

Planning Commission Meeting for New Castle City took place on October 25, 2010 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: David Bird, Chair
Bill Simpson, Co-Chair
Joe DiAngelo
Dorsey Fiske
Florence Smith
Susan Marinelli
Dr. Jack Norsworthy
Vera Worthy*

City Planner: Marian Hull, URS

City Personnel: John F. Klingmeyer, Mayor

Mr. Bird called the meeting to order at 6:35 p.m. Roll call was taken.

Approval of Minutes – A correction to text on page 5 was noted. **Dr. Norsworthy made a motion to approve the minutes of the September meeting as amended. Mr. Simpson seconded the motion and the minutes were adopted as amended.**

*Ms. Worthy arrived at 6:40 p.m.

Proposed Rezoning for Parcel at 828 Frenchtown Road – Mr. Shawn Tucker, attorney representing the property owner, equitable owner and church that is the potential buyer. He provided an overview. The property is currently located outside the city limits but is earmarked for possible annexation for mixed use in accordance with the past two (2) comprehensive plans. The applicant has appeared before City Council and the Annexation Committee (required by law) where a favorable recommendation was issued back to City Council. Council took action to annex this property subject to the zoning designation and final plan of approval. A recommendation concerning zoning designation is necessary from the Planning Commission. The applicant proposes the General Commercial (GC) zoning designation which includes churches. Final plans for the project have not been submitted. They are planning a building between 30,000-50,000 square feet with 300+ parking spaces. They will be looking at access off Route 273 with alternative access out to Route 273 as well. The benefits offered for this zoning is that the Municipal Services Commission has indicated they will be able to close an electrical loop, there is a wellhead that is near the site that represents the biggest source of drinking water for the City, and contamination on the property will be cleaned up. The church qualifies for up to \$1 million from DNREC as a non-profit for clean up. Agreements have been executed to this end.

Using handouts and a diagram of the plan Mr. Tucker illustrated the location of the property being discussed. Among the issues discussed were the types of contaminants to be removed and estimated clean up costs. Cleanup of the rear of the property is the responsibility of BP Atlantic Richfield while the front of the property will be the responsibility of the church under the Brownfield designation. Cleanup agreements (BP) have been signed and they have agreed with the State. Depth of the landfill is estimated at 20 feet with a few feet of dirt on top.

Commission members confirmed receipt of the resolution that City Council adopted. Mr. DiAngelo asked if there would be any other uses for this property other than the church. Mr. Tucker responded that only the church is planned for the site but if the church would dissolve years from now the zoning would be GC. The initial building permits are for a church only.

Discussion turned to access and egress plans. Mr. Tucker said they have agreed not to have a 'left out' onto Route 273. This was a concern noted by the Annexation Committee. They have agreed to another alternative access, possibly through Quigley Blvd. or another access.

Ms. Hull informed that the 1995 Comprehensive Plan to the most recent updated Comprehensive Plan differs in that the 1995 plan puts more focus on annexations. There is less interest in annexing in the more recent plan while taking a look at what properties offer opportunities or are a risk for the City going forward. The list of properties for possible annexation between the two (2) plans decreased in the most recent plan. This parcel was identified for annexation.

Currently the parcel is in the County and is zoned industrial. Uses adjacent to the subject property are zoned office/warehouse which is permitted under Industrial zoning for the County. *(Lengthy discussion continued about adjacent properties and zoning designations.)*

Mr. Bird expressed concern about traffic impact on Route 273. Mr. Tucker offered the concern is valid but the church currently occupies space on Quigley Blvd. A majority of the church traffic goes in and out of Quigley Blvd. at the traffic light. City Council desires to have an inner connection representing a second access. Council is fine with a 'right in' and a 'left in' and a 'right out' but not with a 'left out'. They will not seek a 'left out'.

Ms. Hull informed Commission members that this is only a zoning change. Land development will come before this body again and because of its size it will be required to go through the State's PLUS process. The Annexation Committee and City Council have indicated they are interested in annexing this property conditioned upon it being zoned GC and the church being built on it. This is in the resolution. *(Discussion followed.)*

Mr. Tucker added that the reason the applicant is requesting annexation is because the County process for rezoning could take up to two (2) years. The City's process is much less which is why they are requesting annexation into the City of New Castle. *(Additional discussion followed about surrounding zoning, the impact level of this zoning, financing, and spot zoning.)*

Mayor Klingmeyer stated that rezoning is very important for the City. He is concerned that the Planning Commission is relying on the applicant's testimony alone and stressed that this body should meet directly with DeIDOT and DNREC before annexing this property. The process should be more open and more thorough. The County's process is much more thorough and detailed which is why it takes more time. Mr. Simpson agreed with the Mayor's comments but said he is happy making an annexation of this property to GC rather than letting it remain as Industrial. By annexing now removes it from Industrial. Mr. Tucker assured the Mayor that all of his concerns will be addressed before the project can begin. He confirmed that signed agreements between DNREC and Atlantic Richfield are in place and he provided a copy of those agreements to Mr. Bird for the record. He added that there are a number of conditions noted in Council's resolution and suggested this body can place those same conditions or additional conditions as part of any recommendation.

Ms. Hull said this would have gone through a different review process if it had not been recommended for annexation as part of our Comprehensive Plan.

Dr. Norsworthy questioned whether the GC zoning would be better than a mixed use zoning. Ms. Hull said that GC can be defined as mixed use. It is still in our zoning ordinance where you can put a church. It is the most consistent zoning district the City has.

Mr. Simpson made a motion to recommend to City Council that the zoning be General Commercial (GC) if the property is annexed. Dr. Norsworthy seconded the motion.

Ms. Smith revisited Mayor Klingmeyer's concerns. Mr. Bird said that the application will go through the PLUS process once a development plan is developed. At that time this body can speak to any State agency we wish about the project. *(Discussion followed about DNREC's involvement with this project to date.)*

Roll call vote followed.

Mr. DiAngelo – Voted to recommend that the property be zoned GC. It meets the Comprehensive Plan and is appropriate. It would be a good use for the property and the cleanup is vital.

Ms. Smith – Voted to recommend for the reasons cited.

Ms. Fiske – Voted to recommend for the reasons cited.

Mr. Simpson – Voted to recommend stating that we are taking this property and putting it in a position where the City has control over what goes in there. It is a good use for the property and is the lowest impact use for the property and even the highest impact use for GC is better than the potential for the property without us taking this action.

Ms. Marinelli – Voted to recommend rezoning saying she likes the cleanup and monies for the cleanup and that it is vital.

Dr. Norsworthy – Voted to recommend rezoning citing the reasons stated and added he does not believe the traffic impact will be that different from what it already is going onto Route 273.

Ms. Worthy – Voted to recommend rezoning citing all of the above reasons.

Mr. Bird – Voted to recommend rezoning. He has concerns about traffic impact on Route 273, but believes those matters can be resolved upon further review by the Planning Commission and through the PLUS process. This property has been polluted and he can't think of a better transition from Industrial to GC with the kinds of restrictions that Council has placed on it.

The motion to recommend rezoning to City Council was approved by unanimous vote.

Discussion of Planning Studies for 2010-2011 – Ms. Hull distributed copies of her proposal to City Council in connection with what has been approved by City Council for a Capital Improvement Plan. She described the scope of work that includes the City-owned and maintained roadways (approx. 20 miles), sidewalks associated with roadways and addition of sidewalks where they do not exist, visible portions of storm drainage facilities, walkways to Battery Park and recreational equipment in parks. Mr. Bird questioned if any improvement to municipal buildings are part of her proposal. She indicated currently there are none but they can be added. Mr. Bird believes current municipal buildings do need to be looked at.

The process was reviewed along with a draft of the Capital Improvement Plan. The amount of money available for this work is limited. *(Lengthy discussion about inspection of structures, City wharf, and piers and funding sources followed.)*

The Planning Commission will be recommending a Capital Improvement Plan to City Council and entering into an agreement with URS. (*Discussion about future budgetary concerns followed.*) The consensus of the group was to continue this item to the November meeting to give Commissioners time to review distributed materials. Ms. Hull will get updated information to reflect municipal buildings and water structures for that meeting.

Budget Review – Chairman Bird reported he has not received any budget information.

Commission Member Comments – Mr. Bird informed he was involved with a tele/con this morning with the City Administrator, City Council President, City Solicitor and Ms. Hull to clarify this body's recommendation about Riverbend as stated in the September minutes. Dr. Norsworthy noted they changed the wording of the motion in that meeting which was not reflected in the minutes. The change will be made as noted (page 5) and redistributed. On a side note, Ms. Hull advised that City Council has informed that a traffic study does need to be done and she has been requested to submit a bullet list of the items this body pursued and what we did not get answers on from the applicant. (*Discussion followed.*)

Mr. Bird congratulated Ms. Fiske on her appointment as the Planning Commission representative on the Historic Area Commission (HAC).

No other comments from Commission members were raised.

Next Meeting – The next meeting is scheduled for 11/22/10 at 6:30 p.m.

Adjournment – **A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8 p.m.**

Respectfully submitted,

Debbie Turner

Debbie Turner
Stenographer

