

New Castle City Planning Commission Meeting
Public Hearing Minutes
1 Municipal Boulevard, New Castle, DE
December 18, 2023 – 6:45 p.m.

Members Present: Margo Reign, Acting Chair
Tamara Stoner
Timothy Gibbs
Brie Rivera
David Majewski
Very Worthy

Absent: Keaira Faña-Ruiz
Cynthia Batty
Kristin Zumar

Also Present: Christopher Rogers, City Planner

Ms. Reign called the Public Hearing to order at 6:45 p.m.

Ordinance 543 – An Ordinance to Amend Chapter 230, Zoning, as it pertains to marijuana related businesses.

Mr. Rogers stated Ordinance 543 is a proposed amendment to the Zoning Ordinance. He added that all zoning ordinance changes first go to the Planning Commission for a recommendation. This was initiated by City Council and it amends three different zoning districts.

Section 1, §230-23 light Industrial – Office District LIO: Add # (4) as a use permitted as a matter of right: **Marijuana product manufacturing facilities and marijuana testing facilities. Marijuana cultivation facilities and retail marijuana stores are prohibited uses and will not be permitted.**

Section 2, §230-24 Industrial Office Park IOP: Add # (14) as a use permitted as a matter of right: **Marijuana product manufacturing facilities and marijuana testing facilities. Marijuana cultivation facilities and retail marijuana stores are prohibited uses and will not be permitted.**

Section 3, §230-25 Industrial District I: Add # (9) as a use permitted as a matter of right: **Marijuana product manufacturing facilities and marijuana testing facilities. Marijuana cultivation facilities and retail marijuana stores are prohibited uses and will not be permitted.**

Section 4: Creation of a new §230-39.1 that explicitly permits marijuana product manufacturing facilities and marijuana testing facilities and explicitly prohibits marijuana cultivating facilities and retail marijuana stores: **§230-39.1 Marijuana Related Businesses – No marijuana related businesses shall be permitted in any zoning district within the City, except as explicitly provided in this Chapter.**

Public Comment

Bill Emory – East 2nd Street

Mr. Emory asked if marijuana cultivation is permitted in those zones. Ms. Reign stated that if the Ordinance is passed it would be permitted. Mr. Emory asked if the Commission thought this was a good idea, stating that it sounds like a bad idea.

(Stenographer’s Note: Commissioner Worthy joined the meeting at 7:33 p.m.)

In response to a question from Ms. Rivera, Mr. Rogers noted that the Ordinance appeared to be initiated by Councilperson Day.

Chief Majewski clarified that cultivation facilities and retail marijuana stores are prohibited in all three zones. Mr. Rogers concurred.

Mr. Rogers stated that he recommends that as part of the Planning Commission’s recommendation definitions from House Bill 2 passed by Dover be added to Ordinance 543. He noted that he added the definition of “marijuana retail store”.

Mr. Rogers noted that only three zones are addressed in this Ordinance, and recommended that the last sentence (*Marijuana cultivation facilities and retail marijuana stores are prohibited uses and will not be permitted.*) be stricken from the language in the three zoning Districts (LIO, IOP, and I) and that the universal §230-39.1 be further amended to state: **Marijuana cultivation facilities and marijuana retail stores are prohibited uses in all zoning districts.** Mr. Rogers opined that this was the intent of City Council.

Phil Gross – 1301 13th Street

Mr. Gross concurred that the sale of marijuana in the Historic New Castle should be prohibited, noting that a store is currently selling CBD oil in the historic district.

There being no further public comment, Ms. Reign called for a motion to close the Public Hearing.

A motion to close the Public Hearing on Ordinance 543 was made by Ms. Reign. Ms. Stoner seconded the motion and the motion passed unanimously.

A motion to open the Public Hearing on Ordinance 544 was made by Ms. Reign.

Ordinance 544 - An Ordinance to Amend Article V Supplementary District Regulations 230-28 Off-Street Parking and Loading Requirements Section (A)(15) in a Downtown Gateway District; Subsection (a) Parking Requirements for specific uses are as follows – [5] Apartments

Mr. Rogers explained that Ordinance 544 is an amendment to §230-28 to delete §230-28 (A)(15)(a)[5] in its entirety and replace it with “Omitted.” He explained that §230-28 refers specifically to the DG Zone, so only in the DG Zone are apartment units required to provide 1.5

spaces per unit. Elsewhere in the Code it is 2 spaces per unit. This amendment will do away with the perceived conflict in the Code.

Public Comment

Phil Gross, 1301 13th Street

Mr. Gross asked for clarification of off-street/loading areas. He opined that all loading and unloading should be done on the businesses' property and not on the street. Mr. Rogers stated that the Ordinance only relates to the section requiring 1.5 parking spaces per unit.

Ms. Reign noted that this Ordinance is only applicable to apartment buildings. Mr. Rogers noted that the title of Article V includes off-street parking and loading requirements; however, the matter before the Commission is for parking requirements for apartments only.

Mr. Rogers noted that the only other reference to parking for multi-family dwellings / apartments would be §230-28.A1(e). In the DG zone apartments are referred to as "multi-family dwellings". Mr. Rogers noted that there is no definition for "multi-family dwelling" in the Zoning Ordinance and he thought it would be prudent to also amend §230-28.A1(e) to read: Multi-family dwellings and residential components of mixed use buildings – 2 spaces per unit.

A motion to close the Public Hearing on Ordinance 544 was made by Mr. Gibbs. The motion was seconded by Chief Majewski and unanimously carried.

A motion to close the Public Hearing was made by Ms. Rivera. The motion was seconded by Mr. Gibbs. The motion was unanimously carried and the Public Hearing adjourned at 7:11 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer