

**MINUTES  
CITY PLANNING COMMISSION  
March 21, 2017**

Present: Polly Weir (Chair), Bruce Brunozzi, Lloyd Budd, Patrick Carter, Joe Chickadel, and Tanya Washington (Commission Members); Gwinneth Kaminsky, Timothy Lucas, and Herb Inden (Planning); and Anthony J. Hill (Law).

The meeting was convened at 6:30 p.m. by Polly Weir.

**REGULAR MEETING**

**Minutes.**

**Approval of the minutes of the November 15, 2016 Planning Commission Meeting.**

Polly Weir asked the Commissioners whether they had any questions or comments on the minutes of the November 15, 2016 Planning Commission Meeting. As there were none, she called for a motion. Lloyd Budd made a motion to approve the minutes, and Joe Chickadel seconded the motion. All members voted to approve the minutes.

**Approval of the minutes of the November 29, 2016 Planning Commission Meeting.**

Ms. Weir asked the Commissioners whether they had any questions or comments on the minutes of the November 29, 2016 Planning Commission Meeting. As there were none, she called for a motion. Mr. Chickadel made a motion to approve the minutes, and Ms. Weir seconded the motion. All members voted to approve the minutes.

**New Business.**

**Resolution 1-17: Annual Review of the Capital Budget and Capital Improvements Program for Fiscal Years 2018-2023 (original).**

Gwinneth Kaminsky from the Planning Department presented the analysis for Resolution 1-17. Ms. Kaminsky stated that the Planning Commission is being asked for its recommendation regarding the Annual Capital Improvements Program, which represents a long range fiscal plan for infrastructure and other capital projects.

Ms. Kaminsky explained that this program covers a six Fiscal Year period from 2018 through 2023, and includes the Capital Budget, which funds the first year of the program. Because the City generally enters the bond market every two years, the Capital Improvements Program is designed with alternating funded years, typically the even calendar years, and unfunded “off years.” The off years have no budgeted expenditures or funding considerations.

Ms. Kaminsky stated that Fiscal Year 2018 represents a funded year, with a proposed Capital Budget of \$84,054,000. This budget consists of several funding sources, including the General Fund, Water Fund, and Other Funds such as supplemental grants. Typically, the Budget funds ongoing programs and projects related to public works, parks, and public safety, along with initiatives for housing, economic development, and transportation.

Ms. Kaminsky stated that this year, there are 43 projects in the six-year Capital Program. She explained that of these projects, 28 represent ongoing projects and programs which continue from year to year, and so they are included for funding in the Capital Budget year, and are included in the outyears as well to indicate a need for continued future funding. The majority of these projects originate in Public Works, and cover such things as sewer and water improvements, plant renovations and upgrades, street paving and sidewalk repairs.

Ms. Kaminsky explained that other departments have ongoing projects as well, including park improvement and equipment replacement programs within the Parks Department, economic development initiatives in the Mayor's Office, apparatus replacement programs in the Fire Department, and system improvements in the Transportation Division.

Ms. Kaminsky stated that the Program also includes 8 projects that are funded in the Capital Budget but are not represented in the outyears because they are not expected to require future funding. These are major public works projects which have been under construction for years, and are nearing completion, such as upgrades to Hoopes Dam, the Brandywine Filter Plant, 11th Street Pumping Station, and the Raw Water Distribution System.

Ms. Kaminsky said that the Program also includes 7 projects which are represented in the program outyears but are not actually being funded in the 2018 Capital Budget because they don't have an immediate funding need. They are listed in the outyears as a placeholder in anticipation of future funding needs. These projects currently include the replacement of ambulance rescue apparatus, pool house renovations, and improvements to the public safety building for the Police Department.

Ms. Kaminsky went on to explain that in addition to specific project funding, the Capital Budget also includes the cost of bond issuance, which for the 2018 Capital Budget is estimated at \$939,000. This is the cost of borrowing the money to pay for all the projects in the first year of the program.

Ms. Kaminsky stated that funding for the 5% for Art Program is also included in the Capital Budget, which adds an additional \$160,000 dollars. The 5 % Program is an art work reserve fund which pays for the installation of public art for certain eligible capital projects. Specifically, when capital projects involve public buildings or parks with a cost greater than \$25 thousand dollars, five percent of the estimated construction cost is set aside to pay for public ornamentation for these facilities, such as sculpture, monuments, murals, and fountains.

Ms. Kaminsky explained that in addition to the Capital Budget, there are five program outyears, in this case, 2019 through 2023, which simply reflect anticipated future projects and their estimated costs. The outyears for the current Program have an estimated cost of almost \$168 million dollars. These projects are not being funded at this time, they are merely placeholders for consideration when developing future Capital Budgets.

Ms. Kaminsky concluded, stating that together, the Capital Budget and five outyears bring the six year Capital Program to a total of \$252,052,000. She stated that Resolution 1-17 recommends that City Council adopt this year's annual Capital Improvements Program and related Capital Budget. The enacting ordinances for the Capital Program and Budget were introduced along with the City's FY 2018 Operating Budget, at City Council last Thursday, March 16th, when Mayor Michael Purzycki presented his Budget Address.

Ms. Weir asked whether the Commissioners had any questions regarding the Capital Budget. Mr. Budd directed the Commissioners' attention to page 14, and the Water Meter Replacement Program. Mr. Budd asked what percentage of total water meter replacement is represented by the \$28,000 replacement cost.

Ms. Kaminsky responded that she was unsure, as that figure was not included in the Public Works Department's application. She stated that she could get Mr. Budd the requested information from the Public Works Department. Mr. Budd stated that he is aware that water meter replacement has been underway, and he is interested in making sure that the figure proposed in the budget is correct.

Anthony Hill provided a point of clarification to the Commissioners, stating that the City does provide water to those outside of City limits. He stated that the figure included in the budget could reflect service provided to customers who live in unincorporated areas of New Castle County.

Polly Weir asked whether the Commissioners had any further questions regarding the Resolution. As there were none, she called for a vote. Tanya Washington made a motion to approve Resolution 1-17, and Patrick Carter seconded the motion. All members voted in favor, resulting in the passage of Resolution 1-17.

**Resolution 2-17; MS-17-01: Major subdivision application from Vandemark & Lynch, Inc. on behalf of the Riverfront Development Corporation, which proposes to subdivide 220 A Street, a non-contiguous parcel, into two parcels. The portion of the property proposed to be subdivided is located at the intersection of South Walnut and South Market Streets [parcel 26-050.00-083].**

Tim Lucas with the Department of Planning and Development presented Resolution 2-17. Mr. Lucas explained that the Riverfront Development Corporation, or "RDC", proposes to divide 220 A Street, a non-contiguous parcel, into two parcels. The proposal is considered a major subdivision and is subject to review by the Planning Commission because it involves a property which is located in a regulatory floodplain. He stated that no construction or physical alterations to the site are proposed at this time.

Mr. Lucas showed a location map and identified the non-contiguous parcel comprised of two separate pieces of land. He explained that both pieces of land are located along the South Walnut Street corridor in South Wilmington between A Street and its intersection with South Market Street. He then used an aerial photo map submitted by the applicant to better illustrates the context of the sites.

Mr. Lucas explained that the recent history of the parcel includes ownership by Delaware Department of Transportation. The site was one long continuous parcel connected in the center by a strip of land which was subdivided in March of 2008 and developed into the Christina Crossing Shopping Center, the location of the Shop Rite grocery store which was shown.

Mr. Lucas stated that RDC proposes to subdivide a portion of the southernmost piece of land, referred to as portion "A" to create two parcels. For ease of conversation, Mr. Lucas called the northernmost piece of land "Parcel B," the southern piece of the subdivided land "Parcel A-1" and the new parcel "Parcel A-2." He explained that the southern piece of the subdivided land, Parcel A-1, would continue to be associated the non-contiguous parcel, Parcel B, located in the north along A Street. Under the proposal, these parcels would remain noncontiguous and therefore continue to share the original parcel number.

Mr. Lucas stated that the subdivision plan was circulated to City Departments for comment. The Departments of Licenses and Inspections, Law, and Planning and Development provided the following comments to the plan:

The Zoning Manager and Law Department have reviewed the plans and together commented that the parcel must not remain non-contiguous after subdivision occurs. The portion of the site described on the plan as "A-1" must also be subdivided and assigned its own parcel number. Therefore, two new parcels must be created, for a total of three parcels.

The Department of Planning and Development is in agreement with this recommendation, and has provided 6 additional comments to the subdivision plan:

1. Add "220 A Street" to the title of the plan.
2. Location Plan: Add "Parcel B" to the notation to distinguish it from Proposed Parcel A-1 and Proposed Parcel A-2.
3. General Data #2: Add the parcel's address to the tax parcel number.
4. General Data #4, update the "Area/Address" matrix and provide data for all three parcels.
5. Change the wording of General Data #15 to read "A portion of the subject tax parcel No. 26-050.00-083, labeled on the location plan as "Parcel B", and located at 220 A Street, will remain as a separate parcel after subdivision occurs."
6. Change the purpose statement to read: "The purpose of this plan is to subdivide two new parcels from tax parcel 26-050.00-083; parcel 'A-1', parcel 'A-2', and parcel 'B'."

Mr. Lucas stated that tonight's meeting agenda was mailed out to the standard City Commission mailing list, posted on the City's website, and in the lobby of the City/County Building.

He then concluded his presentation, stating that the Planning Department recommends approval of the major subdivision plat submitted by Vandemark & Lynch, Inc. on behalf of the Riverfront Development Corporation, which proposes to subdivide 220 A Street, on the condition that the original parcel does not remain non-contiguous after subdivision. All comments from City departments must be incorporated into the final subdivision plan prior to recordation.

Ms. Weir asked whether the Commissioners had any questions regarding the Resolution. Mr. Chickadel stated that there must be a reason for the subdivision request. He asked whether it is an attempt to use parcel A-1 as its own separate entity and follow the relevant zoning regulations. He stated that Parcel B does not appear to be developable because it's right off of Walnut Street. He asked about the intention of the subdivision. Mr. Lucas responded that it is his understanding that the intent is to divide the property for future development. He acknowledged that the parcel is unusually shaped. Mr. Chickadel asked whether Parcel B and Parcel A-1 were developable based on their dimensions and relationship to Walnut Street. Mr. Lucas responded that A-1 is developable, but whether Parcel B is developable is a question for the Zoning Manager. Mr. Lucas stated that the Zoning Manager did approve the request for subdivision, suggesting that he views the parcel as developable. Mr. Lucas also suggested that the parcel could be purchased and consolidated with another parcel. Mr. Chickadel asked whether the parcel could be utilized for roadside signage.

Mr. Hill interjected, stating that the Zoning Manager would not have approved the subdivision if the lot was not buildable. He stated that the City is prohibited from approving the creation of non-buildable lots.

Mr. Budd asked whether each of these parcels is assessed individually. Mr. Lucas responded that currently, the two different pieces are assessed as one single tax parcel, and that the analysis calls for dividing that one parcel in to three, separate taxable parcels.

Patrick Carter asked whether by dividing those narrow strips the resulting parcels would be buildable. Mr. Lucas responded in the affirmative. Mr. Brunozzi asked what the depth of the parcels were from Walnut Street. Mr. Lucas responded that parcel A-2 is approximately 60 feet deep and about 120 feet wide. Mr. Brunozzi asked about the depth of Parcel B. Mr. Lucas responded that it is not shown on the plan. Ms. Kaminsky stated that Parcel B is a preexisting parcel. Mr. Lucas indicated that the parcel is a remnant from DelDOT which was acquired by the Riverfront Development Corporation.

Ms. Weir asked whether there was anyone from the Riverfront Development Corporation or Vandemark and Lynch that would like to speak.

Ms. Kaminsky added that the Planning Department often considers subdivision requests in advance of any development plans for the parcel. She stated that it is the right of the property owner to subdivide their property, and that it has been determined that these proposed parcels are developable. She stated that she believes this parcel is being subdivided because of a future development, and does not see anything preventing the approval of this application.

Mr. Budd asked whether there were any current utility easements associated with these parcels. Mr. Lucas responded that there was likely a right-of-way setback, but there are no specific shared rights of access.

Mr. Brunozzi stated that he asked his earlier question because it is required that the City subdivide buildable parcels, and he believes that a 60-foot deep parcel would not be developable in consideration of setbacks and other requirements. Mr. Lucas responded that the area is in a waterfront district so there are no front yard setbacks. Mr. Brunozzi asked whether there was highway right-of-way, and stated that he finds it difficult to see how a 60-foot deep lot could be developed along the highway. He stated that the other parcel looks to be about 60-feet deep in one area, increasing to 100-feet. He concluded that he finds it hard to imagine a developer acquiring that parcel for development.

Ms. Weir welcomed Stephen Johns from Vandemark and Lynch to speak. He stated that Parcel B already exists as a parcel, and he would speak to Parcel A-1 and A-2. He said that the intent is to add Parcel A-2 to another parcel owned by the RDC immediately adjacent to the west which fronts on South Market Street. This would result in developable land that fronts on both South Market and South Walnut Street, and is the intent of the creation of Parcel A-2. Mr. Chickadel asked whether Parcel A-2 would be re-subdivided to be a part of the western parcel. Mr. Johns responded in the affirmative.

Mr. Hill stated notwithstanding the development plans, it is the position of the City that even if the parcels are not consolidated, Parcel A-2 is still developable under the City Zoning Code. He stated if there is a DelDOT right-of-way setback that would be a DelDOT issue.

Mr. Brunozzi asked if it was privately owned land currently. Mr. Lucas responded that it is owned by the Riverfront Development Corporation.

Ms. Weir asked whether there were any additional questions. As there were none, she called for a vote. Mr. Carter made a motion to approve Resolution 2-17, and Mr. Budd seconded the motion. All members voted in favor, resulting in the passage of Resolution 2-17.

### **Adjournment.**

Ms. Weir called for a motion to adjourn; Mr. Carter made the motion to adjourn, Mr. Brunozzi seconded the motion. All members being in favor, the meeting was adjourned at 7:55 p.m.