

October 4, 2011

Mr. Hank Black
Delaware Digital Video Factory
1709 Concord Pike
Wilmington DE 19803

Re: 1707 Concord Pike, Tax parcel number 06-100.00-086

Dear Mr. Black,

Thank you for meeting with me to discuss your concerns with the proposed reuse of the building at 1707 Concord Pike and the parking generally available to serve the users of 1701-1705 Concord Pike. After a very lengthy review, it was determined that the parking for 1701-1705, consisting of a single row of parking in front of the building and a common parking area in the rear, is adequate based on the grandfathering status afforded to these properties. No additional parking was required when the check cashing business recently relocated to 1701 Concord Pike from 1707 Concord Pike, because the Unified Development Code (“UDC”) requires less parking for general office uses than for commercial retail uses. Therefore, the remainder of this response will address the reuse of the property at 1707 Concord Pike.

Background

The subject property (1707 Concord Pike) is part of a larger parent parcel that was identified as “commercial” on the *Final Street And Lot Plan Of A Portion Of Deerhurst*, last revised on November 27, 1945 and recorded in the Office of the New Castle County Recorder of Deeds on July 5, 1946 at microfilm number 198. The larger commercial property was later subdivided by deeds into four properties now identified as 1701, 1703, 1705 and 1707 Concord Pike.

Zoning and Use of Parcel

1707 Concord Pike has been zoned commercial since the 1950s when the County adopted the first Zoning Code. Prior to the adoption of the UDC, on December 31, 1997, the zoning was C-1. The property is presently zoned Commercial Neighborhood (CN). A small one-story building was erected in 1962 and has been historically used for various commercial businesses. The prior use of the building was a check cashing business. The proposed use is automotive detailing. Both are permitted commercial uses under the UDC. Check cashing is included within a commercial subcategory of “office” uses under NAICS code 522390; automotive detailing is

included within a commercial subcategory of “light automotive services” under NAICS code 811192.

Change of Use

UDC Section 40.08.110 requires that “any change in use comply with the use provisions of the UDC.” Although the prior and proposed uses of the property are commercial, the Department insisted on a change of use permit based on the different parking standards and alterations being made to the building that warranted review by the Fire Marshal and NCC Special Services (for recalculation of sewer fees). The property owner applied for that permit on September 15, 2011 (Application No. 20111143). It was issued by the Department Of Land Use on October 3, 2011. The property owner will be reminded that a final inspection is still required before the building may be legally used for automotive detailing.

Interior Renovations

The building has been altered to support a one-bay automotive detailing operation pursuant to a tenant fit-out permit (Application No. 201105831) that was issued on May 31, 2011 to retrofit the front of the building with a garage door. Although it was initially determined that a second fit-out permit was needed for prior demolition, based on what can be seen in the pictures you supplied, no additional permit appears to be necessary.

Signage

Prior to erecting the new 202AutoSpa sign, the property owner consulted with planning staff who properly advised him that no sign permit would be required if the new sign were installed in the same place as the older one (i.e. a refacing). Unfortunately, the property owner mistakenly interpreted that as the front of the building. Code Enforcement has since cited the property owner and explained to him why the new sign is not a refacing and requires a new permit be obtained by a licensed contractor. He requested and received an extension to allow for that to occur. Code Enforcement is separately investigating whether the sign company that erected the new sign for him was properly licensed with New Castle County.

Parking

Lastly, prior to establishing the new automotive use, four angled nonconforming parking spaces were located in front of the building. Concurrent with the addition of a ramp leading up to the front of the building, the entire parking area was repaved. While it was initially thought that a parking plan would be required to restripe the nonconforming parking area, it has since been determined that a plan is not necessarily required under UDC Sections 40.03.521 and 40.22.614B as nonconforming parking may be restriped relying on that configuration. The change of use permit is based upon the restriping of the last known nonconforming parking configuration. A much better design would be to install several inline parking spaces leading to the garage and potentially an additional employee parking space behind the building. Code Enforcement has initiated discussion with the property owner about the new arrangement which appears from historical photographs to have been the original design. Should the parking

configuration change from the last known angled design, the Department will determine what level of review is required by County Code.

Conclusion

After a lengthy review of the land use records, materials that you supplied to the Department and Unified Development Code, it has been determined that the automotive detailing use is a permissible commercial reuse of 1707 Concord Pike. The property owner will be reminded that he may not operate the automotive detailing business until he has restriped his parking area, procured a sign permit (or alternatively removed the existing sign) and received final approval on his change of use permit. While we understand and appreciate your concern with the use of your parking facility by patrons of other commercial properties, please be aware that that is outside of the control of New Castle County Government. All that the Department can do is require compliance with the land use codes that govern the use and reuse of property. Your most recent concern about the outside power washing of vehicles will be addressed by the Department in advance of issuing final approval of the certificate of use for 1707 Concord Pike.

Sincerely,

James C. Smith, Jr.
Assistant Land Use G.M.

Cc: David Culver, Land Use G.M.
Marty Kirk, Code Enforcement
Ofc. Eliazar Sanchez-Bonet, Code Enforcement