

May 19, 2022

William J. Barthel
City Administrator
City of New Castle
220 Delaware St.
New Castle, DE 19720

**RE: Comprehensive Plan Amendment, Rezoning and Concept Plan
130 and 150 Lukens Drive, Parcel Nos. 21-022.00-001 and 21-022.00-022**

Dear Mr. Barthel:

The purpose of this letter is to provide comments on items 3. and 4. on the Planning Commission agenda for the May 23, 2022, meeting. These comments are not intended to be all encompassing but to provide the necessary background for the Planning Commission to consider the project and to provide recommendations on the next steps.

Comments

1. Parkway Gravels (applicant) has submitted a rezoning request and concept plan for the above-mentioned parcels located in the Riveredge Industrial Park. The applicant requests to rezone portions of the property from the existing Industrial Office Park (IOP) District to a combination of Multi-Family Residential (R-3) District and General Commercial (GC) District. Along with the rezoning request, the applicant has submitted a concept plan indicating how the property would be developed if rezoned. The concept plan consists of a 451 unit mixed-use project including 46 single-family homes, 26 twin units, 107 townhomes, and 272 apartment units. The proposed GC zoned area is planned to be developed as 12,000 sq. ft. of retail space with second-floor apartment units, a community clubhouse, and a public restaurant.
2. An Ordinance (Ordinance 536) to rezone the subject parcels and amend the Comprehensive Plan ... *as necessary to make the Approved Site Plan consistent therewith...* was introduced by City Council for First Reading on May 10, 2022.
3. Per Section 230-61 of the City's Zoning Ordinance, the Planning Commission is charged with making a recommendation to City Council on rezoning requests.
4. The subject parcels are designated as *Light Industrial, Office Park* on Map No.3 Suggested Land Use in the 2020 City Comprehensive Plan.
5. Delaware Code Title22, §702(c) states:

The comprehensive plan shall be the basis for the development of zoning regulations as permitted pursuant to Chapter 3 of this title. Should a jurisdiction exercise its authority to establish municipal zoning regulations pursuant to Chapter 3 of this title, it shall, within 18 months of the

adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.

6. Page 39 of the City's 2020 Comprehensive Plan states:

Map 3 Suggested Land Use was created after careful review and multiple discussions with the Planning Commission. While it is difficult to predict future opportunities and land development trends, this map serves as the basis for all change of land use and zoning applications. The Planning Commission and City Council may entertain applications to change the Suggested Land Use Map and Zoning Map on a case-by-case basis. If considered, the application would require a Comprehensive Plan map amendment submittal to the Office of State Planning Coordination for review and recommendation prior to the City taking action.

7. The applicant has acknowledged the City's need to review the Comprehensive Plan for potential revisions to accommodate the proposed rezoning and ultimate development of the subject parcels. In recognition of this, the applicant has waived the time limitations within which the Planning Commission must make a recommendation to the City Council on rezonings as stipulated in Section 230-61 of the Zoning Ordinance.
8. The rezoning request and concept plan are scheduled for review by the Preliminary Land Use Service (PLUS) on May 25, 2022. Written comments from the PLUS review are due within 20 working days from the meeting or June 22, 2022.
9. For informational purposes, Delaware Code Title 22, §702(b) defines a comprehensive plan per the following:

Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of


the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.

10. While there are statutory requirements for public hearings, notifications, State certification and plan content, there is no one prescribed planning process by which a comprehensive plan is created or amended. For informational purposes, the Planning Commission engaged in a Strength, Weakness, Opportunity, and Threat (SWOT) analysis, conducted a community wide survey with 776 total responses, held 3 public workshops, and discussed and adopted the 2020 Comprehensive plan over the course of 20 public meetings.
11. At two persons per dwelling unit, the proposed development would increase the City's 2020 population by approximately 16%.

Recommendations

1. AECOM recommends that the Planning Commission first consider the overall merits of amending the Comprehensive Plan to permit a mixed-use development of this magnitude at this location prior to discussing the details of the concept plan. (While the PLUS review will focus on the specific concept plan, comments from PLUS agencies may inform the broader Comprehensive Plan amendment consideration.)
2. In pursuit of the previous recommendation, the Planning Commission may wish to utilize the May 23, 2022 meeting as an introduction to the project and have a general discussion regarding the Comprehensive Plan issue(s). Given the complexity of the issues and the magnitude of the proposed project/Comprehensive Plan amendment, it may be useful to hold a separate workshop to discuss the matter in more detail.

AECOM Technical Services, Inc.



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Principal Planner

Cc: Planning Commission
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