

New Castle City Planning Commission Meeting
Minutes
June 24, 2019 -- 6:30 p.m.
City of New Castle Town Hall

Members Present: David Baldini, Chair
William Walters, Vice Chair
Jonathan Justice
Erin Sabatella
Peter Toner
Vera Worthy
Gail Seitz

Members Absent: Brenda Antonio
Marco Boyce

Mr. Baldini called the meeting to order at 6:30 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

Mr. Walters requested the redaction of one sentence in the April 22, 2019, Minutes, noting that he had been misinformed on the pre-leasing status of The Garrison:

- Page 3, Line 12 – Delete the sentence starting “Mr. Walters further noted ...”

A Motion to approve the Minutes of the April 22, 2019, Planning Commission meeting as amended was made, seconded and unanimously approved.

Comprehensive Plan

Mr. Baldini noted that a Special Meeting of the Planning Commission was held on June 17, 2019, with KCI to discuss the schedule, and advised that a new schedule was set up.

- The spreadsheet of goals for Commissioners’ review has not yet been received and Mr. Baldini will follow-up with Ms. Pfeil.
- A five-month extension to January 28, 2020, was requested.
- The PLUS Meeting has been scheduled for September 30, 2019, for approval of the extension.
- When all data is in the Package, public comment will again be solicited and the Commission will go forward with the PLUS review at the same time.

During discussion, it was clarified that the September 30th meeting is for approval of the extension. Additional meetings will be held and the Commissioners will submit their availability in the coming months to Mr. Baldini.

Mr. Toner joined the meeting at 6:35 pm.

Ms. Seitz asked about the Homework assigned by KCI, and Mr. Baldini explained that task could be completed when KCI submits the goals spreadsheet. He noted that Ms. Pfeil will add in the SWOT Analysis as well. Mr. Baldini added that review of the goals spreadsheet would be done during an upcoming meeting. Mr. Walters noted that KCI felt the Workshop and survey data would be attached to the Plan as Appendices.

Ordinance 518

Mr. Baldini opened Public Comments for Ordinance 518.

An Ordinance to impose a moratorium on the issuance of building permits and other land use approvals associated with the construction of new, multi-family development projects involving more than ten dwelling units for a period of nine months in all zoning districts of the City.

Mr. Walters asked if the Ordinance, as amended to reflect Planning Commission comments, was read at City Council. Mr. Baldini explained the original version of the Ordinance was read on March 12, 2019, and the amended Ordinance will be read by the Planning Commission at the current meeting.

Mr. Baldini read Ordinance 518 as revised into the Record.

Two corrections were noted to the amended Ordinance:

- Sections 2, 3, and 4: the correct Section numbers are 1, 2, and 3 (*there is no Section 4*).
- Third WHEREAS Clause: 4th line – Add the word “of” between “study” and “possible amendments”

Mr. Baldini asked if the Ordinance is in the proper form, and Mr. Walters stated that it is.

Ms. Seitz asked if the amended Ordinance should reflect that the Code should be revised to specifically address multi-family project processes. It was noted that as the Code is written the only way to have a multi-family project approved is through the subdivision regulations, and the two largest projects in the City are grandfathered because application was made and approved through the Building Official. After discussion it was agreed that the Planning Commission should address the Ordinance independently, and start the process of revisions to the Code at a subsequent meeting.

Mr. Baldini restated that Ordinance 518 is in the proper form.

Mr. Baldini opened the floor to public comment. There was no comment from the floor. Councilperson Suzanne Souder was in attendance at the meeting, and Mr. Toner asked her if any Councilperson had received constituent comments; and she advised that she had not received any input from constituents.

Mr. Baldini opened the floor for discussion by the Commissioners.

Mr. Walters stated that he strongly suggested that the Planning Commission vote against recommending enactment of Ordinance 518 to City Council. In support of his position, he noted that he felt the Ordinance was an emotional reaction to the Rt. 9 Gateway; it will not have any impact on current construction because the two largest projects in the City are grandfathered; and he felt there was no need for the Ordinance. He added that The Garrison is almost 50% pre-leased and the proper people, including the Planning Commission, will have major input on the project.

Councilperson Souder asked about the Zoning Code, clarifying that the current Code does not have a process specific for the approval of multi-family unit projects outside the subdivision regulations. She asked if the Commission is suggesting that City Council consider ordinances governing permits for multi-family projects, and Mr. Walters stated that was correct. Mr. Walters briefly explained the typical process for approval of multi-family unit projects, and noted that the Commission did not want to cloud the issue of recommendation of Ordinance 518 by proposing modification of the Code at this stage. Councilperson Souder asked if the requirement for large projects to go through the State PLUS process substituted for some of the processes missing from the Zoning Code, and Messrs. Baldini and Walters stated that was not the case. Mr. Baldini added that the City needs to update the Zoning Code to reflect alternate process. During discussion it was noted that when a large project comes in as a subdivision the scale of the project is underestimated, giving the illusion that it is not as large or intrusive as it could be.

Mr. Baldini also noted that the Comprehensive Plan includes updating the Zoning Code as well and it will be up to City Council to ensure it is done.

Mr. Justice noted that nine months is insufficient time to adopt the new Plan and adopt new Zoning to comply with the Plan. He recommended that someone do an estimate of what the number of dwelling units would be if developers responded to the apparent significant need for housing in the area by building to the legal limit in the two Gateway Zones in order to consider what the implication is in terms of needing more or different services, and include that data in the Plan.

Mr. Walters noted that there is a Uniform Municipalities Planning Code that is available to the City in updating the Code.

Mr. Baldini restated that a nine-month moratorium is being recommended in order to do various studies such as traffic, sea level rise, storm water damage, and quality of life; however he added that the Budget that was just passed does not provide funding for any studies. Therefore, at the end of the moratorium no studies will have been conducted and the intent of the moratorium would be voided. He added that studies for traffic, storm water damage, etc., need to be done.

Ms. Seitz noted that City Council must apply to WILMAPCO to do a complete Transportation Study and she thought that WILMAPCO funds 80%; however, they will not have funds until approximately next fall.

Ms. Sabatella asked about the recommendation for traffic studies noted in the State of Delaware PLUS Review 2019-04-09 610 West Seventh Street documentation that Mr. Baldini forwarded to the Commissioners. Mr. Baldini explained that document states that a Traffic Impact Study is warranted and must be done by the project developers. He added that such a recommendation would come from the State's review of the developer's plan.

Mr. Baldini read the Resolution of the City of New Castle Planning Commission into the Record.

Mr. Baldini asked the Commissioners if other recommendations should be added to the Resolution, and after discussion it was agreed that the Commission's recommendation should be specific to Ordinance 518; and the Planning Commission will follow-up with a separate recommendation regarding a revision to the Code.

Mr. Baldini called for a Motion to recommend Ordinance 518 to City Council.

A Motion to recommend Ordinance 518 to City Council was made and seconded. On vote:

Mr. Baldini - Opposed
Mr. Justice - Opposed
Mr. Walters - Opposed
Ms. Worthy - Opposed
Ms. Sabatella - Opposed
Ms. Seitz - Opposed

The Motion to recommend Ordinance 518 to City Council was unanimously opposed and the Motion was lost.

Mr. Baldini asked for Commissioners' comments. There being no comments and no further business to discuss, Mr. Baldini called for a Motion to Adjourn.

A Motion to adjourn the meeting at 7:17 pm was made, seconded and unanimously approved.

Kathy Weirich
Stenographer