

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, February 22, 2011
10:10 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR

COUNCILMAN DARRELL CLARKE

COUNCILMAN FRANK DiCICCO

COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN WILLIAM K. GREENLEE

COUNCILWOMAN DONNA REED MILLER

BILL 110051 - An Ordinance to amend the
Philadelphia Zoning Maps to provide for
changes to the zoning designations of certain
areas of land located within an area bounded
by Tacony Street, Dark Horse Street, the
Delaware Creek, and Bridge Street...

BILL 110053 - An Ordinance amending the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within the area bounded by Milnor
Street, Levick Street, the Delaware River, and
Robbins Street...

BILL 100720 - An Ordinance amending Title 9 of
The Philadelphia Code, entitled "Regulation of
Businesses, Trades and Professions," and Title
14 of The Philadelphia Code, entitled "Zoning
and Planning"...(HOLD)

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1
2 COUNCILMAN KENNEY: Good
3 morning, ladies and gentleman. The
4 Council Committee on Rules is now in
5 session to hear testimony on two bills.
6 The first is Bill No. 110051, an
7 ordinance to amend the Philadelphia
8 Zoning Maps to provide for changes to the
9 zoning designations of certain areas of
10 land located within an area bounded by
11 Tacony Creek, Dark Horse Street, the
12 Delaware River, Frankford Creek, and
13 Bridge Street, under certain terms and
14 conditions.

15 Let the record reflect that we
16 have a quorum, which consists of
17 Councilmembers Greenlee, Goode, Clarke,
18 DiCicco and Councilman Kenney acting as
19 Chair of the Committee.

20 (Witness approached witness
21 table.)

22 COUNCILMAN KENNEY: Would you
23 please identify yourself for the
24 Committee and proceed with your
25 testimony.

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2 MR. KRAMER: Good morning,
3 Councilman Kenney and members of the
4 Rules Committee. I am William Kramer,
5 Division Director of the Development
6 Planning Division of the Philadelphia
7 City Planning Commission. I am here
8 today to testify on Bill No. 110051,
9 which was introduced by Councilmember
10 Krajewski February 3rd of 2011.

11 Bill No. 110051 amends the
12 Philadelphia Zoning Maps for an area of
13 land bounded by Tacony Creek, Dark Horse
14 Street, the Delaware River, Frankford
15 Creek, and Bridge Street, also known as
16 the Frankford Arsenal site.

17 The purpose of the bill is to
18 adjust the zoning designations for
19 portions of this site that are to be the
20 subject of a land swap. The proposal
21 will transfer a strip of land on the
22 northern boundary of the site to the
23 Arsenal site to allow for commercial
24 development, while a portion of the site
25 along the river will be transferred to

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2 the City for use as additional parkland.
3 The adjustment in property lines
4 necessitates this change in zoning
5 designations from a zoning designation of
6 "REC" Recreational to a zoning
7 designation of "C-3" Commercial.

8 Bill No. 110051 is the first of
9 several bills requiring Council approval
10 in order to facilitate the development of
11 this site as a commercial retail
12 facility, including the authorization of
13 the land swap, streets bills to vacate a
14 street from the City Plan and maintain a
15 right-of-way for water and sewer
16 purposes.

17 The entire Arsenal site
18 originally had a zoning designation of
19 "G-2" General Industrial and was
20 partially rezoned to a zoning designation
21 of "C-3" Commercial via Bill 030068 May
22 15th of 2003. It was also the subject of
23 a small zoning change as per Bill No.
24 060263 approved June 15th, 2006.

25 Bill No. 110051 will not become

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2 effective until the proposed land swap is
3 completed. In that regard, the City's
4 Law Department has asked Section 2 of
5 this bill be amended for technical
6 reasons. I respectfully submit the
7 amendment for your consideration.
8 Additionally, I have been asked to
9 request a suspension of rules of Council
10 so it may have first reading at your next
11 session.

12 The Philadelphia City Planning
13 Commission considered Bill No. 110051 at
14 its meeting of February 15th, 2011.
15 After consideration, the Commission
16 recommended that Bill No. 110051 be
17 approved.

18 This concludes my testimony.
19 I'd be happy to answer any questions you
20 may have.

21 COUNCILMAN KENNEY: Thank you
22 very much, Mr. Kramer.

23 Let the record reflect that
24 Councilmember Donna Reed Miller is also
25 in attendance of the Committee.

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2 Could you describe the
3 amendment, Mr. Kramer?

4 MR. KRAMER: This is a -- the
5 amendment is with regards to technical
6 language on the effective date of the
7 ordinance, changing language to add that
8 the City Solicitor will file a
9 certification with the Clerk of Council
10 that each parcel of land described in the
11 exhibits, in essence that they're going
12 to make certain that the deeds are
13 transferred. So they wanted to put that
14 language in the bill.

15 COUNCILMAN KENNEY: Is there a
16 specific plan for commercial development
17 at this point that you're aware of?

18 MR. KRAMER: I have seen
19 several versions of the plan. It is
20 essentially a suburban shopping kind of a
21 situation with a variety of different
22 uses. There's some question as to who is
23 going to be the tenants. The major
24 tenants that they were talking about is a
25 wholesale club, either a BJ's or a Sam's

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2 Club, one of the two, depending on which
3 one determines some of the layout. There
4 was a strip of stores along the northern
5 boundary of this site that was a variety
6 of different types of uses. There's also
7 talk of a restaurant, also a possible
8 Wal-Mart. But nothing has been firmed
9 that I'm aware of. Their attorney is
10 with us today. Maybe she has something
11 further, but none that I'm aware of.

12 COUNCILMAN KENNEY: Okay.

13 Thank you.

14 Any questions for Mr. Kramer?

15 (No response.)

16 COUNCILMAN KENNEY: Seeing
17 none, thank you very much.

18 Anyone else to testify on this
19 bill?

20 (No response.)

21 COUNCILMAN KENNEY: Thank you.

22 The next bill is Bill No.
23 110053, which is an ordinance amending
24 the Philadelphia Zoning Maps by changing
25 the zoning designations of certain areas

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2 of land located within the area bounded
3 by Milnor Street, Levick Street, the
4 Delaware River, and Robbins Street, all
5 under certain terms and conditions.

6 Please identify yourself for
7 the record.

8 MR. KRAMER: Good morning,
9 Councilman Kenney and members of the
10 Rules Committee. I am William Kramer,
11 Division Director of the Development
12 Planning Division of the Philadelphia
13 City Planning Commission. I am here
14 today to testify on Bill No. 110053,
15 which was introduced by Councilmember
16 Krajewski February 3rd of 2011.

17 Bill No. 110053 amends the
18 Philadelphia Zoning Maps by changing the
19 zoning designations for an area bounded
20 by Milnor Street, Levick Street, Delaware
21 River, and Robbins Street from the
22 existing zoning designation of "C-3"
23 Commercial to a designation of "REC"
24 Recreational.

25 The property known as Lardner

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Point is currently owned by the Philadelphia Water Department and is intended to be developed as the Delaware Riverfront Park. This park will serve as a trailhead for the North Delaware River Greenway and Trail, which will reconnect the Tacony community to the Delaware River. The rezoning will permit the proposed park uses while preserving the land from unwanted development.

Plans for the park include creation of a riverfront trail, seating, picnic areas, a fishing pier, as well as for much of the river's edge to be restored to a natural river edge using plant materials and preserving a tidal wetland. This park is completely designed and all construction funding is in hand. The land will be owned by the City, and the funding sources for the project include the PA Department of Conservation and Natural Resources, the National Oceanic and Atmospheric Administration, and the National Wildlife

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2 Fund.

3 The Philadelphia City Planning
4 Commission considered Bill No. 110053 at
5 its meeting of February 15th, 2011.

6 After consideration, the Commission
7 recommended the bill be approved.

8 This concludes my testimony. I
9 appreciate the opportunity to appear and
10 will answer any questions you may have.

11 COUNCILMAN KENNEY: Thank you,
12 Mr. Kramer. So unlike the last bill,
13 this is just purely a change in
14 designation in order to accommodate a
15 park as opposed to a land swap?

16 MR. KRAMER: Yes.

17 COUNCILMAN KENNEY: Do you know
18 if this has anything to do with this
19 long, ongoing connection on the Delaware
20 River waterfront from south waterfront
21 through the central up into -- is this
22 part of that trail effort?

23 MR. KRAMER: It is part of that
24 trail, yes, sir.

25 COUNCILMAN KENNEY: So at some

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2 point in time, they'll all be connected?

3 MR. KRAMER: That's the hope.

4 COUNCILMAN KENNEY: Any
5 questions for Mr. Kramer?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing
8 none, anyone else to testify on this
9 bill?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing
12 none, this is going to be at record land
13 speed.

14 We will now conclude our public
15 hearing and we'll go into a public
16 meeting.

17 Mr. Kramer had described the
18 amendment to Bill No. 110051. The Chair
19 recognizes Councilmember Greenlee for the
20 motion to approve the amendment.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Chairman. I move that the
23 amendment to Bill No. 110051 be approved.

24 (Duly seconded.)

25 COUNCILMAN KENNEY: It's been

1 2/22/11 - RULES - BILLS 110051/110053

2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN KENNEY: There are
6 none opposed. The amendment has been
7 accepted.

8 The Chair now recognizes
9 Councilmember Greenlee on a motion for
10 the amended bill.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman. I move that Bill No.
13 110051, as amended, be reported out of
14 this Committee with a favorable
15 recommendation and that the rules of
16 Council be suspended to allow for first
17 reading at our next session of Council.

18 (Duly seconded.)

19 COUNCILMAN KENNEY: Moved and
20 seconded.

21 All in favor?

22 (Aye.)

23 COUNCILMAN KENNEY: There are
24 none opposed. Bill No. 110051, as
25 amended, reported out of this Committee

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2 with a favorable recommendation and a
3 rules suspension to allow first reading
4 at our next Council session.

5 The Chair recognizes
6 Councilmember Goode for a motion on Bill
7 No. 110053.

8 COUNCILMAN GOODE: Thank you,
9 Mr. Chairman. I move that Bill No.
10 110053 be reported out of the Committee
11 with a favorable recommendation, that the
12 rules of Council be suspended so as to
13 permit first reading at our next Council
14 session.

15 (Duly seconded.)

16 COUNCILMAN KENNEY: Moved and
17 seconded.

18 All in favor?

19 (Aye.)

20 COUNCILMAN KENNEY: There are
21 none opposed. Bill No. 110053 will
22 report out of this Committee favorably
23 and a request will be made for rules
24 suspension to allow first reading at our
25 next Council session.

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2 Thank you very much for your
3 attendance.

4 (Committee on Rules concluded
5 at 10:20 a.m.)

6 - - -

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on February 22, 2011, and
8 that this is a true and correct transcript of
9 same.

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13
14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
18
19

20 (The foregoing certification of this
21 transcript does not apply to any reproduction
22 of the same by any means, unless under the
23 direct control and/or supervision of the
24 certifying reporter.)
25