

**MINUTES
CITY PLANNING COMMISSION
September 17, 2019**

Present: Desmond Baker (Acting Chair), Anthony J. Hill, Lloyd Budd, Jennifer Adkins, and Tanya Washington (Commission Members); and Herb Inden, Gwinneth Kaminsky, Jessica Molina, Matt Harris and Dorien Snyder (Planning).

The meeting was convened at 6:05 p.m. by Desmond Baker.

REGULAR MEETING

Per the request of the Planning Department, Mr. Baker asked for a motion to change the order of the meeting agenda to move Resolution 13-19 to the first item under “New Business”. Mr. Hill made a motion to have Resolution 13-19 moved to the first item under “New Business”. This motion was seconded by Ms. Washington with all Members being in favor.

A. Approval of the minutes of the August 20, 2019 Planning Commission Meeting.

Mr. Baker asked the Commission to make a motion on the minutes of the August 20, 2019 City Planning Commission meeting. Mr. Hill made a motion to approve the minutes, and Ms. Tanya Washington seconded the motion. All members voted to approve the minutes.

B. NEW BUSINESS

Resolution 13-19; Waterfront Development Review WF 05-19: Application requesting Zoning Board of Adjustment approval to establish a warehouse use as a special exception at 600 A Street in a W-4 (Waterfront/Residential/Commercial) zoning district.

Mr. Matthew Harris from the Department of Planning and Development presented the report for Resolution 13-19; Waterfront Development Review WF 05-19. This presentation was accompanied by a series of slides. Mr. Harris stated that the Department of Planning and Development reviewed the application to the Zoning Board of Adjustment by A Street Investments, LLC to establish two non-nuisance businesses at 600 A Street in South Wilmington. Mr. Harris further stated that the property is located in a W-4 zoning district and the request is therefore subject to City Planning Commission approval with a recommendation to the Zoning Board of Adjustment. Mr. Harris stated that the resolution will serve as the recommendation to the Zoning Board of Adjustment and is based upon the compatibility of the proposal with the Waterfront Development Standards and the surrounding land uses.

Mr. Harris shared a location map for the proposed site with the Commission Members and stated that the Wetlands Park is located towards the South and the Southbridge Community is located towards the East, Christina River to the North and the redeveloped riverfront towards the West.

Mr. Harris reported that the W-4 (Waterfront Residential/Commercial) zoning district is intended to protect and encourage investment in well-planned and designed multiple-activity developments where intensive use is appropriate. He further stated that the property at 600 A Street is zoned W-4 with surrounding zoning districts such as W-4, O (Open Space), and R-5A, apartment houses closer to the Southbridge neighborhood.

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Mr. Harris stated that the request has been evaluated against the Waterfront Development Standards which includes three components: Site Design, River Activity and Economic Development. He said that the site design has been evaluated and the standards are minimally met and that the buildings have recently been renovated to include new stone work, stucco and windows. Mr. Harris mentioned that the existing chain-link fence is not in keeping with the waterfront screening requirements and it is recommended that the chain link be replaced with more appropriate materials. Next, he mentioned that the site is not located on the Christina River and therefore the River Activity standard is not applicable. Lastly, Mr. Harris said that the economic impact of the proposal is marginal as similar scale business were previously located in the building prior to renovation.

Mr. Harris reported that the proposal was also evaluated against impacts on recreational and development activities and that these factors included impacts on adjacent land uses, traffic impacts and environmental impacts. He also stated that the Department of Planning has determined this proposal to be consistent with adjacent land uses. In addition, Mr. Harris said given that the buildings were previously occupied with similar scale businesses, it is not anticipated that the proposal will have detrimental impacts to existing surrounding uses and that the site is a certified brownfield and is currently in remedial design phase of cleanup. Mr. Harris reiterated that it is not anticipated that the proposal will have detrimental environmental impacts and that the Department of Planning has no recommendations relating to impacts on recreational and development activities.

Mr. Harris informed the Commission Members that public notice was posted on the City's Website, posted in the City/County Building Lobby and emailed/mailed to the standard CPC mailing list.

In conclusion, Mr. Harris stated that the Department of Planning recommends that the application to establish two non-nuisance businesses as special exceptions be approved by the Zoning Board of Adjustment, with the condition that the applicant properly screen the parking area as stated.

Mr. Baker asked the Commission Members whether they had any questions or comments. Ms. Adkins asked if the Planning Department, as part of the waterfront review, considered screening along the rear of the property at 600 A Street given its proximity to the Wetlands Park. Mr. Harris replied that screening was not considered. Mr. Harris stated that it should be noted that the site within the past few years was essentially functioning as a junkyard and that all of that has been cleaned up so the view from the Wetlands Park had been improved. Ms. Kaminsky added that while screening was not considered by the Planning Department the Planning Commission was free to make recommendations as part of their recommendation to the Zoning Board of Adjustment.

Ms. Adkins also inquired as to the length of the approval for the waterfront case. Ms. Adkins expressed concern regarding approving Resolution 13-19 and how it would allow non-nuisance business to continue in perpetuity at 600 A Street. Ms. Kaminsky clarified that the approval is

only for the businesses that were part of the application and further stated that if the buildings became vacant for more than one year the new use will be subject to review by the Planning Commission.

Mr. Hill asked for clarification if any new construction was proposed as part of the case, with specific emphasis on the southern end of the property given it is a brownfield. Mr. Harris explained that no new construction was proposed as part of the application and that the Department of Planning was not aware of any new construction. Mr. Harris further stated that the southern portion of the site is not precluded from development because it is a brownfield and that the brownfields are redeveloped all the time.

Ms. Adkins inquired about runoff from the site to the new Wetlands Park, since 600 A Street is a brownfield. Mr. Harris reported that the site is being monitored by the Delaware Department of Natural Resources and Environmental Control (DNREC) and that the site is in remedial design for cleanup.

There being no additional questions and/or comments, Mr. Baker asked for a motion to approve Resolution 13-19; Waterfront Development Review WF 05-19: Application requesting Zoning Board of Adjustment approval to establish a warehouse use as a special exception at 600 A Street in a W-4 (Waterfront/Residential/Commercial) zoning district. Mr. Hill made a motion to approve Resolution 13-19 and it was seconded by Mr. Budd. With all members being in favor, Resolution 13-19 was approved.

Resolution 11-19: A proposal by Salesianum School to rename Stadium drive to St. Rocco Drive is located within Brandywine Park and extends from 18th Street to Franklin Drive.

Ms. Jessica Molina from the Department of Planning and Development presented the report for Resolution 11-19; A proposal by Salesianum School to rename Stadium Drive to St. Rocco Way, and provided a series of slides to accompany her presentation. Ms. Molina began with a brief history of the construction of the Brandywine Park road system which began in 1895 under the instruction of Samuel H. Baynard, a Commissioner of the Park Board, who gave his time and wealth to improve the area along 18th Street. Ms. Molina mentioned that Mr. Baynard paid for the reconfiguration of the land on the north side of Brandywine Park to accommodate two additional baseball fields and a football field and that he also supplied a quarter mile cinder track and grand stand, concrete stone bleachers, storage facilities, and changing rooms for the athletes. Ms. Molina further stated that the stadium was a gift to the City, and in 1922, Baynard Stadium was officially named in honor to Mr. Baynard. Ms. Molina noted that in the 1930s, the park roads were improved and in 1936, North and South Park Drives were the only paved roads in the park. In addition, Ms. Molina reported that in September of 1964, the Board of Park Commissioners officially named the park roads from 18th Street to Franklin Drive, along Baynard Stadium, "Stadium Drive". Ms. Molina went on to report that currently, the section of Stadium Drive to the west of I-95 is being rebuilt in place as part of the upcoming stadium renovations, and that the

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section of Stadium Drive to the east of I-95 will continue as is. She said that after construction, the road will continue to extend from 18th Street to Franklin Drive.

Ms. Molina referenced that in December 2018, Rocco and Mary Frances Abessinio announced a \$16 million-dollar gift to Salesianum School to fund the renovation of Baynard Stadium and that Baynard Stadium is a City-owned sports facility within Brandywine Park, adjacent to Salesianum School. Ms. Molina stated that the City of Wilmington and Salesianum School entered into a public/private partnership to renovate Baynard Stadium and as part of this partnership, the Baynard Stadium Lease Agreement was created. Ms. Molina further reported that the City was authorized to enter into the lease agreement by City Council on October 18, 2018, under Resolution 18-074 and that the proposed street renaming is disclosed in the Baynard Stadium Lease Agreement. Ms. Molina pointed out in Section 17 of the Lease Agreement: Naming, Sponsorship and Advertising of the lease, in which the City of Wilmington granted Salesianum School “exclusive license to name all or any part of the leased premises, including, without limitation the stadium, field, track, locker rooms, tennis courts and Stadium Drive”. Ms. Molina further stated that as part of the agreement under Section 17, City Council has waived naming rights for the leased premises, including specifically with respect to Stadium Drive under Section 2-3 of the Wilmington City Code.

As part of Ms. Molina’s presentation, she presented information regarding guidelines for naming and renaming streets. She mentioned that in 1992, under Resolution 8-92, the City Planning Commission approved 14 guidelines for the naming and renaming of City streets and utilized the guidelines to determine whether the renaming would retain meaning over time, replace a street that is regionally known, or cause confusion because it is similar to the name of an existing street. In the case of Stadium Drive, Ms. Molina stated that the renaming to St. Rocco Way met the majority of the guidelines, and that three were not met and one was not applicable.

Ms. Molina further stated that according to the applicant, Saint Rocco is a Catholic saint who died in the year 1376 AD. Saint Rocco’s willingness to give up his wealth in exchange for a life of poverty and service is the reason why Rocco Abessinio and Salesianum School proposed to rename Stadium Drive to St. Rocco Way. She also stated that the road serves a single tenant who selected the name in accordance with the license agreement, in which the property owner – the City of Wilmington – gave them rights to name. Ms. Molina continued by stating that Stadium Drive is not regionally significant or well known and the proposed name is not similar to the name of another street or area in the city.

Ms. Molina informed Commission Members that the Planning Department sought the comments of other City departments and stated that the Department of Public Works had no objection to the renaming of Stadium Drive to St. Rocco Way, but did request that the State Parks and Emergency Response Offices be notified once the road name has been changed to maintain the safety of the public. She said that the Fire Marshal’s Office was not opposed to the renaming of Stadium Drive to St. Rocco Way and that the City’s Law Department advised that the proposed street renaming does not violate the establishment Clause.

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Ms. Molina reported that a public notice of the Planning Commission's August 20, 2019 meeting agenda was posted in the lobby of the Louis L. Redding City/County Building and was mailed to the standard Commission mailing list recipients on August 9, 2019, and that the renaming proposal was originally scheduled to be heard at that meeting, but it was postponed due to an email received from a constituent raising a concern about an Establishment Clause Violation. Ms. Molina described the Establishment Clause and how it prohibits government bodies from establishing an official religion, and from taking any action that favors one religion over another.

Ms. Molina pointed out that Resolution 11-19 was included on the agenda for the Planning Commission Meeting scheduled for September 17, 2019, posted in the lobby of the Louis L. Redding City/County Building and mailed to the standard Commission mailing list recipients on September 9, 2019. She had stated that since then, numerous phone calls and emails from the same constituent who had sent the email raising concern about the Establishment Clause and who opposes the street renaming from Stadium Drive to St. Rocco Way. The constituent prepared a statement opposing the renaming of the street, which was provided to the Commission Members and entered into the record.

In conclusion, Ms. Molina said that the Department of Planning recommends to the Planning Commission that the proposed renaming from Stadium Drive to St. Rocco Way, as outlined in the analysis and Resolution 11-19, be approved.

Mr. Baker asked the Commission Members whether they had any questions or comments. Mr. Hill asked if a Council resolution would be required to rename the street. Ms. Molina responded by stating that the renaming of the street was already approved through Council Resolution 18-074.

Mr. Budd inquired about the term of lease between the City of Wilmington and Salesianum School. Ms. Molina stated that term of the lease was 50 years, after which the tenant has the right to renew the lease annually up to another 50 years. This information was confirmed by Mr. Brendan Kennealey, President of Salesianum School, who was present at the Commission Meeting.

Mr. Baker expressed his concern with Paragraph 4 in Resolution 11-19 saying that the reference to the proposed name as being "generally consistent with the guidelines" was too generic and did not reflect that all guidelines were not met. Mr. Hill proposed to amend the resolution to read as follows: "WHEREAS, the Department of Planning staff has reviewed the street renaming request in accordance with the document entitled, "Guidelines for the Naming and Renaming of Streets", adopted by City Planning Commission Resolution 8-92 in May 1992, and found it to be consistent with ten out of the fourteen said guidelines; and". Mr. Baker was pleased with Mr. Hill's recommendation and asked for a motion to amend Resolution 11-19 with the stated language. A motion to amend Resolution 11-19 was made by Mr. Hill and seconded by Ms. Washington with all Members voting in favor.

Mr. Baker asked for a motion to approve Resolution 11-19 as amended. Mr. Hill made a motion to approve Resolution 11-19: A proposal by Salesianum School to rename Stadium Drive to St. Rocco Way. Ms. Adkins seconded the motion, with all Members in favor Resolution 11-19 was approved.

Resolution 12-19: Recommendation to adopt “Wilmington 2028: A Comprehensive Plan for Our City and Communities” to replace all components of the existing citywide Comprehensive Development Plan.

Mr. Herb Inden from the Department of Planning and Development presented the report for Resolution 12-19: Recommendation to adopt “Wilmington 2028: A Comprehensive Plan for Our City and Communities” to replace all components of the existing citywide Comprehensive Development Plan. This presentation was accompanied by a series of slides.

Mr. Inden provided a brief description on what a comprehensive plan was and the importance of it. He explained that the document is State-mandated, driven by policies and actions related to municipalities’ land use and related activities. He further stated the importance of having a Comprehensive Plan in place as a model.

Mr. Inden outlined the goals and recommendations of the plan. Mr. Inden spoke about significant efforts that were put in place to gain citizen input which included steering committees, numerous interviews, online and paper surveys (2000 responses); and ten focus groups, with the last focus group comprised of 300 participants. Mr. Inden further stated that it was important to elicit the thoughts and comments of citizens as this is a citizen-driven plan. Mr. Inden shared some of the resident’s comments and concerns regarding the City’s streets and parks.

Mr. Inden next spoke about the document’s format and clarified that the new Comprehensive Plan would also replace the 13 neighborhood plans which comprise the current comprehensive plan. He also stated that each neighborhood now had its own section within the Plan and that the new format will be more easily managed, user friendly and more reflective of stakeholder’s needs.

Mr. Inden shared with the Commission Members the Comprehensive Plan’s chapters, goals, land use and future land use and a few examples of the neighborhood’s sections. Mr. Inden also shared the implementation strategies for each of the goal areas.

Mr. Inden notified the Commission Members that the owner of the NVF property on Maryland Avenue proposes to change the use of the property currently zoned for light manufacturing. Mr. Inden further stated that rather than amend the plan shortly after its adoption, the Commission Members are asked to approve the plan with this modification so that the Department can change the plan prior to going to Council.

In conclusion, Mr. Inden stated that the Planning Department recommends to the Commission Members approve Resolution 12-19: Recommendation to adopt “Wilmington 2028: A Comprehensive Plan for Our City and Communities” to replace all components of the existing citywide Comprehensive Development Plan.

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Mr. Hill suggested that the modification for the Resolution read as follows: Now, Therefore, Be It Resolved, that the City Planning Commission recommends to City Council that “Wilmington 2028: A Comprehensive Plan for Our City and Communities” be amended to update the future land use map to change the land use designation in the area bounded by Maryland Avenue, Anchorage Street, Oak Street and Beech Street from “Infrastructure” to “Neighborhood Mix Use”, and further that the Plan be adopted as the City’s Comprehensive Development Plan, replacing all components of the existing Citywide Comprehensive Development Plan.

Mr. Baker asked the Commission Members whether they had any questions or comments. Mr. Baker then asked for a motion to approve the amendment to Resolution 12-19. Mr. Hill made a motion to approve the modification to Resolution 12-19. Ms. Washington seconded the motion and all were in favor.

Mr. Baker then called for a motion to approve Resolution 12-19 as amended. Mr. Hill made a motion to approve the Resolution 12-19 as amended and Mr. Budd seconded the motion and all were in favor.

C. ADJOURNMENT

Mr. Baker called for a motion to adjourn the meeting. Mr. Hill moved to adjourn, and Ms. Washington second the motion. All members being in favor, the meeting was adjourned at 7:04 p.m.