

New Castle City Planning Commission Meeting
Minutes
October 28, 2019 -- 6:30 p.m.
City of New Castle Town Hall

Members Present: David Baldini, Chair
William Walters, Vice Chair
Jonathan Justice
Erin Sabatella
Brenda Antonio
Gail Seitz

Members Absent: Peter Toner
Marco Boyce
Vera Worthy

Also Present: Debbie Pfeil, KCI Associate/Planning Manager

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

Minutes

July 22, 2019, Minutes

A Motion to approve the Minutes of the July 22, 2019, meeting was made, seconded, and unanimously approved. Ms. Seitz was not present at the July 22 meeting and abstained from voting.

August 6, 2019, Minutes

A Motion to approve the Minutes of the August 6, 2019, meeting was made, seconded, and unanimously approved.

August 22, 2019, Minutes

There was no quorum for the August 22, 2019, meeting.

August 26, 2019, Minutes

A Motion to approve the Minutes of the August 26, 2019, meeting was made, seconded, and unanimously approved.

September 23, 2019, Minutes

There was no quorum for the September 23, 2019, meeting.

2019 COMPREHENSIVE PLAN

Ms. Pfeil began a discussion of the 2019 Comprehensive Plan Map. She stated that a new Zoning Map was now available, one amendment (Parcel #10) has been completed, Exhibit 1 (pink and blue map) has been approved, and Item 22 has been added to Table 16.

Mr. Justice noted that it appeared parcel 20 on Map 2C should actually be parcel 21. The parcel identified on the Table as #21 corresponds to #20 on the Map. During discussion, it was noted that the new Zoning Map is available on the City website. Ms. Pfeil suggested she contact Chris Rodgers to update the Map. Ms. Seitz asked Ms. Pfeil about the white space on Map 2C, and Ms. Pfeil advised that all parcels of white space must have a classification assigned to them. Ms. Pfeil explained that the Land Use Map should be completed before the Zoning Map is finalized, and suggested that due to the fact that the 2009 Land Use Map contained areas without designated classifications (white areas) the State should have returned it for completion. She suggested taking the new Zoning Map and making it comparative to the Land Use Map. She added that the colors on the official Zoning Map should not be changed without an Ordinance, a Resolution, or a Legal Action that allows the colors to be changed.

After discussion, it was agreed to add a Commercial Land Use classification to Map 2C, and incorporate the Retail Commercial (RC), Service Commercial (SC) and General Commercial (GC) classifications from the Zoning Map into Commercial Land Use. Light Industrial/Office (LIO) and Industrial (I) classifications will be folded into one category and Industrial Office Park (IOP) will be a stand-alone classification. Ms. Pfeil explained that Land Use is very broad and Zoning is very detailed and the options for Land Use and Zoning must be compatible.

Ms. Pfeil and the Board conducted a detailed review of each parcel on the Suggested Land Use Map 2C against the Zoning Map. After a complete review, it was determined that seven of the 22 parcels are problematic and require validation by the City and Solicitor. Ms. Pfeil noted that all white space parcels have to be assigned a classification.

Ms. Pfeil recommended a course of action: (1) Determine who did the Zoning Map dated March 19, 2019, (2) have AECOM pull the Future Land Use data, (3) have Ms. Pfeil do a comparison and provide a new table, and (4) determine whether items that do not match up will be reviewed by the City, or if the Land Use Map will be revised.

Ms. Pfeil advised that the State allows two six-month extensions, and the deadline to request a second extension is January 2020. She added that if the State is notified in December 2019 that the Commission will be re-analyzing the Future Land Use there may only be a one-month delay. She also noted that the 2019 Comprehensive Plan will encompass the 2003 and the 2009 Plans. Ms. Pfeil will supply the Commissioners with the data list of City initiatives from the City Council Meeting Minutes that should be added to the Comprehensive Plan. She asked the Commissioners to send her any initiatives and programs in which they are involved to add to the Comprehensive Plan as well.

MODIFICATIONS TO “PROPOSED LAND USE”

Mr. Walters began a discussion of requested zoning changes submitted to the Planning Commission:

Nos. 3 and 5 Buttonwood Avenue

Mr. Francis DeAscanis submitted a request to have the properties at #3 and #5 Buttonwood Avenue, currently zoned RC, rezoned R-2.

Mr. DeAscanis is requesting a zoning change for a very small site behind the commercial property at the corner of Buttonwood and New Castle Avenues to construct a single-family residence. Mr. Walters and Mr. Boyce have both inspected the subject property and view the request favorably as it will be a boost to the immediate neighborhood.

The site was reviewed against the Zoning Map and after discussion, it was determined the property is designated as white space on the Future Land Use Map. Ms. Pfeil advised that any change would have to go through a Comprehensive Plan Amendment to assign a designated classification to the parcel. Ms. Pfeil added that in 2018 the City of New Castle sought

“ ... an Amendment to the 2009 Comprehensive Plan Map to change Map 2C Suggested Land Use Zoning and Table from vacant land and suggested land uses. The Amendment would designate the future land use of these parcels as residential. The subject parcels currently have no suggested future land uses. Therefore it is determined that the proposed rezoning is not in compliance with the 2009 Plan necessitating a revision to Map 2C.”

She noted that the DeAscanis request is exactly the same as the 2018 request. She explained the documentation that would be required for an Amendment for the DeAscanis request in order to add a new parcel 23 to Table 16. PLUS 2018-0803 is the format that would be used. She added that the City initiated the 2018 Amendment. Without the Amendment, the property owner would have to wait until the 2019 Comprehensive Plan is adopted, which would be at least one year.

Mr. DeAscanis also noted in his request that Mr. William Hailey, the property owner of 7 Buttonwood Avenue, also wishes for his property to be rezoned from RC to R-2.

On the same request, it was suggested that Nos. 7, 9, 11 and 12 Arbutus Avenue, currently zoned RC, be rezoned R-2.

805, 807, 809, 815, 817 and 819 Washington Street

Mr. John Cochran is requesting a zoning change from R-3. His request did not indicate which zoning classification he was asking for, but Mr. Baldini noted that in an exploratory conversation he had with Mr. Cochran, he thought Mr. Cochran wished to have the property rezoned to DG. Mr. Cochran did not submit a formal Application. The property is currently non-conforming and the request to rezone the site would add more non-conforming uses to the property.

Mr. Walters noted that the parcel has an existing non-conforming use. The parcel is four single family homes that are currently rental properties with garages and possibly a shop on the site.

Mr. Walters stated Mr. Cochran wishes to tear down the existing houses and build retail on the first floor with residential above, and build another garage. He added that an Application would require, at a minimum, a fully engineered site plan to show how parking, rights-of-way for traffic, site boundaries and footprints for the proposed new building, etc., will all be handled.

Ms. Pfeil explained that the burden is on the applicant to bring in a conceptual sketch or rendering and enough information for the Commission to determine if the rezone request should be entertained. She added that in addition to the application and required accompanying documentation, there is a filing fee as well as an escrow fee.

Centerpoint Business Complex

McBride & Ziegler, Inc., as agent for Centerpoint 2001, LLC, has requested a rezoning of parcel A from Open Space & Recreational to Industrial as part of the annexation of 1500 Johnson Way.

Mr. Justice noted that the current classification of Open Space & Recreational matches both the Future Land Use and the Zoning Maps. He added that the rationale for keeping that parcel Open Space & Recreational is that it borders residential properties and it provides a buffer between the Washington Park neighborhood and Centerpoint Business Park. Ms. Pfeil explained the uses that are acceptable in Open Space & Recreational.

Ms. Pfeil noted that a request to change future land use requires public process and a public hearing, and in this case, the rezone classification is not compatible with the existing classification and an Amendment would need to be requested.

Ms. Pfeil stated that all of the rezoning requests would require Amendments. Mr. Walters noted that because the Planning Commission does not have a formal Application Form, all the requests are considered to be Applications. Mr. Walters suggested that the Commission discuss the requests and the Commissioners' concerns with Mr. Bergstrom. Mr. Justice reiterated that all the requests would require an Amendment to the Plan before compatible zoning can be adopted, and that it is the responsibility of the applicant to ensure that all Code requirements are met.

MISCELLANEOUS

Appointment of Planning Representative

Mr. Baldini noted that he was the Planning Representative for the Historic Area Commission, and his term has expired. He nominated Mr. Walters as Planning Representative. There being no other nominations for the post, Mr. Baldini called for a Motion to appoint the Planning Representative.

A Motion to appoint Bill Walters as Planning Representative to the Historic Area Commission was made and seconded. On vote:

David Baldini – aye

Brenda Antonio – aye

Jonathan Justice – aye

Erin Sabatella – aye

Gail Seitz – aye

The Motion was approved unanimously.

2020 Holiday Schedule

Mr. Baldini received a request from Kim Burgmuller regarding the fall holiday schedule for the 2020 City Calendar. The Planning Commission Meeting is presently scheduled for November 23, 2020. Other choices are November 16 or November 30. Mr. Baldini will forward Ms. Burgmuller's email to the Commissioners and they will respond with their preference.

The 2019 November meeting is scheduled for November 18, and that date is agreeable to the Commissioners.

COMMISSIONERS' COMMENTS

Downtown Gateway Area

Mr. Justice brought up the vulnerability to flooding and wave action in the City, and noted that the City does not have viable evacuation routes. In some cases the Downtown Gateway area (DG) is high density residential, particularly on 7th Street, and he is concerned that those households may be in harm's way during flooding or heavy rain events. He suggested that the density of the DG Area be reviewed. During discussion, Ms. Pfeil noted that if the Commission down-zones areas that have been up-zoned in the last 8-10 years, there must be true and legal justification for the action. Mr. Justice noted that when The Garrison was built, the area was raised approximately 9' to get it above the flood plain, and Mr. Bergstrom interpreted the 35' height limit to be from the higher of the flood plain or the street. In addition, due to the wave action, the ground floor is designated as parking only and the occupied spaces are above that. Ms. Pfeil suggested the Commission reach out to an attorney to discuss concerns of evacuation in emergency situations and to ascertain justification of property right. She agreed that the concern should be identified in the Comprehensive Plan and suggested there may be existing studies that the Commission could review. .

PUBLIC COMMENTS

Mr. Phil Gross had a question of the relation of the City Map to the County Map, and Mr. Baldini stated that the City map is used to update the County website. Mr. Gross clarified that the Commission would ensure that the correct map is available on the County website. Mr. Gross also expressed his concern about undeveloped areas next to The Garrison and potential development on those areas. Ms. Pfeil noted that any development would be

dictated by flood plain, zone, and Building Code. Mr. Baldini stated that the Code does not speak to flooding in relation to structures and building. Ms. Pfeil stated that Mr. Bergstrom is a Certified Flood Plain Manager and added that flooding is addressed in the Building Code and regulated through FEMA. The Zoning Code addresses the building footprint, setbacks, etc., and the Building Code addresses how the structure is placed in relation to the flood plain. The Commissioners held a brief discussion of stormwater vs high tides and water surge and their effect on the City's stormwater system.

There being no further public comment, and no further business to discuss, Mr. Baldini called for a Motion to Adjourn.

A Motion to adjourn the meeting at 9:58 pm was made, seconded and unanimously approved.

Kathy Weirich
Stenographer