

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
PLANNING COMMISSION
MARCH 2, 2015**

CALL TO ORDER

Commissioner Dilliplane called to order the regular meeting of the Planning Commission at 7:00 p.m.

ROLL CALL

Present were Commissioners Dilliplane, Batanese, Snow, Hendry and Renoll. Also present were City Manager Cathcart, Assistant City Clerk Clifton and City Solicitor Walton.

ACTION UPON MINUTES OF PREVIOUS MEETING

Commissioner Snow made a motion to approve the minutes of the November 3, 2014 Planning Commission meeting, as written. Commissioner Batanese seconded the motion. A vote was taken, all ayes, motion carried.

Commissioner Batanese made a motion to approve the minutes of the December 15, 2014 Planning Commission meeting, as written. Commissioner Snow seconded the motion. A vote was taken, all ayes, motion carried.

INTRODUCTION BY CITY SOLICITOR

City Solicitor Walton informed the Planning Commission that the reason for this meeting was to consider and to provide a recommendation on a proposed Amendment to the City's comprehensive development plan and an omnibus zoning ordinance. He added that many of the proposed changes were designed

for the Fort DuPont Complex. He said this meeting was an opportunity for the members of the Planning Commission to provide their thoughts on the application, the proposed comprehensive plan change and the proposed Historic Preservation Redevelopment (HPR) district.

City Solicitor Walton explained that a public hearing was held previously, so this meeting was only to consider what was heard at the public hearing. He commented that this meeting was not a second public hearing and, as such, the commissioners were not required to receive public comment.

The City Solicitor explained that the agenda for this meeting was posted at least seven (7) days in advance. A copy of the agenda was made part of the record as **Exhibit 10**.

City Solicitor Walton reiterated that the Planning Commission was a statutory body that recommends and comments on proposed zoning changes. They are not the final decision makers, merely the recommending body. However, he added that their job is essential, as their recommendations and suggestions are very important to the City Council, the final decision maker.

REVIEW OF THE RECORD

City Solicitor Walton explained, that because some time has gone by since the public hearing was held, he would again briefly review the two ordinances that were being considered.

Comprehensive Plan Ordinance 14-0915-01

1. Amendment that will allow for a change in the future annexation area of the comprehensive plan.
2. Amendment authorizes the Historic Preservation Redevelopment (HPR) zoning for the Fort DuPont complex.
3. Updates the floodplain maps and the state strategies maps.

Omnibus Zoning Ordinance 14-0915-02

1. Adjusts numerous provisions of the City Code to allow for a new building code and subdivision regime.
2. Creation of a new HPR zoning code which will be applicable to the Fort DuPont complex if annexed into the City (allows a mix of uses).
3. Creates a "clean hands" law which does not allow permits to be issued unless violations are satisfied.
4. Creates a beneficial use appeal provision.

Preliminary Land Use Service (PLUS)

The City Solicitor reminded everyone that, after the public hearing, the Planning Commission unanimously voted to refer the proposals to PLUS. He said he presented the proposals to PLUS in January 2015. The PLUS comments were

received the week before this meeting. City Solicitor Walton said he would mark a copy of the PLUS comments as **Exhibit 11**.

He explained that no PLUS agency had objected to the adoption of the ordinances. While there were concerns raised regarding sea level rise, those issues are to be addressed by the state and the redevelopment corporation as part of the redevelopment standards.

Clarifying the way the PLUS system works, he explained that the City must respond to the PLUS comments by letter, which he did on behalf of the City. A copy of the City's response letter to PLUS was made part of the Record as **Exhibit 12**.

Findings of Fact

City Solicitor Walton reminded the commissioners that he had articulated in his February 17, 2015 confidential memorandum that, when voting to make their recommendations, the best practice is for them to state the reasons in the record for the vote on both ordinances. He added that they may orally articulate the reasons in the record for their vote. He said they may say, "I vote yes because..." The City Solicitor said if someone voted before them, they may adopt the reasons articulated by the person who voted before them. He told the commissioners that they may also incorporate a document by reference, such as proposed Findings of Fact.

City Solicitor Walton marked the proposed Findings of Fact for Ordinance 14-0915-01, An Ordinance to Adopt the Amended Comprehensive Plan Pending Certification by the Governor as **Exhibit 13**.

City Solicitor Walton marked the proposed Findings of Fact for Ordinance 14-0915-02, Relating to Updating Numerous Sections of the Delaware City Code as **Exhibit 14**.

He informed the commissioners that if they decided to adopt the Findings of Fact, or a portion of the Findings of Fact as the reason for their vote, they could simply state that they had read and agreed with the proposed Findings of Fact and adopt the Findings as the reason for their vote.

He reminded the members of the Planning Commission that they might vote for or against the proposals. They simply would need to articulate why they were voting the way they were, consistent with the statutory standards.

The City Solicitor addressed questions from the Planning Commissioners.

**CONSIDERATION AND VOTE ON RECOMMENDATION OF ORDINANCE
14-0915-01, AN ORDINANCE TO ADOPT THE AMENDED COMPREHENSIVE
PLAN, PENDING CERTIFICATION BY THE GOVERNOR**

Commissioner Renoll made a motion to recommend adoption of the revised comprehensive plan as presented. Commissioner Snow seconded the motion. Discussion followed. A vote was taken, with the Commissioners voting as follows:

- *Commissioner Dilliplane voted aye and stated that he had read and agreed with the proposed Findings of Fact and adopted the Findings as the reason for his vote.*
- *Commissioner Snow voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*
- *Commissioner Batanese voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*
- *Commissioner Hendry voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*
- *Commissioner Renoll voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*

The motion was passed unanimously.

**CONSIDERATION AND VOTE ON RECOMMENDATION OF ORDINANCE
14-0915-02, AN ORDINANCE RELATING TO UPDATING NUMEROUS
SECTIONS OF THE DELAWARE CITY CODE**

Commissioner Snow made a motion to recommend adoption of the omnibus zoning code ordinance as presented. Commissioner Renoll seconded the motion. Discussion followed. A vote was taken, with the Commissioners voting as follows:

- *Commissioner Dilliplane voted aye and stated that he had read and agreed with the proposed Findings of Fact and adopted the Findings as the reason for his vote.*
- *Commissioner Snow voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*
- *Commissioner Batanese voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*
- *Commissioner Hendry voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*
- *Commissioner Renoll voted aye and stated it was for the same reason that Commissioner Dilliplane voted aye.*

The motion was passed unanimously.

**119 FIFTH STREET & FIFTH STREET – PSC PROPERTIES – REZONING
FROM R-1 TO C-1**

Withdrawn.

**123 CLARK CIRCLE – LISA DIEHL – USE VARIANCE TO HAVE A ONE
CHAIR HAIR SALON IN GARAGE**

Withdrawn

**145 ADAMS STREET – WHITTAKER BROTHERS – VARIANCES: RIGHT
SIDE SETBACK FROM 20' TO 5' (CORNER PROPERTY – 2 FRONT
SETBACKS) AND AREA COVERAGE FROM 30% TO 40%**

Mr. Whittaker presented his request for variances. Discussion followed.
*Commissioner Snow made a motion to approve the variances as submitted.
Commissioner Batanese seconded the motion. A vote was taken, all ayes,
motion carried.*

ADJOURNMENT

*Commissioner Snow made a motion to adjourn. Commissioner Renoll seconded
the motion. A vote was taken, all ayes, motion carried. The meeting was
adjourned at 7:45 p. m.*

Respectfully submitted,
Dawn K. Gwynn
City Secretary