

MINUTES
CITY PLANNING COMMISSION
May 19, 2020

Present: Desmond Baker (Acting Chair), Joseph Chickadel, Anthony J. Hill, Tanya Washington, Brett Taylor, Lloyd Budd and Jennifer Adkins (Commission Members); Herb Inden, Jessica Molina; John Kurth; Tim Lucas; Matt Harris and Dorien Snyder (Planning).

In following Governor Carney's Proclamation #17-3292, due to the recent outbreak of the COVID-19, the City Planning Commission Meeting was conducted virtually to maintain social distancing and to keep all constituents safe. Members of the public were invited to join the City Planning Commission Meeting by accessing the meeting through the website zoom.us.

The meeting was convened at 6:00 p.m. by Desmond Baker.

REGULAR MEETING

A. Approval of the minutes of the April 21, 2020 Planning Commission Meeting.

Mr. Baker asked the Commission Members to make a motion on the minutes of the April 21, 2020 City Planning Commission meeting. Mr. Hill made a motion to approve the minutes and Mr. Taylor second the motion. With all Commission Members in favor, the minutes for the April 21, 2020 Planning Commission Meeting were approved.

B. NEW BUSINESS

- 1. Resolution 12-20:** Planning Commission review of the Riverside Redevelopment Project (Phase II), 2900 Rosemont Avenue, which is located within an R-5A (Low Density Apartment House) zoning district and requires the approval of proposed garden apartment developments in accordance with Section 48-136(c)(4) of the Zoning Code.

Mr. Inden from the Department of Planning and Development presented the report for Resolution 12-20: Planning Commission review of the Riverside Redevelopment Project (Phase II), 2900 Rosemont Avenue, which is located within an R-5A (Low Density Apartment House) zoning district and requires the approval of proposed garden apartment developments in accordance with Section 48-136(c)(4) of the Zoning Code.

Mr. Inden presented background information stating that in the Fall of 2018, the Riverside neighborhood in northeast Wilmington was designated as a Purpose-Built Community and is undergoing a major revitalization initiative which focuses on the site of the Wilmington Housing Authority's Riverside public housing complex. He also stated that a master plan was prepared and focuses on strategies for redeveloping the complex with mixed income housing, including market rate and subsidized rentals.

Mr. Inden explained that WHA's complex encompasses the area generally bounded on the west by Claymont Street, on the east by Edgemoor Avenue, on the south by 23rd Street and to the north by Todds Lane and that the area is zoned R-5A (Low Density Apartment Houses).

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Mr. Inden said the complex originally consisted of 530 two-story, barracks-style housing built on two parcels totaling 24.6 acres and that two hundred thirty-three of these public housing units have since been demolished, and ultimately, all public housing units will be demolished and redeveloped under this program.

Mr. Inden noted that Phase I, which was reviewed and approved by the Commission in 2019, consists of a two-block redevelopment area and includes 74 garden apartments within eleven buildings. He also noted that construction is expected to begin soon.

Mr. Inden stated that an application for Phase II was received from WHA, the property owner, and Pennrose LLC, the developer responsible for project management, as well as the leasing and management of the newly built units, and that applicable zoning approvals are necessary to secure project funding.

Mr. Inden described the location of the site and surrounding areas for Phase II. He said that the site plan for Phase II covers the block bounded by Rosemont and Edgemoor Avenues, Todds Lane and proposed 28th Street. He also said that sixty-seven garden apartments are proposed to be located in five apartment buildings within the super block, which will have two parking lots to serve the residents and that the developer will construct and dedicate the new segment of 28th Street and take action to remove Henderson Court from the Official City Map, both of which will be necessary for the development to take place.

Mr. Inden noted that Phase II of the Riverside initiative calls for a garden apartment development in an area zoned R-5A the same as Phase I. He advises that garden apartments are permitted as a matter-of-right in this zoning district and that there are conditions for approval. Mr. Inden referenced Section 48-136(C)(4) of the Zoning Code, garden apartment developments proposed within R-5A districts must be submitted to, and approved by the Planning Commission to ensure that the use is consistent with the intent of the zoning district and is appropriate for the surrounding neighborhood.

Mr. Inden stated that the Code limits garden apartments to no more than eighteen family units per principle building and that the development must be designed as a single unit, with common parking, access drives, courts, service areas and that the landscaping must be integrated with the buildings on the site.

Mr. Inden further stated that the R-5A district controls the density of apartment developments through a floor area ratio of 0.75 and a building height limit of 3 stories. He also stated that minimum setback requirements are 30 feet for the front and rear yards and 15 feet for the side yard and that there is a minimum lot area requirement of 1 acre with no prescribed minimum lot width and one parking space required for each housing unit.

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Mr. Inden explained that the Landscape Plan for Phase II shows a variety of planting materials that include canopy, understory and evergreen trees located around the perimeter and within the interior of the site, as well as massing of shrubs, ornamental grasses and ground covers which are generally situated in landscape beds adjacent to the buildings and community spaces.

Mr. Inden reported that in order to complete the review of Phase II, the zoning and land use in the immediate area were also reviewed, and that the Riverside public housing complex is located within a larger R-5A zoning district that extends from Vandever Avenue north to Todds Lane, between Claymont Street and the Amtrak rail line east of Edgemoor Avenue.

Mr. Inden advised that the Kingswood Community Center and ball fields, which occupies 11.8 acres, are located just south of the WHA complex in this district, near Bowers and 23rd Streets.

Mr. Inden explained that to the north, across Todds Lane, an M-1 Light Manufacturing district extends to the City boundary, between Bowers Street and the rail line; with the East Side Charter School situated to the west in an R-3 One Family Row Houses district. He also explained that along Northeast Boulevard there are C-2 Secondary Business Centers and C-5 Heavy Commercial zoning districts and that uses along this corridor are largely commercial in nature, and include auto body and auto service shops, truck rental and storage facilities, retail, a social club, and vacant buildings.

Mr. Inden reported that directly south of the public housing property, there are areas of C-5, M-1 and R-3 zoning and two smaller "O" (Open Space) districts and that there are several churches and religious centers in the area, and privately-owned residential row houses along the blocks south of 23rd Street, between Northeast Boulevard and Bowers Street.

Mr. Inden reported that the Planning Commission's meeting agenda for May was emailed to the standard Commission mailing list and placed on the City's website on May 11, 2020.

Mr. Inden stated that the R5A district allows garden-style apartment developments that are carefully planned with densities that are controlled by FAR and building height regulations and are designed to be appropriate when located contiguous to single family neighborhoods. He also stated that Phase II Plans are consistent with the purpose and intent of R-5A zoning and that it is planned and designed as a single entity with common parking, access drives, courts, common service areas and landscaping that is integrated with the buildings. He further stated that none of the five proposed buildings exceeds the eighteen maximum units permitted and as required, development plans were submitted to the Planning Commission for review and approval in accordance with Section 48-136(C)(4) of the Zoning Code.

In closing, Mr. Inden stated that Resolution 12-20 recommends the approval of the Phase II Riverside Redevelopment Plan and that the character of the proposed garden apartment development is consistent with the nature and intent of the R-5A zoning district and will provide an appropriate model for the continued revitalization of the Riverside community.

Mr. Baker asked the Commission Members if they had any questions or comments for Mr. Inden.

Mr. Taylor asked for clarification of the streets to be removed and added from the Phase II project. Mr. Inden stated that 28th Street would be added as a new street and Henderson Court would be removed.

Mr. Baker asked if the project is located in a flood plain. Mr. Inden was unsure and stated that he would research that information. Mr. Ryan Bailey of Penrose stated no, and Mr. Stephen Johns of Penrose stated that Mr. Bailey was correct in his reply and confirmed that the property is not within a flood plain.

Mr. Baker asked the Commission Members if they had any additional questions or comments. There being none, Mr. Baker asked for a motion for Resolution 12-20: Planning Commission review of the Riverside Redevelopment Project (Phase II), 2900 Rosemont Avenue, which is located within an R-5A (Low Density Apartment House) zoning district and requires the approval of proposed garden apartment developments in accordance with Section 48-136(c)(4) of the Zoning Code. The motion was made by Mr. Hill and second by Mr. Taylor. With all Commission Members in favor, Resolution 12-20 was approved.

- 2. Resolution 13-20:** A proposal to remove a portion of Palmers Row, between New Street and the north boundary of Parcel #2602910124 (Delmarva), from the Official City Map.

Ms. Jessica Molina from the Department of Planning and Development presented the report for Resolution 13-20: A proposal to remove a portion of Palmers Row, between New Street and the north boundary of Parcel #2602910124 (Delmarva), from the Official City Map.

Ms. Molina stated that Delmarva Power is proposing to remove a portion of Palmers Row and that this action requires the recommendation of the City Planning Commission, endorsement by a Councilperson and the Public Works Transportation Committee of City Council, and ultimately, approval by City Council. She further stated that the proposed street removal is part of an improvement plan for the existing Brandywine Substation.

Ms. Molina explained that Delmarva Power operates the Brandywine Substation on the south side of Vandever Avenue between Buena Vista and North Jessup Streets, in a M-1 zoning district which permits public utilities and public service uses, including electric substations, as a matter of right.

Ms. Molina provided background information by stating that approximately ten years ago, the Brandywine Substation was selected for federally mandated improvements requiring major renovation and expansion and in order to achieve this, several properties were acquired by

Delmarva Power, and 12 buildings were demolished, in order to expand the service yard's footprint. She further stated that the demolitions required review and approval from the Wilmington Design Review and Preservation Commission (DRPC) and that the DRPC approved the demolitions and endorsed additional improvements, including a masonry wall and landscaping.

Ms. Molina noted that the removal of New Street was discussed with DRPC, City Officials, and the community, as part of the overall expansion plans.

Ms. Molina referenced that in October 2014, the City Planning Commission approved Resolution 8-14 in which the Commission recommended to City Council the approval of the removal of New Street, between Mabel Street and Palmers Row, from the Official City Map and that this street removal was later approved by City Council on December 10, 2014 under Ordinance 14-046.

Ms. Molina informed the Commission that Delmarva Power is currently planning to replace aging switchgear and install a third transformer within the substation and that the proposed transformer, equipment, and structures will be located on the site of the formerly vacated New Street. She also stated that a new building is proposed for 8 Palmers Row (Parcel # 2602910124) and that the existing control house, and the building located at 30 Buena Vista Street, are proposed to be demolished. She further stated that the portion of Palmers Row proposed for removal will be fenced off from the general public and will serve as an internal access to the new control house.

Ms. Molina advised that Palmers Row is a two-way street situated south of Vandever Avenue, between Buena Vista Street and Mabel Street and that the proposed portion to be removed measures approximately 107 feet in length, with a width of 25 feet which serves as the right-of-way.

Ms. Molina pointed out that the portion of Palmers Row is surrounded by property owned by Delmarva Power, 31 parcels in total, and that the portion of Palmers Row proposed for removal is surrounded by Delmarva Power property, it does not significantly contribute to the surrounding traffic circulation system or serve the surrounding community.

Ms. Molina also stated that the proposed removal will not affect access to the building and parking facilities at 38 Vandever Avenue (Parcel # 2602910109) and that this parcel is the only property on Palmers Row that is not owned by Delmarva Power and it does not directly abut the portion of Palmers Row proposed for removal.

Ms. Molina reported that the proposal to remove a portion of Palmers Row was circulated to the appropriate City departments for comment. She also noted that the Department of Public Works Division of Transportation stated that Palmers Row is not a street that provides any substantial benefit to the City's transportation network. As a City Street, it could require future maintenance, improvement, lighting, etc. She further noted that in removing the street, the City would not be responsible for any future maintenance and that the Department noted that the portion of road

being requested for vacation would affect only parcels under control of the applicant and that the removal of the street would result in the parcels fronting it to be limited in purpose. Ms. Molina states the Transportation Division supported the removal request.

Ms. Molina reported that the Department of Public Works Divisions of Water and Sewer stated that there are no water mains in Palmers Row, but there is a sewer line and that the applicant must work with Public Works to determine if a sewer easement is necessary.

Ms. Molina reported that the Department of Planning and Development noted that Palmers Row does not contribute to the general traffic circulation or distribution pattern in the immediate area and that there are no findings to suggest that the partial removal of Palmers Row would create a detriment to the general public or to safety and that the department has no objections to the partial street removal.

Ms. Molina explained that, while researching Palmers Row, it was discovered that several “paper” public alleys may still exist on the Official City Map between Palmers Row and Mabel Street and that the disused alleys are a remnant from former residential use of the surrounding properties, now demolished. She also explained that the alleys now fall completely within the boundaries of the substation, are physically inaccessible, and therefore no longer serve any purpose. Ms. Molina stated to prevent any potential issues with future parcel consolidation and/or permitting for the new substation equipment, it is recommended that the alleys be removed from the Official City Map.

Ms. Molina reported that the Department of Licenses and Inspection Zoning Manager, had no objections to the partial removal of Palmers Row and that the Fire Marshal’s Office did not provide any comments.

Ms. Molina noted that the procedures for City street closings and right-of-way dispositions are prescribed in Section 42-11 of the City Code.

Ms. Molina points out that ownership of Palmers Row could not be determined and that there can be a legislative finding of lack of public interest in the right-of-way and Council can remove the City street from the Official City Map by Ordinance.

Ms. Molina also noted that the determination of property rights once the street is removed shall be a judicial decision in accordance with applicable state statutes.

Ms. Molina stated that as a courtesy, public notices of the proposal to remove a portion of Palmers Row from the Official City Map were sent to the owner and tenant of 38 Vandever Avenue (Parcel # 2602910109) on May 6, 2020.

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Ms. Molina also stated that the Planning Commission's meeting Agenda for May was also mailed to those on the standard City Planning Commission email list and posted on the City's Website on Monday, May 11, 2020.

Ms. Molina concluded her presentation by stating that the Department of Planning and Development recommends to the Planning Commission that the partial removal of Palmers Row, located between New Street and the north boundary of Parcel # 2602910124 (Delmarva Power), from the Official City Map, be approved subject to the departmental comments found in the Department of Planning and Development report. She further stated that the Department recommends to the Planning Commission and City Council the removal of any remnant alleys, located between Palmers Row and Mabel Street, which are still shown on the Official City Map.

Mr. Baker asked the Commission Members if they had any questions or comments for Ms. Molina.

Ms. Adkins asked if the community was aware of the project and if they are in support of these plans. Ms. Molina stated that she was not aware of any public outreach and that the plan is in its early stages and purely conceptual at the moment. She also stated that if the project goes forward, they are required to go before DRPC.

Ms. Adkins asked if there are any plans for an additional entrance off Buena Vista Street. Mr. Lucas explained that there is access from 3 different locations: Buena Vista Street, Palmers Row and Maple Street.

Mr. Taylor asked if Palmers Row is adjacent to the Achievement Center. Mr. Baker stated yes; directly next door. Mr. Taylor stated that there are emergency exits on Palmer Row from the Achievement Center and asked if Delmarva was going to install a gate at Palmers Row. Ms. Molina stated no and that a portion of Palmers Row and the section next to the Achievement Center will continue to be owned by the City.

Mr. Taylor asked for clarification on egress. Mr. John Tracy of Young Conoway stated that the vacation is located south of the Hope Commission Building so it will not interfere with ingress and egress to that property.

Mr. Hill suggested that a vote to amend the resolution out of an abundance of caution regarding earlier documents that reflected typos on Page 2 of the Resolution which read: Palmers Way; Palmers Street and Palmers Row. Ms. Molina stated that a revised Resolution was forwarded prior to the meeting reflecting the correct name: Palmers Row.

Ms. Washington asked when will the document go before DRPC. Mr. John Tracey stated that they had not yet commenced that step with the DRPC; and that this was the first step. Mr. Tracey also stated that further steps will be taken with Delmarva Power and the Councilwoman of this district to lead with community conversations and outreach.

Mr. Baker asked the Commission Members if they had any additional questions or comments. There being none, Mr. Baker asked for a motion for Resolution 13-20: A proposal to remove a portion of Palmers Row, between New Street and the north boundary of Parcel #2602910124 (Delmarva), from the Official City Map. The motion was made by Mr. Taylor and second by Ms. Washington. With all Commission Members in favor, Resolution 13-20 was approved.

- 3. Resolution 14-20; Waterfront Development Review WF 01-20:** Application from the Challenge Program requesting Zoning Board of Adjustment approval to establish a furniture factory and showroom (light manufacturing) as a special exception use at 1136 East 7th Street, in a W-4 (Waterfront Residential / Commercial) zoning district.

Mr. Kurth from the Department of Planning and Development presented the report for Resolution 14-20; Waterfront Development Review WF 01-20: Application from the Challenge Program requesting Zoning Board of Adjustment approval to establish a furniture factory and showroom (light manufacturing) as a special exception use at 1136 East 7th Street, in a W-4 (Waterfront Residential/Commercial) zoning district.

Mr. Kurth explained that the Challenge Program, Incorporated is a non-profit organization that established a custom furniture design-and-build subsidiary, Challenge Program Furniture (CPF) in 2015 in an adaptively reused industrial building located at 1112 East 7th Street. Mr. Kurth further explained that the demand for their products throughout the region, CPF has subsequently outgrown that building's small footprint.

Mr. Kurth stated that the Challenge Program, Incorporated purchased 2.98 acres of land at 1136 East 7th Street from the Wilmington Urban Development Action Grant Corporation on December 19, 2019 with the intention of building its new furniture production and showroom facility at this location.

Mr. Kurth reports that the Zoning Manager transmitted the application to the Planning Department for review, citing light manufacturing as the proposed use. Mr. Kurth further reported that the showroom is permitted as a matter-of-right use in W-4 (Waterfront Residential/Commercial) districts, the light manufacturing requires approval by the Zoning Board of Adjustment (ZBA) as it is only permitted as a special exception.

Mr. Kurth stated that the special exception application in a W-4 waterfront zoning district is subject to review by the Planning Commission for the purpose of making recommendations to the ZBA on the appropriateness of the requested use, and its conformance with the City's Waterfront Development Standards, prior to the ZBA making its determination.

Mr. Kurth noted that the W-4 zoning district is intended to protect and encourage investment in well-planned and designed multiple-activity developments where intensive use is appropriate and that the Design and Riverfront Activities standards are emphasized in the review of these types of projects; Economic Development standards are given less consideration.

Mr. Kurth stated that the former Fort Christina Marina Boat Club parcel was subdivided in September 2019 and that the organization has developed plans to build its new Challenge Program Furniture factory and showroom on this site. He further stated that the subject parcel consists of vacant land with overgrown vegetation and is partially protected by a chain link fence.

Mr. Kurth stated that the parcel is proposed to be improved in the following manner in coordination with the construction of the light manufacturing building:

- 1) Retain the existing shrubs that exist on the Christina River shoreline within the building restriction line;
- 2) Add a total of 18 trees along the East 7th Street right-of-way, along the perimeter of the 15-space parking lot, and near the Christina River shoreline;
- 3) Beautify the parking area with the addition of over 90 shrubs;
- 4) Install 6' tall ornamental picket style fencing around much of the perimeter of the property including a motorized gate at the entrance;
- 5) Install light poles in the parking lot to complement wall mounted light fixtures specified for the elevations of the new building.

Mr. Kurth described the location of the site and surrounding areas. He stated that the character of the immediate area is defined by industrial and commercial properties situated to the immediate west, an abandoned and partially silted-in marina, scrub trees on vacant lots, and the underutilized Mayor John Babiarez Park east of this site. He further stated that the nearest neighboring properties on the south side of East 7th Street (from west to east) include Marine Lubricants' production facility at 1130 East 7th Street; the Kalmar Nyckel Foundation's tall ship dock, classrooms, offices, museum and the Copeland Maritime Center, as well as The Challenge Program, Incorporated's headquarters and light manufacturing building at 1124 East 7th Street; Pack and Process, Incorporated's warehouse at 1001 East 7th Street is situated on the north side of East 7th Street, a few hundred feet to the west of the proposed CPF site.

Mr. Kurth noted that the property is classified as light manufacturing, the proposed use is artisanal in nature as it involves the use of lathes, table saws, CNC machines and a variety of wood and metal working equipment necessary to turn out small scale custom furniture pieces and that the use will likely have no negative effects on the surrounding area. He further noted that the Challenge Program, Incorporated has been performing most of these same operations at their facilities at 1112 and 1124 East 7th Street for almost a decade without negative effect on this area of the City.

Mr. Kurth stated that the Department of Planning and Development recommends that the Planning Commission approve this resolution as submitted so that the applicant can make its formal submission for a special exception use of the land to the Zoning Board of Adjustment at its June 8, 2020 meeting and that in advance of that meeting, three letters of support from adjacent and nearby property owners were forwarded to the Zoning Manager.

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Mr. Kurth also stated that the Department of Planning and Development further recommends that the Challenge Program, Incorporated continue to work with City departments as the 7th Street Peninsula develops in the near future as it relates to the possibility of creating future public access to this portion of the Christina River waterfront.

Mr. Kurth noted that on Monday, May 11, 2020 the Planning Commission meeting agenda was posted on the City of Wilmington's web site and sent out electronically to interested parties.

Mr. Kurth concluded by stating that the Planning Department recommends approval of Resolution 14-20; Waterfront Development Review WF 01-20: Application from the Challenge Program requesting Zoning Board of Adjustment approval to establish a furniture factory and showroom (light manufacturing) as a special exception use at 1136 East 7th Street, in a W-4 (Waterfront Residential / Commercial) zoning district.

Mr. Baker asked the Commission Members if they had any questions or comments for Mr. Kurth.

Ms. Adkins asked if there was any consistency with the Public Works new resiliency plan and if the plan is currently available. Mr. Harris replied by stating that the Public Works Resiliency Plan has not been published to date. Ms. Adkins asked if Commission Members would receive copies once the plan becomes available. Ms. Washington stated that the plan is made public once it is published.

Mr. Lloyd asked what chemicals would be stored in the manufacturing facility. Mr. Kurth stated lacquer, varnishes, and paints. Mr. Baker suggested that the design should make provisions that does not run into the river from an environmental standpoint. Mr. Inden stated that they would have to conform to the building code and in doing so that would not be an issue. Mr. Kurth further explained that the Challenge Program has been operating in the same fashion for over a decade and has been a very good neighbor to their immediate neighbors. He also stated that letters of support were submitted on behalf of the Challenge Program from Marine Lubricants; Brightfields Inc., and the Kalmar Nyckel Foundation.

Mr. Baker asked if the Christina side of the river would be graded. Mr. Kurth stated that the plan is to leave vegetation on Christina Riverfront and add trees. Mr. Stephen Johns of Vandemark and Lynch, Engineers for the project confirmed that the plan is to leave the riverfront edge alone.

Ms. Adkins asked if there is a storm water outflow from the parking lot flowing out to the Christina River. Mr. Kurth stated that Michelle Devillers of Public Works will work closely with the applicant's team and that there would be at least one outflow.

Mr. Baker asked the Commission Members if they had any additional questions or comments. There being none, Mr. Baker asked for a motion for Resolution 14-20; Waterfront Development Review WF 01-20: Application from the Challenge Program requesting Zoning Board of Adjustment approval to establish a furniture factory and showroom (light manufacturing) as a special exception use at 1136 East 7th Street, in a W-4 (Waterfront Residential / Commercial) zoning district. The motion was made by Mr. Hill and second by Mr. Lloyd. With all Commission Members in favor, Resolution 14-20 was approved.

ADJOURNMENT 

Mr. Baker called for a motion to adjourn the meeting. Mr. Taylor moved to adjourn, and Ms. Washington second the motion. All members being in favor, the meeting was adjourned at 6:53 p.m.