

New Castle City Planning Commission Meeting took place on January 23, 2012 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: David Bird, Chair
Joe DiAngelo
Dorsey Fiske
Florence Smith
Jonathan Justice

Members Absent: William Simpson, Co-Chair
Susan Marinelli
Dr. Jack Norsworthy
Vera Worthy

Also Present: Marian Hull, URS, City Planner
Don Reese, Mayor
Jeff Bergstrom, City Building Official

The meeting was called to order by Mr. Bird at 6:40 p.m. Roll call was taken and a quorum was declared.

Approval of Minutes – The misspelling of two names was noted. A motion was made, seconded and approved to accept the minutes of the January meeting as corrected.

Update on Planning Studies – Mr. Bird read into the record a portion of the notes from the parking study subcommittee that met on 1/11/12. (*A copy of the notes is filed with the official minutes.*) Their next meeting has not been scheduled. Mr. Bird informed that City Council unanimously passed the Planning Commission's recommendation on the water study. The next step is to identify funding sources and what other studies and permitting will be needed.

Preliminary Presentation for the East Side of West 7th Street Condominiums – Mr. Eric Mayer presented. Design plans were distributed to the commissioners for information purposes only. He spoke about a one-acre parking lot on the west side of West 7th Street that is fenced in. Mr. Mayer also provided a draft zoning map of the new downtown gateway that has had two readings before Council. It is unknown when the third, and final, reading will take place. His presentation reflects approval of the rezoning. A four-story condominium with a parking area on the first floor is being proposed. Total of 30 units maximum, 10 units per floor with two parking spaces per unit. It is currently zoned open space recreation (OSR). Under the current zoning this type of building would not be permitted. Elevators will be installed with all units having a view of the Delaware River. Height limit of buildings under the new zoning was briefly discussed and the applicant understands an overage on the height restriction would require a variance. An additional parking area would be considered for the front of the building along the roadway. He is also considering a walkway to the river walk from the condominium complex. There are no sidewalks on the side of the street he would build on, but they are a possibility with the walkway. The environmental report has been done as well. (*Discussion followed about height restrictions under the new zoning.*)

Ms. Fiske commented that she believes the concept of this project would be very useful for people in town and it would be a convenient way to live. Mr. DiAngelo asked if there will be additional condominiums built later on the same side of the road. Mr. Mayer said 'no.'

Minor Sub-division on Trustees Property at 419 South Street 2101530104 to 2101530103 (a small portion of Evans'/Baldini's driveway encroaches on Trustee property) – This is a request for a lot line adjustment. The Trustees currently own the parcel but it would be transferred to the private property owner with the adjustment.

Ms. Fiske made a motion to approve the request for a minor sub-division change. Ms. Smith seconded the motion which was approved by a vote of 4 in favor and 1 abstaining (Fiske).

Briefing by City Planner on Ryan Homes Proposal to Lift Age Restriction on Riverbend Development – Mr. Bird read into the record a letter as submitted by Mr. John DiMondi. *(The letter is filed with the official minutes.)* Mr. Bird also announced he will recuse himself from comment or discussion on this matter because the current developer for the property has filed Chapter 11 bankruptcy in the U.S. Bankruptcy Court for the District of Delaware and he is clerk of the U.S. Bankruptcy Court for the District of Delaware. In the absence of Co-Chair Simpson, Ms. Fiske was appointed Co-Chair. No representatives were present from Ryan Homes.

Ms. Hull updated commissioners on the progress to date. Ryan Homes is looking at a similar proposal as Cornell Homes (previous developer). Only a portion of the properties will be purchased. She reviewed the issues the Planning Commission raised when this matter last came before them.

Assessment of population increase from 55 plus to no restriction rate. Traffic analysis between 55 plus and no restriction rate. The initial application included a traffic analysis for industrial use and non-restricted housing. This application does include sidewalks through much of the development on one side of the street. A second point of access for flooding/emergencies has not been addressed. Other concerns involve the structural assessment of the causeway.

An assessment of the causeway has been performed but Ms. Hull does not have those results. Solicitor Losco is reviewing this application.

Ms. Smith expressed concern for the current residents of Riverbend. Mr. Justice asked if the causeway is a City street and would it continue to be owned by the homeowner's association. Mr. Bergstrom said the causeway is owned by the original developer, Parkway Gravel. It is his understanding there has been recent discussion as to how the causeway is going to be brought into compliance with state and federal law. Ms. Fiske questioned addressing this matter until the causeway situation is resolved. Mr. Bergstrom said the DNREC consent decree has been removed and he believes the development can proceed and the causeway matter will be resolved. *(More discussion about the causeway followed.)*

Mr. Justice asked about ownership of interior streets and solid waste collection. The City did not want to absorb expenses of this type and the developer agreed. According to Mr. Bergstrom there is a deed restriction reflecting that agreement as a condition of the sub-division that favors the City.

The floor was opened for public comment.

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Mr. Chip Patterson, Municipal Services Commission (MSC), said before the Planning Commission takes any action they should know that Ryan Homes came before City Council informing they were putting in sidewalks. The original plan for the development called for drainage swales and in order to install sidewalks storm sewers will be needed. Storm pipes throughout where drainage swales are planned will now directly conflict with water and electric that was approved in the original plan. He suggested before anything is approved that this body request cross sections be done showing drainage pipes that will be installed along the sidewalks. All the engineering needs to be done to ensure they are not in conflict with existing water and electric. Ms. Hull agreed saying the entire project will need to be re-engineered and the city engineer will look at this.

Mr. Patterson asked that the Planning Commission recommend to City Council that the inner connection of the water and electric system in the development needs to be a loop system. Currently the system is temporary with one water connection. Water quality in the development is affected by having only one water connection. No one is addressing installation of a loop system, even though interconnections were part of the project from the beginning.

(Mr. Bird resumed his role as chairperson.)

Review of New Castle County Comprehensive Plan – Ms. Hull sent a link to the website containing the plan to all commissioners in December 2011. The county is asking municipalities for comments. Ms. Hull indicated the one difference in plans is the county plan has a more extensive ring around annexation areas and it is the City of New Castle's plan to only annex when it is necessary. The county's comprehensive plan does not obligate the City. *(General discussion followed.)*

Budget Status – In the absence of Mr. Simpson, no report was given.

Other Business – Mr. Bird would like to begin the neighborhood study by identifying neighborhoods in the City and how to get input from respective residents. We have a limited budget for this study in 2012. Community meetings may need to wait until next year due to funding. Mr. Bergstrom said there was a survey done by neighborhood approximately 20 years ago that might be helpful with the process. He will get the information to commissioners.

Commissioners' Comments – None.

Comments from the Public – None.

Next Meeting – A motion was made to adjourn the meeting. The motion was seconded and approved. The next scheduled meeting is 2/27/12 at 6:30 p.m.

Respectfully submitted,

Debbie Turner
Stenographer