

New Castle City Planning Commission Meeting
Minutes
1 Municipal Boulevard, New Castle, DE
July 22, 2024 – 7:00 p.m.

Members Present: Margo Reign, Chair
Brie Rivera
Cynthia Batty
Kristin Zumar
Tamara Stoner
Timothy Gibbs
David Majewski
Stephen Franklin

Absent: Vera Worthy

Also Present: Christopher J. Rogers, City Planner

Ms. Reign called the Planning Commission meeting to order at 7:00 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

A motion to approve the minutes of the May 20, 2024, regular meeting as amended was made by Ms. Zumar, seconded by Ms. Rivera and unanimously carried, with Messrs. Gibbs and Franklin abstaining.

Public Comment on Agenda Items

There were no comments from the public.

Introduction of New Commissioner Stephen Franklin

Ms. Reign introduced Mr. Franklin, who assumed the remainder Ms. Faña-Ruiz's term on the Planning Commission.

Recommendation on Ordinance 548 – An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Schedule of District Regulations, Regarding Minimum Lot Frontage and Wetlands.

Ms. Zumar questioned the rationale for the addition of Section 5:A., which states “No more than eighty-percent (80%) of a lot's lot area may consist of wetlands, whether tidal or non-tidal”. Mr. Rogers explained that there is a maximum building bulk percentage in the Schedule of District Regulations which is defined as “the floor area of the footprint of the building divided by the area of the lot upon which the building is located”. Ms. Zumar reiterated her question regarding the rationale for the 20% / 80%. Ms. Batty also questioned whether the proposed Ordinance is accomplishing the intent of City Council to avoid the creation of an orphaned lot. An in-depth discussion of the language and intent of the proposed Ordinance ensued during which Mr. Rogers stated the City Solicitor recommended the 20% / 80%, and he had no objection to it. He

added that the proposed Ordinance mandates that any newly created lots must have road frontage on a publicly maintained street in order to provide fee simple access to emergency vehicles; and if the lot is developed there is a built-in ownership incentive to maintain the 80% that is wetlands and there would be an individual living on the 20% who would be paying taxes on the wetlands.

There being no further discussion, Ms. Reign called for a motion.

Mr. Gibbs suggested that the Planning Commission recommend that Council be more proactive rather than reactive with regard to the creation of orphaned wetlands.

A motion was made by Ms. Zumar to recommend to City Council the 25' minimum lot frontage; with concern about the 80% / 20% proportion and the basis behind it regarding the wetlands and that this does not address the concern of the creation of orphaned wetland lots. The motion was seconded by Ms. Batty.

Mr. Gibbs recommended that the motion be amended to state that the Planning Commission rejects "the 80% / 20% wetlands division proportion proposed under Section 5:A."

Ms. Reign recommended that the motion be revised to state "does not address preventing the future creation of orphaned wetland lots."

Ms. Batty recommended that the language be amended to remove 25'. Mr. Majewski concurred, suggesting that the language be changed to "the recommended minimum lot frontage as proposed"

Ms. Reign recommended that "because it does not address the issue of preventing the future creation of orphaned wetland lots" be added to clarify the Commission's rational for rejecting the 80% / 20% wetlands division proportion proposed under Section 5:A. It was also suggested that City Council consider other ways to achieve that goal.

Ms. Zumar accepted the recommended amendments.

Ms. Batty questioned the ramifications the Ordinance would have on the Housing Authority's suggestion of creating multi-family dwellings out of single family dwellings. Mr. Rogers explained the difference between a duplex and a semi-detached.

There was further discussion of the minimum lot frontage, during which Mr. Rogers noted that he recommended 20' for R-3 to the City Solicitor because very small lots are allowed in the R-3 Zone and a town house would fit on a 20' wide lot.

Mr. Rogers recommended that the Commission opine on its position on the revisions to the definitions of "lot" and "lot of record" and a discussion of the definitions ensued during which the Commissioners accepted Mr. Rogers' recommendation.

A motion was made by Ms. Zumar to recommend to City Council the recommended minimum lot frontage as proposed and the recommended changes in definitions. The Planning Commission rejects the 80% / 20% wetlands division proportion in Section 5:A. and the basis behind it regarding the wetlands in that it does not address the issue of preventing the future creation of orphaned wetland lots and recommends that City Council consider other ways to achieve that goal.

There being no further amendments to the motion on the floor, Ms. Reign called for a vote.

The motion on the floor was unanimously carried.

Discussion of Special Project Regarding Informational Packets for Historic District Residents

Ms. Reign noted Ms. Batty will work on drafting informational packets for Historic District residents.

Ms. Batty stated that she had been working on this with the Historic Area Commission and three versions were recommended: Homeowners and Renters, Businesses (whether they own or rent their establishment), and Real Estate Agents and Law Firms.

Ms. Reign asked that drafts of the packets be reviewed by the Planning Commission. Ms. Batty suggested that the Commissioners familiarize themselves with the Municipal Code and the Historic Area Commission Guidelines & Standards.

Discussion of Comprehensive Plan Annual Report

Mr. Rogers stated that State Law requires that the Planning Commission provide the State Office of Planning Coordination with a report each year describing implementation of the Comprehensive Plan and identifying issues, trends and conditions since the Plan was last adopted. Mr. Rogers drafted a report that was distributed to the Commissioners.

On the Commission's approval of the report Mr. Rogers will forward it to City Council for their consideration and signature by the Mayor

A motion to accept the Comprehensive Plan Report as prepared was made by Mr. Majewski, second by Mr. Gibbs, and unanimously carried.

Discussion of Accessory Dwelling Units

Ms. Zumar noted that during the presentation from Karen Horton, AICP, Delaware State Housing Authority, it was noted that accessory dwelling units (ADUs) are recommended as a means to allow aging in place and to create affordable housing options. Currently, New Castle Code prohibits ADUs. Ms. Zumar recommended that the Planning Commission request that City Council consider an amendment to the Code to allow ADUs.

A discussion of ADUs ensued during which Ms. Reign clarified that they would not be recommending Section 8 housing. Ms. Reign suggested that the Commission suggest to Council

that they look into what would be entailed and recommended to allow ADUs. Ms. Zumar noted that she had requested a copy of the Kent County requirements for ADUs be forwarded to her. Mr. Rogers suggested that the Commission recommend that City Council have Staff investigate the feasibility of allowing ADUs. Mr. Rogers noted that an ADU can also be internal to the structure, which has implications with Code Enforcement.

A motion was made by Ms. Zumar to recommend that City Council direct Staff to investigate the feasibility of Accessory Dwelling Units (ADUs) within the City Limits of New Castle. The motion was seconded by Mr. Franklin and unanimously carried.

HAC Report

Ms. Batty reported on the Historic Area Commission:

- HAC is looking at a creating a public page on the City website with projects and their evolution over time, including what is and is not approved.
- HAC is working on ensuring that Agenda items are submitted with correct documentation.
- HAC is working on the timing of submissions.
- HAC looked at the Rules of Engagement drafted by Ms. Reign.
- HAC wrote a number of updates to the website to help people understand HAC requirements.

Ms. Reign noted that she will be reviewing the Town of Townsend's Policies and Procedures and will report to the Commissioners at the August meeting.

Commissioner Communications

Mr. Majewski stated that he was in contact with the developers regarding the Markell Trail, and it will probably be on the August Agenda for City Council. Mr. Rogers added that he spoke with the engineer and a discussion and possible vote on the Site Plan should be on the August City Council Agenda.

There being no further business to discuss, Ms. Reign called for a motion to adjourn.

A motion to adjourn was made by Mr. Majewski, seconded by Ms. Stoner and unanimously carried, and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer