

**MINUTES**  
**CITY PLANNING COMMISSION**  
**April 21, 2020**

Present: Desmond Baker (Acting Chair), Jennifer Adkins, Joseph Chickadel, Anthony J. Hill, Brett Taylor, and Tanya Washington (Commission Members); Herb Inden, Gwinneth Kaminsky, Pat Maley, Tim Lucas, Matt Harris, and Jessica Molina (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 virtual meeting was convened at 6:00 p.m. by Mr. Hill.

**PUBLIC HEARING**

- 1. Resolution 9-20: A proposal to rezone three parcels, (260-423-0079, 260-423-0308 and 260-423-0309) generally bounded by Maryland Avenue, Lower Oak Street, Beech Street and the rail viaduct from M-2 (General Industrial) to C-2 (Secondary Business Commercial Centers). Zoning Referral 552-20.**

Mr. Matt Harris from the Department of Planning and Development presented the report for Resolution 9-20: A proposal to rezone three parcels, (260-423-0079, 260-423-0308 and 260-423-0309) generally bounded by Maryland Avenue, Lower Oak Street, Beech Street and the rail viaduct from M-2 (General Industrial) to C-2 (Secondary Business Commercial Centers). Zoning Referral 552-20. This presentation was accompanied by a series of slides.

Mr. Harris started his presentation by sharing background information with the public. He said that Reybold Venture Group has applied for the rezoning of the NVF Factory and two adjacent properties from M-2 to C-2. He stated that Reybold purchased the factory in 2006 and the adjacent lots in March of 2018. Currently, the factory is vacant and two adjacent lots are partially paved vacant lots. Mr. Harris disclosed that Reybold is planning to repurpose the factory and build new apartments along Maryland Avenue and Beech Street. In addition, open space on the potentially vacated Anchorage Street and parking on the vacant lots located to the east of Anchorage Street is also included.

Mr. Harris described the location of the site and surrounding areas. He stated that the site is zoned M-2 General Industrial. He explained that under the existing, zoning large-scale industries with little restriction are allowed. He said that heights are limited to four stories and no residential uses are permitted. He also noted that the surrounding zoning to the site is C-2 Secondary Business Commercial Centers, R-3 One Family Row Houses, and M-2 General Industrial.

Mr. Harris said that the proposed rezoning is C-2 Secondary Business Commercial Centers. He explained that this zoning is located along major highways, and it is designed to permit neighborhood commercial establishments. He noted that heights are limited to 15 stories and this zoning is established along Maryland Avenue. He clarified that no nonconforming uses will be created as part of this rezoning.

Mr. Harris noted that no amendments to the 2028 Wilmington Comprehensive Plan would be needed as part of this zoning action. He stated that the M-2 Zoning is inconsistent with the land

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use recommendation in the Wilmington 2028. He explained that the Plan calls for Neighborhood Mixed Use which C-2 supports. In addition, he stated that this rezoning also supports several other objectives of the Browntown/Hedgeville Section of Wilmington 2028.

Mr. Harris shared his outreach efforts. He stated that he mailed a public notice to approximately 550 property owners and residents on April 8, 2020. In addition, a Legal Notice was published in the News Journal on April 13<sup>th</sup>. He said that he received one email of support from a community member.

Mr. Harris summarized his analysis and restated that the rezoning creates consistency between the Comprehensive Development Plan and zoning. He stated that the Neighborhood Mixed Use is appropriate along major corridors. He said that the rezoning logically expands the existing C-2 zoning along Maryland Avenue. He clarified that no nonconforming uses will be created. He also noted that the rezoning supports the objectives specifically outlined in the Browntown/Hedgeville section of the comprehensive plan.

Mr. Harris concluded his presentation by stating that the Department of Planning recommended the approval of Resolution 9-20: A proposal to rezone three parcels, (260-423-0079, 260-423-0308 and 260-423-0309) generally bounded by Maryland Avenue, Lower Oak Street, Beech Street and the rail viaduct from M-2 (General Industrial) to C-2 (Secondary Business Commercial Centers).

Mr. Bakers asked the Commission Members if they had any question or comments for Mr. Harris.

Ms. Adkins asked Mr. Harris if the site was a brownfield. Mr. Harris confirmed that it is a brownfield and that the developer is currently working with DNREC. The developer, Reybold Venture Group, confirmed that their process with DNREC is almost complete and that there are no major environmental issues at the site.

Mr. Baker asked Mr. Harris if he received any comments from the community groups regarding the proposed rezoning. Mr. Harris said that he did not receive any comments from the community groups. He was aware that Council Member McCoy has met with the developer and has reached out to the community.

Mr. Baker asked the Commission Members if the applicant submitted a similar proposal in the last few years. Mr. Chickadel confirmed that they did, four years ago.

Mr. Baker asked the Commission Members if they had any other question or comments for Mr. Harris. There being none, Mr. Baker opened the meeting to the public. There were three comments from members of the public.

1. Mr. Daniel Keith asked Mr. Harris if the presentation slides for the rezoning could be made available to the public. Mr. Harris gave his email to all attendees in case they wanted a copy of the presentation slides.
2. Ms. Pam List asked Mr. Harris if her house was going to be rezoned. Mr. Harris told her

that her house was not going to be rezoned. Mr. Baker explained that the only property being rezoned is the one referenced in the presentation slides.

3. Mr. Altaf Mir expressed his support for the rezoning of this property.

Mr. Baker asked the members of the public if they had any additional questions or comments for Mr. Harris. There being none, Mr. Hill explained to the public members that they will have another opportunity to express their thoughts at a future City Council public hearing regarding this rezoning.

Mr. Baker moved into the regular meeting.

## **REGULAR MEETING**

### **A. APPROVAL OF THE MINUTES OF THE MARCH 17, 2020, AND THE APRIL 7, 2020, PLANNING COMMISSION MEETINGS.**

Mr. Baker asked the Commission Members for a motion to approve the minutes of the March 17, 2020, and the April 7, 2020, Planning Commission Meetings. Mr. Hill made a motion to approve the minutes. Ms. Adkins second the motion. With all Commission Members in favor, the minutes for the March 17, 2020, and the April 7, 2020, Planning Commission Meetings were approved.

### **B. NEW BUSINESS**

1. **Resolution 9-20: A proposal to rezone three parcels, (260-423-0079, 260-423-0308 and 260-423-0309) generally bounded by Maryland Avenue, Lower Oak Street, Beech Street and the rail viaduct from M-2 (General Industrial) to C-2 (Secondary Business Commercial Centers). Zoning Referral 552-20.**

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

Mr. Hill asked Mr. Harris if he knew what was the Floor Area Ratio (FAR) for C-2. Mr. Harris responded that he did not know. Mr. Hill asked Mr. Harris if this rezoning was considered a downzone. Mr. Harris replied that he would not consider it a downzone because the zones are very different in what they permit. Mr. Harris stated that he would consider it a different zone. Ms. Kaminsky elaborated that the C-2 zoning allows more uses and significant density, therefore; it was more of an upgrade.

Since there was no further discussion, Mr. Baker asked for a motion to approve Resolution 9-20: A proposal to rezone three parcels, (260-423-0079, 260-423-0308 and 260-423-0309) generally bounded by Maryland Avenue, Lower Oak Street, Beech Street and the rail viaduct from M-2 (General Industrial) to C-2 (Secondary Business Commercial Centers). Zoning Referral 552-20. Mr. Taylor made a motion to approve Resolution 9-20. Mr. Chickadel second the motion. With all Commission Members in favor, Resolution 9-20 was approved.

**2. Resolution 10-20: A proposal to remove a portion of Anchorage Street, between Lower Oak and Beech Streets, from the official City Map.**

Ms. Gwineth Kaminsky from the Department of Planning and Development presented the report for Resolution 10-20: A proposal to remove a portion of Anchorage Street, between Lower Oak and Beech Streets, from the official City Map. This presentation was accompanied by a series of slides.

Ms. Kaminsky stated that the City of Wilmington received a request from Reybold Venture Group to remove a portion of Anchorage Street, between Lower Oak and Beech Streets, from the official City Map for the purpose of facilitating the redevelopment of the former National Vulcanized Fiber - or NVF - site. She explained that the street segment is approximately 300 feet in length and 50 feet in width and is owned by the City of Wilmington. She noted that the street removal action requires the recommendation of the City Planning Commission and approval by City Council.

Ms. Kaminsky said that the applicant is proposing to redevelop the former NVF site into a residential complex. She disclosed that the new complex will retrofit the factory into apartments, add a new apartment building, surface parking, and open space. She said that as part of the redevelopment proposal, the former manufacturing site is proposed to be rezoned from M-2 General Industrial to C-2 Secondary Business Centers, which was the subject of the previous presentation conducted by Mr. Harris.

Ms. Kaminsky explained that the portion of Anchorage Street in question is located within the Browntown neighborhood and is surrounded on both sides by the former NVF site, in an M-2 General Industrial zoning district. She said that the site includes vacant industrial buildings and vacant land. She noted that the surrounding zoning to the site is M-2, C-1, C-2 and O open space zoning and is lined with residential uses and neighborhood commercial shops and services. She further noted that the Browntown neighborhood is southwest and is largely comprised of single-family row homes in a large R-3 district.

Ms. Kaminsky explained the traffic and circulation in the area and determined that the removal of the one block segment of Anchorage is not expected to impact the Browntown residential neighborhood, which is served by a functional circulation grid which includes access to and from Maryland Avenue and the riverfront.

Ms. Kaminsky said that as part of the evaluation of the proposed Street removal, comments were sought from the other City Departments. She discussed the following comments as presented in the slide presentation:

The Department of Public Works has advised that there is an 8" water main and a 65" brick sewer line within the affected block of Anchorage Street, which will require 15-foot-wide easements to retain access.

The Transportation Division has indicated that the affected segment of Anchorage Street does not appear to be an integral part of the transportation network within the City of Wilmington and does

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not provide any substantial benefit. It is a one-way street whose function can be achieved by other surrounding streets. Also, as a city street, maintenance and lighting, are normally required, but the current condition suggests that there has been little, if any, maintenance. In vacating the street, the City would not be responsible for future maintenance. The Transportation Division supports the vacation request for Anchorage Street between Lower Beech and Lower Oak Streets.

Fire Marshal's Office: No comments were received from the Fire Marshal's Office.

The Department of Planning and Development commented that the affected portion of Anchorage Street used to serve the now defunct manufacturing site, but does not currently contribute to the general traffic circulation or distribution pattern in the immediate area and there are no findings to suggest that the removal of this portion of the street would create a detriment to the general public or to public safety, given the extent of the surrounding street grid. Further, because the street bed is proposed to remain undeveloped with required utility access easements and given that the street bed is not privately owned, the department has no objection to the street removal request.

Ms. Kaminsky stated that the procedures for City street closings and right-of-way disposition are prescribed in Section 42-11 of the City Code. She explained that once a street has been removed from the official City Map by Council ordinance, the method of disposition is determined by ownership of the street bed. She stated that in this instance, the City of Wilmington owns the right-of-way and the applicant owns the property on both sides of the street. Ms. Kaminsky said according to the Code, Section 42-11 (d)(1), where the city has record title to a city street, an ordinance may authorize removal from the official city map and the conveyance of the city's interest in the property to the abutting owner(s).

Ms. Kaminsky disclosed that in an email sent on April 13th, 6th District Council Member Yolanda McCoy confirmed that she has had the opportunity to review the proposed project design with the developers and that the community was also notified of the plans for the site. Ms. Kaminsky said that City Council will consider related legislation to remove the street bed and the Commission's report will be forwarded to them for consideration when applicable.

Ms. Kaminsky disclosed her outreach efforts. She stated that the Planning Commission's April 21, 2020 meeting agenda was sent via email and posted on the City's website, on April 13, 2020.

Ms. Kaminsky concluded her presentation by stating that the Planning Department recommended to the Planning Commission and City Council the approval of the request to removal of a portion of Anchorage Street, between Lower Oak and Beech Streets from the official City Map, subject to departmental comments found in this analysis and Resolution 10-20.

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

Ms. Adkins noted that Ms. Kaminsky stated that the street would become open space. Ms. Adkins asked Ms. Kaminsky if the road would remain accessible to the public. Ms. Kaminsky stated that by open space, she meant that there will be no development over the road so there can be access

to the utilities that are under the road. The street would become part of the site.

Ms. Adkins asked Ms. Kaminsky if the road might not be accessible to the public to walk through. Ms. Kaminsky replied that not to her knowledge.

Mr. Baker stated that the width of the road was thirty feet and each utility would require a fifteen foot easement so there was nothing the developer could do other than maintain the road. Ms. Kaminsky clarified that the road was fifty feet wide. She agreed that the easements would be fifteen feet per utility. However, the total width of the easements would be based on the location of the utilities with respect to each other.

Mr. Baker asked the Commission Members if they had any additional questions or comments for Ms. Kaminsky. There being none, Mr. Baker asked for a motion on Resolution 10-20: A proposal to remove a portion of Anchorage Street, between Lower Oak and Beech Streets, from the official City Map. Mr. Hill made a motion to approve Resolution 10-20. Ms. Washington second the motion. With all Commission Members in favor, Resolution 10-20 was approved.

**3. Resolution 11-20; MS-20-07: Major Subdivision application from VanDemark & Lynch, Inc., on behalf of Peninsula Ventures VIII LLC, which proposes to subdivide one parcel, located at 1101 East 8th Street, into two parcels.**

Mr. Tim Lucas from the Department of Planning and Development presented the report for Resolution 11-20; MS-20-07: Major Subdivision application from VanDemark & Lynch, Inc., on behalf of Peninsula Ventures VIII LLC, which proposes to subdivide one parcel, located at 1101 East 8th 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 greater than 2.5 acres and is located in a regulatory floodplain. He clarified that no construction is proposed by the plan.

Mr. Lucas stated that the property is located on the 7th Street Peninsula and that it is zoned W-2 Waterfront Manufacturing/Commercial zoning district. He explained that the plan proposes to subdivide the subject parcel into two new parcels A-1 and A-2.

Mr. Lucas noted that the preliminary plan was circulated to City departments for comment. He discussed the following comments as presented in the slide presentation:

The Department of Planning and Development requires the following revisions:

1. Correct the typo in the owner's name removing an extra letter from the word peninsula.
2. On the drawing, Proposed Parcel A-1 is labeled as now or formerly owned by "Peninsula Ventures IX - LLC". This label does not match the County records, or the ownership information listed in the plan Notes.

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3. On the drawing, Proposed Parcel A-2 is labeled as now or formerly owned by “SIP, Inc.”, which does not match the ownership information listed in the plan Notes. If there is a reason to list former ownership information, please create a separate note elsewhere on the plan.
4. Indicate locations of City water lines on the drawing, if known.

Mr. Lucas concluded his presentation by stating that the Department of Planning and Development recommended that the preliminary major subdivision plan for 1101 East 8th, submitted by VanDemark & Lynch, Inc., on behalf of Street Peninsula Ventures VIII LLC be approved. He clarified that the final approval and recordation of the plan is contingent upon the applicant addressing any comments listed in the Planning Department subdivision report.

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

Ms. Adkins noticed that the subdivision crosses an existing concrete pad. Ms. Askins asked Mr. Lucas if that was a concern. Mr. Lucas said that it should not be a problem, unless they are planning to build a building on the pad. He added that the Zoning Manager did not have any issues with the concrete pad.

Ms. Adkins asked Mr. Lucas to remind her of the setbacks in the waterfront district. Mr. Lucas said that there are no front, side, or rear setbacks. However, there are setbacks from the river which vary in width based on the depth of the lot.

Mr. Baker asked Mr. Lucas to confirm that there are currently no construction plans on this sight. Mr. Lucas confirmed that there are no construction plans for this sight, and that the proposal was a simple land division.

Ms. Washington noted that Mr. Lucas stated that the approval of the site plan is contingent upon the applicant addressing any comments. She asked Mr. Lucas if there was a time frame for this process. Mr. Lucas explained that the applicant, after receiving the Planning Commission’s comments, has three months to address the comments unless the applicant requests an extension to the Director of the Department of Planning and Development.

Mr. Taylor asked Mr. Lucas if there were any publicly accessible utilities on the property. Mr. Lucas said that the sewers lines shown on the site plan fall within East 8<sup>th</sup> Street. Mr. Lucas sated that he was not aware of other utilities on the site. He noted that the site plan was sent to sewer, water, and stormwater engineers, and they had no comments.

Mr. Baker asked the Commission Members if they had any additional comments or questions for Mr. Lucas. There being none, Mr. Baker asked for a motion for Resolution 11-20; MS-20-07: Major Subdivision application from VanDemark & Lynch, Inc., on behalf of Peninsula Ventures VIII LLC, which proposes to subdivide one parcel, located at 1101 East 8th Street, into two parcels. Mr. Hill made a motion to approve Resolution 11-20; MS-20-07. This motion was second by Mr. Taylor. With all Commission Members in favor, Resolution 11-20; MS-20-07 was approved.

**A. ADJOURNMENT **

Mr. Baker called for a motion to adjourn the meeting. Mr. Hill moved to adjourn, and Ms. Washington second the motion. With all Commission Members in favor, the meeting was adjourned at 6:45 p.m.