

*"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, September 9<sup>th</sup>, 2019 6:30 p.m.  
City Council Chamber  
407 Clinton Street**

**CALL TO ORDER**

Commissioner Snow called the regular meeting of the Planning Commission to order at 6:37 p.m. Commissioners Snow, Renoll, Dilliplane, and Saunders were present. Also attending was Acting City Manager Baylor.

**ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

A motion to accept the minutes of the August 5<sup>th</sup>, 2019 meeting was made by Commissioner Dilliplane and seconded by Commissioner Saunders. All members were in favor and the minutes were accepted as written.

**COMPREHENSIVE PLAN**

*Sean O'Neill University of Delaware – Institute of Public Administration  
Here to present the draft maps for the comprehensive plan, specifically the Existing Land Use, Existing Zoning, Future Land Use and Annexation maps. He displayed a finished Future Land Use map and an Annexation map to the Commission.*

Sean O'Neill stated that they updated all the requests on the map from the previous Planning Commission meeting. Some of the comments from last meeting were to update all the maps that Tim Dilliplane identified from last year's survey and the request to add the trails to the existing Land Use map; those changes were made to both. The other change made to the pervious Land

Use map was at the Ft. DuPont site, it is going to be identified as Mixed Use. Sean O'Neill said that he feels the map is relatively completed.

*City Solicitor Walton* suggested that Sean O'Neill look at the Code with respect to the Historic Preservation District. There was a case called a Brohan vs. Town of Laurel that has some quirkiness with the Mixed Use designation. He suggested we should maybe change how we title the Mixed Use based upon that case; however there would be no changes to the actual map.

Discussion ensued between the Commissioners and Mr. O'Neill in regards to the Boundaries and Uses shown on the map. Boundaries and Uses are shown on the map depicted by colors. The Commission took this time to discuss and make sure the Boundaries were all correct and that the Uses for each area were named correctly.

*Sean O'Neill* asked for other maps that would show the City Boundaries as there was 1 discrepancy with a parcel that Tim Konkus from Main Street Delaware City says Main Street owns. The parcel is in the county according to Mr. Konkus but on this map it is showing within Delaware City limits.

*Sean O'Neill* asked who would be the official authority on the Town Boundaries. Kathy Clifton Said the County.

*City Solicitor Walton* said the Charter has a set of Boundaries that they can refer to, it is older so Ft. DuPont won't show but the area in question should be there. Sean O'Neill said the boundaries will be corrected.

*Sean O'Neill* then switched the discussion over to the Existing Zoning map. He explained there are different Zones and they are as follows: HPR (Ft. DuPont), Open space- Buffer area, Open Space and Recreational, R1, R2, R3 Multifamily, C1 Central Commercial, C2, Light Industrial, C1L and a C1M.

*Kathy Clifton* pointed out that there is a Zone named RMM, specific for the Mobile Home Park. *City Solicitor Walton* suggested that on our Future Land Use map we make that Mobile Home area in Delaware City consistent with the Mobile Home Zone in the Code.

*Sean O'Neill* said the Future Land Use called for a few changes from the Existing Land Use maps. Existing Land Use maps showed Residential where the use on the map called for Commercial. There is some Residential in with the Commercial District and there was talk of zoning it Mixed Use but they are leaving that as Commercial.

*Sean O'Neill* also pointed out that Ft. DuPont is identified as Mixed Use which is a new category. *City Solicitor Walton* explained that your Future Land Use map is not to dictate your levels of Commercial, it just lumps it all into Zone "Commercial". The Zoning Code separates them by C1, C2, etc.

*Tim Konkus* asked about a Residential Parcel he would like to have rezoned to match the other properties on the block. The Commission agreed that he should come back before them when he has more information on the use of the property.

*City Solicitor Walton* asked the Commission if there are any other Parcels they want to change within the Zoning category. The Commission did not have anything they wanted to change at this time.

*Sean O'Neill* explained that the Annexation Map was not changed because they never heard otherwise by the Planning Commission, but it was debated on at the last meeting. He pointed out that their GIS made a mistake in having a specific part of Ft. DuPont on the Annexation map, when it was included in the past Fish and Wildlife did not allow that. City Solicitor Walton said that it is okay to leave this area as an Area of Concern.

*City Solicitor Walton* explained that the area of Annexation is only that of which you can Annex, that Area of Concern can be a wide area but Areas of Concern don't have any significance to the law.

*Commissioner Saunders* said the Area of Concern is fairly large because of the Refinery land; the Commission does not want the Refinery to sell their land and then areas surrounding the Town get over built. The Commission wants to maintain a buffer around the Refinery. City Solicitor Walton pointed out that there are many regulations for the Refinery as far as expanding. He also pointed out that Delaware City can't create a buffer out of their jurisdiction but they can make this an Area of Concern and request that the County notifies the Town if any of that area is sold.

*Commissioner Snow* expressed that her biggest fear would be houses being built in the open areas around the Refinery. Sean O'Neill said in his notes he had this area as something still needing to be discussed however it was put into the Area of Concern on the map.

*Commissioner Dilliplane* added that it was discussed to add Polk Town and the houses at the end of Fifth Street to this Annexation.

*Commissioner Saunders* asked the Solicitor to help the Commission with wording in terms of defining the Area of Concern and the Planning Commission wanting to have a buffer between the Refinery. He would like it worded in a way that would increase the probability of the County sharing information. City Solicitor Walton said there is wording already created on the Office of State Planning website that would give that language and that would be easy for him to help with.

*Commissioner Dilliplane* asked the Commission if they wanted to add sections A and C of the Old Canal to the Future Annexation plans. Discussion Followed.

*Commissioner Dilliplane* asked if they wanted to add the land the Refinery talked about giving us for the Parking Lot. Kathy Clifton said that might just be considered a transfer of the property. Tim Konkus pointed out that the area in question is within the City Boundaries. They discussed

where the property is located and how they will designate it, they agreed to make it "Institutional". Commissioner Snow said she believed that the refinery said we can have the land but there is no money to do anything with it.

*Commissioner Saunders* asked what the solar farm area that is owned by the City is designated; *Sean O'Neill* said it is designated Institutional.

*City Solicitor Walton* said that Cemeteries are permitted use in all Districts; he said we should use "Institutional" for Cemeteries.

*Sean O'Neill* pointed out that he believes the State Planning wants Land Use designated for Future Annexations.  
Discussions Followed.

*Sean O'Neill* said he will email this map to everyone to spot check all the parcels. *City Solicitor Walton* said they can only respond directly to Sean, do not reply all.

*Sean O'Neill* said that wherever the Planning Commission is at in the Plans, they should just make sure that what they say in each chapter all aligns as much as possible.

*City Solicitor Walton* asked Mr. O'Neill if the University has any students that could aid in completing the writing process. He said he would look into it but he does not believe any students are available. *City Solicitor Walton* said he will complete it at no cost, but if a student is available that would be better for the City as his schedule is very full.

*Commissioner Dilliplane* asked if this is completed this year when will it need to be done again. *Sean O'Neill* said it will need to be reviewed in 5 years. *City Solicitor Walton* said the City has to do yearly updates for the Office of State Planning.

*City Solicitor Walton* told the Commission to send him any questions or changes they would like to make to the current draft and he will work on completing everything if the University is not able to get a student.

*Sean O'Neill* said he will work on the changes they discussed tonight and he will work on finding a student to help with the Plan.

### **ADJOURNMENT**

The motion to adjourn was made by Commissioner Dilliplane and seconded by Commissioner Saunders. All were in favor. The Planning Commission Meeting was adjourned at 7:50 p.m.

Respectively submitted,

*Britney Loveland*

City Secretary