



CITY OF DELAWARE CITY  
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**MINUTES  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF DELAWARE CITY  
JUNE 5, 2017**

**CALL TO ORDER**

Commissioner Snow called to order the regular meeting of the Planning Commission (PC) at 7:00 p.m. Those present included Commissioners West, McKinley, Hendry, Williams, Renoll, and Smith. City Manager Houck and Former City Manager Cathcart were also in attendance.

**ACTION ON THE PREVIOUS MINUTES**

Commissioner Snow called for the review of the minutes from May. Commissioner West noted an edit was necessary to delete a phrase. A motion to accept the minutes with the correction was made by Commissioner West. Commissioner Hendry seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

**DISCUSSION of Branch Canal District – Ft. DuPont Redevelopment & Preservation Corp. – Preliminary Subdivision Plan Review of 1 lot into 80 Lots of Various Sizes.**

Before discussion began City Manager Houck asked to speak to remind everyone they were to discuss the preliminary subdivision of the Canal District. Officers Row had previously been approved. The City's consulting firm, AECOM had provided point-by-point comments on the subdivision and that information was before the Commission

City Manager Houck introduces Jeff Randall, the Executive Director of Duffield Associates who will be making the presentation.

Mr. Randall highlights the process of the timeline since its concept in 2012

- 2012 Concept Plan (the Sasaki Plan)

- 2013 Master Plan
- 2014 Establishment of the Corporation by the Legislature and General Assembly to preserve and redevelop the property
- 2015 Transfer of property and annexation into the City of Delaware City
- To date, five (5) buildings currently being restored; nine (9) residential units, mostly duplexes and one (1) single

#### Current development of the Subdivision – The Canal District

- Taking bids for construction on roads, infrastructure and bringing utilities into the site.
- Previously agreed upon to begin recording the sites trusting improvements will be done and no CO's issued until then.
- Currently preparing to bring 8,000 yards of dirt into the site to lift it out of the flood plain (from the main road over)
- A levy or dyke will be built around the perimeter of the property to protect the existing buildings.

#### Canal District Design of 80 Lots

- 59 3-story townhomes 22 feet wide on the perimeter to keep the symmetry of the site
- 21 2-story townhomes 30 feet wide with master suites on the first floor will have waterfront views. Townhomes will be marketed as “age targeted”.
- Rockwell Development is under agreement to build the units being very sensitive to keep the historic character of the property.
- Duffield's in-house Historic Preservation Committee will review all plans to be sure they conform and are compatible to the historical integrity of the area.
- Adjustments to the plan will be made if necessary to keep the integrity of the plan

#### Meeting turned over Steve Gorski, Project Manager

##### DelDot

- Plans under review with DelDot for the roads and a traffic impact study. They are on board with the roundabout at the main entrance.
- DNREC reviewing plans for a series of bio-retention areas, for water quality and critical loads (will also be aesthetic to the site) in compliance with DE State requirements.
- Road systems will be privately maintained on site once off round-about; 24 feet wide internally; 26-32 feet coming into main road have been approved by DelDot

#### Infrastructure: Water & Sewer Systems

- Currently under CPCN review
- Artesian to take over; City of Delaware City agreed to release it
- Sufficient pressure on site is capable of servicing this part of the plan
- Artesian and New Castle County working on public ownership of the sewer
- Treatment plant has 150,000-gallon capacity. First phase will utilize 25-27,000 gallons

## Flood Plain

- Some areas already above the flood plain
- All homes will meet City of Delaware City standards (least 1 foot above) Plans are to raise 1 1/2 foot considering sea level rise over the next century
- Flood plain elevation currently is 9. Homes along the Canal and internally are 12 to 13. Homes along Golden Avenue are 11 ½ but still above current flood plain and sea level rise

## Concerns over Sea Level Rise

- A dyke will be constructed along the Delaware River shoreline on the backside so storm surge doesn't pull in to protect the rest of the interior.
- Roads are elevated from the roundabout to the first entrance at the flood plain allowing for emergency assistance along the Canal District
- Concrete promenade along the channel for pedestrian use only is wide enough to allow emergency access

Mr. Gorski opens the floor to questions

Commissioner Williams:

- ❖ Would like to see the island's entire site plan  
*Reply: Site plan for the entire island is still developing*
- ❖ Will the dredge on the NE end of the island be used in this phase?  
*Reply: No. Core tests show a lot of clay as well as the Reedy Point site both are not structurally sound for roads and buildings but are very suitable for the dike*
- ❖ Concerned that the Engineers have a 5 -7 year liability so if in the future the land comes up contaminated what happens to the residents who have a lifetime liability?  
*Reply: Mr. Randall clarifies that in the transfer of the property, the corporation entered into an agreement with DNREC that any dirt turned has to be tested and certified it is safe. After many soil tests, DNREC has signed off on all 80 lots and Officers Row. Anyone buying a lot will not be in the chain of liability. Mr. Randall emphasizes that the Corporation retains ownership of the buildings even though some will be sold.*  
*The dredge spoils at the marina site have tested clean but are not structurally sound for residential building but are favorable for building a dyke. Soil testing at the Reedy Point North site contain naturally occurring arsenic levels which again, the soil is not suitable for residential district but blending the two soils together will make a better structural base for the dyke. Under our agreement with the State of Delaware, we have to be in total compliance. If we break that agreement the whole master plan implodes.*
- ❖ Commissioner Williams believes the roundabout at the entrance is a potential hazard and other options are available and should be considered.  
*Reply by Mr. Gorski: DelDot found it to be the safest option from a traffic impact study. It works within DelDot's right of way as well as the property owners. Admittedly it would have been better if a third lane for stacking room had been designed into the construction of the 5<sup>th</sup> Street Bridge.*

- ❖ The levy on the West side of 5<sup>th</sup> Street flooded in 2011 because of needing repair. The Army Corp of Engineers did a patch job. Levy remains in disrepair.

*Reply by Mr. Gorski: Dykes will be raised 14 - 15 above sea level rise. The current flood plain on site is 10. Waterfront is 12 because of wave action. The dyke will be higher.*

- ❖ The National Guard Building cannot be raised. How will that affect the water level of the buildings on the outside?

*Reply Mr. Gorski: The buildings will remain in the flood plain but will be protected on both sides by the dyke. Water will collect into (inaudible) and pumping station will pump it out.*

- ❖ On the Parade Ground there is an existing storm pumping system. From 2011 until the present this area has sunk 12" to 14". This implies to me improper pumps or pipes underground causing this area to sink. Will this be addressed and will the existing storm water pump system be utilized or replaced?

*Reply by Mr. Gorski: The Canal District is being elevated above the flood plain as is the road system in and out. It is not a concern at this time but will be upgraded.*

- ❖ The retention basin that is in place for the subdivision is close enough to the Canal to drain naturally, but I don't feel there is enough pitch. I'm concerned the storm water pump system being replaced is the only protection, albeit there be a levy, dyke or berm to protect the area from floods.

*Reply from Mr. Gorski: It will be upgraded with bigger pumps, and force main to pump.*

*Added comments by Mr. Randall: The storm water master plan calls for 2 x 15" lines across the Canal from the parade field. We know the pump station is undersized for the future build out. The total master plan is to upgrade the storm water pump because of the degradation of the 15" lines across the Parade Ground. Our plan is to haul dirt out of the parade ground, test it and repair, lift it a few inches by leveling the parade ground. The best soil is from Reedy Point North because its porous and it perks. We will be taking the dirt from the Parade Ground dumping it over to the Canal District to raise it. The site then will perk, be leveled and create drainage. This is all part of the Storm Water Management Plan.*

*When the Canal District is lifted out of the flood plain that separates how it will impact the National Guard complex. The dyke is designed to protect existing buildings since we cannot raise them. What we can do is raise everything from the North side of the Parade Ground to the Canal since there are no historic buildings in that area below the flood plain. So our purpose for the subdivision is to keep going and take care of the flooding issues while the dyke is built to protect the rest of the buildings.*

*You do not need to see the entire site plan at this point. We are only asking for the Canal District and the Storm Water Management for those 80 lots. We will be coming back when we are looking for permits to grade and build the dyke. At that time*

*your questions will be pertinent. At this point, yes we think the dyke is at the right elevation.*

Commissioner Williams believes it's important to take care of a problem now. No dyke, no properties raised, no storm water pump system in place so if a flood occurs there will be damage to the properties.

*Reply: That's what we are doing by raising the flood plain. There will be no damage to the Canal District. The amount of fill depth will be a maximum of 4 feet by design.*

Commissioner West

If I understand correctly the amount of fill depth is a maximum of 4 feet?

*Reply: Yes that is by design.*

- ❖ Will the pond at the front have a fountain or aerator? I'm concerned about standing water.

*Reply: Yes (further comments inaudible)*

Commissioner Renoll

- ❖ When will the dyke be built?

*Reply: Construction will begin in the spring. All construction designs and surveys are now going on with the State. Expected completion is 6 months perhaps by the end of next year.*

- ❖ Is that the next item on the site work?

*Reply: As for site work its hauling dirt out of the marina to build up the dyke.*

Commissioner McKinley

- ❖ Who is going to sure up the Canal and when will it take place? You all believe it's very critical seeing as how fast its eroding.

*Reply: It's in the works. The Corp of Engineers currently owns it.*

- ❖ The sluice gate is owned by the Corp of Engineers and is not stable behind Poke Town. Floods occur there and come over to Ft. DuPont. There were two (2) pipes but now only one. It's plastic and can be easily held open by debris, etc. and when a high tide comes in it floods over.

*Reply: One pipe is abandoned and only one 15" is undersized. In studying the pipes under the Parade Ground on how best to solve this is to replace the two (2) larger pipes into the pump station. The dyke will require localized pump stations to which will increased the drain field by five (5) to ten (10) acres. Raising the grade is helping. Everything is being taken into consideration and is being worked on.*

- ❖ Where will the lift pumps be for the sanitary sewer by the Hughes School?

*Reply: Existing pump station will remain in place. The area of the Marina Village, which is directly next to the treatment plant, will be raised and gravity flows into the manholes.*

- ❖ The National Guard and Division of Purchasing have lift station is this enough to include the 80 homes?

*Reply: No reason to put another in the Canal District. All are forced by gravity and the existing pump station is adequately sized to handle the needs. A letter from the City dated March 20, 2016 states the capacity is 145,00 gallons per day. 27,000 gallons are all that will be needed.*

- ❖ Is Artesian going to maintain and put all new domestic water lines for the 80 homes and Officers Row? Will what exists now be abandoned?

*Reply: Yes. The water system existing trunk line is in good condition and will be used. It will serve the site well. Everything in the Canal District will be replaced with all new pipes, mains and hydrants.*

- ❖ Will Artesian maintain the water tower and wells?

*Reply: We have closed with Artesian and they now own the entire system. It is their responsibility to maintain & upgrade that system. They committed to upgrading the treatment plant, putting in new wells, and doing what is necessary to maintain the domestic. As far as new lines, that's our responsibility. We have to build them, as any developer would to meet Artesian's specifications. Then it gets dedicated.*

- ❖ Is Artesian's water plant staying where it is now?

*Reply: Yes. Artesian owns the water tank, wells and treatment building. The treatment facility is now being put up.*

- ❖ They assume the liability that what is in the pipe is good?

*Reply: Yes*

Commissioner Snow

- ❖ Can the existing houses in the first sub division be sold or occupied before the fill is completed in the second sub division?

*Reply: The first 40 lots of the 80 will be filled and the infrastructural built. Yes, these will be the first available for sale.*

- ❖ Can Officers Row be sold before the second subdivision is completed?

*Reply: Yes. That's what is underway now.*

- ❖ Once it comes out of the flood plain then the houses can be sold?

*Reply: Yes, that's how it's being phased.*

Commissioner Hendry

- ❖ Will the Corp of Engineers fix the erosion of the existing canal before the next phase?

*Reply: We are working with them on the design. There will be rip-rap and some soft side along the edge will be built up. The Corp of Engineers is in a surplus process to dispose of the whole canal so our conversations with them are to complete these things before the State or whoever takes over.*

- ❖ After the fill is done, how long before construction can begin?

*Reply: The compaction in six (6) to eight (8) inch lifts will be tested and verified then construction begins. It does not have to settle for months to years.*

Commissioner Renoll

- ❖ From an administrative point, most of us are just seeing this June 1 letter. Is there anything we need to be aware of?

*Reply: The main concern is the dyke system as scheduled (inaudible portion)*

Commissioner Hendry

- ❖ The lion share is technical and things may have not been included previously. We are looking at preliminary approval. You will be back in August with the plans changed and responded to so we know where are heading.

Commissioner Snow

- ❖ FEMA and DNREC will not issue building permits until the fill is completed. Is that normally how it works?

*Reply: Its up to Delaware City to issue the permits because of the City's flood plain ordinance. The City can withhold any permits until that is raised. It's a two-step process: certificate states the site is out of the flood plain. The city reviews both the permit and the certificate.*

- ❖ Will FEMA then make a new flood plain map?

*Reply: Yes*

Commissioner West

- ❖ Will these homes be built with crawl spaces?

*Reply: Some will have full basements, some will be elevated 4 feet, and some townhomes will have drive in garages with crawl spaces.*

- ❖ Will be homes be occupied before the dyke is built and what period of time will the dyke be completed?

*Reply: Construction on the dyke will begin next spring, approximately 6 months to completion, which is the end of next year. We will turn homes next summer to fall.*

- ❖ My concern is if the main roads flood while the homes are occupied how are the people going to get out?

*Reply: The roundabout and all roads leading in will be above the flood plane in that time frame. Canal Road will also be raised. Additional ER access can be from the promenade, which is also above the flood plain.*

Commissioner Renoll

- ❖ Certificate of occupancy cannot be registered until the levy is built?

*Reply: That was the recommendation. We respectively disagree. There is no need for that.*

Commissioner Hendry

Addresses City Manager Houck

- ❖ If feels like we are on a need-to-know basis. How do we access information so we can be fully educated when we come here?

*Reply: I can facilitate what you need. Remember, these are phases. If a flood comes the results would be the same as in previous times.*

- ❖ Some of the things we did not know about were traffic management reports, storm water run off report. Where are those?

*Reply: We have spent weeks/months working with City staff and your engineers. They can look at things more effectively than others. You contracted with them; you need to rely on them. We have made notes where we make exceptions and we are willing to compromise to keep the work moving. It is up to the City to provide you the information.*

Commissioner Williams

- ❖ I understood that when you came about the last subdivision for Officers Row that was to give you enough money to start on the next subdivision?

*Reply: No*

Commissioner Snow

- ❖ Another point I did not understand what the procedure is after AECOM replies to the letter from Duffield. It's not true that it has to back again to AECOM. Duffield addressed all the issues.

City Manager Houck

AECOM does have the information and will supply it. We will make sure all the info will be put into a clearinghouse. For them to make comments, they had to address the issues. Former City Manager Cathcart injects that its necessary to keep in mind a lot has been learned and there's more to learn ahead since this is the first time going through such a process.

Commissioner Snow: We have to rely on the experts.

Mr. Randall adds: We are maintaining ownership not walking away so we are diligent in all aspects of maintaining the roads, public spaces, sewer, etc.

Commissioner Snow asks if there are any other comments or concerns?

Commissioner West

❖ As I look at it from homeowners prospective, looking at maps is not my thing. Could we have an onsite tour?

*Reply: Many planning commissions do that so they know what to discuss. A walk about and at that point we are all in sync.*

Discussion ensues about the time frame for this on site tour. City Manager Houck says there are procedures that need to be adhered to before a date can be scheduled. She will look into these.

Commissioner Snow asks if there are any further comments from the Commissioners and/or from those attending the meeting? No comments. Then she questions if the vote is to be held off until the walk about workshop. City Manager Houck replies this is a preliminary vote. Commissioner Renoll makes the motion to grant preliminary approval.

Discussion of What Preliminary Vote Means

Former City Manager Cathcart explains, that based on the information received tonight, it will allow the Engineers to move forward with the final development of the plan taking into consideration any questions asked tonight can be addressed between now and August as well as allowing the opportunity to gather more information with the clearinghouse set up It allows them to move forward and spend money. Commissioner Snow adds that the June 1 letter from Duffield explains the procedure's timeline.

Commissioner McKinley asks if whatever we vote on today still goes to Mayor and Council for a vote? No, this is a preliminary vote. In the meantime, could AECOM attend the meetings? Commissioner Snow comments that the Commission needs to have questions ready that have not been answered before spending the money to bring AECOM in.

Mr. Randall says during that time frame the City engineers will have a chance to review the final plans and come back with another letter to you saying they have done these things and this is what we have exception to (hopefully none). That letter will be circulated and will give you the comfort you are looking for that have reviewed everything. We do not want to go forward spending money if its not something the City supports.



Commissioner West seconds the motion to grant preliminary approval. Vote taken: six (6) ayes, one (1) nay. Motion carried.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Hendry and seconded by Commissioner Renoll. All in favor. Meeting adjourned at 8:23 pm

Respectfully submitted,  
Bonnie Lynn Hanna  
City Secretary