



CITY OF DELAWARE CITY
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**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF DELAWARE CITY
MONDAY, AUGUST 7, 2017
CITY COUNCIL CHAMBER**

CALL TO ORDER

Commissioner Snow called to order the regular meeting of the Planning Commission (PC) at 7:00 p.m. Those present were Commissioners West, Hendry, McKinley, Smith and Renoll. City Manager Houck was also present as well as Mr. Steve Gorsky of Duffield Associates, Mr. David Athey of AECOM and Mr. Jeff Randol of Fort DuPont .

ACTION ON THE PREVIOUS MINUTES

Commissioner West made a motion to accept the minutes of the July 10, 2017 PC meeting with the corrections and the minutes from the Ft. DuPont Site Tour of same date. Commissioner Smith seconded the motion. There was no further discussion. A vote was taken, all ayes, motion carried.

312 ADAMS STREET - CARLOS LEON, VARIANCE SIDE SETBACK FOR DRIVEWAY

Mr. Leon is requesting a variance for his driveway. He explained the contractor extended the driveway beyond what was agreed and it encroached on the neighbor's property line. The neighbor is protesting, but was not present at the meeting. Mr. Leon has cut the driveway back six (6) inches and now it rests on the property line. He also produced a signed petition from his other neighbors requesting on his behalf to be allowed the variance. A discussion took place regarding the steps the contractor took in obtaining the permit and revised drawing.

City Manager Houck explains what the code is and tells the Commissioners they can vote a variance. Discussion continued to try to clarify the steps the contractor took in obtaining the permit, what the post inspection concluded and what recourse could be taken against the contractor for future work he possibly would do in Delaware City.

The Commissioners agreed to table the request until next month's meeting when the Code Inspector can attend and be able to expand on the process.

Fort DuPont's Branch Canal District Subdivision - Fort DuPont Redevelopment & Preservation Corp - Final Subdivision Plan Review

The discussion began once every Commission Member had all the letters from the various entities regarding the plan review. It was then decided that each item from the AECOM letter would be addressed point by point.

#7 Concerning the Levees:

Permits for the two (2) levees will be applied for at the same time. The west levee will be built first because of the tidal issues and will take approximately 6 weeks to complete beginning in the spring of 2018. Construction of the riverside levee (storm surge issue) will commence shortly thereafter and take approximately two (2) to three (3) months to complete.

Until the levees are built, DelDot recommends a 50 unit max before the roundabout is built. The goal is to have the levees and roundabout completed before people move in. Expected completion on the two is by summer. Dirt analysis is now underway and if it goes well foundations for the homes will begin next spring.

#9 Speed Limits & Crosswalks

Speed limit is 15 mph. Crosswalks may be considered down the road. It is felt the 15 mph speed limit will be sufficient.

#4 The Approval of the Various State Agencies

Mr. Athey of AECOM says there is no reason to hold up approval of the plan for all of these to be in place. These are ongoing. However, the plan should be conditional upon them if they are not in force.

#6 Discussion on HOA

City Solicitor Walton addressed this matter in his letter, dated August 7, 2017 to Mr. Randol. Because Fort DuPont is not a typical residential area, the HOA will not own anything nor have to pay fees. The Corporation has the responsibility for the roads and infrastructure, maintaining the open areas and park, snow removal, lighting, etc.

In the event the Corporation fails the responsibility will revert to the State of Delaware not Delaware City to maintain State owned roads, storm drains and open spaces. Homeowners will be paying taxes for Delaware City services that they are not receiving because the Corporation is providing them.

The purpose of the HOA is to satisfy the DUCIOA. There may be a provision in the HOA act that could allow a change in the ordinance. The historic district will not be subject to an HOA.

The attempt is to move forward with a mutually agreeable path regarding the final form of the HOA. Because of contractual agreements and State law and scope of the HOA will be determined prior to the conveyance of any lot in the subdivision.

#15 Wetlands

AECOM's letter states there may be wetlands present but not in the areas for construction should be clarified. Mr. Gorsky from Duffield replied there are no wetlands and this point will be clarified at a later date.

#18 Right-of-way Dedication

All roadways will be on land owned by the Corporation. The right-of-way for the roundabout is DelDot's.

#28 DelDot's Recommendations for Speed Limits

The letter from DelDot did not review the roadway plan. It was limited to traffic impact study and the roundabout. The speed limits have been clarified and posted as 15 mph.

#32 Storm Drains

Mr. Gorsky explains there are two (2) existing forced mains, which were built years ago in the middle of the property. One (1) pipe has been abandoned and capped off at the pump station. The second is active and will be redirected under the roadway and dump into the system.

#35 Compaction

Mr. Gorsky: The specifications are similar but not identical. The notes will be remedied.

#36 - 37 DelDot Requirements for Storm Sewers

The pipes are about .2% flatter than DelDot requires but is necessary to pull the storm water away from the parade ground. The storm water conveyance report is being reviewed by DNREC. A copy will be provided to the City when the final submittal package is sent later this month.

#38 Limiting The Number of Certificates of Occupancy

AECOM suggests this limitation be clearly specified on the Major Subdivision Plan. Duffield agrees it will be added to the Plat. (Refer to #7)

#41 Review of Fire Hydrants

This is currently under review. Artesian Water Company oversees this but the Delaware State Fire Prevention will review the layout location and access to the hydrants.

#44 - #46 Sanitary Sewer Construction Plans

Are all under review

#47 Preliminary Sediment & Storm Water Management Plan

It is under review with DNREC.

Comments on DelDot Letter

City Manager Houck asks Mr. Gorsky if he would summarize the points in this letter.

Mr. Gorsky explains the content of the letter:

- To prepare trip counts associated with the development and offsite development. Once the amount of trip counts are agreed on (into and out of site, intersections)
- Traffic Impact Study (TIS) was approved in December. In January, DelDot came back with a few changes and comments in their recommendations:
 1. How the roundabout will be designed
 2. How Polktown's access to the bridge will be designed
 3. Shoulders for safer pedestrian and bike traffic
- Bituminous overlay on the travel lanes at the site entrance and the intersection with Polktown.

- DelDot wants coordination with the Delaware Bayshore Byway to discuss location for the new trail to the City and around the Fort including the promenade along the branch canal.
- The requirement for a dedicated 15-foot easement on Delaware Route 9 for future utility and land use.
- Locations for potential bus shelters nearby
- Recommends bike racks in the commercial district, internal sidewalks
- ADA compliant curb ramps at all intersections (which is standard)

Final Comments

Mr. Athey says everything we asked Duffield has done. The Planning Commission appears to be ready to give conditional approval, which I do recommend.

Commissioner Snow asks if everyone is comfortable with the City Solicitor's comments in his letter? City Manager Houck reiterates the final comments in the letter about an ordinance may be presented to allow a change in the structure of the HOA.

Commissioner Hendry said he would not hold up approval because he recognizes the process has to stay fluid but he isn't comfortable with not having the time to read all the new information that was given out at the meeting.

City Manager Houck added that the meeting between Duffield and AECOM did produce more understanding and a lot was achieved. She is sorry that City Solicitor Walton was not present to directly address the HOA. This is a matter that was to go before the legislature but their schedule has been too busy to hear it to date. Mr. Athey replies that Mayor & Council still have final approval is still the last step.

Commissioner Hendry asks if there is any way conditions could be spelled out, that it's clear? Mr. Athey said they tried to do that on item 4. There was no opposition during the meeting with Duffield and AECOM that conditions have to be in place. But there is a final step to work these out.

Commissioner Snow asks if we can have concise lists of exact conditions when it goes to Council? Mr. Athey asks if revised plans will be submitted. Mr. Gorsky says he can give updated plans at that time. Some of the conditions cannot be met even when it goes to Council but even Council will approve with conditions so they understand what they are voting on. The next Council meeting will be in September.

THE MOTION

" The Planning Commission recommends approval of the plan to City Council with special conditions as generally stated in AECOM's letter of July 31, 2017 along with the conversation of the Planning Commission Meeting of August 7, 2017 including the outcome of the HOA discussions."

The motion was presented by Commissioner Hendry and seconded by Commissioner West. The Commissioners were all in favor therefore the motion was approved.

Final Comments

Commissioner Hendry believes everyone involved is determined to make this project work. Commissioner Snow extends her appreciation to Mr. Athey, Mr. Gorsky and Mr. Randol for their presence and help.

ADJOURNMENT

Commissioner Smith made the motion to adjourn. Commissioner Hendry seconded the motion. Meeting is adjourned at 8:46 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary