

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF DELAWARE CITY
Monday, March 9, 2020 6:30 p.m.
City Council Chamber
407 Clinton Street**

CALL TO ORDER

Commissioner Snow called the Special meeting of the Planning Commission to order at 6:30 p.m. Commissioners Saunders, Snow, Saunders, Dilliplane, and Wilkinson were present. Also attending was City Manager Baylor.

City Solicitor Walton was also present for tonight's meeting.

Comprehensive Plan – Final Approval

Max explained that what he is looking for tonight is a recommendation of the approval of the Comprehensive plan and authorization for Sean O'Neil and his self to complete the draft letter to the PLUS process with the changes they made.

Solicitor Walton said we received a letter back today from DNREC saying that they and the Army Corp. own the Canal in the City. They suggested meeting with DNREC to discuss the future plans for that land and surrounding area. Solicitor Walton said he is in the opinion that that land is within the City but minds can differ. He said they have done what PLUS has asked other than possibly minor spelling errors and again he asked for approval and authorization.

Commissioner Snow asked max if he believes the Canal is Delaware City Property. Solicitor Walton said it's in the City not the Cities property.

He also explained that you are allowed to annex over a body of water.

He also said they will send the letter before the first of April to PLUS.

Commissioner Snow said this would be opposed to Fort DuPont owning one half of the Canal. Solicitor Walton said that hasn't been worked out yet. Right now Army Corp. owns the Canal, one side is Delaware City and the other side is Delaware City. The question is should our future annexation plan have this in it.

Commissioner Saunders said the City limits go around the sewer plant but not around the Canal. So even though it's in the City limits the City doesn't own it, using his own property as an example, it's within the City but he owns it.

Solicitor Walton explained again everyone has everything that was sent, all letters and drafts, all correspondence with the County and he believes everything was done.

Commissioner Saunders pointed out that on Map 7, there is a small area of land that appears not to be in City limits and he is not sure why. Solicitor Walton said that it is part of a Parcel at Ft. DuPont.

Commissioner Snow asked if the area on one side of Route 9 would continue to be State Park and Solicitor Walton said yes.

Commissioner Dilliplane asked if it matters on the plan if the amount of Police keeps changing. Commissioner Saunders suggested we put "full time Police Force"? City Solicitor Walton said it doesn't really matter.

Commissioner Dilliplane made a motion for the recommendation for approval of the Comprehensive Plan and authorization for the Solicitor and Sean O'Neil to move forward with the responses to the PLUS recommendations.

Commissioner Wilkinson seconded the motion, all were in favor, *motion passed*.

Site Plan Ordinance

Solicitor Walton explained that a couple weeks ago his office did a presentation on a Site Plan approval process. He explained they are trying to mirror the Subdivision process for the Site Plan process.

Solicitor Walton explained he is looking for guidance tonight.

Commissioner Dilliplane asked if someone wanted to put three (3) houses on a lot would it go through the Subdivision process. Solicitor Walton said yes. Commissioner Dilliplane then asked if they wanted to put an apartment complex, would it be a Site Plan and Solicitor Walton said yes.

Commissioner Saunders said he is not sure if the 10,000 feet and the 3 houses goes together or is there three (3) separate conditions. Solicitor Walton said they are three (3) Separate, saying it should read "or" nor "and".

Commissioner Saunders asked how you determine if a Subdivision is not needed. Solicitor Walton said if you have four (4) lots you are a Major Subdivision, three (3) or less is a Minor Subdivision. If you create a street it is a Subdivision. Most of the time when someone divides or creates new lots or streets that will be a Subdivision. If there is no requirement for Subdivision, the Site Plan will apply.

Commissioner Saunders asked if someone wants to build a house that is not in character with the neighborhood. Solicitor Walton said if there isn't a Law, even if you dislike it, you have to approve it. If all the requirements of the Code are met, it has to be approved.

Commissioner Saunders said the Planning Commission can approve with conditions. If they met all the legal requirements, what conditions can the Planning Commission add? Solicitor Walton said for example you could site specific, say they need larger roads if it will have a lot of truck traffic. He said you can always recommend changes but you can't base the approval off of that.

Commissioner Saunders said A Major Site Plan definition doesn't have the phrase "not involved with Subdivision" but it mentions it in the minor, why is that? Solicitor Walton said when they first adopted the new Code there was a provision that defined what was a minor or major. Most of the people came in for the minor at that time and there were a lot of complaints with all the new provisions, so Council went back to the old definition for that.

Commissioner Saunders asked if an apartment is a dwelling unit. So a three (3) "dwelling unit" would be an apartment. Solicitor Walton said it could be three (3) houses or three (3) apartments. Commissioner Saunders said he is unsure how an apartment is defined. Minor says less than three (3) dwelling unit. Commissioner Saunders said it needs to say three (3) or less, not less than three (3). Solicitor Walton said he would fix that.

Commissioner Saunders said with the Fort DuPont approval he didn't feel the Planning Commission had enough time to review plans. Solicitor Walton said they can always ask for more time.

There was discussion on time frames in which plans and applications should be sent to commissioners in advance.

Commissioner Saunders said it was very helpful having the engineer here for the Ft. DuPont meeting. He felt having the engineer review is very helpful for large projects.

City Manager Baylor said himself and Solicitor Walton would put together a check list.

Commissioner Saunders said in the Subdivision Code they don't need to have other agency approvals for a Preliminary Approval. Solicitor Walton said correct, they do not.

Commissioner Saunders said the engineer said he didn't recommend using the half foot intervals for elevations, should we change the half foot to 1 foot. Solicitor Walton said sure.

Commissioner Saunders said should we be consistent in siting other areas of code if it applies. It's done here and there throughout but it's not consistent. Solicitor Walton said he can fix that.

Commissioner Saunders said if they approve something are they saying it meets all these approvals? If it turns out they didn't meet all their approvals are we in trouble for thinking they did? Solicitor Walton said no, the approval can be revoked if the approval was based on a false assumption. The Planning Commission's approval is based on the assumption they will meet all the other requirements.

Commissioner Saunders asked if they wanted to build a single house on a lot larger than 10,000 feet they would need a Site Plan. Solicitor Walton said correct. If they want to build a single house on a smaller than 10,000 foot lot, they would not need a Site Plan, Solicitor Walton said correct.

Solicitor Walton said he will take this now to Mayor & Council. City Manager Baylor said he would rather Solicitor Walton update with these changes from tonight and have a few Council Members get together to get their feedback than put together one package, it will come back to Planning Commission then to Mayor and Council. Solicitor Walton said okay.

Commissioner Saunders asked what City entity is primarily responsible for using the Comprehensive Plan. Solicitor Walton said City Administration. City Manager Baylor said it is a road map for him, he is responsible for keeping the City within the frame work of that document.

Solicitor Walton said this also acts as a guide for people who want to come in and do something here.

Commissioner Saunders asked what if someone wanted to widen Fifth Street, even though our Comp Plan says we want to keep Fifth Street like it is. City Manager Baylor said that's where the Commission will need to refer back to the Plan when they are presented plans by an applicant. Solicitor Walton said regarding a street there are special rules that apply.

Commissioner Snow said that Battery Park used to be not owned by Delaware City, but now it is. Is it in the Historic District? Solicitor Walton said in his time here there has been no sale or transfer of that park. Commissioner Snow said it could have been a lot of years ago. Commissioner Saunders said his interpretation of the map would be no it's not part of the Historic District.

ADJOURNMENT

The motion to adjourn was made by Commissioner Wilkinson and seconded by Commissioner Dilliplane. All were in favor. *The Planning Commission Meeting was adjourned at 7:36 p.m.*

Respectively submitted,

Britney Loveland

City Secretary