

April 13, 2023

**By Hand**

The Honorable Paul H. Johnson, Sr., Mayor and  
Members of Delaware City Council  
Delaware City  
407 Clinton Street  
Delaware City, DE 19706

Re: **Special Use Permit for the Marina Village, Fort DuPont, Delaware City**

Dear Mayor Johnson and Members of City Council:

I write on behalf of the Fort DuPont Redevelopment & Preservation Corporation (the “Fort”) in support of its pending application for a special use permit for the “Marina Village” project at Fort DuPont. Since the filing of the application last summer, the Fort has conducted numerous meetings with City residents, the Historic Planning Commission, the Planning Commission (which unanimously recommended in favor of the permit), as well as Council itself. At this point, we ask for Council’s approval, recognizing, of course, that a special use permit is only the first step in the process. The project must still go back through the subdivision review process with the Planning Commission, and then come back again to Council for final subdivision plan approval. In addition, there are numerous other governmental permits and approvals which will need to be obtained, including, for example, approvals from DelDOT and the State Fire Marshal.

Enclosed with this letter is a color rendering of an aerial view of the project. As the rendering indicates, the proposed project consists of 130 residential units, with 34 duplexes and 96 “stacked” multi-family townhomes. The parking provided exceeds Delaware City Code requirements. The streets will all be built to DelDOT standards and will be dedicated to the public. We have attached photos and architectural renderings showing the design and appearance of the proposed buildings.

We note that the plan enclosed is not a fully-engineered subdivision plan. Rather, it is a concept plan showing the proposed project at a very high level without showing all of the details required for full and final subdivision approval. Upon the grant of a special use permit, the Fort

will then prepare and submit a fully engineered subdivision plan for review and approval by the City. So, again, the special use permit is but the first step in a process. Should the Council grant the special use permit, then the Fort will go through the subdivision plan review process with the City, and more detailed plans and drawings, which will need to comply with all City, State and Federal requirements,<sup>1</sup> will be prepared and submitted. Both the Planning Commission and Council will have the further opportunity to review and approve the subdivision plan.

At this time, we seek only a special use permit to allow the project to move to the next step in the process. As mentioned earlier, we have met with the Planning Commission, and it has unanimously recommended in favor of the special use permit. A copy of the Commission's report is enclosed with this letter.

In considering whether to grant this approval or not, the City Code sets forth seven factors for Council to consider (*see* City Code, §46-28(a)(21)(b)(i)). Each of these seven factors is discussed below:

1. **Consistency with the Comprehensive Plan.** The Marina Village is, in fact, consistent with the City's Comprehensive Plan, as well as the master plan for Fort DuPont. The Comprehensive Plan designates the property for HPR zoning (and the property is zoned HPR) which permits multifamily and duplexes as uses. Moreover, the Fort's master plan has always included a "Marina Village" of townhomes and multi-family residences to the east of the single-family homes of the "Canal District." Fort DuPont has always been envisioned as a mix of housing types and price points.

2. **Consistency with the Character of the Property.** As already noted above, Fort DuPont has always been envisioned as home to a mix of housing types (that is, single-family, duplexes, and townhomes). In addition to the other housing at the Fort, the long-term plan includes restaurants, other entertainment venues (the historic theatre), community space, offices, outdoor trails and other amenities, and, ultimately, a marina. When complete, Fort DuPont will be a true mixed-use community, where it will be possible to live, work and play.

3. **Consistency with Zoning and Nearby Properties.** The Marina Village does not require a rezoning as the property is already zoned for the proposed use and the use is consistent with the already existing residential uses at Fort DuPont, as well as the other proposed uses.

4. **Suitability of the Property for its Proposed Use.** The property is relatively flat, and level, and is appropriate for its proposed residential use. Note that, just as with the housing already constructed at the Fort, the housing here will be built at an elevation above the flood plain and consistent with all applicable laws. A soil study is currently underway evaluating the soil type, and, if necessary, appropriate soil will be imported to the property to avoid any subsidence issues. This is standard practice and was done for the already constructed housing.

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<sup>1</sup> The City Code states in part: "Prior to recordation of any major site plan, all requirements of the site plan regulations, state and federal law, and the Delaware City Code must be satisfied." City Code, §55-41(i)(2).

5. **Effect on nearby lands, including visual impacts.** The Marina Village architecture and proposed buildings have been reviewed and approved by the Fort's Design & Historic Preservation Committee, the body tasked with ensuring that all buildings constructed at the Fort are consistent with the Fort's detailed architectural requirements. The project and its location at the Fort have been designed to minimize any impacts.

6. **No adverse impacts.** Ultimately, there will be no adverse impacts from the project; and, indeed, the project will increase the necessary critical mass at the Fort and in Delaware City, thereby making it easier to attract and retain restaurants and other commercial uses. The project furthers the Fort's mission of economic development for Delaware City and increases the City's tax base.

7. **No detrimental effects.** The final criteria for a special use permit asks whether the use will have any detrimental effects on the City. To the contrary, the Marina Village will have positive effects, as it increases the critical mass necessary for the Fort to move to its next stage of development – restaurants, other commercial uses, offices, and the marina. Sewer and water capacity available is for this project (and the rest of the planned projects at the Fort) from the County and Artesian respectively. Traffic numbers and flow will be reviewed (and must be approved) by DelDOT during the subdivision review process, but prior planning has already taken into account the traffic impact from this project.

During the course of the public meetings and proceedings to date with City residents, the Planning Commission, and Council, a number of additional questions have been raised. Many of these questions will be addressed during the subdivision plan review process, but we thought it might be helpful to address some of them here as well:

- **Is the soil suitable?** A soil study is currently underway. Nothing can be constructed in the absence of suitable soil. If existing soils are not suitable, they will be replaced. This will all be finalized during the subdivision review process.
- **What about the flood plain?** All houses will be constructed with the first floor above the flood plain. As with the Canal District housing, soil will need to be imported to raise up the overall site out of the flood plain. This will all be shown on the subdivision plans.
- **Will wetlands be disturbed?** No wetlands will be disturbed in connection with this project.
- **Do the streets meet the required widths and standards?** Yes, this will be shown and confirmed during the subdivision review process.
- **Has the traffic for this project been taken into account for the overall Fort project?** Yes, the original Traffic Impact Study actually contemplated more than 130 units (it contemplated 200), so the traffic generated will actually be much less than the original Traffic Impact Study assumed.
- **Is the necessary parking provided?** Yes, in fact the current plan has 20 spaces more than required by City Code.

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Thank you for your attention in this matter. We look forward to appearing before you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Forsten', is written over the typed name. The signature is stylized and fluid.

Richard A. Forsten

cc: Mr. Tim Slavin  
Pam Scott, Esquire