

**New Castle City Planning Commission Meeting  
Minutes  
November 21, 2016 -- 6:30 p.m.  
City of New Castle Town Hall**

Members Present: Michael Quaranta, Chair  
David Baldini, Vice Chair  
Joseph DiAngelo  
Jonathan Justice  
Josephine Moore  
Gail Seitz

Members Absent: David Bird  
Florence Smith  
Vera Worthy

Also Present: Chris Rogers, Principal Planner, AECOM  
Ryan Mawhinney, Senior Planner, AECOM

Mr. Quaranta called the meeting to order at 6:33 p.m. Roll call followed.

**Minutes – Upon motion made and seconded, the minutes of the 10/24/16 meeting were approved.**

Recommendation to City Council regarding proposed Ordinance 508 which would revise the Comprehensive Plan to change Map 2c, Suggested Land Use Zoning and Table 16. Vacant land suggested land uses, to designate the entirety of parcel 21-013.00-001 (shown as #10 on Map 2c) as Residential, and to rezone that portion of parcel 21-013.00-001 that is currently designated as Industrial (I) District to Residential (R-1) District – Chris Rogers, explained the Planning Commission’s role is to make a recommendation to City Council as it relates to Ordinance 508. City Council (Council) sponsored an individual rezoning of the subject parcel from Industrial (I) to Residential-1 (R-1). Delaware State Code requires that zoning in any municipality be consistent with the comprehensive plan of that municipality. The primary way to determine consistency is comparing the future land use map of a comprehensive plan with the zoning of that municipality. There are several parcels on the City of New Castle’s future land use map that are undesignated; there is no direction in the comprehensive plan for those areas. Mr. Rogers believes those areas exist because there was a decision or implication made that the land use at the time of the existing comprehensive plan was satisfactory to be used for future land use recommendations. Typically residential communities will be designated Residential on future land use maps. A portion of the parcel in question (732 Frenchtown Road) is designated in the future as Residential and Table 16 recommends that the parcel be zoned Residential with some open space. When Council requested that the parcel be rezoned from I to R-1 City staff determined that since it was not designated in the current comprehensive plan that it was inconsistent with the comprehensive plan and a comprehensive plan amendment review was initiated with the State Office of Planning (PLUS review), which is required when a rezoning is inconsistent with a comprehensive plan. Ordinance 508 changes the comprehensive plan map from an undesignated designation to a Residential designation and proposes rezoning of the parcel from I to R-1. Some of the PLUS comments received were relevant.

A letter dated 8/24/16 from the State Office of Planning to the City of New Castle provided comments from the Office of State Planning, DelDOT, and the State Historical Preservation Office (SHPO). He summarized that the Office of State Planning recognized the number of undesignated parcels and suggested they be addressed in the 5-year review of the comprehensive plan.

Based on comments from the State Office of Planning, Mr. Rogers said that AECOM recommends designating all undesignated parcels with an appropriate land use in the 10-year review. The 10-year review (2019) is a more substantial review of the existing comprehensive plan. He noted that a 5-year review would not show anything substantial enough to warrant a change in the comprehensive plan.

Mr. Quaranta noted we are in year 7 of the 10-year review cycle. Mr. Rogers indicated it is AECOM's desire to see undesignated parcels tagged with a future land use designation.

Mr. Rogers said no property owners are seeking a rezoning request; therefore, rezoning would remain as it is in the comprehensive plan. His recommendation for Ordinance 508 is that the undesignated portion of parcel 21-013.00-001 remain as undesignated and that the existing zoning on the Industrial portion remain the same. Mr. Mawhinney added that the recommendation would be further evaluated during the comprehensive plan process.

Mr. DiAngelo questions the need for rezoning. He sees nothing wrong in how zoning is currently shown. Addressing DelDOT's comments about traffic, he does not understand how School Lane can be opened if a rezoning is granted. School Lane is a dirt road that will be costly to reopen along with other infrastructure. Mr. Rogers explained that DelDOT's comments were provided in the event that redevelopment is proposed. Mr. DiAngelo thinks that property values will be negatively impacted if a rezoning were to occur. Mr. DiAngelo understands there is a legal concern involving an undesignated parcel owned by the Trustees of the New Castle Common (Trustees).

Mr. Baldini is not in favor of doing "one-offs" saying it distracts from the planning this body would do during the 10-year review. He prefers addressing the rezoning issue thoroughly as part of the 10-year review.

Ms. Seitz does not think it makes sense to change a single parcel at this time. She agrees it should be done with the 10-year update. Ms. Seitz is not in favor of recommending a rezoning of one parcel.

Ms. Moore agrees with the rationale cited adding that the owner has not requested a rezoning. She referenced a letter dated 11/9/16 from Andrew P. Taylor, counsel for the Trustees, expressing his legal concerns with the attempted rezoning. Ms. Moore does not support a change.

Mr. Justice agrees with the rationale put forth by fellow Commissioners. He does not see any reasoning in the Ordinance as to why there should be a particular zoning in the area or why there is any urgency involved with violating the comprehensive plan process.

Mr. Quaranta worries that changing one property at a time sets a bad precedent and is something the City should avoid. However, he would be open to changing a particular parcel if there were a compelling issue presented such as a health or safety related emergency. For those reasons he does not support the subject Ordinance.

Mr. Quaranta read aloud Mr. Bird's comments. Mr. Bird does not support the proposed rezoning for the following reasons: zoning is designed to implement the comprehensive plan and it is not appropriate to change the zoning and then change the plan; we are in the process of reviewing the comprehensive plan and should wait for that process to be done and receive community input; the proposed ordinance sets a dangerous precedent and could subject the City, its counsel, and the Planning Commission to possible liability for unlawful taking of an individual's property if it is found not to be for the health and public safety of the community.

The Planning Commission feels that the City should designate all of the undesignated parcels on the future land use map of the comprehensive plan in the context of the upcoming full Comprehensive Plan Update and not in a piecemeal manner as is being proposed. As such, without the proposed individual comprehensive plan revision, the Planning Commission feels that the existing zoning (I District) should remain unchanged.

No comments were received from the public.

**Mr. Quaranta made a motion to express the Planning Commission's opposition of Ordinance 508. Ms. Seitz seconded the motion. The motion was approved by unanimous vote.**

Discussion – Neighborhood Building Blocks Fund – *(Copies of the Neighborhood Building Blocks Fund Grant Application were distributed to Commissioners.)* Mr. Rogers said the funding is provided through the Department of Economic Development to provide funding for different activities to municipalities or nonprofits. The types of projects/programs the fund can be used for were reviewed. Mr. Rogers stated this fund was used to prepare the Downtown Development District plan (DDD) and application. The City Administrator and City Council President have been contacted about whether to submit another application and how funds might be used. Mr. Rogers suggested possibly submitting another application for DDD designation would be worthwhile. The City was not successful in receiving DDD designation with its initial application.

Mr. Mawhinney spoke about comments received from the Office of State Planning pertaining to the DDD plan application. The application fell short on demonstrating the need in our community. Comments included focusing on crime, code violations, properties in disrepair, home ownership balance, and aging structures.

Mr. Rogers said the application should not include as much undeveloped property citing the south part of the City. Rather, more focus should be on developed areas of the City (ex.- Ferry Cutoff, North Gateway) that could take advantage of grants associated with the DDD. DDD boundaries could be amended/revised to strengthen the application. Those

boundaries would be determined as part of the initial planning if we would be successful in receiving funding. Further, Mr. Rogers stated that applications favor crime prevention strategy funding, but there is also funding for DDD plans.

Mr. Justice said if distress indicators are important to the designation he wonders if it would be better to apply for the grant to help us with the Comprehensive Plan Update. The areas downtown are not considered distressed.

Mr. Baldini is looking for funding that will allow the Planning Commission to do a more thorough and current update of the plan. Mr. DiAngelo asked what amount of funding would be sought. Mr. Rogers does not know how much funding to submit for to work on the Plan. He said to do a revised DDD application (based on the information we compiled for the last application) he thinks the cost would be approximately \$35,000. Mr. Mawhinney said the Building Blocks Review Board looks at projects in the range of \$10,000 and under, projects less than \$50,000, and projects \$50,000 and more, which get the least priority.

Ms. Seitz asked if funding will be available under the next administration. Mr. Rogers cannot comment on the fund's existence. Mr. Quaranta asked Governor-elect John Carney about the program's viability. The Governor-elect indicated his support for the program, but did not endorse the program. Mr. Quaranta is comfortable that the DDD program will continue.

Mr. Quaranta said that several of the comments provided by the Office of State Planning are relevant to the City of New Castle. Some components (ex.-crime) do not compare to other municipalities, but items like support for revitalization strategies for a DDD and support for communities in DEDO's Main Street Program are relevant. Mr. Quaranta asked Mr. Rogers for his comments. Mr. Rogers said a Main Street Program designation receives higher priority over a non-Main Street Program. Currently, the City is an affiliate in the Main Street Program.

Healthy Communities – Mr. Mawhinney read from the Office of State Planning Municipal Comprehensive Plan Guide. "Healthy communities" is a new component for plans. The state is promoting the concept of encouraging the development of communities where people have opportunities and motivation to lead healthier and safer lives. Mr. DiAngelo inquired about the composition of the Building Blocks Review Board. Mr. Mawhinney said the Board includes the Office of State Planning, Delaware State Housing Authority, and the Delaware Economic and Development Office. He is unsure of other participating agencies. Mr. Rogers informed the application deadline is 12/19/16.

Mr. Quaranta hopes the City resubmits for DDD plan designation keeping in mind the comments offered in the letter from the Office of State Planning. He asked Mr. Rogers for his opinion on what the Planning Commission should focus on. Mr. Rogers said the Planning Commission needs to provide feedback to the City Council President on whether to apply for funding a DDD plan, crime prevention programs in the City, or if there are other programs/facilities the City should pursue using these funds. Mr. Quaranta stated

that considering the initial application fell just short of funding and the favorable opinion the program will continue with the incoming state administration, he recommended the City make another application for funding from the Neighborhood Building Block Program for a revised DDD application, to support the City's endeavors to the Main Street Program, and use resources for at-risk juveniles and adolescents. Mr. Justice asked about the criteria for rating DDD applications and how heavily weighted are the indicators of distress in the district. Mr. Rogers detailed the point system used in the process.

Mr. Justice said a criterion for a Main Street Program is having a full-time Main Street Manager. He does not believe the City will make the financial commitment anytime soon. He supports a DDD designation, but it is unclear to Mr. Justice that if City Council promises a long-term commitment that the commitment would actually yield a designation for us if the criteria are applied as they are stated. Mr. Quaranta reiterated that feedback that AECOM received from the state indicated that our application was reasonably close and comments were provided to the Planning Commission on how to make the plan more competitive. Mr. Rogers said that crime statistics used in the initial application was based on information we were given from a database and did not involve any meeting with the police chief.

Mr. Justice further stated that as an alternative we might consider applying for a grant that would support development of a healthy or complete community component for the Comprehensive Plan Update we are now working on. He suggested having an exemplary plan for pedestrian and other non-motorized transportation running across the two sides of the City might encourage DelDOT to do something.

Mr. Baldini said we have elements of Main Street in the plan, but wonders how we would put everything together as a community to become a model community.

**Mr. Quaranta summarized the discussion. Are we better off making the DDD plan the priority or is it more achievable to make Healthy Communities Principles the priority? There must be a connection to community revitalization and/or the DDD that increases the overall vitality of the community.**

Ms. Moore asked if we can also look at using funding to make the City ADA compliant, streets and historic buildings. Mr. Justice said that funding cannot be used on buildings. Messrs. Rogers and Mawhinney were asked to look into whether funding could be used to install additional curb cuts and address handicap-related street and sidewalk issues.

Messrs. Rogers and Mawhinney were given direction to determine whether the City should make an application to the Neighborhood Building Blocks Fund to reconstitute a DDD application or if it would be better to submit for the Healthy Communities Principles to include making the City more ADA compliant.

Mr. Mawhinney reported that the City has a Community Wellness Initiative with the assistance of Delaware Greenways. How would it look if we pursued helping communities while having a community wellness initiative in place? Would you build off the current

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plan or start to implement parts of the plan? Mr. Justice suggested using the Building Blocks grant to prepare a component for the future plan. Further, he stated the rationale is that these resources would allow us to do a better job than what we could with less funding and to set a better example for other communities around the state. Mr. Quaranta said if other initiatives cannot be acted on because of lack of funding he is fine with using this funding to get it finished.

Public Comments – None.

Commissioners Comments

Ms. Moore – Each time we have an application to build an apartment complex she asks the question if a playground will be part of the complex. Applicants repeatedly cite Battery Park as the place children can use to play. Ms. Moore believes that children need to play and parents are not taking them to Battery Park. She further believes we need to question more often having a playground at the proposed complex. Children are residents of the community as well.

The Planning Commission's next meeting is 12/19/16. There being no further business the meeting was adjourned at 7:50 p.m.

Debbie Turner  
Stenographer

***(Stenographer not present at meeting. Minutes prepared from recording.)***