

**MINUTES**  
**CITY PLANNING COMMISSION**  
**June 20, 2023**

Present: Desmond Baker (Acting Chair), Joseph Chickadel, A. J. Hill, Brett Taylor, and Tanya Washington (Commission Members); Aaron Baker (Law Department); and Jeffrey Starkey, Tim Lucas and Gwinneth Kaminsky (Department of Land Use and Planning).

This meeting of the Planning Commission was fully virtual with no anchor location. The meeting was convened at 6:05 p.m. Acting Chair Desmond Baker called the meeting to order and requested a motion for approval of the minutes of the April 18, 2023 Planning Commission meeting. On a motion by Mr. Hill, seconded by Brett Taylor, the minutes were unanimously approved. The public hearing was then held.

**Resolution 3-23:** A proposal to rezone seven (7) parcels of land located along Lincoln Street between 10th and 11th Streets, being Tax Parcels 26-020.10-037; 26-020.30-014; 26-020.30-038; 26-020.30-039; 26-020.30-040; 26-020.30-041; 26-020.30-032, from R-3 (One Family Row Houses) to C-2 (Secondary Business Centers). Zoning Referral 561-23.

Gwinneth Kaminsky presented for Resolution 3-23, using slides for illustration. She stated that the applicant, Johnny Orejuela, Yireh Properties LLC, requested the rezoning of two parcels of land from R-3 One-Family Row Houses to C-2 Secondary Business Centers. The first parcel includes the Three Amigos Mexican Grill and two upper story apartments. The second parcel includes a single-family dwelling and accessory parking lot.

She explained that the applicant received permission from the Zoning Board of Adjustment to expand the nonconforming restaurant but did not approve the sale of alcohol, instead recommending that the applicant seek a rezoning. The owner submitted a formal request for C-2 Secondary Business Centers zoning for the two parcels, to eliminate the nonconforming status of the uses and permit the sale of alcohol for on-site consumption at the restaurant. Planning added five parcels to the rezoning action to address other nonconforming uses in the area; with all seven properties located adjacent to a C-2 district.

Ms. Kaminsky next reviewed the current land use on the seven affected parcels and in the surrounding area, and compared the types of uses allowed in the existing and proposed zoning categories. She noted that C-2 zoning provides for shopping and business needs as well as residential, and that the nonconforming uses in the rezoning area would become matter-of-right under C-2, including Three Amigos, and that C-2 permits the sale of alcohol for onsite consumption.

Ms. Kaminsky then explained that to move forward with the proposed rezoning action, the City's comprehensive development plan entitled, "Wilmington 2028: A Comprehensive Plan for our City and Communities" must be amended. The West Side Future Land Use Map currently indicates "medium density residential" land use for the rezoning area, consistent with the existing R-3 zoning. She said that Resolution 2-23 recommends changing the land use category from the "medium density residential" to "neighborhood mixed uses" land use, which is consistent with the proposed C-2 zoning.

Ms. Kaminsky said that earlier in the day, Planning was notified that the property owner of 1008 Lincoln Street requested that their property, which includes the parking lot and single-family dwelling adjacent to the restaurant, be removed from the rezoning action.

## City Planning Commission Meeting Minutes

June 20, 2023

Page 2

The Planning Commission was then presented with two options: 1) to vote on the original resolutions which support the proposal to rezone seven parcels of land; or 2) to vote on revised resolutions prepared to reflect an amended proposal to remove 1008 Lincoln Street from consideration, resulting in the rezoning of six parcels of land. She noted that these revised resolutions were circulated to Commission members earlier in the day. She said that the parking lot would continue as a legal nonconforming use under the R-3 zoning, and the single-family home would remain matter-of-right.

Ms. Kaminsky said that Planning had analyzed both options and had no issues with either choice. Eliminating 1008 Lincoln from consideration still results in the desired outcome for the applicant, Three Amigos Grill. She said that in both cases, it is still necessary to amend the West Side Future Land Use Map to allow for "Neighborhood Mixed Use" land use, which supports the proposed C-2 Zoning. The presentation was concluded.

Mr. Baker asked if there were any questions from the Commission members. Tanya Washington asked why the property owner would want their parcel to be excluded from the rezoning. Ms. Kaminsky responded that there were concerns about increased insurance rates under the C-2 zoning. She said that the parking lot would remain a nonconforming use under the R-3. Mr. Baker asked if the parking lot was owned by the Three Amigos owner. Ms. Kaminsky said that they did not own that parcel, but that Planning received a letter authorizing the rezoning for that parcel.

Mr. Hill asked what happens to the parking lot should the restaurant relocate. He noted that with the dominant use gone, there would still be a nonconforming accessory use on a neighboring parcel. Ms. Kaminsky responded that two parking spots would still be reserved for the single-family dwelling, with spaces also reserved for the apartments, and that while there was an agreement between the two parcels for restaurant parking, the lot still has potential use as parking for other business owners. She also said that if the restaurant relocates, new uses could be operated on the site under the new C-2 zoning. She also noted that Three Amigos did just move in and expand their operations.

Desmond Baker next disclosed that he is friends with the owner of Three Amigos. Aaron Baker from the City Law Department asked whether anything would affect his ability to make an independent, impartial judgement in this case. Desmond Baker responded no.

Next, the public was invited to speak. Frank Ursomarso, General Partner, Union Park Automotive Group, stated that he supported the rezoning of the six parcels of land, noting that they owned one of the affected parcels. With no other speakers coming forward, the public hearing was closed, and the Commission returned to their regular meeting. Desmond Baker introduced the first item of new business:

**Resolution 2-23:** A proposal to amend Wilmington's comprehensive development plan entitled, "Wilmington 2028: A Comprehensive Plan for our City and Communities" to amend the West Side Future Land Use Map.

Before proceeding with the first case, Ms. Kaminsky advised the Commission that prior to acting on the resolutions, they need to determine how they wish to move forward, either by recommending the original proposal rezoning 7 parcels or the revised resolution rezoning 6 parcels. This would determine

**City Planning Commission Meeting Minutes**

**June 20, 2023**

**Page 3**

which version of Resolution 2-23 and 3-23 they would vote on. Desmond Baker called for discussion from the members.

Mr. Hill stated that he is fine with the revised resolutions and that if the Commission concurs, he is prepared to make a motion for approval. Joseph Chickadel said that he agrees with the amended versions and is prepared to vote. Ms. Washington and Mr. Taylor did not have any comments.

Desmond Baker then asked for a motion on revised Resolution 2-23. Ms. Washington made the motion to approve Revised Resolution 2-23; Mr. Hill seconded the motion. With all members being in favor, the motion was approved. By virtue of having approved Revised Resolution 2-23, Ms. Kaminsky explained to the Commission that they would next be acting on Revised Resolution 3-23. Mr. Baker asked for comments. There were none. He then asked for a motion. Mr. Hill moved to approve Revised Resolution 3-23, which was seconded by Mr. Taylor. With all in favor, the motion was approved.

There being no other items of business on the agenda, Mr. Baker called for a motion to adjourn. Mr. Hill moved to adjourn; Mr. Chickadel seconded the motion. With all members being in favor, the meeting was adjourned at 6:35 p.m.

*Minutes submitted by Gwinneth Kaminsky, Department of Planning & Development*