

MINUTES
CITY PLANNING COMMISSION
June 18, 2019

Present: Desmond Baker (Acting Chair), Joseph Chickadel, J. Brett Taylor, Anthony J. Hill, and Tanya Washington (Commission Members); and Herb Inden, Gwinneth Kaminsky, and Jessica Molina (Planning).

The meeting was convened at 6:03 p.m. by Desmond Baker. Mr. Baker began the meeting with the public hearing for Resolution 8-19.

PUBLIC HEARING

Resolution 8-19. Proposed Amendments to Chapter 48 of the City Code to expand the types of uses permitted as a matter-of-right within the M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Commercial / Manufacturing) and W-3 Waterfront (Low Intensity Manufacturing / Commercial Recreation) zoning districts to include “Indoor Commercial Horticultural Operations”. Zoning Referral 552-19.

Ms. Gwinneth Kaminsky, from the Department of Planning and Development, presented the report for Resolution 8-19. She stated that the purpose of the Public Hearing was to address the proposed amendments to the Wilmington Zoning Code to permit indoor commercial horticultural operations within City limits. She disclosed that the City was initially approached by Second Chances Farm, which seeks to establish an indoor vertical hydroponic farm at 3030 Bowers Street in an M-1 (Light Manufacturing) district. She said that Second Chances is also considering a site in a C-5 district, but that this use is not permitted in either one of those districts.

Ms. Kaminsky explained that indoor commercial horticultural operations are not currently permitted within the City with the exception of the M-2 (Heavy Manufacturing) zoning district and the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) zoning district, which allows horticultural uses but does not define them. She stated that because of the onset of innovative indoor agricultural production practices in nontraditional urban settings, such as indoor vertical farming, hydroponic farming, and other plant-based agricultural practices, there is a need to update the Zoning Code to encourage and promote these practices within the City.

Ms. Kaminsky shared many benefits of urban farming practices, such as, the creation of jobs and development of the local workforce in farming and related practices; support for the local food infrastructure by providing fresh produce for local restaurants and grocers in a sustainable manner; increase local food production, which helps to address issues in areas known as urban food deserts; creation of new markets for agricultural producers, consumers, and businesses; revitalization of abandoned or underused properties and buildings being used to house these indoor farms; and community engagement, especially through education. She noted that the

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indoor growing industry doesn't just address plant cultivation but also harvesting, transportation, aggregation, packaging, distribution and marketing operations, each of which has widespread economic benefits.

Ms. Kaminsky explained that in an effort to increase the applicability of the proposed amendments, the original request has been broadened to address not just vertical hydroponic operations, but a variety of indoor horticultural operations which can utilize a number of growing methods and mediums as well, such as soil based, soil-less or hydroponics. She said that the Zoning Code is proposed to be amended to allow indoor commercial horticultural operations as a matter of right, and to define, permit and regulate them as operations in which vegetables, herbs, fruits, flowers and other plants are being cultivated commercially for wholesale or retail sales and distribution. She clarified that it is not the intent of this proposal to address the production of farm or aquatic animals or fish.

Ms. Kaminsky then presented, in detail, the amendments being proposed to the Zoning Code:

- Definitions are being added to the Code to address indoor commercial horticultural operation, greenhouse, hydroponic farm, hydroponic, plant nursery, and vertical farm uses.
- The proposed zoning districts to be amended include M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing / Commercial), and W-3 (Waterfront Low Intensity Manufacturing / Commercial Recreation).
- New parking requirements will require one parking space for each 3,000 square feet of gross floor area for each of the five districts being amended to permit the new use.

She stated that in the preparation of the proposed amendments to the Zoning Code, zoning ordinances and regulations from other local communities were reviewed for guidance, including New Castle County, Newark and Dover (Delaware); and Newark (New Jersey). In addition, she said that the Planning Department worked with the Zoning Manager and the Law Department.

Ms. Kaminsky discussed the public notice procedures that were followed, and completed her presentation by stating that the Planning Department recommends that the proposed amendments to the Zoning Code, as outlined in the analysis and Resolution 8-19, be approved. She also mentioned that legislation for this proposal was being introduced at City Council on Thursday, June 20th, and would be considered by the Community Development and Urban Planning Committee, and was expected to be scheduled for a Council public hearing in July.

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Mr. Baker asked Commission Members if they had any questions. Mr. Hill asked Ms. Kaminsky to confirm that in the W-3 (Low Intensity Manufacturing / Commercial Recreation) district, horticultural uses are already allowed but none were taking place at the time. Ms. Kaminsky confirmed that horticultural uses are listed as a permitted use in the W-3 zoning district; however, horticultural uses were never defined in the Code. She states that to her knowledge, and in speaking with the Zoning Manager, there were no such operations taking place. Mr. Hill asked Ms. Kaminsky if there were other zoning districts where horticultural uses were permitted as a matter of right. Ms. Kaminsky stated that horticultural uses were only included in the W-3 and M-2 zoning districts. She elaborated that in the M-2 zoning district, it does not specifically state that horticultural uses are permitted, but the M-2 district allows any use that is not specifically prohibited by the Code. She clarified that even in the M-2 zoning district, there were no horticultural uses taking place.

Mr. Taylor asked Ms. Kaminsky why horticultural operations were only allowed in the M-2 zoning district. Ms. Kaminsky stated that she was not sure if there were specific reasons other than it addresses farming uses. She mentioned that many zoning districts allow residential uses, even the commercial districts, and it was the desire to not mix farming with residential. Ms. Kaminsky stated that other local entities showed farming as either specifically allocated to a particular agricultural zone or was in alignment with the State's Agricultural Code, Title Three. Mr. Taylor asked Ms. Kaminsky if the proposed resolution would allow livestock or just plants. Ms. Kaminsky replied that Resolution 8-19 clearly defines horticultural uses and does not reference agriculture, so that livestock would not be permitted. Mr. Taylor asked Ms. Kaminsky about the possible industrial impact in the zoning districts where this new use would be allowed, such as heavy truck driving. Ms. Kaminsky explained that the zoning districts that were selected already permit manufacturing and similar type uses that already address those issues through their regulations.

Mr. Chickadel mentioned to Ms. Kaminsky that if the new use is allowed, he assumed that fertilizers and pesticides would be used. Mr. Chickadel was concerned with the water run-off and wanted to know if there was a plan to address this. Ms. Kaminsky stated that Mr. Ajit George from Second Chances Farm LLC was present and could answer the Commissioner's questions in more detail. Mr. Baker called Mr. George to the stand.

Mr. George introduced himself as a managing member of Second Chances Farm LLC. He explained that Second Chances Farm is trying to establish vertical farms in opportunity zones. He clarified that no herbicides or pesticides would be used inside of the proposed vertical farm. The proposed farm is 100% organic and that is one of their major selling points. He said that these chemicals would never be brought into the farm, so they did not even have a storage issue. Mr. George stated that vertical farms are unlikely to have pests as they are enclosed structures.

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He explained that the proper term is “controlled-environment agriculture” which means that the environment is technologically controlled. He elaborated that 90% of the water on site would be recycled and that the only things added to the water would be nutrients. He mentioned that all of the nutrients added to the water are absorbed by the plants based on specific plant chemistry.

Mr. Chickadel asked Mr. George if the farm would compost on-site. Mr. George replied that the farm would do its own composting on-site and that it would mainly be a few roots or any plant material that does not pass quality control inspections.

Mr. Taylor asked Mr. George to clarify how the farm would be powered. Mr. George told Mr. Taylor that the farm would be connected to the electric grid. He disclosed that Second Chances Farm LLC intends to cover 50,000 square feet of their roof in solar panels if the budget allows. Mr. Taylor asked Mr. George if there was going to be any light pollution. Mr. George explained that the vertical farm would be completely enclosed because natural light affects their controlled lighting system, so they will keep out natural light as much as possible.

Mr. Chickadel asked Mr. George to explain how they handle the gasses that plants produce. Mr. George answered that there were no gases as natural photosynthesis occurs. However, the challenge is bringing carbon dioxide into the farm as it is needed by the plants to produce food. So that is the only element that is artificially added to the vertical farm, Mr. George stated.

Mr. Baker asked Ms. Kaminsky about the vertical farm on 8th and West Streets that was proposed about a year ago. Ms. Kaminsky replied that it was the same applicant. She clarified that the first site was not an opportunity zone, that the applicant would need a use variance from the Zoning Board of Adjustment, and a more suitable property was found for the project.

Since there were no additional questions or comments from the Commissioners, Mr. Baker opened the session to the public. There public attendees had no questions or comments. Mr. Baker closed the public hearing and moved to the regular meeting.

REGULAR MEETING

Approval of the minutes of the May 21, 2019 Planning Commission Meeting

Mr. Baker asked the Commission Members to make a motion on the minutes of the May 21, 2019 City Planning Commission meeting. Mr. Taylor moved to approve the minutes, and Mr. Hill second the motion. All present members voted to approve the minutes.

New Business

Resolution 8-19. Proposed Amendments to Chapter 48 of the City Code to expand the types of uses permitted as a matter-of-right within the M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Commercial / Manufacturing) and W-3 Waterfront (Low Intensity Manufacturing / Commercial Recreation) zoning districts to include “Indoor Commercial Horticultural Operations”. Zoning Referral 552-19.

Mr. Baker asked Commission Members if they had any additional questions. There being none, Mr. Baker asked for a motion to approve Resolution 8-19, Proposed Amendments to Chapter 48 of the City Code to expand the types of uses permitted as a matter-of-right within the M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Commercial / Manufacturing) and W-3 Waterfront (Low Intensity Manufacturing / Commercial Recreation) zoning districts to include “Indoor Commercial Horticultural Operations”. Zoning Referral 552-19. Mr. Hill made a motion to approve Resolution 8-19, and it was second by Mr. Taylor. With all members being in favor, Resolution 8-19 was approved.

Adjournment

Mr. Baker called for a motion to adjourn the meeting. Mr. Taylor moved to adjourn, and Mr. Chickadel second the motion. All members being in favor, the meeting was adjourned at 6:23 p.m.