

**MINUTES
CITY PLANNING COMMISSION
September 19, 2017**

Present: Polly Weir (Chair), Desmond Baker, Patrick Carter, and Tanya Washington (Commission Members); Herb Inden, Gwinneth Kaminsky, Timothy Lucas, and Gemma Tierney (Planning); and Matthew Warren (Law).

The meeting was convened at 6:05 p.m. by Polly Weir.

REGULAR MEETING

Ms. Weir announced that the public hearing originally scheduled to take place at the beginning of the current meeting, to discuss Resolutions 10-17 and 11-17, was cancelled, and the rezoning application was withdrawn.

Approval of the minutes of the August 15, 2017 Planning Commission Meeting

Ms. Weir called for a motion to approve the minutes of the August 15, 2017 City Planning Commission meeting. Desmond Baker made a motion to approve the minutes, and Patrick Carter seconded the motion. All members voted to approve the minutes.

New Business

Resolution 12-17; MS-17-06: Major Subdivision application from Rummel, Klepper, and Kahl on behalf of the Riverfront Development Corporation entitled, “Hessler Properties, Inc.”, which proposes to subdivide two existing parcels into three parcels. The property is located at 610 South Market Street and 401 Garasches Lane.

Timothy Lucas from the Department of Planning and Development presented the analysis for Resolution 12-17, which addresses an application submitted by Rummel, Klepper, and Kahl (RK&K) on behalf of the Riverfront Development Corporation (RDC), to subdivide one parcel of land into three parcels. Mr. Lucas stated that a subdivision petition for this site had been submitted in January 2016 and approved by the Planning Commission via Resolution 1-16 on February 12, 2016, but that this approval by the Planning Commission expired on May 12, 2016 because the plan was never finalized or recorded with the New Castle County Recorder of Deeds.

Mr. Lucas explained that the applicant’s proposal was subject to review by the City Planning Commission because it was a major subdivision, and that it qualified as a major subdivision because the site is larger than 2.5 acres, and because portions of the property fall within the regulatory floodplain. Mr. Lucas noted that no construction or physical alterations to the site are proposed as part of this subdivision.

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Mr. Lucas presented a series of slides of the proposed subdivision to illustrate the location of the site, which the subdivision application calls the “Hessler Properties, Inc.” site. Mr. Lucas also displayed a slide of the subdivision plan approved in 2016 to highlight how the subdivision lines of the current proposal differed from those on the 2016 proposal. He noted that the parcel labeled Parcel No. 3 had been reduced by 1.13 acres (from 3.35 acres to 2.23 acres) compared to the 2016 proposal.

Mr. Lucas stated that the applicant’s subdivision plan was circulated to the City’s Departments of Planning and Development, Law, Licenses and Inspections, and Public Works and to the Fire Marshal’s Office for them to review and provide comments. Mr. Lucas presented the only comment received, which was from the Department of Planning and Development. The comment was:

- Change the label for the right-of-way in the bottom left corner of the drawing (west of the subject property) from “Access Road” to “South Walnut Street” in order to distinguish it from the access road located immediately to the east.

Mr. Lucas stated that the agenda for the current Planning Commission meeting had been mailed out to the standard mailing list and posted on the City’s Website and in the lobby of the City/County Building. He concluded the presentation by stating that the Department of Planning and Development recommends approval of the major subdivision plan submitted by RK&K. Finally, he stated that all comments from City Departments must be incorporated into the final subdivision plan prior to recordation.

Ms. Weir asked whether there were any questions from the Commission members. Mr. Carter asked whether the Planning Department’s recommended change would be made prior to recordation of the subdivision plan, to which Mr. Lucas responded affirmatively.

Mr. Baker stated that he is a Board Member of the RDC, and that he votes in cases like this because they do not present a conflict of interest. Ms. Weir thanked Mr. Baker for clarifying the matter.

Ms. Weir asked Tanya Washington whether she had any questions or comments, to which Ms. Washington replied no. Mr. Carter made a motion to approve Resolution 12-17, and Tanya Washington seconded the motion. All members voted in favor of Resolution 12-17.

Resolution 13-17; MS-17-07: Major Subdivision application from CDA Engineering on behalf of Riverfront Hotel, LLC entitled, “Riverfront Hotel”, which proposes to subdivide four existing parcels into three parcels for the purpose of constructing a hotel and banquet center. The property is located at 720 and 760 Justison Street.

Mr. Lucas presented the analysis for Resolution 13-17, which addresses an application from CDA Engineering on behalf of Riverfront Hotel, LLC, to reconfigure four existing parcels into three parcels for the future construction of a hotel and banquet center.

Mr. Lucas explained that the applicant's proposal was subject to review by the City Planning Commission because it was a major subdivision, and that it qualified as a major subdivision because the site is larger than 2.5 acres and is in the regulatory floodplain.

Mr. Lucas presented a series of slides of the proposed subdivision location. One of the slides displayed the first sheet of the subdivision plan submitted by the applicant, with the proposed subdivision lines overlaid in red, and the three parcels labeled. Mr. Lucas explained that Parcel 1, to the south, extends from Justison Street to the river; Parcel 2 borders Justison Street and encompasses the existing one-story Big Fish Grill restaurant building; and Parcel 3 encompasses the portion of the Riverwalk in front of Big Fish Grill. Mr. Lucas explained that the applicant proposes to construct the hotel and banquet center on Parcels 1 and 2, while Parcel 3 will remain in the ownership of the RDC.

Mr. Lucas stated that the applicant's subdivision plan was circulated to the City's Departments of Planning and Development, Law, Licenses and Inspections, and Public Works and to the Fire Marshal's Office for them to review and provide comments, and that the Departments of Planning and Development and Public Works submitted comments. Mr. Lucas first presented the comment provided by the Department of Public Works, which was as follows:

- The Sewer and Streets Division of the Department of Public Works indicated there is an issue with an existing stormwater main located on the site which will need to be addressed during civil engineering review, prior to construction.

Mr. Lucas then presented five comments provided by the Department of Planning and Development, which were summarized as follows:

- Site Data #3: Please clarify if the Riverfront Hotel, LLC is or will be equitable owner of the other three parcels.
- Combine Site Data items #4 and #5:
 - Identify which address is associated with each parcel number.
 - Add parcel size in acres for each existing parcel.
- Increase the line weight for existing and proposed parcel lines to better distinguish them from other features on the drawing.
- Decrease the shading and/or drawing hatching to help distinguish features of the drawing.
- On the Location Map, please highlight all four parcels identified on the plan.

Mr. Lucas noted that the applicant submitted a minor correction to the Planning Department that day, which would be incorporated into the plan during the final review process, prior to recordation of the subdivision plan. The correction will adjust the acreage calculation for Parcels 1 and 2 by 0.001 acres.

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Mr. Lucas stated that the agenda for the current Planning Commission meeting had been mailed out to the standard mailing list and posted on the City's Website and in the lobby of the City/County Building. He concluded the presentation by stating that the Department of Planning and Development recommends approval of the major subdivision plan submitted by CDA Engineering. Finally, he stated that all comments from City Departments must be incorporated into the final subdivision plan prior to recordation.

Ms. Weir asked whether there were any questions from the Commission members. Mr. Baker stated that he had a question and had tried to ask the Executive Director of the RDC prior to the meeting, but she had left for the day. He asked Mr. Lucas to go back to a slide of the subdivision plan, and stated that he was unaware that the portion of the Riverwalk crossing the southern portion of the proposed subdivision site was part of Parcel 1. Mr. Lucas confirmed that a portion of the Riverwalk was part of Parcel 1, and added that there were notes about four permanent access easements for the Riverwalk on the subdivision plan, but they were difficult to see on the slide.

Ms. Weir asked whether there were any additional questions from the Commission Members. She then asked the public whether they had any questions or comments. As there were none, she called for a motion. Mr. Baker made a motion to approve Resolution 13-17 as amended, and Mr. Carter seconded the motion. All members voted in favor of Resolution 13-17.

Adjournment

Ms. Weir called for a motion to adjourn. Mr. Carter made the motion to adjourn, and Ms. Washington seconded the motion. All members being in favor, the meeting was adjourned at 6:19 p.m.