

MINUTES
CITY PLANNING COMMISSION
March 17, 2020

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

The meeting was convened at 6:02 p.m. by Desmond Baker.

REGULAR MEETING

A. Approval of the minutes of the February 18, 2020 Planning Commission Meeting.

Mr. Baker asked the Commission Members to make a motion on the minutes of the February 18, 2020 City Planning Commission meeting. Mr. Taylor made a motion to approve the minutes and Mr. Hill second the motion. All members voted to approve the February 18, 2020 minutes.

B. NEW BUSINESS

1. Resolution 04-20: Annual Review of the Capital Budget and Capital Improvements Program for Fiscal Years 2021 through FY 2026 (Original Document).

Ms. Jessica Molina from the Department of Planning and Development presented the report for Resolution 04-20, the Annual Review of the Capital Budget and Capital Improvements Program for Fiscal Years 2021 through FY 2026. This presentation was accompanied by a series of slides.

Ms. Molina explained that the City Planning Commission is authorized by City Charter to review the City's Annual Capital Budget and Six Year Capital Improvements Program when they are prepared each year and at any other time revisions might be required. She clarified that the Capital Improvements Program under consideration covers the six-year period from Fiscal Year 2021 through Fiscal Year 2026.

Ms. Molina stated that the Capital Budget funds the first year of the Capital Improvements Program. In this case, it was Fiscal Year 2021. She explained that because the City generally only enters the bond market every two years, the Capital Improvements Program is designed with alternating "off years" in which there are no expenditures and therefore, no funding considerations. She clarified that the Fiscal Year 2021 Capital Budget is an off-year budget with zero funding.

Ms. Molina said that the remaining five outyears, Fiscal Year 2022 through Fiscal Year 2026, simply reflect anticipated projects and their estimated costs for future funding consideration. She elaborated that the projects listed in the Fiscal Year 2022 and Fiscal Year 2024 were carried over from last year's capital program. She mentioned that the FY 2026 figures were newly added based on estimates submitted by each City department for anticipated long-range projects, which may either represent ongoing long-term capital projects or entirely new projects.

Ms. Molina emphasized that this year's capital budget is a zero-year budget. She noted that the remaining five outyears include anticipated projects that are estimated at \$274,356,865 which includes funding from the general fund, the water fund, and other funds such as grants. In addition, she explained that thirty (30) of these projects have been carried over from last year's program and of these, eleven (11) are expected to be funded through Fiscal Year 2024 and nineteen (19) are

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expected to be funded through Fiscal Year 2026. She said that an additional three (3) new projects have been added for Fiscal Year 2026 funding consideration.

Ms. Molina concluded her presentation by stating that the Department of Planning found the capital improvements program and capital budget documents to be consistent with past planning and budgeting efforts and to be in accordance with the comprehensive development planning process. Therefore, the Planning Department recommended that City Council approve the Capital Improvements Program and Capital Budget for Fiscal Years 2021 through 2026.

Ms. Molina offered to answer any questions regarding the Capital Budget and Capital Improvements Program for Fiscal Years 2021 through FY 2026. There being none, Mr. Baker asked for a motion for Resolution 04-20: 1. Annual Review of the Capital Budget and Capital Improvements Program for Fiscal Years 2021 through FY 2026. Mr. Hill made a motion to approve Resolution 04-20 and Mr. Chickadel second the motion. With all members being in favor, Resolution 04-20 was approved.

2. Resolution 05-20; MS-20-02: Major Subdivision application from Rummel, Klepper & Kahl, LLP, on behalf of the Riverfront Development Corporation, which proposes to subdivide one noncontiguous parcel, located at 601 South Madison Street, into two parcels.

Mr. Lucas presented from the Department of Planning and Development the report for Resolution 05-20; MS-20-02: Major Subdivision application from Rummel, Klepper & Kahl, LLP, on behalf of the Riverfront Development Corporation, which proposes to subdivide one noncontiguous parcel, located at 601 South Madison Street, into two parcels. This presentation was accompanied by a series of slides.

Mr. Lucas explained that the proposal is considered a major subdivision, and is subject to review by the Planning Commission, because the site is larger than 2.5 acres and is located in a regulatory floodplain. He clarified that no construction is proposed. He described the site as bounded by I-95, Justison Street, Beech Street, and the Frawley Stadium and located in a W-2, Waterfront Manufacturing/Commercial zoning district.

Mr. Lucas noted that the applicant proposed to subdivide the parcel along its natural division of the extended south Madison street. He mentioned that the preliminary plan was circulated to City departments for comment and that The Department of Planning had two comments. These comments were:

1. Change the label of “Shipyard Drive” to “Unnamed Street”. Shipyard Drive was relocated by DelDOT, and its new location is not currently shown on the plan. A name was proposed for the unnamed street by City Planning Commission Resolution 16-19, but legislation for this naming has not yet been approved by City Council. Therefore, no reference to the proposed name should appear on the plan.
2. The streets depicted on the vicinity map are inaccurate and incomplete and should be corrected.

Mr. Lucas notified the Commissioners that on Monday, March 9th, a public notice of the Planning Commission's meeting agenda was posted in the lobby of the Louis L. Redding City/County Building, on the City's website, and was sent to the recipients of the standard Commission mailing list.

Mr. Lucas concluded his presentation by stating that the Department of Planning and Development recommended Resolution 5-20 to be approved, which recommends approval of the preliminary major subdivision plan for 601 South Madison Street. He clarified that as with all preliminary plan approvals, final approval and recordation of the plan is contingent upon the applicant addressing any issues and comments listed in the Planning Department subdivision report.

Mr. Baker asked the Commission Members if they had any questions for Mr. Lucas. Mr. Hill asked Mr. Lucas to confirm that the proposed parcels currently have the same parcel number and the approval of the plan would create a different parcel number for one of them. Mr. Lucas confirmed that if approved, one of the parcels would have a different parcel number.

Mr. Taylor asked Mr. Lucas that if the plan is approved, who would own the street. Mr. Lucas replied that the per the Town Agreement, the street would be owned by the City of Wilmington. He elaborated that very few of the streets would become the State's responsibility. The bridge, the portion of what used to be Delmarva Lane under I-95, and the street section that falls in the county would become DelDOT's responsibility.

Mr. Baker asked the Commission Members if they had additional questions for Mr. Lucas. There being none, Mr. Baker asked the commissioners to make a motion for Resolution 05-20; MS-20-02: Major Subdivision application from Rummel, Klepper & Kahl, LLP, on behalf of the Riverfront Development Corporation, which proposes to subdivide one noncontiguous parcel, located at 601 South Madison Street, into two parcels. Mr. Hill made the motion to approve Resolution 05-20; MS-20-02 and Mr. Taylor second the motion. With all members being in favor, Resolution 05-20; MS-20-02 was approved.

3. Resolution 6-20; MS-20-03 and MS-20-04: Major Subdivision application from Rummel, Klepper & Kahl, LLP, on behalf of SMO Incorporated and 322 A Street LLC, which proposes to subdivide three parcels, located at 300 South Walnut Street, 0 South Walnut Street, and 322 A Street, into five parcels.

Mr. Lucas presented from the Department of Planning and Development the report for Resolution 06-20; MS-20-03 and MS-20-04: Major Subdivision application from Rummel, Klepper & Kahl, LLP, on behalf of SMO Incorporated and 322 A Street LLC, which proposes to subdivide three parcels, located at 300 South Walnut Street, 0 South Walnut Street, and 322 A Street, into five parcels. This presentation was accompanied by a series of slides.

Mr. Lucas explained that these subdivisions were being presented together, because the subdivisions were related to the City's acquisition of a drainage ditch related to the construction of the South Wilmington Wetlands park. He elaborated that 300 and 0 South Walnut Street proposed to subdivide 2 parcels into 4 parcels, and 322 A Street proposed to subdivide 1 parcel

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into 2 parcels for a total of 6 new parcels.

Mr. Lucas noted that the Planning Commission Agenda had been corrected to reflect this total, as the original case description he provided incorrectly stated a total of 5 parcels. He explained that 300 and 0 South Walnut Street is considered a major subdivision and is subject to review by the City Planning Commission because the site is located in a regulatory floodplain, and 322 A Street is considered a major subdivision because the site is greater than 2.5 acres and is located in a regulatory floodplain. He noted that no construction is proposed by either plan.

Mr. Lucas shared the first subdivision plan, which proposed to subdivide 300 and 0 South Walnut into 4 parcels. He showed that proposed Parcel C and D contain the existing Shell gas station; proposed parcels A and B contain part of an existing ditch. He said that it is the intent of the applicant to transfer Proposed Parcels A and B to the City.

Then, Mr. Lucas shared the second subdivision plan, which proposed to subdivide 322 A Street into 2 parcels. He showed that proposed Parcel 1 contains part of an existing ditch.; proposed Parcel 2 contains an existing office complex. He said that it is the intent of the applicant to transfer Proposed Parcel 1 to the City.

Mr. Lucas told the Commissioners that both preliminary plans were circulated to City departments for comment. He said that the Department of Planning had two comments to 300 and 0 South Walnut Street, and 1 comment to 322 A Street.

The comments for 300 and 0 South Walnut Street were:

1. Remove the M-1 zoning district designation from the Plan Data, as the entire site falls within the W-4 zoning district.
2. Add acreage equivalents to the lot areas listed in the Plan Data.

The one comment for 322 A Street was:

1. Remove the R-1 zoning district designation from the Plan Data, as the entire site falls within the W-4 zoning district.

Mr. Lucas informed the Commissioners about the public outreach process. He said that on Monday, March 9th, a public notice of the Planning Commission's meeting agenda was posted in the lobby of the Louis L. Redding City/County Building, on the City's website, and was sent to the recipients of the standard Commission mailing list.

Mr. Lucas concluded his presentation by stating that the Department of Planning and Development recommended the approval of Resolution 6-20, which recommends approval of both preliminary major subdivision plans, including both 300 and 0 South Walnut Street and 322 A Street. He clarified that final approval and recordation of both plans is contingent upon the applicant addressing any issues and comments listed in the Planning Department subdivision report.

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

Mr. Hill asked Mr. Lucas if the Zoning Manager had any issues with Parcel B because of the low square footage. Mr. Lucas stated that the Zoning Manager had no issues with Parcel B.

Mr. Baker asked Mr. Lucas if the property was going to be given to the City or if the City was going to purchase it. Mr. Lucas stated that he was not aware of the agreement, and asked Mr. Flynn, Director of the Mayor's Office of Economic Development, to take a stand and share his knowledge about the agreement with the Commission Members.

Mr. Flynn greeted the Commission Members and clarified that there would be no money in exchange for the property.

Mr. Chickadel asked Mr. Lucas if the subdivisions violated any type of setback requirements for the type of zone. Mr. Lucas replied that there were no violations. He explained that the waterfront zones do not have any setbacks, other than from the water.

Ms. Adkins asked Mr. Lucas to confirm that the ditch is currently bisected by two parcels. Mr. Lucas confirmed. Ms. Adkins noted that she has seen some remediation work conducted at the site and asked Mr. Lucas if he knew what activities were currently taking place. Mr. Lucas replied that construction is on its way. Mr. Baker confirmed Ms. Adkins observation as he has also observed some work taking place at the site.

Mr. Baker asked the Commission Members if they had any additional questions or comments regarding the subdivisions. There being none, Mr. Baker asked for a motion for Resolution 06-20; MS-20-03 and MS-20-04: Major Subdivision application from Rummel, Klepper & Kahl, LLP, on behalf of SMO Incorporated and 322 A Street LLC, which proposes to subdivide three parcels, located at 300 South Walnut Street, 0 South Walnut Street, and 322 A Street, into five parcels. Ms. Washington made a motion to approve Resolution 06-20; MS-20-03 and MS-20-04. The motion was second by Mr. Hill. With all Commission Members in favor, Resolution 06-20; MS-20-03 and MS-20-04 was approved.

ADJOURNMENT 

Mr. Baker called for a motion to adjourn the meeting. Mr. Taylor moved to adjourn, and Mr. Hill second the motion. All members being in favor, the meeting was adjourned at 6:25 p.m.