

Planning Commission Meeting for New Castle City took place on September 28, 2009 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: Bill Simpson, Co-Chair
Joe DiAngelo
Florence Smith
Dan Knox
Vera Worthy

Members Absent: David Bird, Chair
Dorsey Fiske
Dr. Jack Norsworthy

Staff Present: Marian Hull, URS, City Planner

City Personnel: Jeff Bergstrom, City Building Inspector

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

Approval of Minutes – **A motion was made by Mr. Knox to approve the minutes of the 8/24/09 meeting; Mr. DiAngelo seconded the motion. The minutes were adopted by unanimous vote.** Mr. Simpson noted that the issue concerning an amendment to the 7/27/09 meeting minutes has been resolved and it was determined the minutes were an accurate reflection of what took place. Therefore, no amendment is necessary.

Proposed Re-Zoning of the Abex Site on 700 West 7th Street & 610 W. 7th Street (2101700127 & 2101400132) from Industrial to General Commercial and to Rezone 0 W. 7th Street (2101700126) from Open Space & Recreation to General Commercial – Mr. Mark Parker of Landmark Engineering presented an update of their proposal on behalf of the Seeds of Greatness Church and the Abex site. They have submitted an official rezoning application letter (Ms. Hull received a copy of the letter) to City Council for their 10/13/09 meeting for the first reading. They plan to make a formal submission to URS and to the Planning Commission at the end of October. The site is 16.5 acres and is currently zoned Industrial. The proposal is to rezone the site to General Commercial (GC). He used a diagram that showed the uses that are allowable within the GC zoning district. They are proposing a 53,000 square foot church facility, 256 apartment units, approximately 10,500 square feet of retail, and a 30 condo complex on the east side of West 7th Street on a 23 acre parcel. The rezoning application includes a special exception for the density of this parcel. The condominium units are just over 17,000 square foot footprints; with associated parking it is a 20,000 square foot footprint. Parking for the apartments and retail combined are independently parked at this time; parking lots are contiguous. They have met with Ms. Hull to discuss their plan as requested by this body. The plan meets all GC zoning requirements concerning setbacks, bulk area restrictions and access points. Mr. Parker distributed a photograph of the site in its current condition to Commission members. The apartments and retail will be of the same architectural design (blocks, glass) as that used on the church.

They are working with the Green Project Reserve which is working in coordination with the City Inspection Department. The project is set up through DNREC and the EPA to provide for wetland rehabilitation. The southern portion of the parcel has low-quality wetlands and there are flooding issues at Washington Park. This project is designed to mitigate these issues. *(Mr. Parker described the project further.)*

Mr. Parker informed that testing has begun on the site as part of their participation with the Brownfield Redevelopment Agreement. This testing will provide information of any contamination issues associated with the site being a former industrial site.

Mr. Doug Seavey, PE, of JCM Environmental presented some of the test findings to the group. They have taken approximately 80 samples around the site and there are high levels of metals in all samples that are above the human or environmental risk levels established by DNREC. The State of Delaware through the Brownfield Redevelopment Program encourages the cleaning up of sites such as this. Because the church is a non-profit they are eligible for up to \$1m in Brownfield Redevelopment for clean up and they have been accepted into the program.

Mr. Parker informed that this land will be deeded over to the City by the church upon the completion of the rezoning process. This is part of the agreement with the Green Project Reserve.

Mr. Parker then detailed site basics such as utilities (electric, water). He spoke with DeIDOT and they requested a shared entrance accessing all areas of West 7th Street, the eastern portion of the condo units will be aligned across the street, and the access will be a right south, left south entrance. In lieu of a traffic impact study DeIDOT suggested an area wide trip study for the church and mixed-used complex. At this time they have elected to keep additional traffic entering and exiting off the main entrance, but if they choose to tie into Clark Street there may be improvements there. There is a right-to-access on Clark Street at this time. There is potential for the Washington Avenue railroad crossing to be upgraded and DeIDOT will advise at the appropriate time.

Mr. Parker touched on benefits to the community. This project will be a good cornerstone for the area. It will provide new employment in the retail sector and apartment units, the church will have a community gym and youth center. The developer of the retail area is committed to building a river walk.

Mr. Bill Ganc of White Reality provided a report on tax revenues to the City. The church is exempt but when comparing other projects in the City they believe tax revenue should increase from \$3,600 to \$23,000 just for the piece of land with the apartments (5 acres). This does not include retail or condos. This also does not include electric, sewer and water charges.

Mr. Simpson suggested the developer make sure parking spaces are the correct size as this issue has presented problems with other projects.

A neighboring resident asked a number of questions about the project. The height of the apartment complex is four stories which is within the City's guidelines. The church building will be 20-22 feet in height. The apartment complex will follow the same look and feel as the Deemer apartment complex. All structures will be built at one time. An example of retail businesses would include small restaurants, boutiques, convenience store, deli, dry cleaner, office space. The resident expressed concern with run-off on her property resulting from this project. She was informed that drainage now points east towards the river and their plans call for using existing drainage to avoid disturbing other properties. He added that part of the Green Project Reserve will provide flood mitigation for the Washington Park community. Mr. Bergstrom added that as long as the drainage is open it will be better than existing conditions.

Mr. Simpson noted that the Comprehensive Plan envisioned a combination of community, light commercial and residential in this area. We likely will need to make some changes to the definition of General Commercial or attach special exceptions, but he believes this area is a good fit for this project.

Further Post-Public Hearing Review of Request for Rezoning of 0 & 901 Delaware Street – Ms. Hull reviewed the status of this request to date. At the Planning Commission's last meeting there was discussion about a number of issues that the Commission felt was beyond the purview of the City Planner. A request was made to solicit the City Solicitor for his opinion. She and Mr. Roger Akin, City Solicitor, have spoken and Mr. Akin has also met with representatives of the applicant and Mr. Bergstrom. Mr. Akin submitted a letter to the Chair of the Planning Commission with his responses. *(A copy of the letter was provided to Commission members and Ms. Hull reviewed his responses.)* Mr. Simpson's interpretation of Mr. Akin's responses was that he believes this body has acted appropriately.

Mr. Jeff Williams of Kercher Engineering representing the Ferrante's and DiMondi's presented their request for rezoning of 901 Delaware Street from OS&R to an R1 zoning district and that half of the 4.7 acres (0 Delaware Street) currently zoned OS&R to an R1 to be compatible to the other half which is already zoned R1. *(He used a diagram for his presentation.)* Several changes have been made with this proposal. The final proposal calls for 26 lots comprised of single-family units with a 0 side yard setback on one side. Mr. Williams researched the environmental overlay and looked at the planned development knowing there is no environmental overlay in the current ordinance and got some input on how to facilitate this without any guidance from the ordinance. *(He provided details of his findings.)* There will be one entrance to this property, there will be provisions to turn left or right coming out of the development and there will be a STOP sign regulating traffic at the entrance, the entrance is off-set from 8th Street but DelDOT had no problem with the separation of the two, there will be one incoming lane and one outgoing lane.

A resident in the audience expressed concern about open space that is being lost with this project and that open space doesn't always mean it should be used for recreational uses. She would like to see some open space left for nature and animals. Mr. Simpson added that it is this Board's hope that the developer will make some of the open space recreational that isn't currently accessible into parkland. *(Discussion followed.)* Mr. Williams noted that under the code if the site remained OS&R, because there is a R1 zoning they have the right to develop the entire site under R1 zoning district. They are requesting R1 because it makes the property easier to develop and allows the equitable owner of the Deemer property to move forward with the purchase of the property.

Mr. Knox made a motion to completely rezone this parcel to R1. Mr. DiAngelo seconded the motion. A roll call vote was called.

Mr. DiAngelo – voted to recommend approval; it is the best use for this property under our Comprehensive Plan and would be good for the City.

Ms. Smith – voted to recommend approval citing the same reasons.

Mr. Knox – voted to recommend approval.

Ms. Worthy – voted to recommend approval.

Mr. Simpson – voted to recommend approval stating that he feels we have a model for what we want to do in the future in these types of areas. He added that we need to do more planning than what has been done over the last 300 years.

The motion was approved by unanimous vote.

Discussion on Comprehensive Plan Implementation – Ms. Hull reported on a memo that this body reviewed in May 2009 that contained four (4) priorities (redevelopment area vision plans, zoning updates, subdivision updates, and transportation plans). She recommends this body prioritize the redevelopment area vision plan and subdivision updates. *(The budget for the Planning Commission [\$30,000] was briefly discussed as it pertains to this body's work.)* Mr. Simpson noted that there are monies generated by the work of this body that he would like to see returned to the Planning Commission in our budget.

General Discussion

There was discussion about plans for various properties along the river that are separate from the Abex proposal. Ideas were discussed about a path forward should any of the subject properties be placed on the market.

Next Meeting -- Our next meeting is scheduled for 10/26/09 at 6:30 p.m.

Adjournment – **Ms. Smith made a motion to adjourn the meeting. Ms. Worthy seconded the motion which was approved by unanimous vote. The meeting was adjourned at 7:40 p.m.**

Respectfully submitted,

Debbie Turner
Stenographer