

## MINUTES

### CITY PLANNING COMMISSION

October 30, 2018

Present: 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).

Desmond Baker convened the meeting at 6:00 pm.

#### REGULAR MEETING

##### **Approval of the minutes of the September 18, 2018 City Planning Commission Meeting**

Mr. Baker asked the Commission to make a motion on the minutes of the September 18, 2018 City Planning Commission (CPC) meeting. Patrick Carter moved to approve the minutes, and AJ Hill seconded the motion. All members voted to approve the minutes.

##### **New Business**

**Resolution 21-18:** A proposal to (I) approve the removal of a portion of Garasches Lane from the Official City Map, and (II) accept the dedication of an unnamed city street between South Walnut Street and Garasches Lane, and recommend its addition to the Official City Map.

Tim Lucas from the Department of Planning and Development presented the Department report for Resolution 21-18. His presentation was accompanied by a series of slides. Mr. Lucas said that the Riverfront Development Corporation (RDC) had submitted a request to the Department of Public Works to remove a 0.37-acre portion of Garasches Lane from the Official City Map and to dedicate a new City street to be added to the Official City Map. The street removal was requested to facilitate the redevelopment of several adjacent parcels into the planned Delaware Blue Coats sports complex and youth training center. The new street would connect Garasches Lane with South Walnut and Market Streets via a new signalized intersection located just north of where South Walnut and South Market Streets divide. Mr. Lucas noted that, once the new street is built to all City standards and all requirements of the Department of Public Works (DPW), it will be conveyed to the City. He then showed several plan views of the project area.

Mr. Lucas noted that the nearby Christina River Bridge project involved two major subdivisions that the CPC had approved in recent years. These subdivisions created parcels to be used for future City rights-of-way to connect the bridge to the existing road network. He said that the combined sports complex and street development project is being managed by the RDC, the Delaware Department of Transportation (DelDOT), and Wilmington Sports, LLC.

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Mr. Lucas reviewed the surrounding land uses and said that the Planning Department determined that the proposed street removal and street dedication are consistent with the Neighborhood Comprehensive Development Plan for South Wilmington because the changes will have no negative effects on the plans for traffic circulation as described in the plan's "Current Transportation and Thoroughfare" Map.

Mr. Lucas noted that the City of Wilmington currently holds title to two separate sections of the street bed beneath the portion of the Garasches Lane right-of-way proposed to be removed, and that DPW concluded that the ownership of the remaining section cannot be determined. He said that the determination of property rights in the removed right-of-way shall be a judicial determination in accordance with applicable State statutes.

Mr. Lucas said that Garasches Lane currently does not connect directly to South Walnut Street or South Market Street, and instead connects to two DelDOT-controlled access roads that partially fall outside City limits. He noted that portions of the roads have already been closed in anticipation of the new traffic patterns resulting from the proposed street, and that the new street and signalized intersection will greatly improve traffic circulation.

Mr. Lucas then reviewed the comments received from other City Departments, which are as follows:

- The Wilmington Fire Marshal's Office is not opposed to proposed actions.
- DPW's Transportation Division concluded that the proposed actions would be beneficial to all parties.
- DPW's Division of Water indicated that a utility easement will be needed. Mr. Lucas noted that an easement document is currently being drafted by the Law Department.
- DPW indicated that no portions of the new street will be accepted by the City unless they are built to City standards and meet all City requirements.
- The Planning Department supports the proposal and recommends that the applicant continue to work with DPW to ensure proper street construction and continued access to City infrastructure.

Mr. Lucas said that the Commission's recommendation on the street removal and proposed dedication will be forwarded to City Council for their consideration and the necessary legislation is anticipated to be drafted and addressed in early November.

Mr. Lucas said that the CPC's October 30, 2018 meeting agenda was posted in the lobby of the Louis L. Redding City/County building, on the City's website, and sent to those on the standard CPC mailing list on October 19, 2018.

Mr. Lucas concluded by stating that the Department of Planning and Development recommends approval of Resolution 21-18.

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Mr. Baker asked the Commissioners whether they had any questions or comments. Mr. Carter asked if the area where the new street is proposed is currently undeveloped land. Mr. Lucas confirmed that it is. Mr. Carter then asked if there were plans to add a street connection to the “elbow” of the L-shaped proposed right-of-way. Mr. Lucas confirmed that the project managers are considering a second phase that would extend the road eastward.

Mr. Baker then said that he is a member of the Riverfront Development Corporation Board of Directors but that he does not see a conflict of interest in chairing the present City Planning Commission meeting because he does not benefit from the project. Mr. Baker then added that he recently drove through at least 24 inches of water at the base of the nearby bridge that goes over the rail line, and that he believes this flooding issue has been exacerbated by recent construction activities. He said that this problem should be considered and addressed as part of the project design.

Mr. Budd asked whether any eminent domain challenges could arise for the portion of the Garasches Lane street bed with unknown ownership. Mr. Lucas said that only DeIDOT could invoke eminent domain for the piece of land. For RDC to attempt to take ownership, they would have to go through the Chancery Court process, which would determine ownership.

Mr. Baker asked if there were any additional questions or comments. As there were none, he called for a motion on the resolution. Mr. Hill moved to approve the resolution, and Tanya Washington seconded the motion. All members voted in favor of Resolution 21-18.

### **Adjournment**

Mr. Baker called for a motion to adjourn the meeting. Mr. Carter moved to adjourn, and Mr. Hill seconded the motion. All members being in favor, the meeting was adjourned at 6:15 pm.