanitary sewers and 100 extra parking spaces. The user has requested the additional parking spaces because

their parking needs are higher than the zoning code requires. Entrance configuration into the project was explained. Mr. DiAngelo asked if there will be any entrance into the development from Lukens Drive. Mr. Ziegler confirmed there will be an entrance. Scale of the plan, subdivision of Lot 32, and monuments were then addressed. There will not be any access to the residential neighborhood. Ms. Hull asked that Commission members give the City Engineer time to review the conceptual plans; however, URS' comments have been fully addressed. She added that the City Solicitor may wish to address the paper street issue.

Mr. Bird made a motion to approve consolidation of the lots as presented by the applicant with the proviso that the City Engineer reviews the updated plans and if the city has any concern about the vacating of the property they would express same. Commission members then voted and provided their rationale.

Mr. DiAngelo voted in favor of the motion stating that development of the property will enhance the City and is in accordance with the zoning code. Mr. Pinkett voted in favor stating that he is familiar with the area and the information presented is accurate. Ms. Fiske voted in favor citing all areas have been addressed as presented by the City Planner with the proviso that the City Engineer review plans. Mr. Bird voted in favor of consolidating the smaller lots into a larger lot and development on a larger basis. Ms. Masiello voted in favor and believes the request is in accordance with our current plan. Mr. Freebery voted in favor of approving the motion. Dr. Norsworthy voted in favor of the plan stating it will be good for the City.

The motion was approved by unanimous vote to recommend to City Council approval of The Mews of Riveredge Park Subdivision Plan pending feedback from the City Engineer and City Solicitor.

Rezoning of a Portion of Parcel 21-014.00.396, 300 W. 7th Street, from Industrial to R-3 Residential – Mr. Carmen Casper, representing John DiMondi, presented their plan using a copy of the plan. The owner intends to use the property (.64 acres) for town homes and is restricted to no more than 10 homes because of lot width. (*Discussion between Mr. Casper and Commission members followed.*) Ms. Hull commented that the plan as presented to them as a minor subdivision plan does not meet requirements for a minor subdivision; therefore, the rest of her comments address only the zoning question. In terms of consistency with the Comprehensive Plan, the 2003 Comprehensive Plan does not discuss any kind of zoning changes for this area at all meaning that if we changed the zoning for this parcel the Comprehensive Plan needs to be changed as well. The 2003 Comprehensive Plan does recommend rezoning the area just west of this parcel on Route 141 (Washington Street). A portion of this parcel is in the 7th and South Street redevelopment area that we spoke about at last month's meeting. In the 2008 Comprehensive Plan we are looking at economic use, tax base, social needs and so on which is still being reviewed. She also advised the group about 'spot' zoning which is an area that is not consistent with what is going on

around it. This needs to be considered going forward. (*Discussion followed.*)

Dr. Norsworthy feels the City doesn't want industrial in this area nor would it benefit from having industrial there. He added that there is no reason why we should hold up the process for updating the Comprehensive Plan. Ms. Hull advised that it would be safest to amend the current Comprehensive Plan if you approve a zoning change, even if it is only for a few months.

Mr. Bird made a motion to recommend to City Council that the current Comprehensive Plan be amended for this area to change from Industrial to R3 and to also recommend change of zoning for the area to R3 as transition to the updated Comprehensive Plan. The motion was seconded.

Mr. DiAngelo voted in favor of recommending changing zoning from Industrial to R3; it is in the best interest of the City and its future direction. Mr. Pinkett voted in favor because it is the right direction for the City. Ms. Fiske voted in favor because the area is going to be upgraded. Mr. Bird voted in favor because we are amending the Comprehensive Plan which he feels needs to be amended before we can change zoning and this is one of the target areas we are looking at. Ms. Masiello voted in favor citing working together with residents to make sure something nice is done in the area. Mr. Freebery voted in favor as well. Dr. Norsworthy voted in favor saying that it is the right direction.

The motion was passed by unanimous vote.

Budget Review – Dr. Norsworthy spoke about costs involved with the public hearing scheduled for Tuesday, 9/16/08, 7 p.m. to 9 p.m. for the 2008 Comprehensive Plan. Group discussion about cost effectiveness followed. Ms. Hull informed that adequate materials and tools are necessary to provide a quality presentation and obtain public input. Ms. Hull enlisted the Commission's assistance in setting up the meeting area. There will be easels around the room displaying the different issues to be discussed at the hearing. Dr. Norsworthy encouraged all Commission members to be present at this hearing. (*Information to be mailed to every household in New Castle was distributed to Commission members.*) Means of notification includes an article and ad to be published in the local paper, flyers and a phone blast. A representative of the Oxygen group in New Castle offered to assist in getting notices distributed. Ms. Hull also requested the Commission's assistance to ensure that notice of this hearing is adequate. It was suggested that light refreshments be provided and to consider requesting that the City provide funding for same.

General Discussion

Mr. DiAngelo nominated David Bird to be Co-Chair of the Planning Commission replacing Jim Steele, who resigned his seat recently. Mr. Bird was receptive to the nomination. The nomination was seconded and approved by unanimous vote.

Ms. Hull distributed plans for Deemers Landing to Commission members.

National Park Service (NPS) officials and staff of Senator Tom Carper's office is conducting a meeting on Wednesday, 8/27/08, beginning at 10 a.m. to hear input from the community about the possibility of establishing a base of operation for the NPS in Old New Castle.

Mr. Bird has submitted his membership to APA and requested reimbursement. All members of the Planning Commission were encouraged to look into membership.

Mr. Bird distributed an article supporting the concept of using roundabouts.

Ms. Fiske passed out an article about development in a CA town and made a comparison to New Castle. Ms. Hull cautioned against this as the town in CA is located in an open area and comparing the two may not be appropriate.

Mr. DiAngelo commented that the 'reminder' email/phone calls for tonight's meeting was a good idea and helps to ensure that a quorum is in place to conduct business.

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

Next Meeting -- Our next meeting is scheduled for 9/22/08.

Respectfully submitted,

Debbie Turner
Stenographer