

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF DELAWARE CITY
September 12, 2016

CALL TO ORDER

Commissioner Snow called to order the regular meeting of the Planning Commission at 7:00 p.m. Those present included Commissioners West, Hendry, Snow, Smith, Renoll and Williams. City Solicitor Walton was also in attendance.

ACTION ON THE PREVIOUS MINUTES

Commissioner Williams made a motion to accept the minutes of the August 1, 2016 Planning Commission meeting, as written. Commissioner West seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

ELECT CHAIRPERSON

Commissioner Snow announced that the next order of business would be to elect a chairperson, as Commissioner Dilliplane had resigned. *Commissioner Williams made a motion to elect Commissioner Snow as the Chairperson. Commissioner Hendry seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

ELECT SECRETARY

Commissioner Williams made a motion to elect Commissioner Hendry as secretary to the Planning Commission. Commissioner West seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

**33 STAFF LANE #1 – Fort DuPont Redevelopment & Preservation Corp. –
Minor Subdivision of 1 Lot (266.31 acres) into 2 lots: Residual (Original)
Lot – 251.01 acres and Lot 1 – 15.2982 acres**

Jeff Randol, Director the Fort DuPont Redevelopment & Preservation Corp. said he would be coming to the Planning Commission quite frequently as there are several projects planned. He gave a brief overview, stating that there are over three hundred acres in the main parcel. In order for them to move forward with financing and development they need to subdivide some lots. The funding from the state will pay to upgrade roads, upgrade utilities, do site work and demolition. They will be bringing in about 80,000 yards of dirt to lift the area out of the flood plain. Moving forward with the development, they need to get funding in place. They are also doing historic tax credits for four houses that will be restored. They will be required to do an environmental assessment on the land that would be used for collateral. If they were to do the environmental assessment on the whole 300 acres, it would be too expensive. So they need to subdivide the land.

Mr. Randol introduced Greg Moore, an engineer with Becker Morgan Group, who represents them.

This lot is currently being used by the National Guard. In order for the National Guard to be reimbursed by the federal government, they need to have their facility on state owned property. So this lot is being subdivided so the National Guard will have their own lot which is approximately 15 acres. This is landlocked with a blanket easement, allowing them to have access to their lot. Nothing on the lot is being changed. It is simply to designate that this land is to be used by the National Guard. City Solicitor Walton said the language is consistent with the deed restriction that was put in place for the National Guard parcel. Discussion followed. By raising the flood level in the area that is going to be developed, it will have no impact on the National Guard area.

Commissioner Williams made a motion to accept the subdivision of 33 Staff Lane #1, the National Guard property. Commissioner Smith seconded the motion. There was no additional discussion. A vote was taken, all ayes, motion carried.

**EXCHANGE ROAD LOT 43 – Ft. DuPont Redevelopment & Preservation Corp. – Minor Subdivision of 1 Lot into 2 Lots
New Lot with Existing Duplex – 0.2410 acres
Residual Lot – 224.7958 acres**

Greg Moore said this is just an existing structure. They are not planning to build or change anything. They are just simply proposing to put about a one quarter

acre parcel around the existing structure. It is exactly 10,500 Square Feet. It would simply be used for financing purposes and segregating that building on its own lot. The existing network of roads is intact to provide access. Discussion followed.

Commissioner Hendry made a motion to accept Exchange Road Lot 43 subdivision. Commissioner West seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

33 STAFF LANE #2 – Fort DuPont Redevelopment & Preservation Corp. – Major Subdivision of 1 Lot (251.01 acres) into 16 lots:

<u>Lot 1 – 15,202 Sq. Ft.</u>	<u>Lot 10 – 13,578 Sq. Ft.</u>
<u>Lot 2, 3, 6 – 90' x 159.92'</u>	<u>Lot 11 – 13,403 Sq. Ft.</u>
<u>Lot 4 – 110.12' x 159.92'</u>	<u>Lot 12 – 13,229 Sq. Ft.</u>
<u>Lot 5 – 108.0' x 159.92'</u>	<u>Lot 13 – 13,055 Sq. Ft.</u>
<u>Lot 7 – 15,494 Sq. Ft.</u>	<u>Lot 14 - 13,860 Sq. Ft.</u>
<u>Lot 8 - 21,436 Sq. Ft.</u>	<u>Lot 15 – 20,913 Sq. Ft.</u>
<u>Lot 9 – 13,752 Sq. Ft.</u>	<u>Lot 16 – 14.1774 Acres</u>

Residual (Original) Lot will be 225.0368 acres

Greg Moore explained that this is similar to the last request. They are not planning to build any new structure(s), but are doing this for financing purposes. There are three existing historic structures with twelve building sites. They are keeping the fabric of the road in a manner that has been there historically. They are replicating the historic alignment for Officer's Row. They are dedicating a 60' access way from the main road in. There are fifteen lots and one area along the canal that is a future development area. They will return to the Planning Commission about those subdivisions. City Solicitor Walton said this could be handled as one package rather than having to vote on each lot. The three existing structures will be restored, owned and rented out by the Fort DuPont Redevelopment & Preservation Corp., while the other 12 lots will be sold to individuals who can then build on the lots. The conceptual plan for Lot 16 shows the land being divided into 76 lots for which they are currently interviewing builders. The land in this section will need to be elevated four feet in order to have these homes not be in a flood plain. The chapel will also need to be raised four feet. Fort DuPont has its own historic preservation committee, which was appointed before annexation. They have eight districts, which would be eight different sections for them to consider regarding historic area guidelines. Discussion followed.

Commissioner Hendry made a motion to accept the 33 Staff Lane #2 subdivision as presented. Commissioner Smith seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

38, 60, 70 Clinton Street – Kevin Whittaker – Special Exception to Allow 1st Floor Residential Use for 5 Years

City Solicitor Walton said he and Mr. Whittaker were chatting before the meeting about the propriety of a special exception for this. The City Solicitor said that a special exception tends to be a conditional use or a use that is permitted by code that usually has some additional gingerbread to build it. For example, a traditional conditional use would say, "Gas stations are permitted in this district, however, in this district you must have a greater setback and you have to have concrete barriers around the gas tanks". He said, in reading Mr. Whittaker's submission, he didn't see that Mr. Whittaker laid out where the appropriate permitted use would be. City Solicitor Walton said when he went through the Code in the Board of Adjustment section, he found that #10 is the closest where Mr. Whittaker could have an argument. It says, "In a C-1 district, the conversion of an existing storefront for residential use". But in the application, he doesn't think there is sufficient detail on how that works. City Solicitor Walton said, as it stands now, he doesn't think this is a permitted "ask". He said he thinks the Planning Commission needs additional detail to make sure this request would fit within the criteria of #10. He told the Planning Commission the three choices Mr. Whittaker had in order to get a special exception: 1. You have to make the case that a special exception is possible here; 2. Request a use variance from the Board of Adjustment. The standard for a use variance is very high. It is very difficult to get; and 3. Require a code change which would need to be taken up by the Council in the form of an ordinance. City Solicitor Walton said he doesn't think the Planning Commission can make a decision based on Mr. Whittaker's application. There is not enough specificity. Discussion followed.

Commissioner Williams made a motion to pass on Mr. Whittaker's application and put this on the agenda for next month. Commissioner Renoll seconded the motion. A vote was taken, all ayes, motion carried.

SIGN ORDINANCE

City Solicitor Walton said the Planning Commission, at the last meeting, sent a list of 10 bullet points to address. He said his staff reviewed those suggestions and made some recommendations, prepared a revised ordinance in regular and red line which was sent to the Planning Commission. From this version, came the ordinance that is on the table for consideration tonight. Discussion followed regarding: replacement of non-conforming signs, and signage on one business advertising another business.

Commissioner West made a motion to recommend adoption of the amended sign code ordinance with two additions: 1. Reduce the non-conforming time frame to six-months and 2. There is no replacement of a non-conforming sign. Commissioner Hendry seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

ADJOURNMENT

Commissioner Williams made a motion to adjourn the meeting. Commissioner West seconded the motion. A vote was taken, all ayes. Meeting adjourned at 8:00 pm.

Respectfully submitted,

Dawn K. Gwynn

City Secretary