

New Castle City Planning Commission Meeting

Minutes

October 22, 2018 -- 6:30 p.m.

City of New Castle Town Hall

Members Present: David Baldini, Chair  
Gail Seitz  
Russ Smith  
William Walters  
Peter Toner  
Vera Worthy

Members Absent: Marco Boyce  
Jonathan Justice, Vice Chair  
Brenda Antonio

Guests: Ryan Mawhinney, Senior Planner AECOM

Mr. Baldini called the meeting to order at 6:36 p.m. Roll call followed and a quorum was declared.

**Minutes**

**A Motion to approve the Minutes of the September 24, 2018, Planning Commission meeting as presented was made, seconded and approved unanimously.**

**Zoning – Ordinance 516**

The Commission discussed a recommendation to City Council regarding Ordinance No. 516, an Ordinance to amend the City of New Castle Comprehensive Plan to rezone Tax Parcel 21-017.00-045 (708 W. 7<sup>th</sup> Street) and Tax Parcel 21-017.00-046 (706 W. 7<sup>th</sup> Street) to the RC (Retain Commercial) zoning classification.

Mr. Ryan Mawhinney, Senior Planner with AECOM, introduced himself to the Commissioners. Mr. Mawhinney advised the Planning Commission is being asked to make a recommendation to the City Council regarding Ordinance 516 that would rezone two properties on 7<sup>th</sup> Street in Dobbinsville from R3 (residential) to RC (retail commercial). He noted there are two requests: the Zoning Map amendment and the Comprehensive Plan amendment. He explained the Comprehensive Plan amendment was necessary in order to ensure the Zoning is in compliance with the Comprehensive Plan. The 2009 Comprehensive Plan is silent on future land use for all properties in Dobbinsville, and no changes were recommended at that time. In order to proceed with the Zoning Map amendment the two parcels in question need to be changed from Residential to Mixed Use.

Mr. Mawhinney added it would be a future land use map amendment that would amend Table 16, which is the text portion of the change. He noted the first map amendment would be for Map ID #22 and the land use recommendation is mixed use with potential residential on the second floor. The second map amendment would be to change another parcel from R3 to RC. He noted that there is no parcel number on the land use map for the second parcel, and explained that due to a scrivener's error, the parcel number was omitted from the map. Mr. Bergstrom explained that if an error on the land use map was unintentional, it is considered an error and can be corrected without any legislation. He added that there

was no zoning on the future land use map showing zoning for the parcel, but the parcel is zoned R3 on the County Zoning Map, in the Parcel View File and in the City Records.

Mr. Mawhinney noted that 706 W. 7<sup>th</sup> Street is owned by the City (former Police Substation) and 708 7<sup>th</sup> Street is privately owned (former Froggy's Den). He added there is an apartment in the back of 708 7<sup>th</sup> Street, and Mr. Bergstrom explained it was currently vacant. Mr. Bergstrom added that there were originally two apartments, (one above and one behind the pizza shop); however, residential use of the apartment above the pizza shop was abandoned for fire protection reasons. Mr. Mawhinney added the reason the future land use recommendation is mixed use is because previous use did have residential.

Mr. Mawhinney advised the Application was submitted to the PLUS Office of State Planning and went through the PLUS Review process, and neither the State nor DelDot had any objections. He added that DelDot did offer some comments regarding the right-of-way and will require a 40' right-of-way from the center line. The current right-of-way is approximately 35' from the center line. Mr. Mawhinney explained that if the current building were demolished, new construction would have to go to DelDot for the entrance permit and DelDot would make specific site recommendations with regard to the 40' right-of-way.

During a discussion of parking, Mr. Bergstrom explained the apartment had garage off-street parking and one on-street parking spot. He added that because commercial use of the corner store preceded any zoning ordinance in town, there is no requirement for off-street parking for that parcel. Mr. Bergstrom added that the Police Station has off-street parking available to it from both the alley beside it and from another alley perpendicular to Center Street. Also, there is a cross-access agreement on the Deed so the pizza shop can use that space also.

Ms. Seitz confirmed that the properties are currently zoned R3, and Mr. Bergstrom advised that the Police Station was previously a church and the pizza shop was commercial at least since the 1950's. Mr. Smith asked if the corner store could be changed to non-commercial and Mr. Bergstrom advised the zoning could be changed; however, the property could still be used as commercial because the use precedes the zoning, and he noted several businesses that are not zoned in accordance with their use. Future land use, existing land use, and zoning are the three different maps. Mr. Bergstrom also clarified that there are two different parcels and two different requests for re-zoning. He added that there is a pending sale for the Police Station that is contingent on the parcel being re-zoned.

Mr. Baldini noted that the PLUS Report talks about parcels that do not have a particular land use designation and that the State Planning Coordination office does not have an objection to the amendment; however when the document is updated, the whole table will be opened up for designation. Ms. Seitz noted that at least half of the Comprehensive Plan Zoning is blank and it needs to be corrected in the Plan update. Mr. Baldini noted that updating that particular item of the Plan was not something the Commission was working on at present, and he asked if that would hold up the re-zoning of the two parcels in

Dobbinsville. Mr. Mawhinney advised that he did not think it would affect the re-zoning request. He added that his opinion was that State Planning is saying there is no objection to the specific amendment or the re-zoning; however they are suggesting that the future land use map looks at all properties throughout the City. During discussion, Mr. Mawhinney referenced the 2009 Future Land Use Map and explained that all parcels should have a future land use recommendation. Mr. Baldini expressed his concern that when the Application is brought forward it will either cause a delay and/or require the Commission to work on an activity out of sequence. Mr. Bergstrom suggested that the Commission recommend the existing land use for the future land use then deal with issues separately as they come up.

A Motion to make the change was made and seconded.

Mr. Bergstrom noted that City Council cannot act without a recommendation from the Planning Commission.

After discussion, it was agreed to amend the Motion to include updating the official Zoning Map to include all amendments since 2004 and recommending that City Council re-adopt the Zoning Map.

**A Motion to amend the Zoning Map adding the two new additions, update the official Zoning Map to include all amendments since 2004, and recommend that City Council re-adopt the Zoning Map was made, seconded and unanimously adopted.**

Mr. Bergstrom advised the Commission will receive a copy of the proposed re-adopted Map for review before it is adopted by the City Council. Mr. Baldini noted the Commission needs a copy of the adopted Zoning Map. Mr. Mawhinney advised he will be working with Mr. Bergstrom to create the official Zoning Map. When the official Zoning Map comes out Mr. Mawhinney will provide 11"x17" copies to the Commission as well as a pdf with overlays, and a large format map.

### **2019 Comprehensive Plan**

During discussion, it was suggested that door-hangers be used to promote the survey and Mr. Bergstrom suggested using a Clear Channel billboard, which only requires the cost of printing.

Mr. Smith updated the Commissioners on the status of promotional materials, including post cards and flyers, noting he and Mr. Baldini put out yard signs on Friday, October 19. He added that Ms. Seitz had taken on the responsibility of contacting the Museum and churches, Ms. Worthy had taken on the responsibility of contacting Boothhurst and the surrounding community, and he was working Delaware Street businesses. He noted that 350 responses had been received and that at the last City Council President election 1,100 people turned out to vote. Also, the Weekly will publish a thermometer of how many responses are received. He asked the Commissioners to take post cards to distribute to

businesses and organizations their area. He also suggested the Commissioners help identify volunteers to help distribute door hangers.

Mr. Baldini updated the Commissioners on the responses, noting there are 26 questions on the survey, and on average, 2/3 of responders answered all questions, and 1/3 answered the first few questions and skipped all remaining questions. He reviewed a number of specific questions that were skipped. He also noted that on October 7, there were 109 responses; on October 10, 45 responses; and on October 9, 25 responses. Mr. Toner noted that on October 7 the survey was posted on Facebook, adding that he tagged about 65 people in New Castle, gave them the link and asked that they share the post to their wall.

Mr. Baldini noted that most of the responders lived in downtown, Van Dyke and Shawtown. Overall, he was pleased with the number of surveys completed and noted that the data being received is valid and relevant. He also updated the Commissioners with demographics of the responders. Ms. Seitz reminded the Commission that Debbie Pfeil had indicated 500 responses was very good. It was noted there are approximately 2,000 households in New Castle, with a population of approximately 6,000.

Mr. Smith noted that Ms. Antonio contacted the Goodwill Fire Company and received permission to have a presence at their Halloween event. Mr. Walters commented that given the state of social media, it was possible people are not comfortable giving the information requested electronically, but might fill out a paper survey.

Mr. Baldini reiterated that he is pleased with the results, and even though 1/3 of responders did not complete the survey, he feels the data being received will identify the issues most concerning to the residents and what the Commission should focus on.

Mr. Toner noted that at the River Walk event, people who were willing to complete a paper survey did say it was too long. It was noted that the website link was also available at the event. Mr. Smith noted that it was important to show that every effort is being made to contact and include all residents.

Mr. Toner suggested that door hangers could be distributed with the help of student volunteers from St. Peter's School and parent chaperones. Mr. Bergstrom noted that he could get permission to place door hangers at the apartments; however The Helm is a secure building and they probably would not grant access.

### **Comments**

Ms. Seitz noted that Future Land Use was part of the Comprehensive Plan; however she was not sure it was in KCI's scope. Mr. Baldini advised he would check to see if it was in their scope.

Mr. Bergstrom suggested that one way to do future land use is to put in all existing zoning and pull out what you don't want rather than do each parcel individually, noting that the anomalies would probably be small.

Planning Commission Meeting Minutes  
October 22, 2018

During a discussion of new development, it was noted that there was a lack of commercial retail businesses in those areas.

Mr. Baldini noted that a few of the Commissioners still had not submitted their Plan homework assignments and asked that they be submitted as soon as possible.

Ms. Worthy noted that she had not been able to speak with the Pastor of the United Methodist Church in Buttonwood regarding Lenten Dinners, and Mr. Bergstrom suggested she contact Kim Bergstrom for assistance.

**There being no further business, a Motion to adjourn the Meeting was made and seconded. The Motion was carried and the Meeting was adjourned at 7:44 p.m.**

Kathy Weirich  
Stenographer