

MINUTES

CITY PLANNING COMMISSION

August 21, 2018

Present: Polly Weir (Chair), Desmond Baker (Vice-Chair), Lloyd Budd, Patrick Carter, Anthony J. Hill and Tanya Washington (Commission Members); and Herb Inden, Gwinneth Kaminsky, Tim Lucas and Gemma Tierney (Planning).

Polly Weir convened the meeting at 6:00 pm.

REGULAR MEETING

Approval of the minutes of the June 19, 2018 City Planning Commission Meeting

Ms. Weir asked the Commission to make a motion on the minutes of the June 19, 2018 City Planning Commission (CPC) meeting. Desmond Baker moved to approve the minutes, and Tanya Washington seconded the motion. All members voted to approve the minutes.

New Business

Resolution 17-18: A proposal to remove Alico Road (City-owned tax parcel no. 26.0-35.4-0157) from the official City Map.

Gwinneth Kaminsky from the Department of Planning and Development presented the Department report for Resolution 17-18. Her presentation was accompanied by a series of slides. Ms. Kaminsky noted that the street vacation request was part of the State of Delaware's formal request to acquire the property on which the street lies. She stated that the street removal requires CPC's consideration and recommendation, and City Council approval by ordinance, and that the State's acquisition of the property will be handled concurrently through a separate Council action.

Ms. Kaminsky stated that Alico Road lies in the super block bounded by King, Walnut, 4th and 8th Streets, and that the block is zoned C-4 (Central Office). She provided some background on the creation of the super block through a series of street vacations in 1975.

Ms. Kaminsky described the land uses on the super block. The uses are a Doubletree Hotel, a Wilmington Parking Authority (WPA) parking garage, an IT consulting company (Alpha Technologies, Inc.) on top, a driveway extending from King Street to Walnut Street, the Courthouse Square Office Building, an underground WPA parking garage with a rooftop plaza, the Leonard L. Williams Justice Center, the Justice Center parking garage, Alico Road, two surface parking lots, and the Custom House that is to become part of the Justice Center Complex. Ms. Kaminsky provided some historical information on the Custom House. It was built in 1855, making it the first Federal building in the City. The City acquired the building from the Federal government around 1973 and turned it over to a private owner to assure its preservation. It was

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placed on the National Register of Historic Places in 1974, and has since been used as a bank, offices, and by Wilmington College. The State purchased the Custom House parcel in February 2018 to use for additional courtrooms, judicial chambers and support services.

Ms. Kaminsky showed conceptual renderings of the proposed redevelopment of the Justice Center site that would integrate the Custom House. She noted that access from King Street to the plaza and Justice Center parking garage would be maintained as part of the redevelopment.

Ms. Kaminsky said that Alico Road is a City-owned, 30-foot-wide, 460-foot-long street that forms a one-way northbound loop accessed from King Street. She said that the City built the street after acquiring the 0.3-acre parcel on which it sits from the Christina Gateway Corporation in 1983. She said that Alico Road provides access to the Justice Center parking garage and the plaza.

Ms. Kaminsky provided a summary of comments from other Departments regarding the proposed street removal. She began with the Department of Public Works (DPW). DPW's Transportation Division supports the proposed street removal because Alico Road does not contribute to the general circulation pattern in the downtown, and there are no City-maintained streetlights or other assets on it. DPW stated that their approval of the street removal is conditional on the provision of easements on and adjacent to Alico Road to allow City access to the sewer and stormwater lines that run under it. DPW also noted that, because the stormwater system would be entirely under State-owned land, it could be turned over to the State, although this was not a condition of approval.

Ms. Kaminsky said that the Fire Marshal's Office and the Department of Planning have no objections to the removal of Alico Road. She also reviewed the Department of Planning's specific comments. The Department concurred with the DPW's comments, and

noted that the State's redevelopment plans for the site provide the opportunity for the City to improve traffic movements along King Street, and that there are no findings to suggest that the removal would detriment the public or public safety, provided that all necessary access easements are granted.

She stated that procedures for City street closings and right-of-way disposition are prescribed in Section 42-11 of the City Code. She then provided background on the City Council legislative process for the street removal and disposition. Alico Road is in City Council District 4, and Councilmember Michelle Harlee will sponsor the legislation. CPC's recommendation on the street removal will be forwarded to City Council for their consideration, the Public Works and Transportation Committee will review the legislation on September 17th, and Council is expected to vote on the legislation on September 20th.

Ms. Kaminsky said that a public notice regarding Resolution 17-18 was mailed on August 3rd to affected property owners and occupants, interested parties, and those on the standard CPC mailing list. She said that CPC's August meeting agenda was posted in the lobby of the Louis L.

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Redding City/County Building and on the City website and sent to those on the CPC mailing list on August 13th.

She then reviewed the three comments that the Department of Planning received related to the street removal proposal. First, WPA requested a copy of the conceptual map showing the proposed redevelopment of the Custom House. Second, WPA forwarded comments from their attorney that called for perpetual easements for access to the rooftop plaza. Third, WILMAPCO staff stated that the redevelopment provides an opportunity to reduce the number of traffic conflicts along the adjacent block of King Street and within the super block, and that the Wilmington Initiatives group can review plans at the appropriate time and coordinate with other ongoing transportation planning efforts.

Ms. Kaminsky concluded her presentation by stating that CPC Resolution 17-18 recommends to City Council that the proposed street removal be approved, subject to the comments from City Departments that were presented and are included in the Planning Department's report. She noted that William Montgomery, the Delaware Supreme Court Administrator, is present to answer specific questions regarding the Custom House plans.

Ms. Weir asked the Commissioners whether they had any questions or comments for Ms. Kaminsky. Mr. Baker commented that the turn from King Street onto Alico Road creates sudden stoppages in traffic flow, and that the City should ensure that this issue is addressed when the Justice Center redevelopment occurs. Ms. Kaminsky said that the redevelopment presents a good opportunity to look at resolving traffic conflicts. Mr. Baker asked if the specific issue he mentioned would be addressed as part of the plan. Ms. Kaminsky said that the State can share their conceptual plans for the redevelopment, and that Wilmington Initiatives will review plans at the appropriate time and make comments on that traffic issue.

AJ Hill asked if Alico Road would provide the same access that it currently does following its removal and disposition. Ms. Kaminsky affirmed that this was her understanding. Lloyd Budd asked who would be responsible for maintaining the street. Ms. Kaminsky said that maintenance becomes the State's responsibility once the street is removed from the Official City Map.

Mr. Montgomery came to the podium and introduced himself. He also identified Breck Smith, an attorney from Fox Rothschild, who had joined him, and four other individuals associated with the project who were in the audience.

Mr. Montgomery stated that the Court wants to redevelop the site because demographic projections indicate that they will need more space in the next ten years in Wilmington. He provided examples of how the Courts are already almost out of space.

Mr. Montgomery said that Bill Lenihan at Tevebaugh Architecture completed a feasibility study in 2015 about where the Court of Chancery could be moved to allow the other Courts in the Justice Center to expand, and the Custom House was selected when it became available. He said that, in the short-term, the Court's Division of Facilities Management will secure the Custom House building and make essential improvements, and, in the long-term, the Court will construct a building around the Custom House. He stated that the Court is committed to staying in the

City, where it can be accessible to those on foot or on public transportation. He said that the State needs to acquire Alico Road to construct the building around the Custom House, and that their attorney Mr. Smith has been working with the adjacent property owners regarding their access needs.

Mr. Montgomery said that the State will be assuming responsibility for any environmental contamination on the parcel, and that the Division of Facilities Management has already been maintaining the street. He added that the street will be unchanged until construction begins, and that they would like to have the project completed in eight years.

Mr. Baker asked whether parking would be expanded, given that the Justice Center garage is already very crowded. Mr. Montgomery replied that the garage is currently crowded in part because some of the space is leased to the nearby financial institutions. He said that he doesn't think that the parking demand has reached a critical point yet, but there is potential to have parking in other areas downtown.

Mr. Smith came to the podium and introduced himself. He said that he has been working with the affected adjacent property owners, namely WPA and the Christina Gateway Corporation, as well as Colonial Parking, which manages the Justice Center parking garage, and that they are supportive of the street closure, subject to the establishment of access easements and agreements. Mr. Smith said that he is drafting the easements and will be sending them to the property owners for review soon.

Mr. Baker moved to approve the resolution, and Patrick Carter seconded the motion. All members voted in favor of Resolution 17-18.

Resolution 18-18; MS-18-03: Major Subdivision application from King Group, LLC., which proposes to subdivide two existing parcels into 15 parcels for the purpose of separating existing buildings and creating 10 new rowhouse lots. The site is located at 501 and 510 West 28th Street.

Tim Lucas from the Department of Planning and Development presented the Department report for Resolution 18-18. His presentation was accompanied by a series of slides. Mr. Lucas said that the applicant's proposal was subject to CPC review because it is a major subdivision, and that it qualifies as a major subdivision because a portion of the site occupies a full city block. He said that the site is generally bounded by West 27th, West 29th, Madison, and Monroe Streets and is in a R-3 (One-Family Row Houses) zoning district.

Mr. Lucas identified the two existing parcels as Block A and Block B. Block A occupies an entire city block, has the address 501 W. 28th Street and is 1.63 acres. Block B has the address 510 W. 28th Street and is 1.5 acres. He showed the outlines of the proposed fifteen parcels. Block A is proposed to be divided into three parcels, each of which will contain one of the existing buildings. Block B is proposed to be divided into twelve parcels. One of the twelve parcels would contain the existing school building and its parking lot, another would contain another parking lot, and ten are intended for ten proposed row houses.

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Mr. Lucas said that the subdivision plan was circulated to City Departments for comment, and that the following comments were provided:

- List all variances received for the site including the case number and date approved by the Zoning Board of Adjustment.
- The Parking Rationale as listed on the plan contains errors. The applicant should consult with the City's Zoning Manager and revise the parking data according to the current City zoning standards.
- Change the property addresses listed on the plan to match the official New Castle County parcel data. The official address for tax parcel 26-015.20-030 is 501 West 28th Street. The official address for tax parcel 26-015.10-362 is 510 West 28th Street.
- The two addresses shown on the plan which do not match County data are 2810 North Monroe Street and 2825 North Madison Street. If these are street addresses for the existing buildings, a note may be added to the plan for clarification.

Mr. Lucas concluded by stating that the Department of Planning and Development recommends approval of Resolution 18-18, and that the Departmental comments presented must be incorporated into the final plan submission prior to recordation.

Ms. Weir asked the Commissioners whether they had any questions or comments. Mr. Budd asked Mr. Lucas to point out all fifteen proposed parcels on the slide showing their outlines. Mr. Lucas did so. Mr. Budd then asked if the wall along 29th Street on Block A extended as a solid wall along the entire block. Mr. Lucas responded that there are alleyway openings in the wall, and that the Zoning Manager reviewed and approved this arrangement for the proposed parcels. Mr. Baker asked what uses were planned for the existing buildings. Mr. Lucas said that the building on the corner of 29th and Monroe Streets is proposed to be converted into ten apartments, the building at 29th and Madison Streets is proposed to be converted into eighteen apartments, the church is to remain a church, and the school building on Block B is to remain a school. Mr. Budd asked if any of the buildings are on the City's historic registry. Mr. Lucas said that the site is not in a City Historic District. He added he could try to find out more about this matter, but that it is usually addressed during building permit application review, rather than subdivision review.

Ms. Weir asked if there were any additional questions or comments. As there were none, she called for a motion on the resolution. Mr. Baker moved to approve the resolution, and Ms. Washington seconded the motion. All members voted in favor of Resolution 18-18.

Adjournment

Ms. Weir called for a motion to adjourn the meeting. Mr. Hill moved to adjourn, and Ms. Washington seconded the motion. All members being in favor, the meeting was adjourned at 6:45 pm.