

**City Council of the City of New Castle,
Public Hearing
Town Hall, 201 Delaware Street, New Castle
Thursday, May 12, 2016 – 6:00 p.m.**

Call to order: 6:00 p.m.

Roll Call:

Councilperson Megginson
Councilperson Vannucci
Council President Ratchford
Councilperson Petty
Councilperson Di Mondì

Also present:

William Barthel, City Administrator
Janet Carlin, City Treasurer
Daniel Losco, City Solicitor
Chris Rogers, City Planner
Planning Commission Chair, Michael Quaranta

Public Hearing concerning Ordinance 507, an Ordinance to revise Section 230.21.1 B of the Zoning Code of the City of New Castle to: (1) Make Multi-Family Dwelling Development Projects in the Downtown Gateway Zoning District Permissible Only with the Grant of a Special Exception from the Board of Adjustment; (2) require Planning Commission Review and Recommendation for all Special Exception Applications in the Downtown Gateway Zoning District; and (3) provide for a seven year “sunset” provision for land development approvals in the DG zoning district; and (4) require all mixed use developments in the DG zoning district to include commercial/retail/office uses at the street front.

President Ratchford explained that the purpose of the Public Hearing was to get input from the public regarding Ordinance 507. President Ratchford noted that Council had considered this Ordinance and referred it to the Planning Commission. The Planning Commission discussed it in a Public Meeting and made several recommendations which have been incorporated into the Ordinance.

Planning Commission Chair Michael Quaranta, stated that the Planning Commission had discussed Ordinance 507, and discussed it with the consultant, received other input, and Ordinance 507 was passed as is. The Planning Commission addressed two other issues, to recommend that approvals last no longer than seven years. The other recommendation was to consider requiring larger parcel’s that have multiple buildings within an approved multi-family housing plan place the commercial elements on the public streets.

President Ratchford asked for questions from Council for Mr. Quaranta. Councilperson Di Mondì asked if the Commission had considered his interpretation; he said this process is restricting this

down to a single multi-use home and twin homes would be subject to all these regulations. He said he feels this is too much red tape for someone building a twin home.

Mr. Quaranta said the Commission had discussed that and a number of other things will be part of a larger update of the entire Zoning Ordinance that the Planning Commission and the consultant are going to undertake.

City Administrator, William Barthel said that this initial change was as a result of Councilperson's Megginson suggestion that there be a moratorium on new land development applications in the Downtown Gateway Zoning District. There will be a more in-depth update of the Zoning Code that will address those additional issues.

President Ratchford stated that this will give City Council more control on development until a total review can be done.

Mike Quaranta stated that the City has a Comprehensive Plan; the next review for the Comprehensive Plan is coming up in 2018. The new Plan will cover these types of issues. Mr. Quaranta said they when the Downtown Gateway was developed in 2008/2009 it was "theoretical", now the City has 3 proposals which represent 35-40 million dollars of development. There are several parcels that remain available for development, and these changes will affect these going forward.

Council President Ratchford said she felt it was a good opportunity to access to see where we go from here.

Councilperson Di Mondì said his problem is that this plan will affect a basic home builder, a twin home builder will have the same burden as someone building a 160 unit apartment complex. Mr. Di Mondì also asked when does the 7 year "sunset" provision suggested by the Planning Commission start. He added that in his own case it took 10 years to get DelDOT permit.

Mr. Quaranta stated that the 7 year "sunset" provision would start from the time the last permit is approved, and the City final approval.

Dan Losco said that the ordinance states, all land development in the DT Zone will expire 7 years following final approval. He added, final approval comes from the City after all other requirements have been met.

Linda Ratchford asked for Building Inspector Jeff Bergstrom to explain the permitting process. Mr. Bergstrom explained that the time period starts when you are able to "start digging"; by law the City will not issue its final approval until all other requirements have been met. This would include any permits from DelDOT, DNREC etc.

Michael Quaranta stated that the reason the Planning Commissions wanted to set some time limit was to protect the City from someone getting approval for a project, and then holding it for an indefinite period of time. The idea was to give a set period of time to move on a project.

Mr. Losco stated that if the intent is to have all State, County and local approvals in hand before the 7 year clock, then the Ordinance would need revision. He suggested Council drop this provision, stating he would prefer a 10 year period; it can take years to line up financing, permitting, etc.

Mr. Losco added in his opinion the amendment to require commercial uses to be on public streets. A developer is going to know the most economically viable way to develop their property; typically that will be to have commercial uses on the street front. He added, that this Ordinance requires you to go to the Board of Adjustment; if the City Planner sees any problems with the plan it can be turned down for the special exception or condition the approval on relocating the commercial aspects of the plan.

Councilperson Di Mondì commented that he did not want this to be punitive for the average home builder, the intent from the beginning with this Ordinance was to slow large units that would affect the community.

President Ratchford asked the City Solicitor for his specific recommendations.

Mr. Losco (verbatim): If you want to take action on the Ordinance, I would suggest taking action on the Ordinance as originally drafted and read at the first reading. Drop these two amendments, not that I think a sun setting provision is bad necessarily, but I think this one is a little short in my opinion. The second addition here is because I think that controlling of the location of the commercial uses will get handled at the Board of Adjustment level; when you go through special exception permitting.

To go back through the history, when Mr. Megginson first raised the issue of the moratorium, the issue was that landowners had, as a matter of right to put up a 200 (or whatever number) unit apartment complex, and there needed to be control over that, if it was inappropriate. It could create too much traffic or inadequate parking or any number of problems. The stop gap measure was to say, don't make it a matter of right, go through the Board of Adjustment, where it is not a matter of right, and we can use our planner to help control that development. It's not to say that all larger apartment complexes are and should be outright prohibited in the City of New Castle; it was to control them.

President Ratchford asked for comments from the public.

No comments from the public.

The motion to adjourn was made by Councilperson Petty, seconded by Councilperson Vannucci and passed unanimously. Council adjourned at 6:23 p.m.

Respectfully submitted,

Kim Burgmuller
Council Secretary, City of New Castle