

**AN ORDINANCE TO APPROVE THE RIVERSIDE PHASE 2 MAJOR SUBDIVISION PLAN OF THE WILMINGTON HOUSING AUTHORITY AND PENNROSE, LLC, AND TO AUTHORIZE THE CITY OF WILMINGTON TO ACCEPT AS A PUBLIC RIGHT OF WAY THE DEDICATION OF A NEW SECTION OF EAST 28<sup>TH</sup> STREET**

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#0035

Sponsor:

Council  
Member  
Oliver

**WHEREAS**, the City of Wilmington is authorized to establish and revise plans of streets and alleys by the provisions of Sections 1-101, 2-306, and 5-400 of the City Charter, such actions to be done in accordance with applicable provisions of State law and Section 42-11 of the City Code; and

**WHEREAS**, the Wilmington Housing Authority and Pennrose, LLC, (the “Applicants”) have requested that: (1) the City approve and adopt the Major Subdivision Plan known as the “Riverside Phase 2,” which subdivides one non-contiguous parcel (Tax Parcel No. 26-030.00-11) into six new parcels (Parcels A, B Part 1, B Part 2, C, D and E), that is attached hereto as Exhibit “A” (the “Plan”) and made a part of this Ordinance by reference; (2) the City accept the dedication by the Applicants to the City of a new section of East 28<sup>th</sup> Street as public right of way dividing Parcel B into Part 1 and Part 2, thereby eliminating a private right of way known as Henderson Drive, with the result of creating a through street for the allowance of traffic circulation between Rosemont Avenue and Edgemoor Avenue; and (3) the new section of 28<sup>th</sup> Street thereafter be added to the Official City Map; and

**WHEREAS**, the Applicants hold title to the street bed beneath the new right-of-way depicted as the new section of 28<sup>th</sup> Street on the Plan, and by the filing of the Plan dedicate it as the right of way for public use under the ownership of the City; and

**WHEREAS**, there are no findings to suggest that acceptance of the proposed right-of-way would be detrimental to the surrounding properties, the public, or public safety; and

**WHEREAS**, the new section of 28<sup>th</sup> Street would be located as depicted on the Plan, and, once built to all City standards and all requirements of the Department of Public Works, it will be conveyed to the City; and

**WHEREAS**, the City Planning Commission has adopted Planning Commission Resolution 21-20, recommending approval of the Applicant's request; and

**WHEREAS**, the City Council deems it necessary and appropriate to approve the Applicant's Plan, to accept the new section of 28<sup>th</sup> Street, and to add it to the Official City Map.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** The Major Subdivision Plan known as the "Riverside Phase 2" is hereby approved as depicted on Exhibit "A" attached hereto.

**SECTION 2.** The acceptance of the Applicants' dedication of the new public right of way to be known a section of East 28<sup>th</sup> Street as depicted on Exhibit "A" attached hereto, is hereby approved.

**SECTION 3.** All City departments are hereby authorized to take any and all necessary actions required for the acceptance of the dedication of the proposed new public right-of-way and, once those actions are completed, to add it to the Official City Map.

**SECTION 4.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading ..... March 4, 2021  
Second Reading ..... March 4, 2021  
Third Reading .....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance approves the Riverside Phase 2 Major Subdivision and authorizes the City to accept the dedication of a new section of East 28<sup>th</sup> Street.

**FISCAL IMPACT:** This Ordinance has no significant anticipated fiscal impact.

# **EXHIBIT A**

**CITY PLANNING COMMISSION  
OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF WILMINGTON  
RESOLUTION 21-20**

**WHEREAS**, the City Planning Commission, under regulations approved by the City's Administrative Board, may provide advice to the Department of Planning and Development during the review of preliminary major subdivision plans; and

**WHEREAS**, Section 2-306 of the Wilmington City Charter and Section 42-11 of the Wilmington City Code requires the City Planning Commission to review all plans for the physical development of the City, including the proposed dedication or relocation of a City-owned street; and

**WHEREAS**, Section 2-3 of the Wilmington City Code delineates the procedure for the naming or renaming of streets, parks, playgrounds, plazas, facilities, buildings, structures, statues, and monuments owned by the City of Wilmington or other lands reserved for public use; and

**WHEREAS**, the Department of Planning and Development has received a major subdivision application from VanDemark & Lynch, Inc., on behalf of Wilmington Housing Authority and Pennrose, LLC, entitled "Riverside Phase 2" which proposes to subdivide one non-contiguous parcel into six new parcels, and to dedicate a new section of East 28<sup>th</sup> Street to the City of Wilmington as a public right of way; and

**WHEREAS**, if preliminary plan approval is granted by the Department of Planning and Development, the final subdivision plan and proposed City street will require approval by City Council Ordinance; and

**WHEREAS**, the site is comprised of one non-contiguous 18.833-acre parcel (tax parcel 26-030.00-011), that falls within the R-5-A (Low Density Apartment Houses) zoning district; and

**WHEREAS**, the proposal is considered a major subdivision because the site is larger than 2.5 acres, occupies more than one full City block, and includes the dedication of a public street; and

**WHEREAS**, the Department of Planning and Development reviewed the proposed 28<sup>th</sup> Street addition and finds that the new street segment will increase traffic circulation and access to public utilities, which will be beneficial to the surrounding area; and

**WHEREAS**, the Department of Planning and Development reviewed the proposed street name of "East 28<sup>th</sup> Street" in accordance with the document entitled, "Guidelines for the Naming and Renaming of Streets", adopted by the City Planning Commission by Resolution 8-92, approved in May of 1992; and

**WHEREAS**, the proposed name meets the Commission's naming guidelines; and

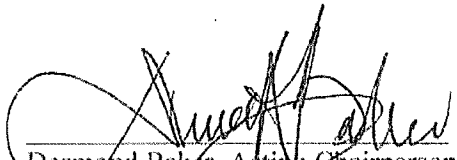
**WHEREAS**, the Department of Planning consulted with other City Departments regarding the proposed name and received no objections; and

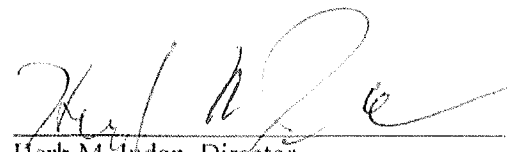
**WHEREAS**, the Department of Planning and Development provided the Planning Commission with a report summarizing its review and findings regarding the application; and

**WHEREAS**, on Monday, November 9, 2020, a public notice of the Planning Commission's meeting agenda was emailed to the recipients of the standard Commission mailing list and posted on the City's website; and

**WHEREAS**, the Commission reviewed the subdivision application and considered the evidence presented at the November 17, 2020 Planning Commission meeting in making its recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Planning Commission recommends the conditional approval of the preliminary major subdivision plan submitted by VanDemark & Lynch, Inc., on behalf of the Wilmington Housing Authority and Pennrose, LLC, entitled, "Riverside Phase 2", which includes the dedication of a new section of East 28th Street to the City of Wilmington as a public right of way.

  
\_\_\_\_\_  
Desmond Baker, Acting Chairperson  
City Planning Commission

  
\_\_\_\_\_  
Herb M. Inden, Director  
Department of Planning and Development

Date: November 17, 2020

Attachment: Department of Planning and Development Report

## MEMORANDUM

**TO:** City Planning Commission

**FROM:** Department of Planning and Development

**DATE:** November 14, 2020

**RE:** **Resolution 21-20; MS-20-11:** Major subdivision application from VanDemark and Lynch, Inc., on behalf of the Wilmington Housing Authority and Pennrose, LLC, which proposes to subdivide one non-contiguous parcel into six new parcels, and to dedicate a new section of East 28th Street to the City of Wilmington as a public right of way.

## EXECUTIVE SUMMARY

The Department of Planning and Development has reviewed the major subdivision application, entitled, "Riverside Phase 2" for a site located at 1300 East 29<sup>th</sup> Street. The plan proposes to subdivide one non-contiguous parcel into six new parcels, and to dedicate a new section of East 28<sup>th</sup> Street to the City of Wilmington. This report evaluates the subdivision plan for its conformance with the City's Regulations Governing the Subdivision of Land, and summarizes the Department's preliminary review, which includes comments provided by other City departments.

This report finds that the application for subdivision substantially meets the City's standards. The Department shall consider any additional evidence and advice given at the meeting of the City Planning Commission prior to issuing its conditional approval or disapproval of the preliminary plan.

If approved by the Department of Planning and Development, the final subdivision plan and proposed City street will require approval by City Council Ordinance.

## FORMAL REQUEST

The City of Wilmington received a request from VanDemark & Lynch, Inc., on behalf of Wilmington Housing Authority and Pennrose, LLC, for the review and approval of a major subdivision plan, entitled, "Riverside Phase 2" which proposes to subdivide one parcel in to six new parcels.

The subdivision plan also proposes the dedication of a new section of East 28<sup>th</sup> Street to be added to the Official City Map. The 50-foot wide, 450-foot long segment of new street is proposed to connect Rosemont Avenue with Edgemoor Avenue, roughly dividing Parcel B in half (into Parcels B Part 1 and B Part 2). The proposed street will be aligned parallel with, and approximately 230 feet east of, East 27<sup>th</sup> Street. It's average distance from Todds lane will be approximately 280 feet.

The proposal is considered a major subdivision and is subject to preliminary review by the Planning Commission because 1.) the site is larger than 2.5 acres (18.833 total site acreage), 2.) the site occupies more than one full City block, and 3.) a portion of the site is proposed to be dedicated as a public street. See **Attachment A** for the Subdivision Plan.

### **ANALYSIS**

The existing non-contiguous subject parcel (tax parcel 26-030.00-011) is generally located between North Claymont Street, Edgemoor Avenue, East 23<sup>rd</sup> Street, and Todds Lane. The site occupies portions of five separate City blocks. The subdivision plan labels these block sections as Parcels A, B, C, D, and E. Parcels B, C, and D each occupy one full City block. The entire site is zoned R-5-A (Low Density Apartment Houses).

#### **Land Use, Access, and Circulation**

The subject parcels are located in an R-5-A (Low Density Apartment Houses) zoning district. The Planning Department has determined that the proposed street dedication is consistent with the City's Comprehensive plan, entitled, *Wilmington 2028: A Comprehensive Plan for Our City and Communities*.

The new section of East 28<sup>th</sup> Street will divide Parcel B in to two new parcels and eliminate the private street known as Henderson Drive. Because the new section of right of way is a through-street, traffic circulation to Rosemont Avenue will be increased, and access to public utilities will be improved. As such, the street dedication will be beneficial to the surrounding area.

#### **Street Name**

The proposed name of "East 28<sup>th</sup> Street" is geographically appropriate and matches the existing City street grid and naming convention. Therefore, the Planning Department finds that the name meets the City Planning Commission's street naming guidelines. See **Attachment B** for the City Planning Commission Guidelines for the Naming and Renaming of Streets.

### **COMMENTS FROM CITY DEPARTMENTS**

The preliminary subdivision plan was circulated to appropriate City departments for review. Comments from the Departments of Public Works and Planning and Development are provided below. The Department of Licenses and Inspections and the Fire Marshal's Office did not have any comments.

#### **Department of Public Works**

##### Transportation Division

1. The Transportation Director reviewed the plans and is in support of the subdivision and street dedication. He requests that Public Works be provided a draft of a site plan for Parcels B Part 1 and B Part 2 which show proposed buildings in relation to the new public right of way.



**Department of Planning and Development**

1. Correct the typo in the plan title from “Edgewood Avenue” to Edgemoor Avenue”.
2. Because both Plan Notes #4 and #5 use the word “parcel” to describe the areas of a single existing parcel as well as six separate newly proposed parcels, it is suggested that, for clarity, the labels in Notes #4 be changed to “Parcel Section A”, etc., and the labels in Notes #5 be changed to “New Parcel A”, etc.

See **Attachment C** for the Subdivision Plan Review Checklist.

**PUBLIC NOTICE**

On Monday, November 9, 2020, a public notice of the Planning Commission’s meeting agenda was emailed to the recipients of the standard Commission mailing list and posted on the City’s website.

**FINDINGS AND RECOMMENDATIONS**

The Department of Planning and Development finds that the Riverside Phase 2 preliminary major subdivision plan substantially meets the requirements for conditional approval as described in Section 102.2 of the City’s Subdivision Regulations.

All formal recommendations to the Department by the City Planning Commission via Resolution 21-20, as well as all comments and advice provided by the Commission at its regular meeting on November 17, 2020, shall be considered by the Department prior to it taking any action to approve or disapprove the preliminary subdivision plan.

If the Department grants conditional approval of the preliminary subdivision plan, approval of the final plan will be subject to the requirements listed in Section 102.3 of the City’s Subdivision Regulations. Since the Riverside Phase 2 subdivision includes the dedication of a City street, the final plan requires approval by City Council Ordinance.

Attachments:

- Preliminary Major Subdivision Plan
- Planning Commission Guidelines for the Naming and Renaming of Streets
- Subdivision Review Checklist
- Draft Resolution 21-20

**Attachment A**  
**Preliminary Subdivision Plan**



**Attachment B**  
**City Planning Commission Guidelines**  
**for the Naming and Renaming of Streets**

WILMINGTON CITY PLANNING COMMISSION  
GUIDELINES FOR THE NAMING AND RENAMING OF STREETS

The proposed naming or renaming of a street is generally recommended when the following conditions are met:

1. The street serves a single property owner who approves of the name.
2. The street serves multiple property owners, a majority of whom support the proposed name.
3. The street will be built and paid for by the developer.
4. The proposed name reflects the history or geography of the area and helps to provide a sense of place.
5. The proposed name is not similar to the name of another street or area where its use may be confusing.
6. The proposed name is geographically appropriate and etymologically sound.
7. The significance of the proposed name is not of the moment and its meaning would be retained over time.
8. The proposed name has been reviewed by the Department of Public Works and any other departments deemed appropriate and has such departments' support.
9. The majority of community or neighborhood residents affected by the naming or renaming approve of the proposed name.
10. The person for whom the street is to be named has retired or is no longer living.
11. The current street name is non-traditional and without meaning, for example, a "lettered" street, e.g., "C" Street.
12. The street to be renamed is not part of a longer continuous street which would retain the original name.
13. The proposed name of the street would not replace a name which is regionally well-known, for example, Delaware Avenue.
14. The existing name of the street is not historical or traditional.

Adopted by City Planning Commission  
Resolution #8-92  
May 19,1992

**Attachment C**  
**Subdivision Plan Review Checklist**

**SUBDIVISION PLAN REVIEW CHECKLIST**

**PLANNING COMMISSION RESOLUTION 21 - 20**

**1. Section 103.0—Design Standards**

Satisfactory  
Not Satisfactory  
Not Required  
Not Applicable

**103.1            Streets**

- (a)    Where new streets are proposed, the street beds must be dedicated to the City, and the arrangement of streets must be acceptable to the Department of Planning and Department of Public Works.
- (b)    Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (c)    Where subdivision abuts or contains an existing or proposed arterial street, provisions must be made to separate through and local traffic.
- (d)    Reserve strips controlling access to streets shall not be provided except where specifically approved.
- (e)    Streets shall be planned to intersect as nearly as possible.
- (f)    The right-of-way width of new streets shall not be less than fifty (50) feet wide.
- (g)    Dead-end street are prohibited.
- (h)    No street names shall be used which will duplicate or be confused with the name of existing streets.
- (i)    Street grades shall be established by the Department of Public Works.

**103.2            Alleys**

- (a)    Alleys shall be provided in commercial and industrial districts.
- (b)    All alleys shall provide for at least two (2) moving lanes of traffic.
- (c)    The design and location of alleys is subject to approval by the Department of Public Works.

**103.3            Utilities, Drainage, and Flood Hazards**

- (a)    Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage.
- (b)    If a subdivision is in a flood prone area, indicate the floodplain designation.
- (c)    Where a subdivision is traversed by a watercourse drainage way, channel, or stream, a drainage right-of-way must be provided.

Satisfactory  
 Not Satisfactory  
 Not Required  
 Not Applicable

- (d) Where any alteration or a watercourse in a riverine situation is proposed, the flood carrying capacity of the watercourse must be maintained.
- (e) When required by the Commission of Public Works, provision shall be made for draining storm water from paved areas into public sewer systems.

**103.4**

**Blocks**

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - (1) Provisions for adequate building sites.
  - (2) Zoning requirements as to lot sizes and dimensions.
  - (3) Needs for conventional access, circulation, control, and safety of street traffic.

**103.5**

**Lots**

- (a) Appropriateness of the lot size, width, depth, shape, and orientation.
- (b) Lot dimensions, setbacks, etc., shall conform to the requirements of the Zoning Ordinance.

**103.6**

**Public Sites and Open Spaces**

- (a) Where a proposed park, playground, school, or other public use shown in the City Comprehensive Development Plan is located in a subdivision, the dedication of that area may be required.
- (b) Where deemed essential by the Department of Planning, the dedication of areas for schools, parks, and other neighborhood purposes may be required.

**2. Section 104.0--Required Improvements**

**104.1**

**Monuments**

- (a) Where monuments need to be installed or replaced as per Public Works standards.

**104.2**

**Streets and Utilities**

- (a) Streets dedicated for public use shall be built to City specifications.
- (b) The applicant shall provide and install sanitary and storm sewers.
- (c) The applicant shall provide and install water pipes.
- (d) Any trees to be planted within the right-of-way streets must be approved.



Satisfactory  
 Not Satisfactory  
 Not Required  
 Not Applicable

- (e) Standard streetlights on public streets shall be furnished by the City.
- (f) Within flood-prone areas, water supply and sanitary sewer systems shall minimize discharge into flood waters.
- (g) Where a plan provides for private ways or other areas owned in common, suitable easements are required.

**3. Section 105.1—Required Drawings and Supplemental Information for Preliminary Plat**

- 105.1**
- (a) Plat must be drawn to convenient scale and include:
    - (1) Boundary lines.
    - (2) Easements
    - (3) Streets on and adjacent to the tract: street width, row width, type of service, width, actual surface elevation(s) legally established center line elevation(s), walks, curbs, gutters, culverts, etc.
    - (4) Utilities on and adjacent to the tract: location, size, and invert elevation of sanitary storm or combined sewers, and drainage structures; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and services, and street lights, etc.
    - (5) Ground elevations on the tract: contour intervals regular, not more than five feet; irregular not more than two feet.
    - (6) Subsurface conditions (if required by Department of Public Works).
    - (7) Water courses, rock outcrops, wooded areas, trees (greater than or equal to one foot in diameter), structures or houses, and other significant features.
    - (8) Directions and gradient of ground slope on adjacent land, including any embankments or retaining walls; nearby non-residential land uses or adverse influences.
    - (9) Level of the base flood (if located in floodplain).
    - (10) Photographs (if required by the Department of Planning).
    - (11) Zoning on and adjacent to tract.
    - (12) Key Plan or location map.
    - (13) Title and certificates.
  - (b) A draft of covenants proposed to regulate land use in the subdivision.
  - (c) Where subdivision of an existing structure under the Unit Property Act is proposed, evidence of compliance with Sections 35-53 and 35-58 of the City Code relating to condominium conversions.