

# City of New Castle Board of Adjustment

1 Municipal Blvd.  
New Castle, Delaware 19720

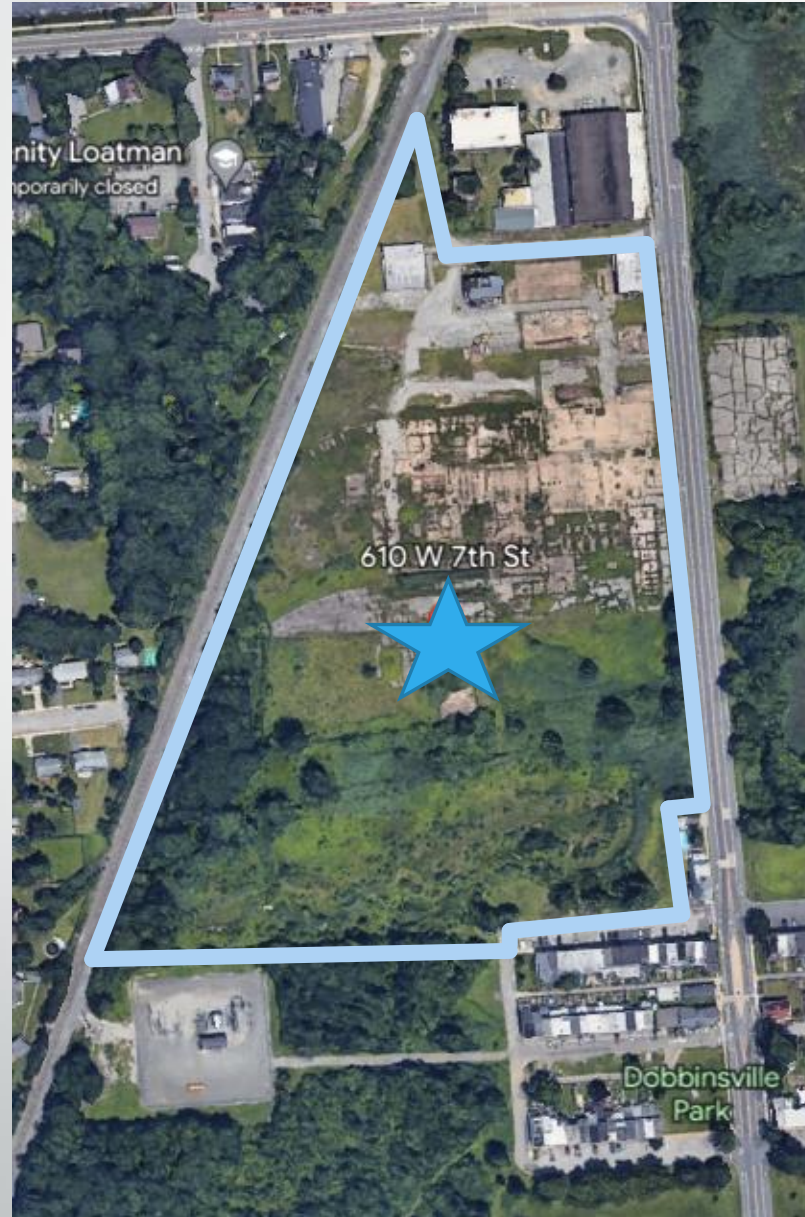
September 30, 2024

6:30 PM



## FREEDOM DEVELOPMENT, LLC

# Current Aerial View



# 610 West Seventh Street





# Site





# Adjacent Residential

(West side of parcel)



# Adjacent Residential

(West side of parcel)

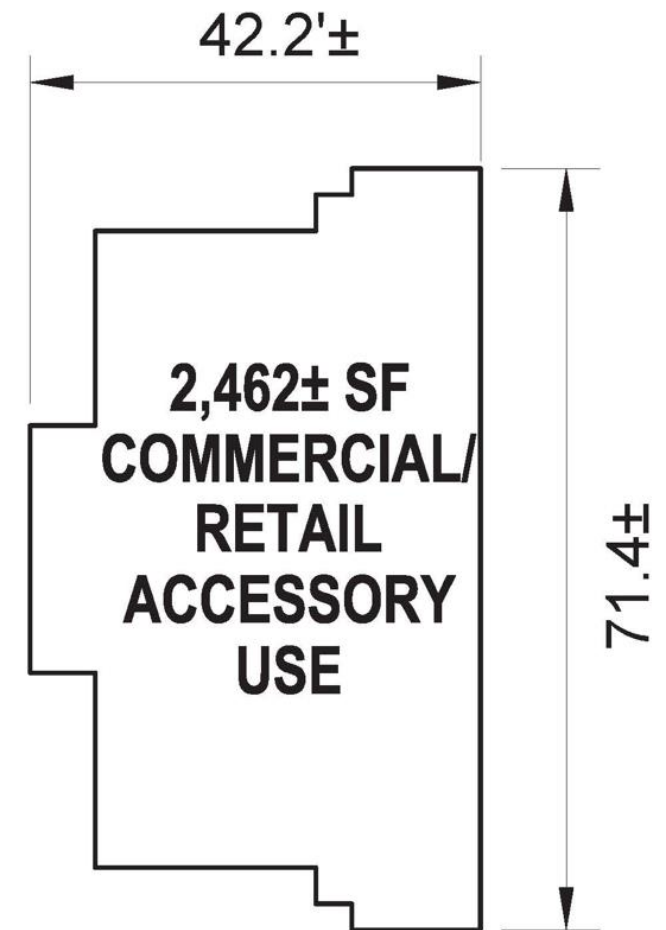




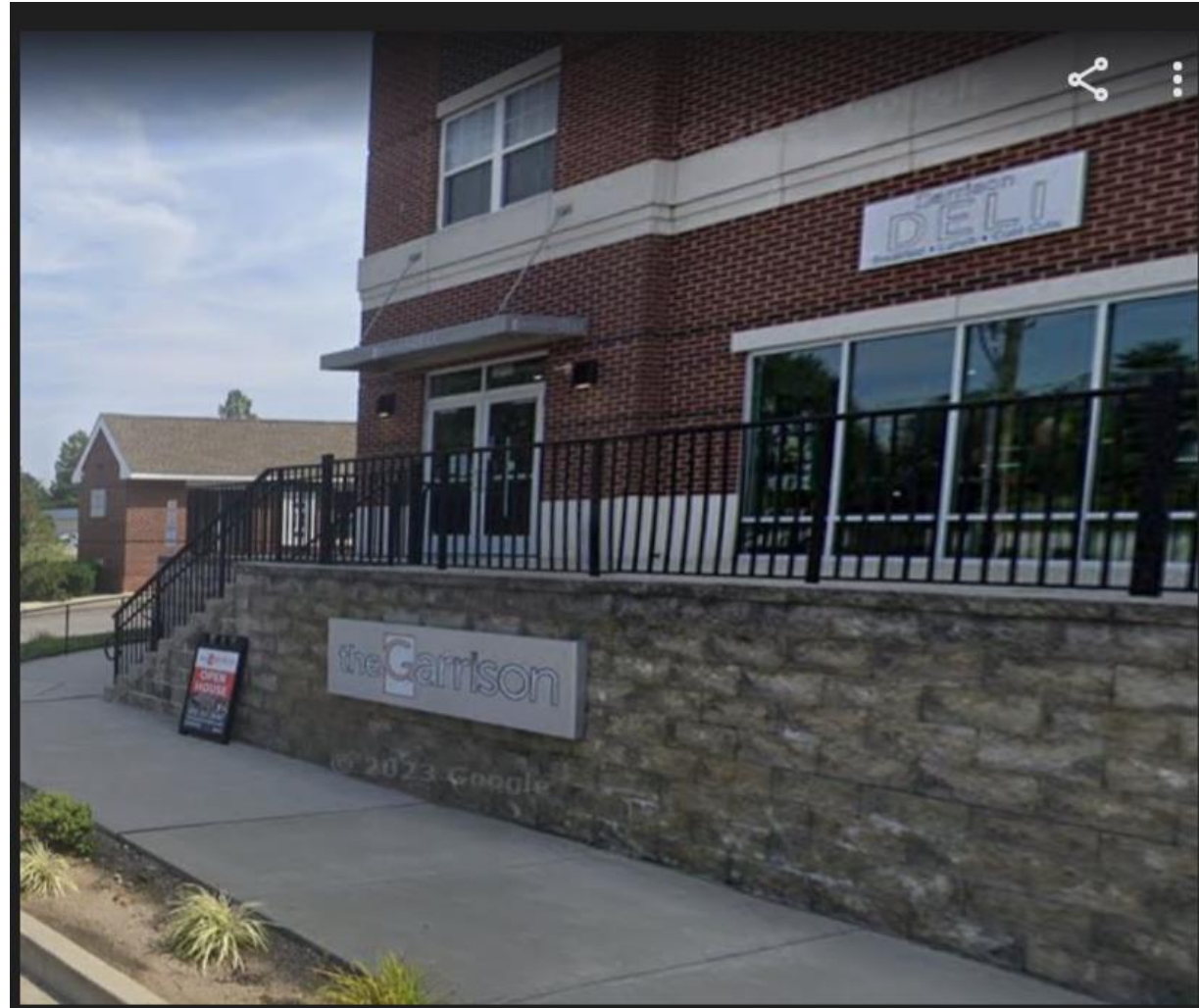
# Site Plan with Overlay

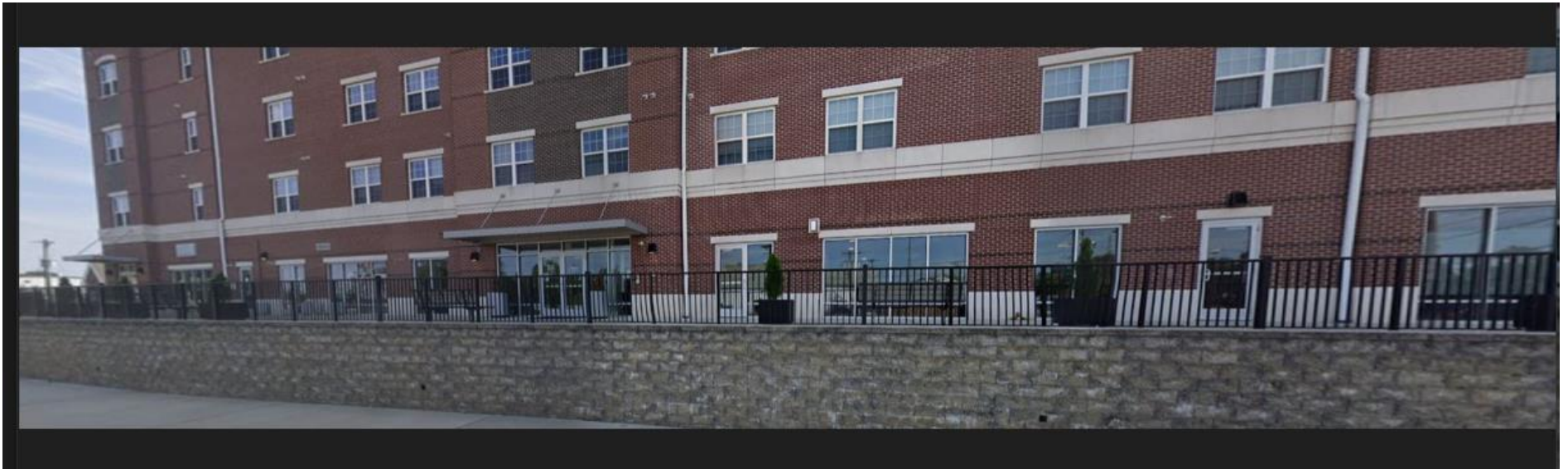


# Accessory Use Concept











# Existing Character

## Washington and W. Ninth



MIXED USE

# Existing Character

## Garrison Apartments – Washington and Seventh



MIXED USE



# Site Aerial Perspective



# 7 Three-Story and 3 Four-Story Apartment Buildings

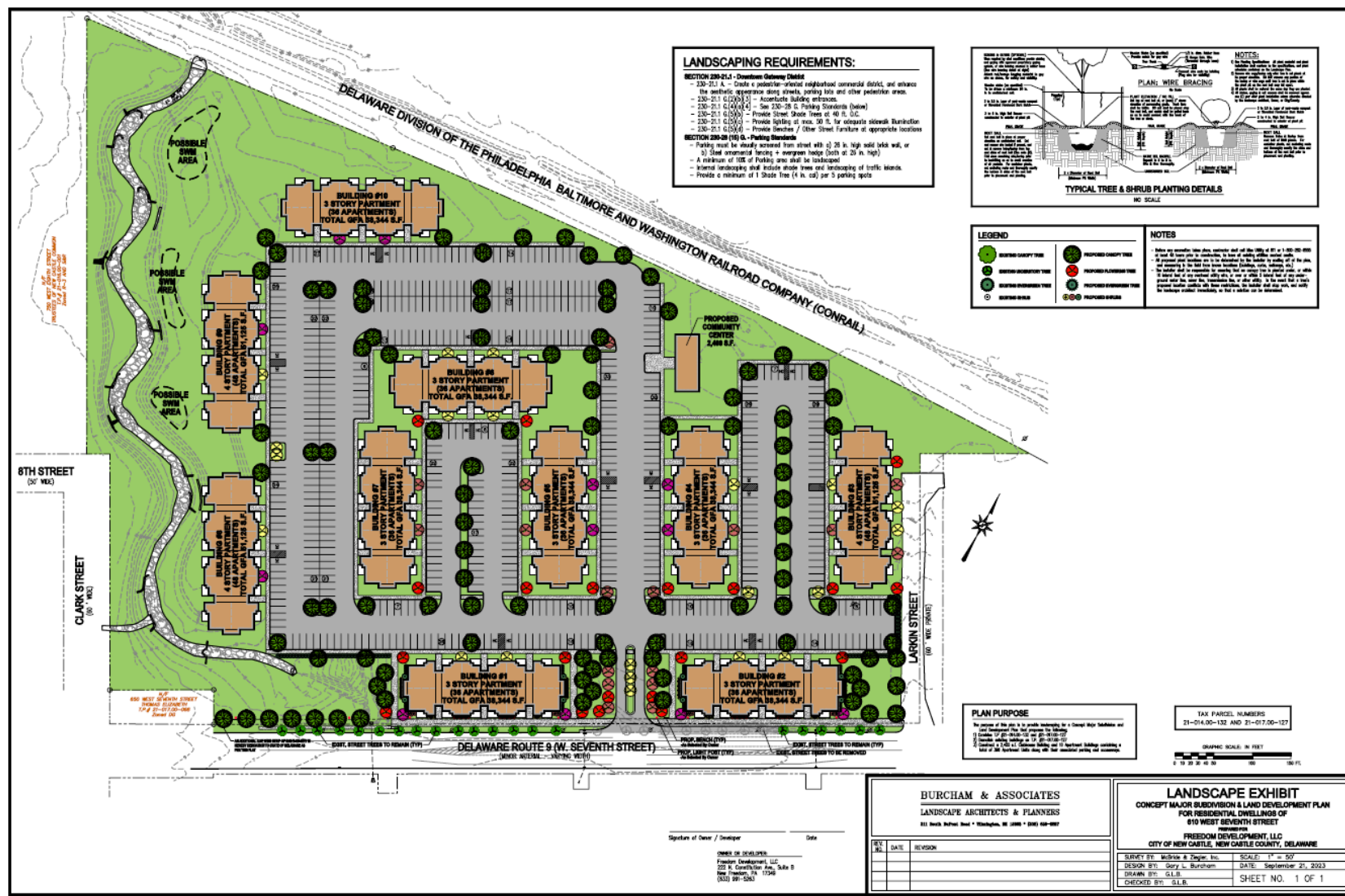
## 396 Total Units



- 264 - 1-Bedroom/1-Bath units.
- 132 - 2-Bedroom/2-Bath units.
- 594 parking spaces required & provided.

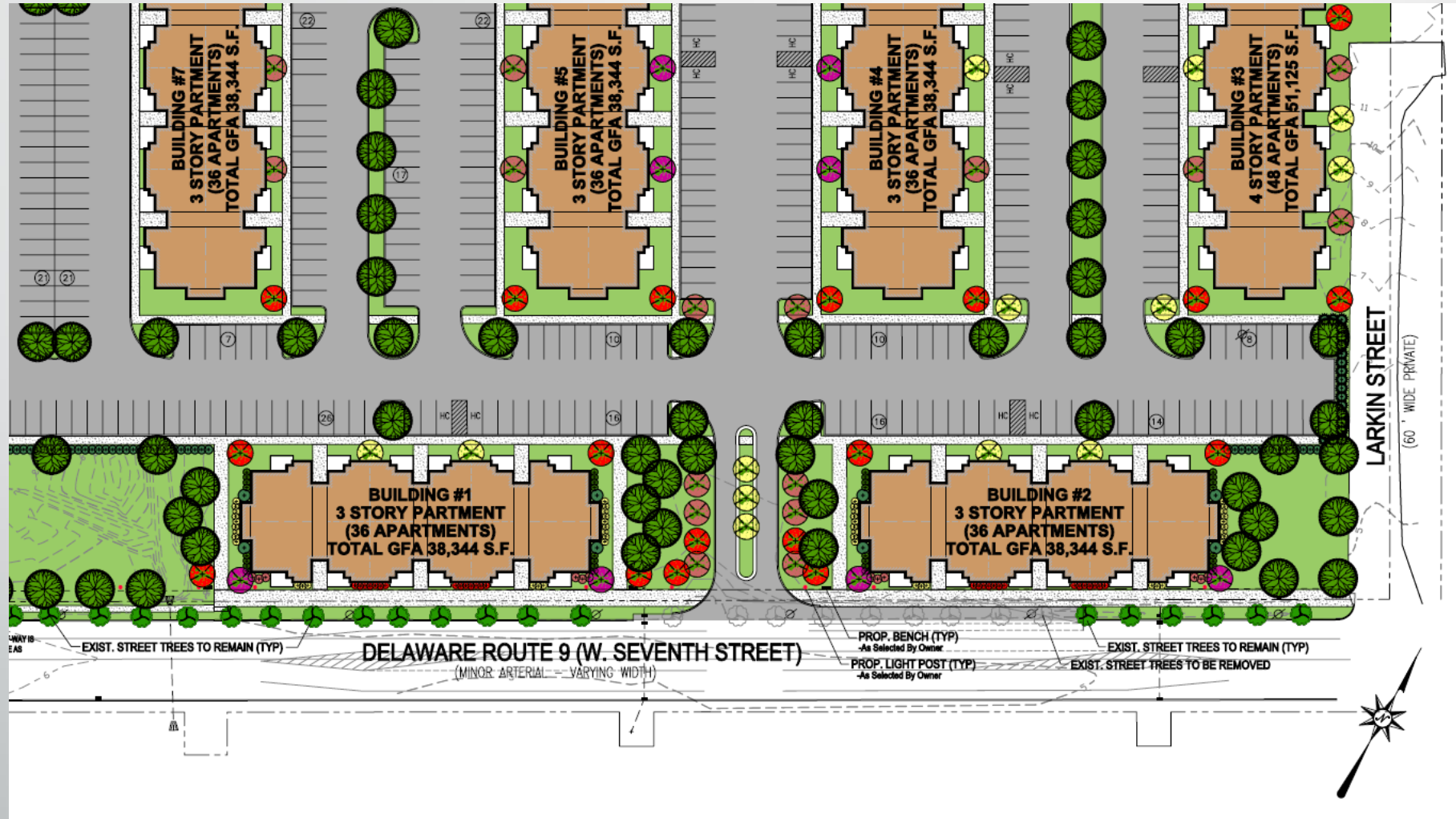


# Landscape Plan



# Landscape Plan

(Along Delaware Route 9)





# Legal Standard for Special Use Exception Multi-Family in Downtown Gateway Section 230-57(B)(2)

- (a) Consider the suitability of the property for the use desired. Assure itself that the proposal is consistent with the spirit, purpose, and intent of this chapter, the Comprehensive Plan, and other relevant plans.
- (b) Determine that the proposal will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded.
- (c) Determine that the proposal will serve the best interest of the City, the convenience of the community, and benefit the public welfare.
- (d) Consider the effect of the proposal on the public services and facilities, such as public water, sewer, police and fire protection, and public schools.
- (e) Consider the probable effects upon highway traffic and pedestrian movements, and assure adequate access and circulation arrangements in order to protect major roads from undue congestion and hazard.

# Legal Standard for Special Use Exception Multi-Family in Downtown Gateway Section 230-57(B)(2)

(a) Consider the suitability of the property for the use desired. Assure itself that the proposal is consistent with the spirit, purpose, and intent of this chapter, the Comprehensive Plan, and other relevant plans.

- Spirit, Purpose and Intent - Downtown Gateway District
- City of New Castle Comprehensive Plan





# City of New Castle Comprehensive Plan

## **Goals and Strategies – pg. 47**

“Incentivize private investment in New Castle’s remaining undeveloped parcels, brownfields, and redevelopment areas harmoniously with nearby land uses.”

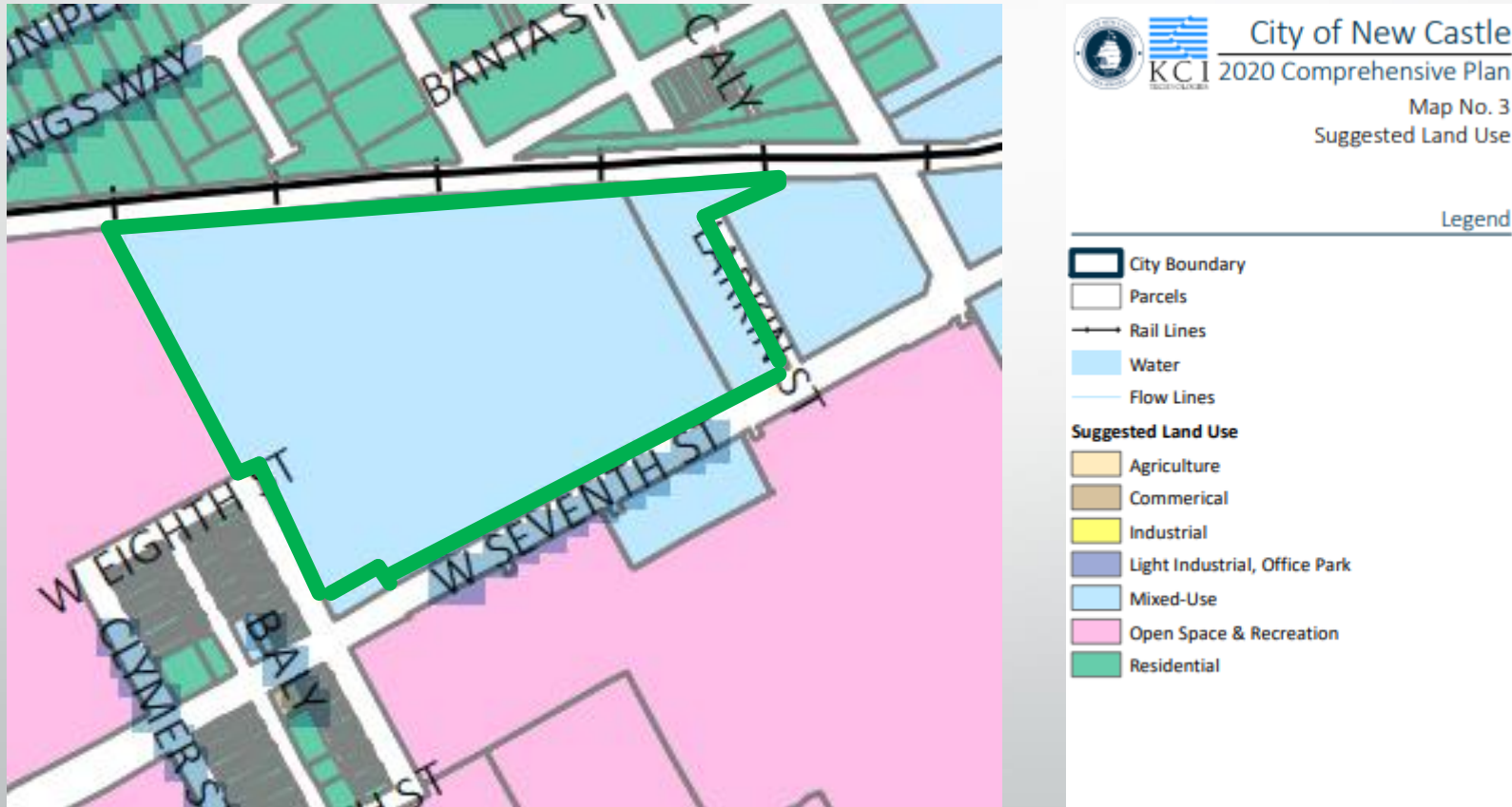
## **Economic Development – pg. 100**

“Former industrial sites and other brownfields represent redevelopment opportunity and should be brought back in productive reuse”



# City of New Castle Comprehensive Map

## Suggested Land Use (Mixed-Use)



# Downtown Gateway District § 230-21.1 A

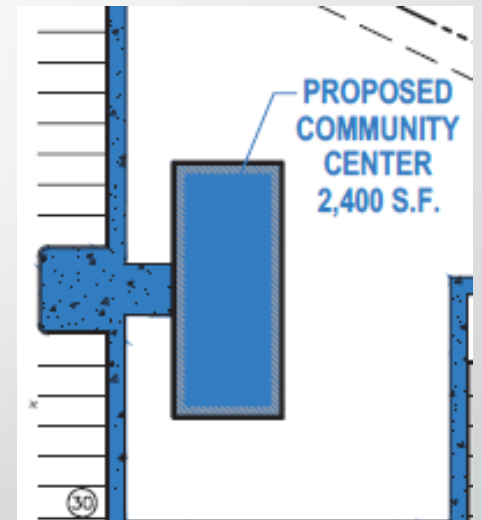
- (1) Create a pedestrian-oriented neighborhood commercial district providing primarily local goods and services and presenting a gateway worthy of the City of New Castle.
- (2) Extend the built-form, character and scale of the historic district.



# Downtown Gateway District § 230-21.1 A

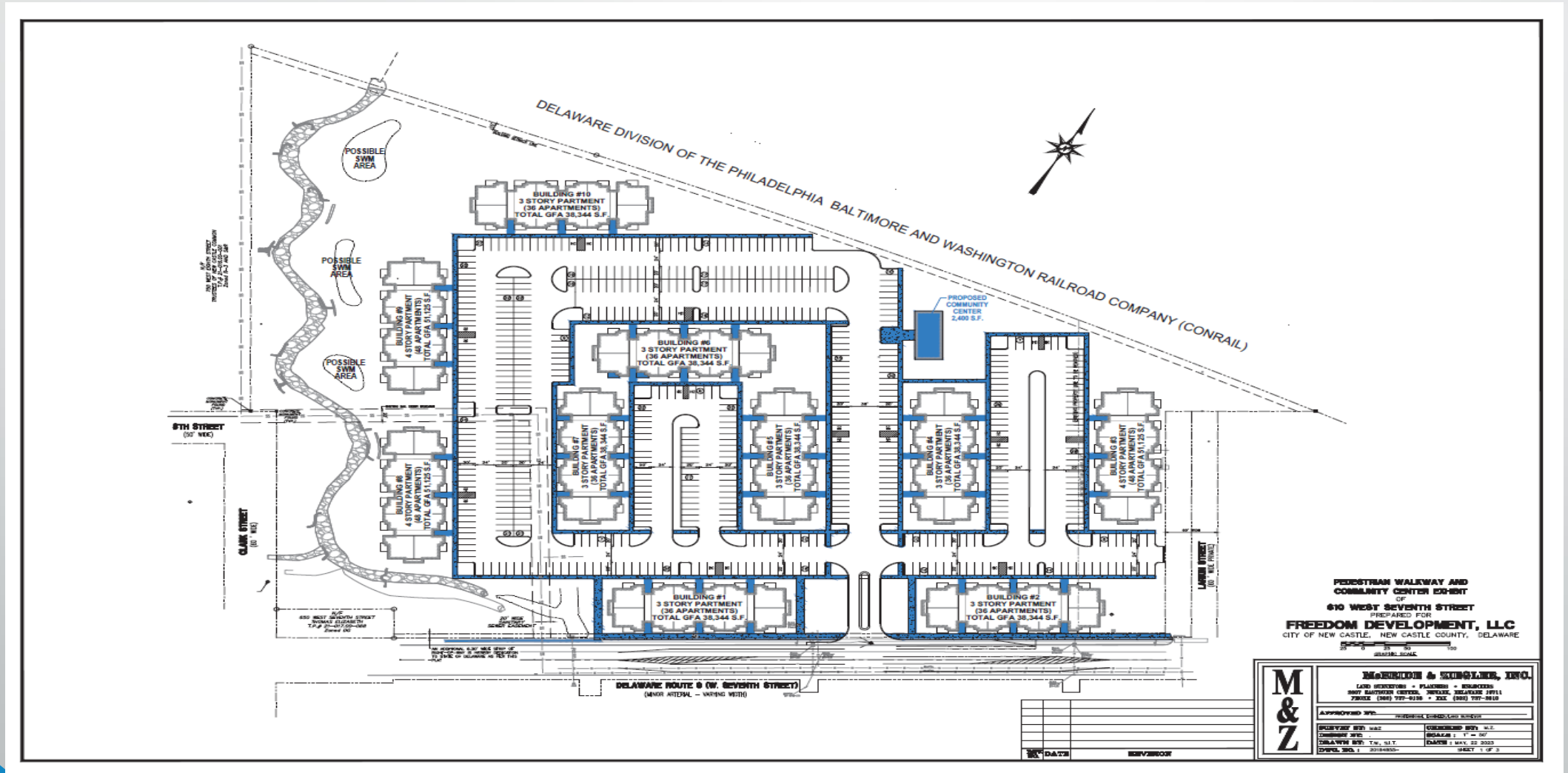
(1) Create a pedestrian-oriented neighborhood commercial district . . .

- Improve the pedestrian environment along streets, parking lots, and other pedestrian areas.
  - Proposed Community Center in Open Space
  - 10' Foot Sidewalk Along 7<sup>th</sup> Street
  - Will Explore Pedestrian Crossover of 7<sup>th</sup> Street for future Connection to Riverfront





# Downtown Gateway District § 230-21.1 A



# Downtown Gateway District § 230-21.1 G

## Design Standards

Thomas McKenna – Bernardon Architecture-Interior Design- Landscape Architecture

- (1) To ensure that all new developments in the Downtown Gateway District will be pedestrian in scale and walkable, all developments in the district shall meet the following design standards.
- (2) Building design standards. New construction shall meet the following requirements:
  - (a) Building character. New development shall generally employ building types that are compatible to the existing architecture of the adjacent downtown area in their massing and external treatment.
  - (b) Building orientation and entrances.
    - [1] The front façade of buildings shall be oriented towards the street and sidewalk, with the primary entrance located in this front façade.
    - [2] Building located on a corner lot shall be oriented to the primary street as determined by the City Codes Officer and orientation to both public streets is encouraged.
    - [3] All primary building entrances shall be accentuated. Entrance accentuations may include recessed or protruding entrances and/or the use of canopies, porticos, or overhangs.
  - (c) Windows.
    - [1] Windows should be appropriate to the architectural style, materials, and detailing of the building. To the greatest extent possible, windows should be proportioned vertically.
    - [2] The ground floor front facades of retail buildings shall include a minimum of 40% and a maximum of 75% of windows with views provided through these windows into the business.
    - [3] Upper story windows of front facades shall not be boarded or covered and facades shall include windows in the façade above the ground floor.
    - [4] Upper story windows should be aligned with windows and doors on the first floor.
    - [5] Smoked, reflective, opaque or black glass in windows is prohibited.

# Downtown Gateway District § 230-21.1 G

## Design Standards

### (d) Roofs.

[1] The following roof types are encouraged: gable, cross gable and flat roofs with decorative cornice lines or parapet.

[2] Flat roofs shall be prohibited on one-story buildings but are allowed on buildings of two stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

### (e) Facade articulation.

[1] Facades shall have horizontal articulation elements. At a minimum, facades shall have the following horizontal elements; window sills, window lintels, protruding horizontal courses on each floor of the building and cornices. See Table 3.

[2] Facades shall have a district base of at least 18 inches in height at ground level using materials that are different from the main façade such as stone, masonry or decorative concrete. See Table 3.

[3] Facades shall have all vertical articulation at a maximum distance of every 30 feet of continuous façade. Vertical articulation shall be created through changes in plane or building material for a minimum of one foot wide and protruding a minimum of two inches. See Table 3.

[4] The top level should be treated with a district outline with elements such a projecting parapet, cornice or other projection. See Table 3.

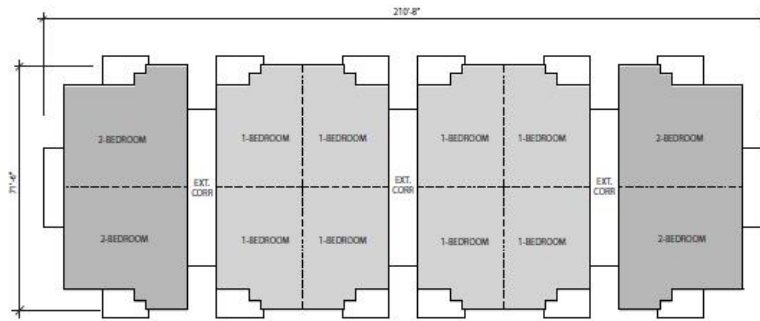
[5] To further articulate the building façade and increase architectural interest while facilitating all-weather comfort of pedestrians, continuous awnings (both permanent and retractable), canopies, and building overhangs, including arcade structures with occupied space above, are strongly encouraged along the street frontages.



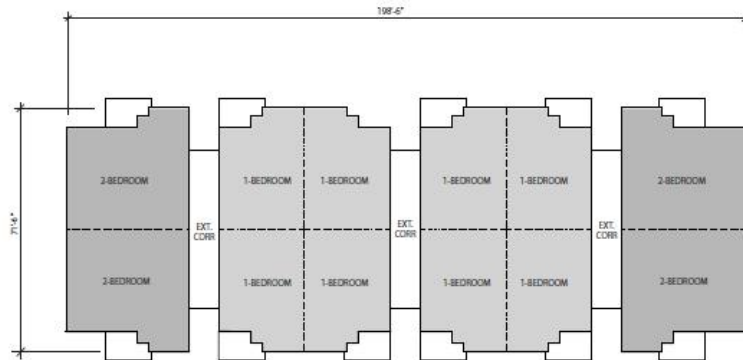
# Front Elevation



# Floor Plans and Elevations



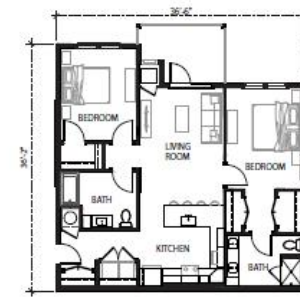
1 GROUND FLOOR CONCEPT PLAN



2 SECOND - THIRD FLOOR CONCEPT PLAN



3 TYPICAL 1-BEDROOM APARTMENT



4 TYPICAL 2-BEDROOM APARTMENT



5 TYPICAL SIDE ELEVATION - 7th STREET BUILDING



6 TYPICAL FRONT ELEVATION - 7th STREET BUILDING

08/28/2023

# Downtown Gateway District § 230-21.1 A

(4) Encourage the consolidation of parcels identified for redevelopment.

- Plan will consolidate 2 existing parcels





# Downtown Gateway District § 230-21.1 A

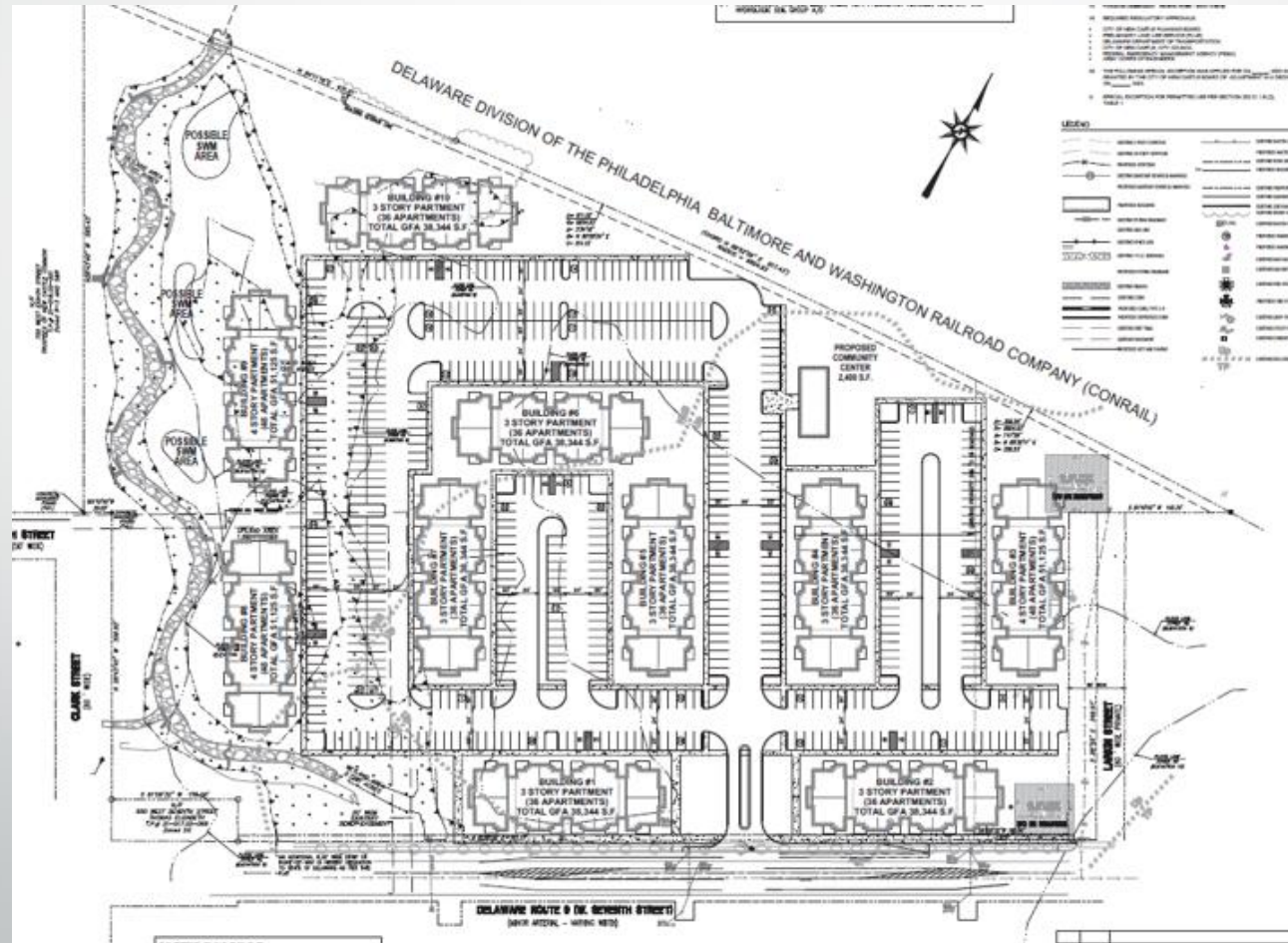
(5) Reduce the number of existing or future driveways . . .

- Eliminate Existing Access from Larkin Street
- Only One Entrance Proposed Off 7<sup>th</sup> Street



# Downtown Gateway District § 230-21.1 A

- (6) Minimize the aesthetic and safety impacts of parking structures and surface parking lots.
- Parking lots oriented in the center of the complex and surrounded by proposed buildings and landscaping



# Legal Standard for Special Use Exception

## Multi-Family in Downtown Gateway

### Section 230-57(B)(2)

(b) Determine that the proposal will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded.

- Buildings and Parking areas more than 100' feet from residential properties on the west side and will be buffered by existing vegetation, wetlands and other code compliant landscaping





# Site Plan – Shows Western Buffer





# Site Plan with Overlay





# Adjacent Residential





# Adjacent Residential



# Legal Standard for Special Use Exception Multi-Family in Downtown Gateway Section 230-57(B)(2)

(d) Consider the effect of the proposal upon the public services and facilities, such as public water, sewer, police and fire protection, and public schools.

- Have met with the Fire Chief and Police Chief to Discuss the Project
- Will meet all State Requirements for Public School Impacts (22 Del. C. § 842)
- Sewer Capacity Confirmed By New Castle County

# Legal Standard for Special Use Exception Multi-Family in Downtown Gateway Section 230-57(B)(2)

(e) Consider the probable effects upon highway traffic and pedestrian movements, and assure adequate access and circulation arrangements in order to protect major roads from undue congestion and hazard. (Nicole R. Kline-Elsier, P.E., PTOE Regional Service Leader – Traffic, Bowman)

- Results of Traffic Impact Study – DelDOT Confirmed Passing Study
- New signals – Blue Diamond Project (Hamburg Road & Route 9 & Federal School Lane and Route 13)
- Road Flooded When Flashing Signage (controlled remotely by text)





### **7<sup>th</sup> Street “Road Flooded When Flashing” Signage**

- Provide two solar powered, edge-lit, post-mounted sign installations (one eastbound and one westbound) along 7<sup>th</sup> Street west of the site in advance of the roadway section that is prone to flooding in the vicinity of Deemer’s Beach and Army Creek.
- Proposed flashing devices would be activated by emergency personnel when needed, and deactivated by emergency personnel when roadway flooding subsides.
- Images of a sample installations, which will require further coordination and approval by DelDOT to be implemented with regard to the design features and locations.

Sample signage installations







**PROPOSED SIGN  
LOCATIONS, SUBJECT  
TO DELDOT APPROVAL**



# AECOM Letter

(Dated July 20, 2022)

4. Most of the site is located within the 100-year floodplain with base flood elevations of both 8 feet and 9 feet. The site also contains wetlands. Given the graphics of the plan, it is difficult to determine the exact extent of the wetlands but it does appear that disturbance to the wetlands is proposed for Buildings 8 and 9. The applicant should clearly indicate the wetlands, provide the total acreage and total acreage to be disturbed as well as indicate the source of the wetland delineation. The applicant should discuss how the proposal is consistent with criteria (f) of Section 230-57.B.(2) of the Zoning Ordinance which states:

7. Through a partnership with DNREC, a Vulnerability Assessment and Adaptation Plan was prepared in 2018 to evaluate flooding issues in the City including the impacts of sea-level rise and coastal flooding. The Plan can be found here:  
<https://documents.dnrec.delaware.gov/coastal/Documents/ResilientCommunityPartnership/city-of-new-castle-resilient-community-partnership-plan.pdf>

The City has formed a Sea Level Rise Task Force *to research existing information concerning the impact of sea level rise on the City of New Castle, and to prepare remediation recommendations.* The applicant may wish to be prepared to discuss the various sea-level rise scenarios discussed in the aforementioned plan and the impacts to the floodplain related components of the subject development plan.

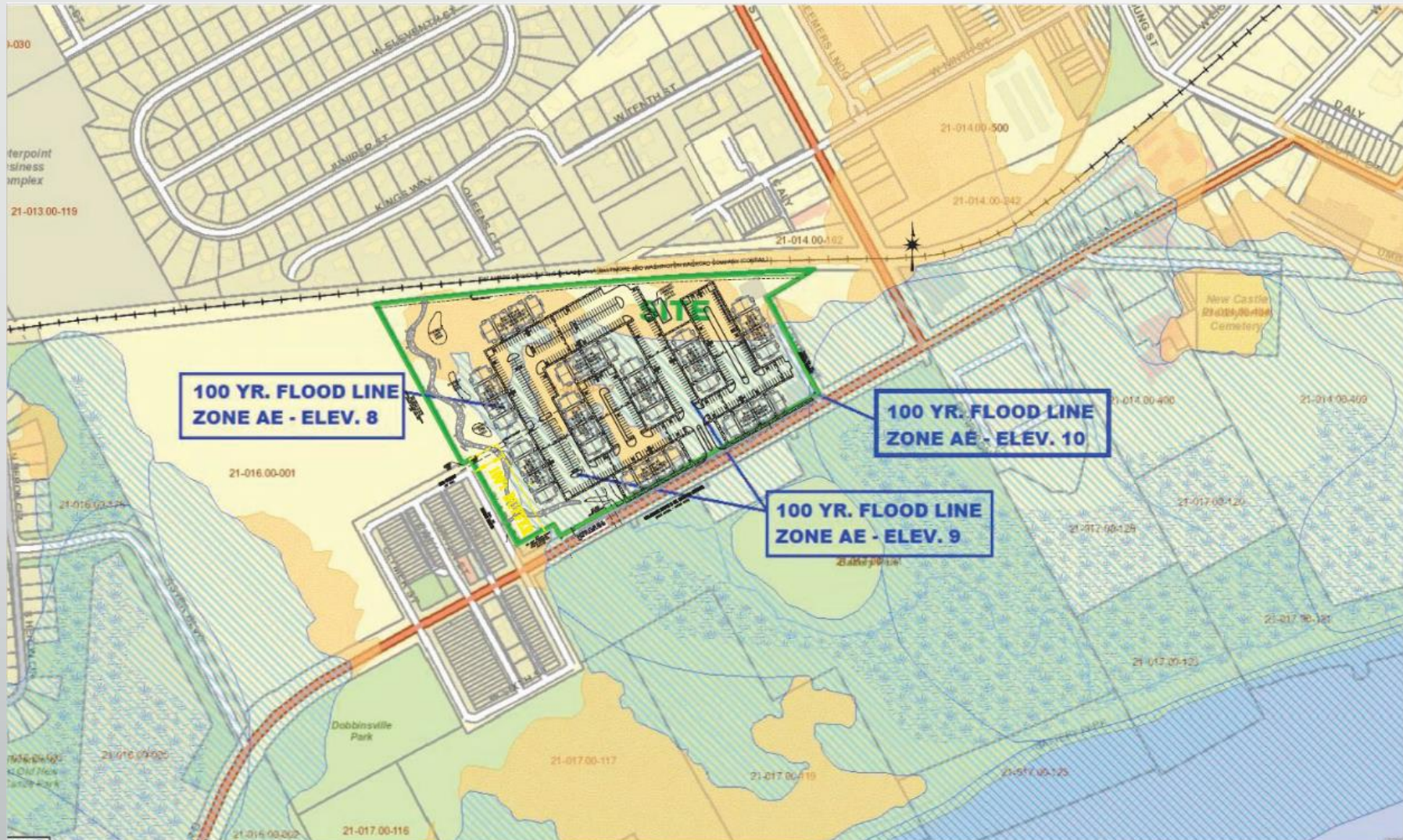


# Flood Plain





# Flood Plain with Site Overlay





(In Response to AECOM Letter)





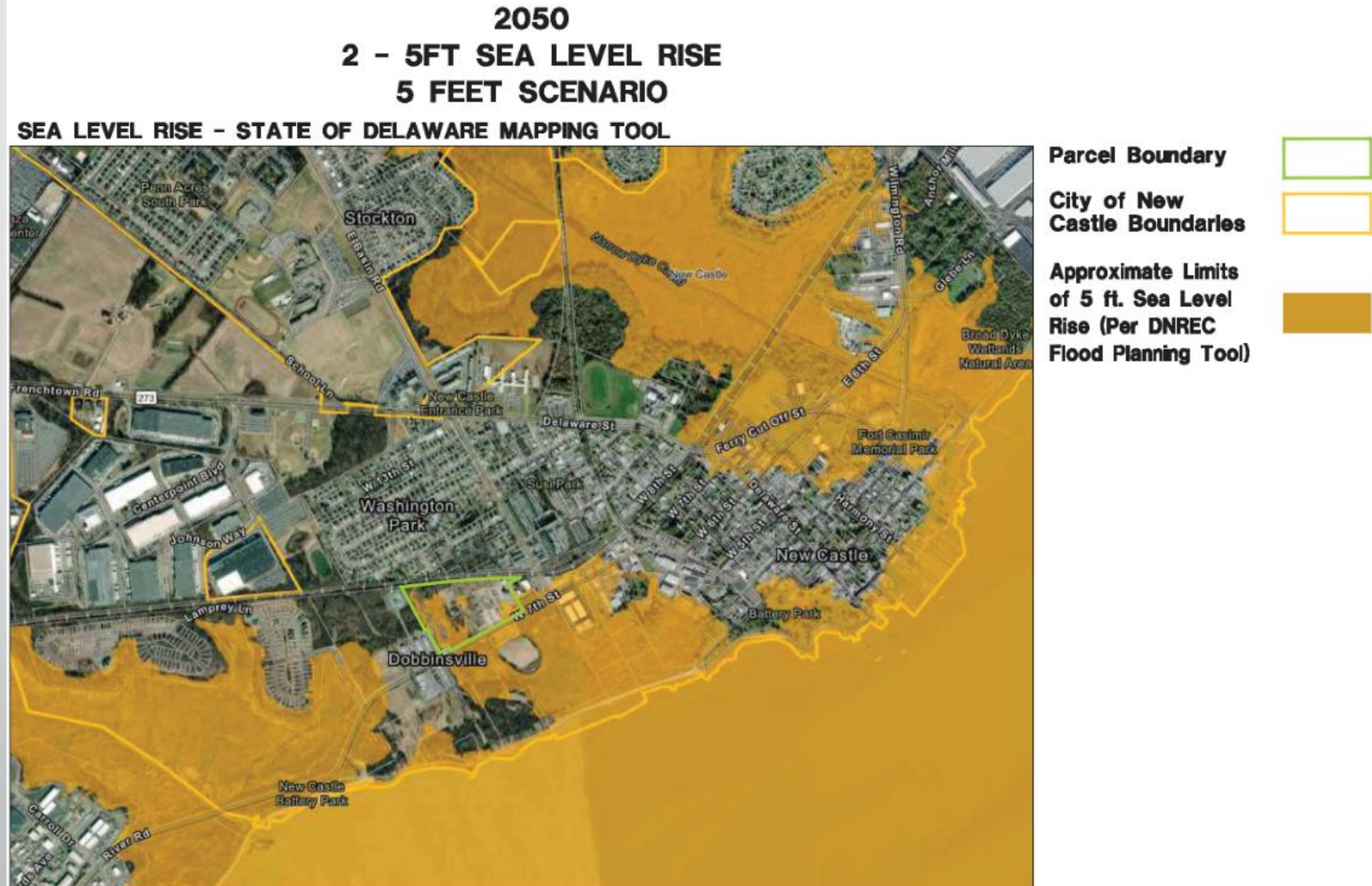
# Sea Level Rise

(2 Foot Sea Level Rise)



# Sea Rise Level

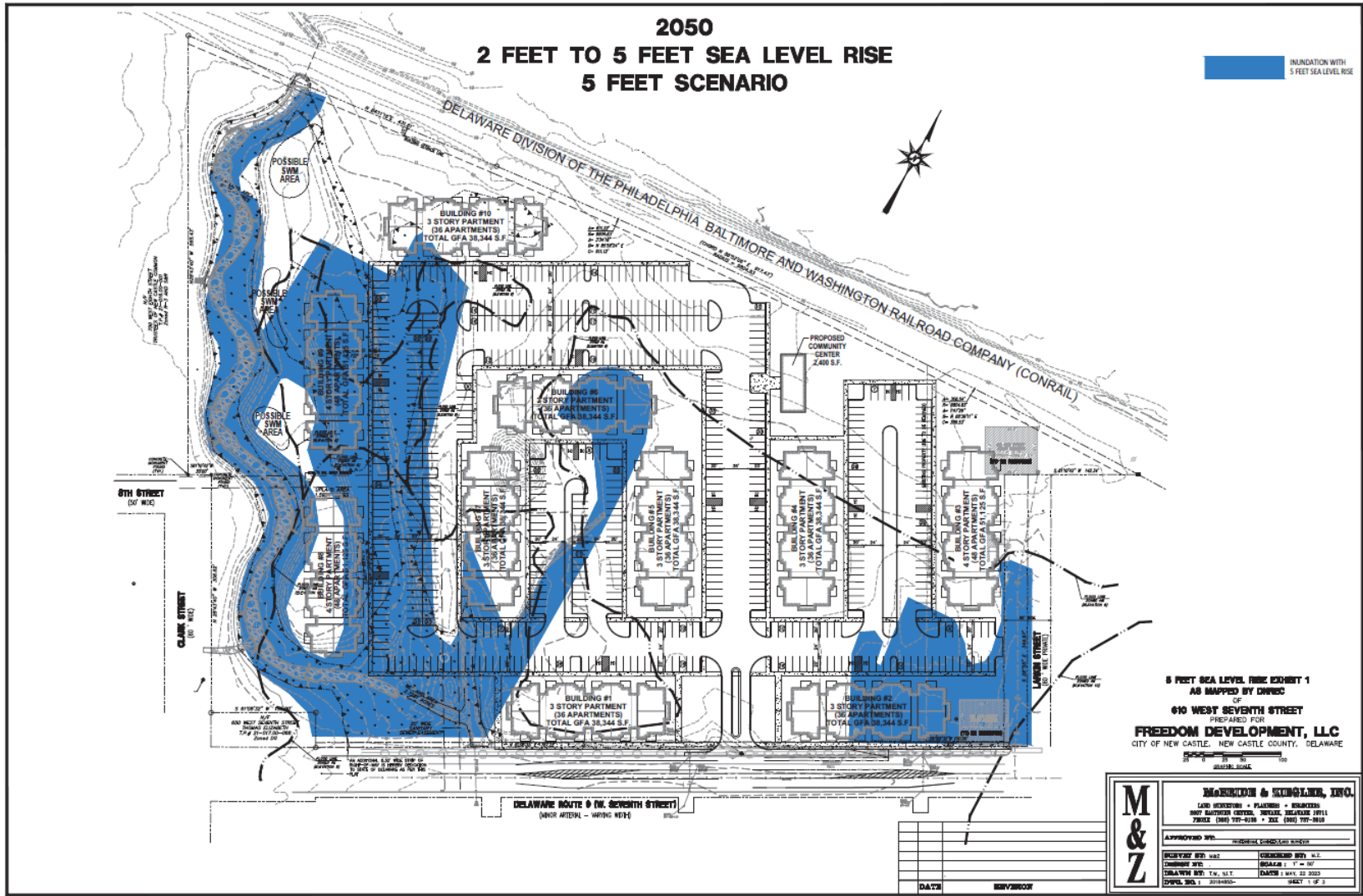
(5 Foot Sea Level Rise)





# Sea Level Rise

(2030 - 2 Feet to 5 Feet Sea Level Rise)







# Brownfield Site

(Douglas Seavey, Environmental Engineer – Landmark Sciences and Engineering)

- Site Conceptual Model and Sampling Plan Approved by DNREC
- Site Sampling and Risk Assessment Completed
- Brownfield Development Agreement Executed
- Remediation Plan to be Updated and Implemented Per All DNREC Standards



Division of Waste and Hazardous Substances  
Remediation Section

**Brownfields Development Agreement**  
**DE-1474 Seeds of Greatness Church - New Castle**

This Brownfields Development Agreement ("Agreement" or "BDA") regarding the Seeds of Greatness Church - New Castle (DE #1474) ("the Site") is made and entered into pursuant to the Delaware Hazardous Substance Cleanup Act ("HSCA"), 7 Del. C. Chapter 91, by and between the Department of Natural Resources and Environmental Control ("DNREC") and Freedom Development, LLC. ("Brownfields Developer"), 222 N. Constitution Avenue, Suite B, New Freedom, PA 17349, a Limited Liability Corporation organized under the laws of Pennsylvania (collectively referred to as "the Parties"). The Real Property that is the subject of this Agreement is located at 610 West 7<sup>th</sup> Street and 700 Larkin Street, New Castle and is further identified as New Castle County tax parcel numbers 21-014.00-132 & 21-017.00-127.

INTRODUCTION


The Parties agree to undertake all actions required by the terms and conditions of this BDA. The purpose of this Agreement is to set forth a scope and schedule of activities at a Certified Brownfield to assess and respond to the actual, threatened, or perceived release of hazardous substances at the Real Property. In addition, this Agreement is intended to settle and resolve the potential liability of Brownfields Developer regarding the Existing Environmental Condition at the Site that might otherwise result under HSCA if Brownfields Developer becomes the owner and/or operator of the Real Property. By entering into this Agreement, the Parties acknowledge that Brownfields Developer will be afforded liability protections as set forth in 7 Del. C. § 9105(f) and § 9125 under the conditions specified therein.

Additionally, pursuant to 7 Del. C. § 7406(e)(3) and 7 Del. C. § 7419A, this Agreement provides liability protection to Brownfields Developer for releases of regulated substances from underground storage tanks and aboveground storage tanks provided Brownfields Developer complies with the requirements of the referenced statutory provisions, the Regulations Governing Hazardous Substance Cleanup ("the Regulations"), the provisions of this Agreement.

Brownfields Development Agreement  
DE-1474 Seeds of Greatness Church- New Castle

IT IS SO AGREED:

Department of Natural Resources and Environmental Control

By:   
Qazi Salahuddin, Administrator  
Remediation Section  
Division of Waste and Hazardous Substances

Date: 5/21/2024

Freedom Development, LLC.

By:   
Jeff Kilos  
Vice President

Date: 5/20/2024





# Site Aerial Perspective

