

New Castle City Planning Commission Meeting  
Minutes  
November 18, 2019 -- 6:30 p.m.  
City of New Castle Town Hall

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

Members Absent: Marco Boyce  
Vera Worthy  
Erin Sabatella

Also Present: Jeff Bergstrom, City Building Inspector

Mr. Baldini called the meeting to order at 6:30 p.m.

Mr. Baldini introduced Mr. John Lafferty, who was nominated by Mayor Quaranta and confirmed to the Planning Commission at the last City Council meeting, replacing Mr. Peter Toner, who resigned from the Commission. Mr. Lafferty introduced himself to the Commissioners and briefly chronicled how he came to be a resident of New Castle 12 years ago, noting that it is reminiscent of Society Hill in Philadelphia. He expressed his pleasure with being a New Castle resident and the opportunity to become more intimately involved with the City, and to have the privilege of working with the Commissioners on the Planning Commission.

Roll call followed and a quorum to conduct business was declared.

**Minutes**

Mr. Walters noted a amendment to the Minutes on Page 4, second paragraph, last sentence: After “rights-of-way for traffic,” add: site boundaries and footprints for the proposed new building,

**A Motion to approve the Minutes of the October 28, 2019, meeting as amended was made, seconded and unanimously approved.**

**2019 COMPREHENSIVE PLAN**

**City Initiatives**

Mr. Baldini began a discussion of the 2019 Comprehensive Plan. He asked the Commissioners if they had any input for City initiatives as noted by Ms. Pfeil at the October 28, 2019, Planning Commission meeting. He added that Ms. Sabatella had communicated a number of initiatives to him via email, including:

- New Castle Community Partnership unveiling of the Branding Presentation
- New Castle Community Partnership unveiling of the New Castle Wayside Exhibits highlighting significant historical sites throughout the City
- Arasapha Garden Club rehabilitation of the Amstel House Historic Garden
- Friends of Bellanca Airfield Hanger Highlights

Mr. Baldini encouraged the Commissioners to advise him of any other City initiatives for potential inclusion in the Comprehensive Plan. Ms. Seitz noted that during the community outreach, organizations were contacted to determine what initiatives they proposed in the upcoming year and asked how that information would be incorporated into the Plan. Mr. Baldini stated that he expected that data would be included in the Community Life and Quality of Life sections. He has asked for drafts of various sections so the Commissioners can begin their review, as well as updated maps. He added that the Organizational and Event Structures will be woven into the Community aspect as well. Ms. Seitz noted that according to the Minutes of the October 28, 2019, meeting KCI stated they would provide a list of City initiatives from City Council Meeting Minutes and opined that anything outside of City Council would be derived from the work done during the community outreach portion of the process.

#### **Future Land Use Map / Table 16**

Mr. Baldini brought up disconnects between the Future Land Use Map and Table 16, noting that during the October 28, 2019, Planning Commission meeting seven areas were identified as being disconnected from the map, and the current Land Use Map had too many areas that were not assigned a classification (identified as “white space”). Mr. Bergstrom said he could prepare a current land use map for the Commissioners. Mr. Justice noted that the classification designation of areas with white space on the Future Land Use map was the responsibility of the Planning Commission. Mr. Bergstrom concurred and said he could help with the current land use map or the zoning map. Ms. Seitz added that when the Commissioners went through the Future Land Use map at the October meeting, inconsistencies were identified that could not be explained for seven areas, and the Commissioners needed additional information and clarification before assigning classifications to those areas. Mr. Bergstrom noted that the classification assigned under the zoning map could be assigned to those areas of white space; however, Mr. Baldini explained that there were enough inconsistencies between the Table and the Map and between the new Zoning and the Future Land Use maps that made it unclear as to which would be the dominant feature going forward.

Mr. Bergstrom suggested the Commissioners decide how the Commission wanted to change the zoning and make a recommendation to City Council. Mr. Justice noted that his understanding is that once the Plan is adopted, the City has 18 months to adopt zoning that conforms to the Future Land Use map. He added that he thought the State Planning Office requires all parcels in the City to be assigned a broad classification; however, there were areas that did not match.

Mr. Bergstrom advised that the City supplies the zoning map in a spreadsheet to the State, and, grossly, that will be correct; however, there are a number of parcels that have multiple classifications and the predominant classification will be utilized for the Zoning map. Mr. Justice clarified that Mr. Bergstrom has a table that lists the correct zoning for every parcel in the City, and that table could be used by KCI to fill in the Future Land Use Map. He added that KCI stated receiving the data in spreadsheet format would facilitate in preparing the map. Mr. Bergstrom concurred; and added that the table includes the polygons that occur in areas with multiple classifications.

During discussion, it was agreed that the spreadsheet Mr. Bergstrom has, which provides the current zoning designation for every parcel in the City, will be provided to KCI to update and generate the map, with the exception of areas where the Commission is recommending a different future land use from what is shown as the current zoning.

Ms. Antonio suggested that the Commissioners discuss a formal process going forward to facilitate updating the maps. Mr. Baldini agreed that a maintenance protocol should be developed for future updates. Mr. Bergstrom noted that to his knowledge, no zoning changes were made by the City without regard to the existing Comprehensive Plan. Mr. Baldini reiterated that the first step is to get Mr. Bergstrom's table to KCI.

### **Zoning Applications**

Mr. Baldini began a discussion of the three Applications requesting zoning changes that were discussed at the October Planning Commission meeting: #3 and #5 Buttonwood Avenue (Buttonwood); 805, 807, 809, 815, 817 and 189 Washington Street (Washington Street); and the Centerpoint Business Complex (Centerpoint).

Mr. Bergstrom suggested that the Commission might consider making zoning change recommendations to the City in conjunction with the Future Land Use map. Ms. Seitz brought up the fact that by taking this course, the Applications would not be able to be acted upon until the Comprehensive Plan is adopted. Mr. Baldini clarified Mr. Bergstrom's explanation that after KCI receives the spreadsheet and updates the map the existing zoning issues can be addressed. Mr. Bergstrom suggested that the Commission should decide what to do with properties that might need to be rezoned, or properties where the owner has requested rezoning, and make any necessary changes to the Comprehensive Plan. He added that City Council can make changes between Comprehensive Plans by following procedure through public hearings and discussions, and make changes to the Comprehensive Plan.

Mr. Baldini suggested the three rezoning requests be moved to the Comprehensive Plan and Mr. Justice questioned whether the Commission was in favor of all three requests for proposed future land use. During discussion, Mr. Bergstrom noted that there was the potential for a positive conclusion to be reached on the Buttonwood and Centerpoint requests; however the Washington Street request was more problematic. As an

alternative, Mr. Justice suggested that a recommendation for future land use of the sites could be made without regard to any specific requests.

Mr. Baldini asked Mr. Justice to speak to comments he made in an email to the Commissioners regarding the Vulnerability Assessment and Adaption Plan, noting that it potentially ties into the Washington Street project and the Downtown Gateway and the Downtown Development District.

Mr. Justice expressed his concern that the newer FEMA flood maps show that most of the areas designated for the Downtown Gateway redevelopment are almost entirely in the special flood hazard area, or will be by 2050. Mr. Bergstrom explained that the entire flood plane could be filled with no negative externality to any areas inside or outside the City. The New Castle flood plain is approximately 150 square miles of tidal water, and tidal flooding can be kept out of the City with a series of levees and/or fill with no negative impact to any areas. Mr. Bergstrom also noted the importance of making sure that upstream watersheds in the City are properly drained into the Delaware River.

During discussion, Mr. Bergstrom opined that the State should disallow construction in a flood plain; however having waterfront properties is the desire of many homeowners. He referenced The Garrison and that its parking lot is 1.5' above the flood plain due to the addition of fill. Mr. Baldini asked if there was discussion about raising the roads, and Mr. Bergstrom noted that some of the roads could be raised. The City's series of dykes protects the City almost entirely; however an area of concern is Rt. 9 where it crosses Army Creek. If the dykes are raised it will still flood there unless the roads are also raised.

Mr. Baldini expressed his concern that downtown development is being promoted in a flood-prone area. Mr. Justice noted that the Vulnerability Assessment and Adaptation Plan includes recommendations about not doing high density development in flood-prone areas and ceasing to fill in areas in the flood plain. He asked if the Commission should include some of those recommendations in the Comprehensive Plan, and Ms. Seitz noted that recommendations from the Vulnerability Plan are included in the Goals and Strategies; although she was not certain if all of Mr. Justice's recommendations are among them.

During discussion it was noted that the intent of the Downtown Gateway area was to have a walkable area with stores, shops, and businesses with apartments above, and a review of the definition of Downtown Gateway in the Code was suggested. It was also noted that if there were a demand for commercial space in the Downtown Gateway area to make it economically viable, a way to achieve that would have been identified.

After further discussion, it was determined that it is not necessary to include any special recommendations regarding the flood plain in the Comprehensive Plan beyond what has already been documented at the current time.

### **Schedule**

Ms. Seitz noted that KCI will provide the maps and the Commission will receive a draft Plan. Mr. Baldini said the draft Plan should be available on November 25<sup>th</sup> and he will follow-up with Ms. Pfeil.

Ms. Seitz reached out to WILMAPCO for assistance with incorporating the community outreach data into the Goals and Strategies, and will meet with them on Thursday, November 21 at WILMAPCO's offices in Newark. She invited the Commissioners to attend and will provide the details of the meeting to them.

### **COMMISSIONERS' COMMENTS**

#### **Flood Plain**

Mr. Lafferty asked about raising the roads, and Mr. Baldini stated that it had been done in Wilmington. Mr. Lafferty noted that he recently saw that Sea Isle City, New Jersey, raised the entire causeway and wondered if raising the roads was being considered. Mr. Bergstrom said the DelDOT advised the City they had considered it and did not feel it was cost effective at this time.

#### **Status of Zoning Change Submissions**

Mr. Walters asked for clarification on the status of the zoning change submissions. Mr. Baldini noted that Mr. Bergstrom suggested incorporating the Buttonwood and Centerpoint submissions into the Comprehensive Plan. During discussion Mr. Bergstrom noted that when the Comprehensive Plan is adopted, the property owners can petition the City Council to change the zoning and it would comply with the Comprehensive Plan, or the City Council could self-start and change the zoning to match the Comprehensive Plan. Mr. Baldini asked if there was an economic benefit for the property owners to wait until the Plan is adopted and Mr. Bergstrom noted it was a more rational project if the City self-starts on some of the issues to bring the Zoning and Future Land Use maps into alignment.

Mr. Walters asked if any of the submissions had been presented to City Council, and Mr. Bergstrom advised that none of the submissions have been presented to City Council yet.

After discussion, Mr. Walters recommended that before the Washington Street submission is considered by the Planning Commission the property owner must provide documentation that is sufficiently definitive for the Planning Commission to make a proper evaluation and recommendation. Such documentation should include:

- A fully engineered site plan
- A boundary survey showing:
  - Building footprints indicating square footage of both retail and residential units
  - Parking spaces delineated
  - Vehicular circulation

Mr. Walters expressed his concern that if the proposed reconstruction of the site includes service retail with apartments above, there are serious issues to consider, including: parking, setbacks and the proposed use of the rear of the site.

Mr. Baldini noted that the Buttonwood and Centerpoint submissions came to the Planning Commission through the City and the Washington Street submission came via an informal conversation.

Ms. Antonio asked if there would be questions as to why the Washington Street project has such stringent requirements and the other two submissions do not have such requirements. Mr. Bergstrom noted that Centerpoint submission includes detailed drawings with their proposal including which part of the property would be zoned OS&R and future conditions, and their engineer has been in contact with his office to see when the Planning Commission wants to see their presentation. The Buttonwood submission is straight-forward and not problematic because they are single-family lots.

Mr. Baldini asked if the Commission should start the process for these applications for Buttonwood and Centerpoint, and Mr. Justice noted that what he heard Mr. Bergstrom say was that unless the Applicants have some urgency in having their submissions reviewed immediately, the future land use map would be updated with their request and when the Plan is adopted by City Council the zoning can be changed to reflect the Plan. If there is urgency, then the Applicants can pursue their requests with the Preliminary Land Use Office in Dover.

Mr. Baldini will send a note to Mr. Cochran advising him of the required documentation that needs to be provided to the Planning Commission in order to have his submission considered.

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

**A Motion to adjourn the meeting at 8:07 pm was made, seconded and unanimously approved.**

Kathy Weirich  
Stenographer