

*Wilmington, Delaware
Louis L. Redding
City/County Building
March 3, 2016*

Council met in regular session on the above date at 6:30 p.m., President Theopolis K. Gregory, Sr. presiding.

Invocation was given by Joe Garcia.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

The following members responded to the Call of the Roll: Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera*, Walsh and Wright, and Council President Gregory. Total, twelve. Absent, Council Member Prado.

MINUTES

After reading a portion of the minutes of February 18, 2016, upon a motion of Ms. Walsh, seconded by Mr. Williams/Mr. Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.	X		
Nnamdi O. Chukwuocha	X		
Samuel Prado		X	
Robert A. Williams	X		

February 17, 2016

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 16-005 entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY
CODE BY AMENDING THE BOUNDARIES OF RESIDENTIAL
PARKING AREA “W”

Have given this Ordinance careful study and recommend Council vote on
it accordingly.

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Hanifa Shabazz, Chair
/s/Michael A. Brown, Sr.
/s/Nnamdi O. Chukwuocha
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh/Mr. Williams, the
aforementioned Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.	X		
Nnamdi O. Chukwuocha	X		
Samuel Prado		X	
Robert A. Williams	X		

President and Members of Council of
The City of Wilmington

February 17, 2016

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 16-009 entitled:

AN ORDINANCE TO AMEND CHAPTER 3 OF THE
WILMINGTON CITY CODE RELATING TO THE FEEDING
OF WILD ANIMALS AND WATERFOWL

Have given this Ordinance careful study and recommend Council vote on
it accordingly.

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Hanifa Shabazz, Chair
/s/Michael A. Brown, Sr.
/s/Nnamdi O. Chukwuocha
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Ms. Shabazz, seconded by Mr. Williams/Mr. Freel, the
aforementioned Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Health, Aging & Disabilities Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Robert A. Williams	X		
Darius J. Brown	X		
Charles M. "Bud" Freel		X	
Sherry Dorsey Walker	X		
Justen A. Wright	X		

President and Members of Council of
The City of Wilmington

February 24, 2016

Ladies and Gentlemen:

We, your Health, Aging & Disabilities Committee, met on the above date at 5:00
p.m., Council Member Robert A. Williams presiding. The following items were
discussed:

- A presentation on Teen Dating Violence Awareness and Prevention
- A Presentation on the Swank Foundation Endowed Chair in Memory Care
and Geriatrics
- A Presentation by Home Instead Senior Care
- Discussion about the conditions of Senior High Rises in Wilmington

Respectfully submitted, Members of
Health, Aging & Disabilities Committee
/s/Robert A. Williams, Chair
/s/Darius J. Brown
/s/Sherry Dorsey Walker
/s/Justen A. Wright

Upon a motion of Mr. Williams, seconded by Ms. Walsh/Mr. Freel, the
aforementioned Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Housing, Licenses & Inspections Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Maria D. Cabrera	X		
Darius J. Brown		X	
Samuel Prado	X		
Nnamdi O. Chukwuocha	X		
Hanifa G.N. Shabazz		X	
Sherry Dorsey Walker		X	

President and Members of Council of
The City of Wilmington

Date: March 2, 2016

Ladies and Gentlemen:

We, your **Housing, Licenses & Inspections Committee**, met on the above date at 5:00
p.m., Council Member Maria D. Cabrera presiding. The following item was discussed:

- A presentation on the Provisional Business License update regarding
Nuisance Properties

Respectfully submitted, Members of
Housing, Licenses & Inspections Committee
/s/Maria D. Cabrera, Chair
/s/Samuel Prado
/s/Nnamdi O. Chukwuocha

Upon a motion of Ms. Walsh, seconded by Mr. Williams/Mr. Freel, the
aforementioned Report was received, recorded and filed. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report dated March 3, 2016 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Williams and Mr. Freel, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON March 3, 2016

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 3,396.81
105	Police Pension Account	M & T Bank	\$ 6,412.96
106	Fire Pension Account	M & T Bank	\$ 2,839.22
107	Evidence/Found Currency Account	M & T Bank	\$ 205,927.66
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 1.00
113	Non-Uniform Pension	M & T Bank	\$ 1,252.06
114	Central Deposit	M & T Bank	\$ 64,724.39
117	Cement Workers	Wilmington Savings Fund	\$ 33,471.23
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 36,610.76
130	Payroll	M & T Bank	\$ 190,329.99
131	Pension Payroll Account	M & T Bank	\$ 127,895.66
139	Pension Healthcare Account	M & T Bank	\$ <u>49,815.87</u>
	Total Cash on Hand		\$ 739,819.81

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	03/03/16	0.01%	\$ 1.91	\$ 6,952,741.00
116	General	TD	CD	03/04/16	0.35%	\$ 824.66	\$ 2,000,000.00
116	General ¹	TD	CD	03/15/16	0.39%	\$ 17,019.15	\$ 15,169,686.00
110	Capital	WSFS	CD	03/15/16	0.35%	\$ 12,492.98	\$ 14,476,000.00
116	General	WSFS	CD	03/18/16	0.40%	\$ 1,227.40	\$ 2,000,000.00
110	Capital	TD	CD	03/18/16	0.38%	\$ 12,389.05	\$ 10,000,000.00
110	Capital ²	TD	CD	03/18/16	0.30%	\$ 1,329.21	\$ 1,540,195.00
116	General	TD	CD	03/25/16	0.50%	\$ 1,191.78	\$ 1,500,000.00
116	General	WSFS	CD	04/01/16	0.40%	\$ 1,012.60	\$ 2,200,000.00
116	General	TD	CD	04/01/16	0.30%	\$ 772.61	\$ 1,000,000.00
116	General	TD	CD	04/08/16	0.50%	\$ 1,277.78	\$ 2,000,000.00
116	General	TD	CD	04/08/16	0.43%	\$ 1,007.26	\$ 1,500,000.00
116	General	WSFS	CD	04/15/16	0.40%	\$ 876.71	\$ 1,600,000.00
116	General	TD	CD	04/29/16	0.50%	\$ 3,888.89	\$ 4,000,000.00
110	Capital	WSFS	CD	05/20/16	0.40%	\$ 19,945.20	\$ 10,000,000.00
116	General	TD	CD	06/01/16	0.55%	\$ 4,262.50	\$ 3,000,000.00
514	Risk Management	WSFS	CD	07/11/16	0.40%	\$ 22,805.15	\$ 5,670,097.05
515	Worker's Comp	WSFS	CD	07/11/16	0.40%	\$ 22,805.15	\$ 5,670,097.05
110	Capital	WSFS	CD	11/18/16	0.50%	\$ 99,726.02	\$ 20,000,000.00
104	Escrow Pension	Affinity Wealth					\$ 1,430,488.00
104	Escrow Pension	Vanguard					\$ 39,554,151.00
104	Escrow Pension	Black Rock					\$ 24,889,518.00
104	Escrow Pension	Edgar Lomax					\$ 21,320,925.00
104	Escrow Pension	Wilmington Trust					\$ 44,801,971.00
104	Escrow Pension	Manning & Napier					\$ 9,795,813.00
104	Escrow Pension	Earnest Partners					\$ 16,432,823.00
104	Escrow Pension	GMO					\$ 11,063,942.00
104	Escrow Pension	MFS Management					\$ 21,514,233.00
104	Escrow Pension	American Funds					\$ 9,411,802.00
139	Medical Escrow	Black Rock-OPEB					\$ 13,587,084.00
116	Deferred Comp.	MassMutual					\$ 38,429,244.00
	Total Investments						\$ 362,510,810.10
	Total Cash on Hand						\$ 739,819.81
	Grand Total						\$ 363,250,629.91

¹ Budget Reserve

² SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

Upon a motion of Ms. Walsh, seconded by Mr. Williams, the following non-legislative resolutions were accepted into the record and motion prevailed:

All Council	Congratulate Alexis I. duPont Middle School Tigers
All Council	Sympathy Harry Francis Manelski
D. Brown	Recognize Penn Ketchum (Penn Cinema)
Gregory	Welcome Wilmington District of the Delaware Conference of the A.M.E.C.
Gregory	Sympathy Sandra D. Lemons
Shabazz	Sympathy Kenneth D. Sharpe
Dorsey Walker	Congratulate Eagle Scout Allen J. Kindschy
Wright	Recognize Reverend Lavina Smith – 10 th Anniversary
Wright	Retirement Robert Thomas
Wright	Welcome Delaware State Funeral Directors Association

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President, thank you.

President Gregory: Mr. Congo.

Mr. Congo: Yes Mr. President, I move that Council dissolve into the Committee of the Whole for the purpose of holding a public hearing on Baynard Boulevard Neighborhood Comprehensive Plan.

Upon a motion of Mr. Congo, seconded by Ms. Walsh/Mr. Williams, Council dissolved into the Committee of the Whole for the purpose of having two public hearings. Motion prevailed.

*Note: At this time, Ms. Cabrera was marked present and reflected in the minutes herein (Roll Call).

PUBLIC HEARING

**PROPOSED AMENDMENTS TO THE NEIGHBORHOOD
COMPREHENSIVE DEVELOPMENT PLAN FOR THE BAYNARD BOULEVARD
ANALYSIS AREA AND AN ORDINANCE TO REZONE A PORTION OF THE
BLOCK GENERALLY BOUNDED BY TATNALL STREET, CONCORD AVENUE,
MARKET STREET AND 20TH STREET FROM R-3 (ONE FAMILY ROW HOUSES)
AND C-1 (NEIGHBORHOOD SHOPPING) TO R-5A1 (APARTMENT HOUSE
LOW-MEDIUM DENSITY) (ORD. 16-003)**

The City Clerk read both Affidavits of Publications. Upon a motion of Mr. Congo, seconded by Mr. Williams, the Affidavits of Publications was made a part of the record and is on file in the City Clerk's Office. Motion prevailed.

The City Clerk read the Planning Commission Report. Upon a motion of Mr. Congo, seconded by Ms. Walsh, the Planning Commission Report was made a part of the record. Motion prevailed.

Note: The Planning Commission Report was added into the record and is attached herein as an insert from Page 9 through Page 44.

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DENNIS P. WILLIAMS
MAYOR

City of Wilmington
Delaware

LOUIS L. REDDING - CITY/COUNTY BUILDING
800 FRENCH STREET
WILMINGTON, DELAWARE
19801-3537
WWW.WILMINGTONDE.GOV



December 16, 2015

The Honorable Maribel Seijo, City Clerk
Louis L. Redding City/County Building
800 N. French Street
Wilmington, DE 19801

Dear Ms. Seijo:

Attached for City Council's consideration are Planning Commission Resolutions 10-15 and 11-15, along with the related Department of Planning analyses. At their December 15, 2015 meeting, the Planning Commission voted to recommend the following measures to City Council:

1. **Resolution 10-15:** Proposed amendments to the Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area to amend the Proposed Land Use Map (Map H) from "Public/Quasi Public or Institutional" land use to "Medium Density" land use and to amend the Proposed Zoning Map (Map I) from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density).
2. **Resolution 11-15:** A proposal to rezone a portion of the block generally bounded by Tatnall Street, Concord Avenue, Market Street and 20th Street from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density). Zoning Referral 541-15.

This constitutes the report and recommendations of the Mayor's Office on the above referrals.

Sincerely,

A handwritten signature in cursive script, reading "Gwineth Kaminsky".

Gwineth Kaminsky, Planning Manager
Department of Planning and Development

Attachments

cc: Honorable Members of City Council
Romain Alexander
Tanya Washington
Leonard Sophrin
Michael P. Migliore
Anthony J. Hill
Kalila Hines

**CITY PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF WILMINGTON
RESOLUTION 10-15**

WHEREAS, Section 5-600(a) of the City Charter provides that modifications to the Comprehensive Development Plan may be made by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution; and

WHEREAS, the existing Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area (“Plan”) was adopted by City Council in 1957 and last amended on November 20, 2014; and

WHEREAS, the property identified as the Cathedral Church of St. John (“Cathedral”), being tax parcel numbers 26-022.30-302, 26-022.30-278, 26-022.30-300 and 26-022.30-301, which is generally bounded by Tatnall Street, Concord Avenue, Market Street and 20th Street, has been designated for “Public/Quasi Public or Institutional” land use on Map H in the Plan; and

WHEREAS, Map I of the Plan also designates this site for R-3 and C-1 zoning which provides for one family row houses and neighborhood shopping; and

WHEREAS, the Ministry of Caring has proposed to redevelop the Cathedral property into affordable housing for senior citizens; and

WHEREAS, the land use and zoning classifications provided in the Plan for this site are proposed to be amended; and

WHEREAS, Map H of the Plan is proposed to be amended from the existing “Public/Quasi Public or Institutional” land use classification to “Medium Density” land use; and

WHEREAS, the Cathedral’s location at the intersection of two major corridors, North Market Street and Concord Avenue, can support the “Medium Density” land use classification, which is consistent with the density of development along the corridors and will also serve as a buffer for the single family row home development in the surrounding neighborhoods; and

WHEREAS, Map I of the Plan is proposed to be changed to reflect R-5A1 zoning, which permits apartment houses of low to medium density; and

WHEREAS, this zoning supports the development of garden style apartments as proposed by the Ministry of Caring; and

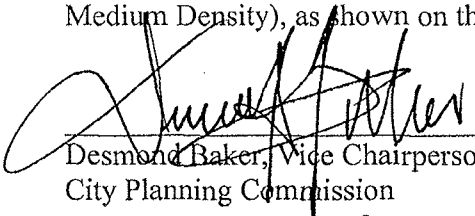
WHEREAS, the proposal calls for the adaptive reuse of the Cathedral Church of St. John and the Bishop’s House which directly supports the development objectives of the Greater Brandywine Village Urban Renew Plan; and

City Planning Commission
December 15, 2015
Resolution 10-15

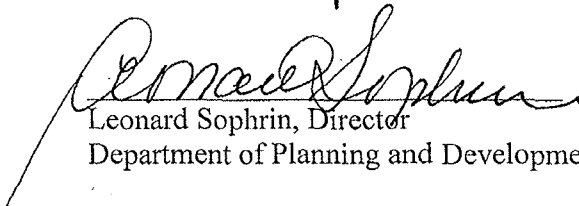
WHEREAS, the Commission has considered the analysis prepared by the Planning Department along with other evidence presented at the December 15, 2015 Planning Commission meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Commission recommends that the proposed amendments to the Baynard Boulevard Neighborhood Comprehensive Development Plan, Proposed Land Use Map (Map H), which would change the proposed land use designation of the Cathedral Church of St. John, constituting tax parcel numbers 26-022.30-302, 26-022.30-278, 26-022.30-300 and 26-022.30-301, from "Public/Quasi Public or Institutional" to "Medium Density", as shown on the attached map, be approved.

FURTHER RESOLVED, that the Commission recommends that the proposed amendments to the Proposed Zoning Map (Map I), which would change the proposed zoning from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density), as shown on the attached map, be approved.













Desmond Baker, Vice Chairperson
City Planning Commission




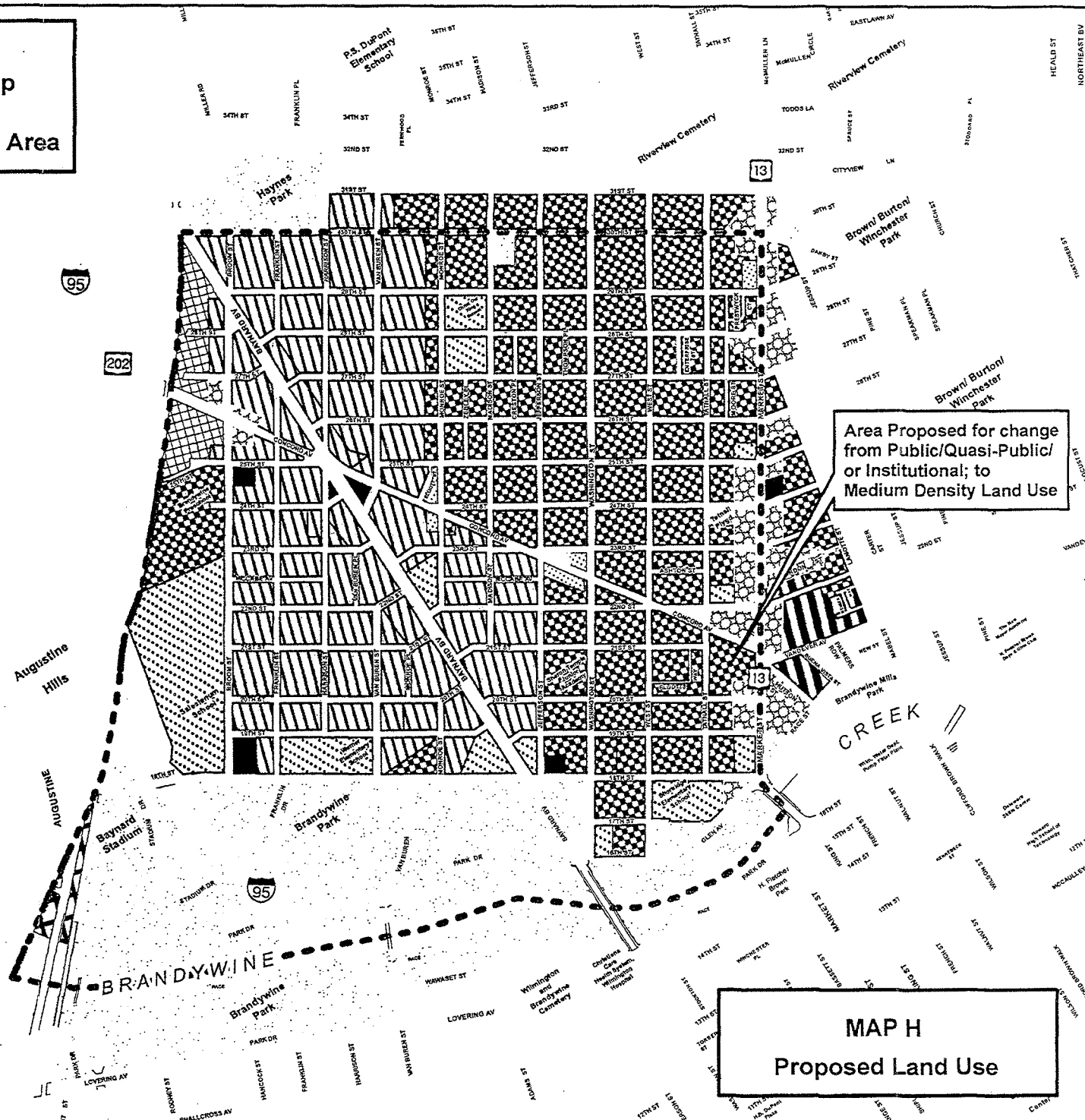
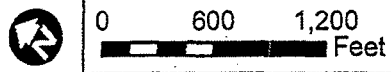
Leonard Sophrin, Director
Department of Planning and Development

Date: December 15, 2015
Attachment

Resolution 10-15
Proposed Land Use Map
December 2015
Baynard Boulevard Analysis Area

-  Secondary Office Centers
-  Secondary Business Centers
-  Medium Low Density
-  Medium Density
-  High Density
-  Neighborhood Shopping
-  General Commercial
-  Public/Quasi-Public or Institutional
-  Light Industrial
-  Parkland/Open Space

 Analysis Area Boundary



MAP H
Proposed Land Use

Resolution 10-15
Proposed Zoning Map
December 2015
Baynard Boulevard Analysis Area

RESIDENTIAL

- R-1 ONE FAMILY DETACHED DWELLINGS
- R-2 ONE FAMILY SEMI-DETACHED DWELLINGS
- R-2A RESIDENTIAL
- R-3 ONE FAMILY ROW HOUSES
- R-4 ROW HOUSES WITH CONVERSIONS
- R-5A APARTMENT HOUSE LOW DENSITY
- R-5A1 APARTMENT HOUSE LOW-MEDIUM DENSITY
- R-5B APARTMENT HOUSE MEDIUM DENSITY
- R-5C APARTMENT HOUSE HIGH DENSITY

COMMERCIAL

- C-1 NEIGHBORHOOD SHOPPING
- C-1A NEIGHBORHOOD COMMERCIAL
- C-2 SECONDARY BUSINESS CENTERS
- C-2A SECONDARY OFFICE CENTERS
- C-3 CENTRAL RETAIL
- C-4 CENTRAL OFFICE
- C-5 HEAVY COMMERCIAL
- C-6 SPECIAL COMMERCIAL

MANUFACTURING & INDUSTRIAL


- M-1 LIGHT MANUFACTURING
- M-2 GENERAL INDUSTRIAL

SPECIAL PURPOSE

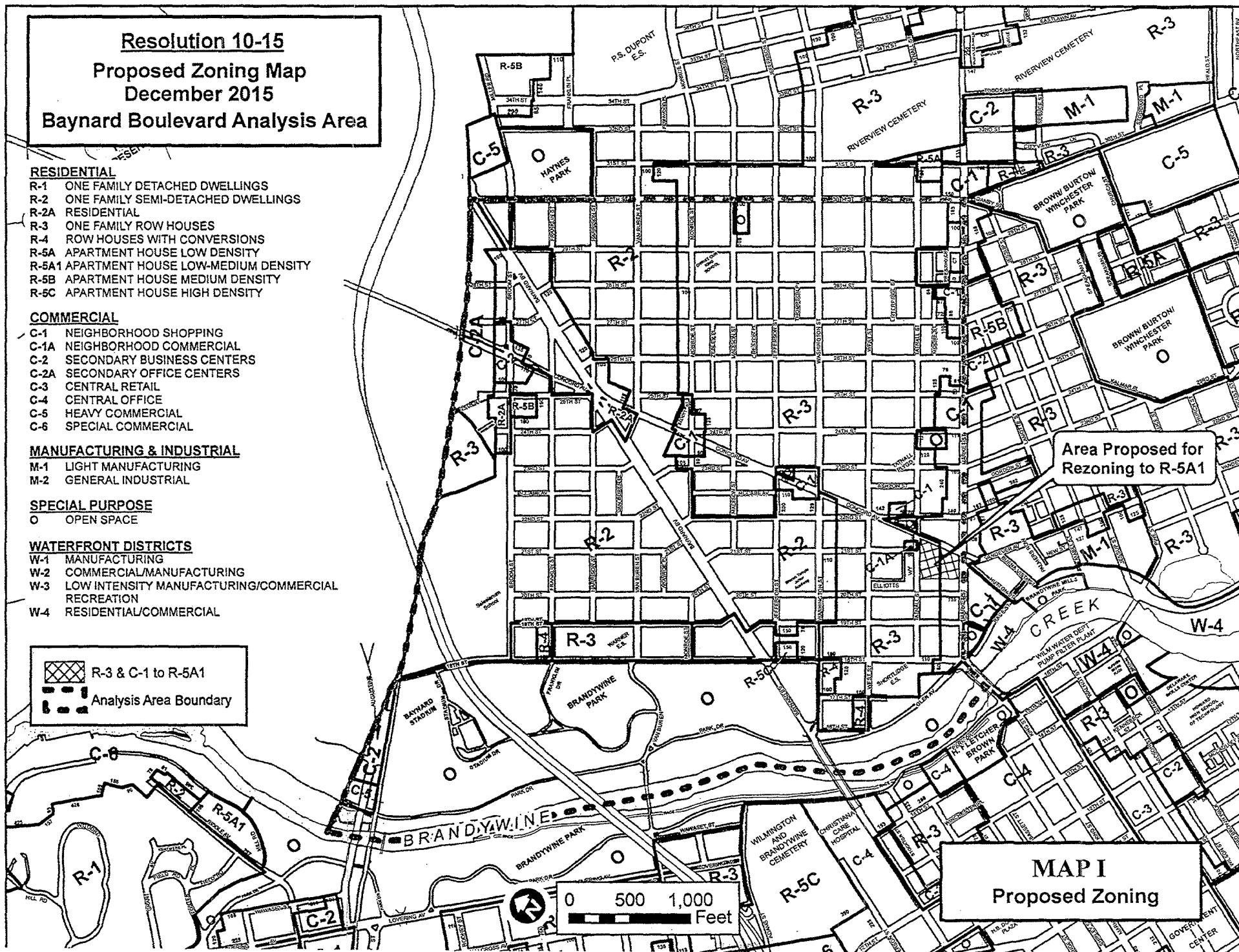
- O OPEN SPACE

WATERFRONT DISTRICTS

- W-1 MANUFACTURING
- W-2 COMMERCIAL/MANUFACTURING
- W-3 LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION
- W-4 RESIDENTIAL/COMMERCIAL

 R-3 & C-1 to R-5A1

 Analysis Area Boundary



**CITY PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF WILMINGTON
RESOLUTION 11-15**

WHEREAS, Article II, Section 48-51 of the Wilmington City Code provides for amendments by City Council to Chapter 48 of said Code, including amendments to the Official Building Zone Map; and

WHEREAS, the City Planning Commission is authorized to review proposed zoning amendments and make recommendations to City Council; and

WHEREAS, the Ministry of Caring has requested a change in zoning classification for the Cathedral Church of St. John, being tax parcel numbers 26-022.30-302, 26-022.30-278, 26-022.303-00 and 26-022.303-01, from C-1 (Neighborhood Shopping) and R-3 (One Family Row House) to R-5A1 (Apartment House Low-Medium Density); and

WHEREAS, the existing R-3 zoning provides for single-family row house development and the C-1 provides for retail and service based neighborhood shopping; and

WHEREAS, the proposed R-5A1 (Apartment House Low-Medium Density) zoning supports garden style apartments to a height of 5 stories, with a density of development which, although it does not limit the number of apartments, it is controlled through building setbacks and floor area ratio requirements and also provisions that the development meet certain conditions for landscaping and screening on the site; and

WHEREAS, the R-5A1 is also designed to buffer single family districts from more intensive uses that often exist along major corridors; and

WHEREAS, one family districts exist to the west, south and north of the development site, with commercial development along North Market Street to the east; and

WHEREAS, the Cathedral's location at the intersection of two major corridors, North Market Street and Concord Avenue, supports the level of density permitted under the R-5A1 zoning category; and

WHEREAS, the rezoning is consistent with the Comprehensive Development Plan for the Baynard Boulevard Analysis Area, as amended by the Commission in Resolution 10-15 to change the land use classification for the Cathedral property from "Public/Quasi Public or Institutional" to "Medium Density" residential on Map H, Proposed Land Use Map, and the zoning on Map I from R-3 and C-1 to R-5A1; and

City Planning Commission
December 15, 2015
Resolution 11-15

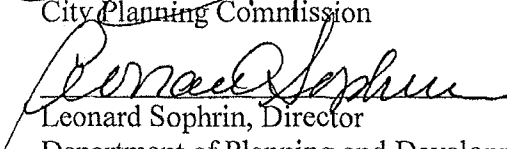
WHEREAS, a public notice was sent to the owners of properties and other interested parties within the area proposed for rezoning and the Planning Commission's agenda was posted in the lobby of the Louis L. Redding City/County Building and mailed to the standard Commission mailing list recipients on December 8, 2015; and

WHEREAS, the Planning Commission considered the analysis prepared by the Planning Department and other information entered into the public record at the public hearing held on December 15, 2015 when making their determination.

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Commission recommends that the Cathedral Church of St. John property, being tax parcel numbers 26-022.30-302, 26-022.30-278, 26-022.30-300 and 26-022.30-301, be rezoned from C-1 (Neighborhood Shopping) and R-3 (One Family Row Houses) to R-5A1 (Apartment House Low-Medium Density) in accordance with the Neighborhood Comprehensive Development Plan for Baynard Boulevard, as amended by Commission Resolution 10-15.

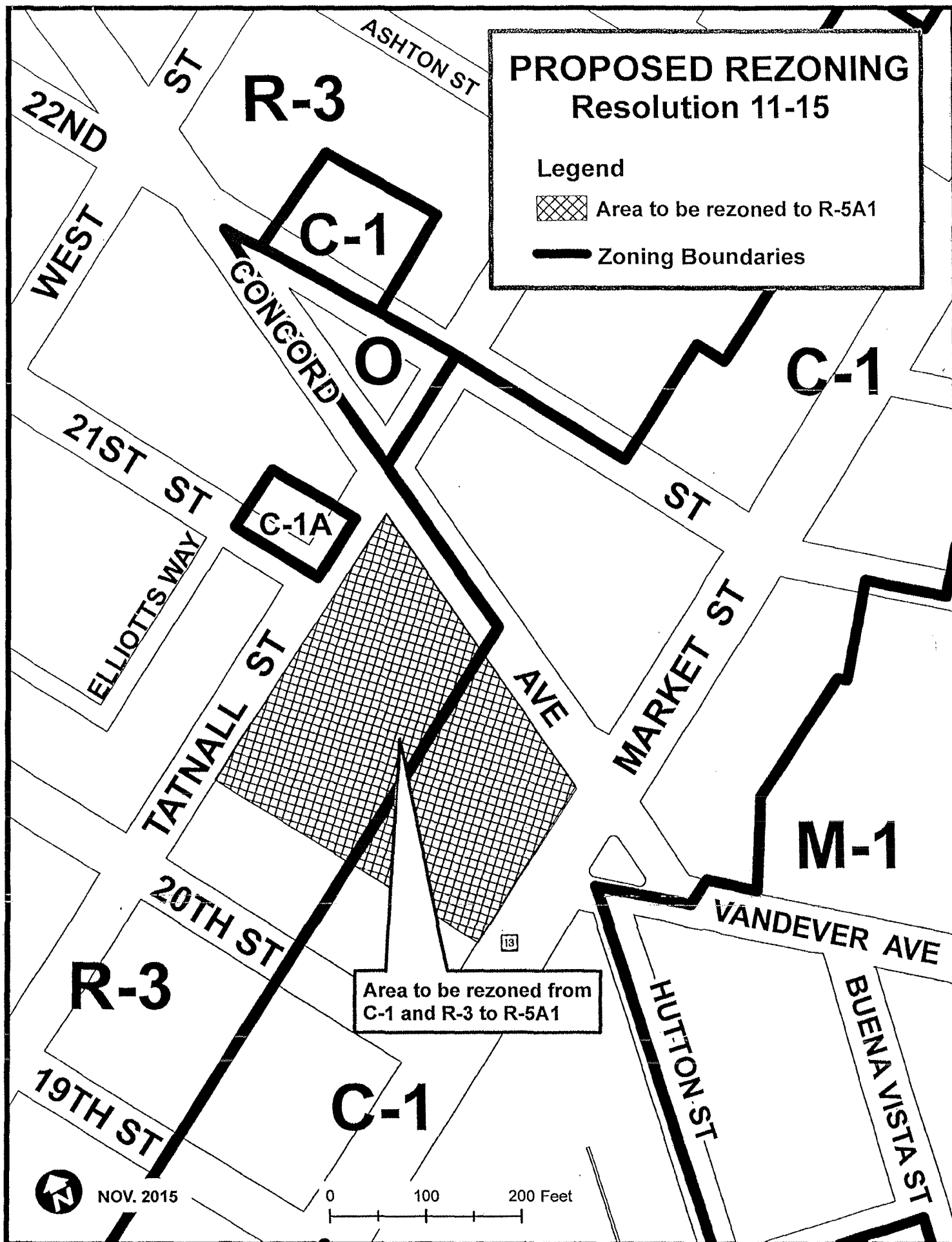


Desmond Baker, Vice Chairperson
City Planning Commission



Leonard Sophrin, Director
Department of Planning and Development

Date: December 15, 2015
Attachment



MEMORANDUM

To: City Planning Commission

From: Department of Planning

Date: December 15, 2015

Re: **Resolution 10-15:** Proposed amendments to the Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area to amend the Proposed Land Use Map (Map H) from “Public/Quasi Public or Institutional” to “Medium Density,” to change the land use classification; and to amend the Proposed Zoning Map (Map I) from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density).

Resolution 11-15: A proposal to rezone a portion of the block generally bounded by Tatnall Street, Concord Avenue, Market Street and 20th Street from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density). Zoning Referral 541-15.

SPONSOR

Ernest “Trippi” Congo II, Council Member 2nd District

BACKGROUND/PURPOSE

On September 28th, 2015 the Ministry of Caring submitted an application to the Wilmington City Clerk’s Office to rezone the property located at 2019 North Market Street and 2020 North Tatnall Street from the current C-1 (Neighborhood Shopping) and R-3 (One Family Row Houses) zoning classifications to R-5A1 (Apartment House Low-Medium Density). The initial application included only two of the four parcels that encompass the site, but subsequent discussions with the applicant correctly identified the four parcels subject to the rezoning, which are included in this analysis. The revised proposal includes 2019 North Market Street (Parcel Number 26-022.30-302), 2020 North Tatnall Street (Parcel Number 26-022.30-278), 2011 North Market Street (Parcel Number 26-022.30-300) and 2013 North Market Street (Parcel Number 26-022.30-301). These four parcels are commonly known as The Cathedral Church of St. John (“Cathedral”). See Attachment A.

The Cathedral was active until it ceased operations on the site in 2012, although the Bishop’s House located at 2020 North Tatnall Street continued to be used as offices for the Protestant Episcopal Diocese of Wilmington (“Diocese”) until July of 2014. At the current time both the Cathedral and Bishop’s House are vacant. A commercial nursery school is currently operational on the site, leasing the property at 2013 North Market Street.

The Ministry of Caring has entered a purchase agreement with the Diocese contingent upon, among other things, the rezoning of the property to permit the development of affordable housing for senior citizens. The Ministry of Caring is proposing to develop 53 apartments for mixed income senior citizens 62 years and older. The project includes the adaptive reuse of both the Cathedral, which will include 12 proposed apartments, (four 2 bedroom and eight 1 bedroom units) and the Bishop's House, which will include 5 proposed apartments, (four 1 bedroom and one 2 bedroom unit). In addition, construction of a new three-story apartment building along the southern edge of the property is proposed, which will include 36 one bedroom units. A dining area and café together with other supporting spaces will be located in the Cathedral building and will be available to the residents and their guests.

In addition, nine parking spaces will be provided on the Cathedral site, accessed from Tatnall Street, and an additional 44 spaces will be located across the street from the Cathedral at 1 Concord Avenue.

COMPREHENSIVE DEVELOPMENT PLAN

The Comprehensive Development Plan for the Baynard Boulevard Analysis Area, ("Plan"), was first adopted in 1957, updated in 1983, and further amended in 1992 and 1993. The 1993 amendment included revisions to the Proposed Land Use Map to amend the block bounded by Concord Avenue, West Street, 20th Street and Tatnall Street from a mix of general commercial and medium density residential land uses to medium density residential and low density commercial land uses. These amendments were in response to the changing characteristics of that block. The block was formerly occupied by the Tecot Electric Company, which closed. The property was developed into Elliot's Way, a row house community of 33 homes.

In 1996, in response to a Planning Department initiative to reevaluate the North Market Street corridor for smaller scale shopping, the Plan was amended. The goals of the initiative included improving the area through development controls which encouraged compatibility of the commercial uses with the adjacent residential neighborhoods. The controls included encouraging smaller scale neighborhood retail shops and personal services, and reducing business hours of operation to eliminate late night activity. This amendment changed the land use classification from "General Commercial" to "Neighborhood Shopping" along the west side of North Market Street from 19th to 25th Streets and a small area located at the corner of 18th Street and North Park Drive.

More recently, the Plan was the subject of an update resulting from a two year planning effort involving the community and the Baynard Boulevard/Concord Avenue Working Group. This effort included evaluating neighborhood conditions and resulted in recommendations to update the Proposed Land Use and Proposed Zoning maps in the plan as well as to rezone five areas within the analysis area.

Proposed Amendments

The Plan is proposed to be amended to change the proposed land use classification for the Cathedral site from “Public/Quasi Public or Institutional” to “Medium Density” residential land uses. This proposed land use classification provides sufficient density to support the proposed residential facility, which would not be accommodated under the existing Public/Quasi Public Institutional land use identified in the plan. Medium density residential land use also serves as a buffer between surrounding low-medium density residential areas and the North Market Street corridor.

The Plan is also proposed to be amended to change the proposed zoning for this site from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density). These zoning districts support and are consistent with the proposed land uses.

Resolution 10-15 recommends that the Comprehensive Development Plan for the Baynard Boulevard Analysis Area, Proposed Land Use Map (Map H), be amended to change the land use classification from “Public/Quasi Public or Institutional” to “Medium Density,” and to amend the Proposed Zoning Map (Map I) from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density). See Attachments B and C.

ZONING HISTORY

The most recent rezonings within the Analysis Area occurred as a result of the update to the Baynard Boulevard Analysis Area Comprehensive Development Plan that was completed in 2014 by the Department of Planning. This work occurred in conjunction with the working group which was comprised of citizens from the Baynard Boulevard Analysis Area. These rezonings focused on existing residential sections of the neighborhood and the commercial section of the neighborhood along North Market Street.

The following summarizes the zoning actions that have been initiated within the Baynard Boulevard Analysis Area. Many of the proposed rezoning requests have been in response to specific redevelopment challenges or opportunities targeting different areas within the Analysis Area. Except for the most recent update in 2014, there has been little activity in the area since the Plan was updated in 1993.

- 280-83O:** West 22nd, West 24th, West and Madison Streets, to decrease the size of C-1 district, C-1 to R-3 and R-4. CPC Res. 13-83, Ordinance 83-022.
- 315-84D:** Market Street, Concord Avenue, Riverview Cemetery, West Street, and 31st Street, R-5-B, R-4, C-2, and C-1 to R-3, R-5-A, and C-1 to implement the Baynard Boulevard Plan. CPC Res. 49-84, Ordinance 84-158.
- 316-84D:** Van Buren Street, 19th Street, Tatnall Street, and Brandywine Park, R-5-B, and R-5-C to R-2, R-2-A, R-3, and R-4 to implement the Baynard Boulevard Plan. CPC Res. 1-84, Ordinance 85-031.
- 317-84D:** North Broom Street, West 25th Street, North Harrison Street, and West 23rd Street, R-2-A to R-2, to implement the Baynard Boulevard
- 320-85R:** 2300 and 2400 blocks of North Harrison Street and 702 West Street, from R-2-A to R-2. CPC Res. 3-85, Ordinance 85-030.
- 321-85D:** 2501 North Market Street from R-5-B to C-1. CPC Res. 6-85, Ordinance 85-020.
- 326-85D:** Warner School, 18 and 19th by Van Buren Streets; 1800 block of North Franklin Street from R-5-B to R-3 and R-4. CPC Res. 20-85, Ordinance 85-103.
- 329-85R:** Baynard Boulevard City Historic District. CPC Res. 27-85, Ordinance 85-101.
- 334-86R:** Certain blocks along Baynard Boulevard and adjacent streets between West 19th Street and Concord Avenue from R-2-A to R-2. CPC Res. 1-86, Sub. #1 to Ordinance 85-125. (See also 340-86).
- 340-86P:** Baynard Boulevard, specifically the west side of the 1900 block, 2001 to 2005 and 2401 and the east side of the 2300 and 2400 blocks from R-2-A to R-2. CPC Res. 11-86, Ordinance 86-026.
- 381-88P:** David Baldo, 18th Street, Washington Street, 19th Street and Jefferson Street, R-2-A to R-4. CPC Res. 28-88, Ordinance 88-054, PASSED by Commission and Council.
- 397-89R:** Rezoning part of the block bounded by 27th, 28th, Market and Moore Streets from C-1 to R-3; and part of the block bounded by 28th, 29th, Market and Moore from C-1 to R-5-B. CPC Res. 23-89, Ordinance 89-067, PASSED by Commission and Council.

- 424-93D:** A proposal to rezone the properties at 2101 – 2105 Tatnall Street from C-2 to a low intensity commercial district (C-1 or C-1-A). CPC Resolution 3-93, Substitute #1 to Ordinance 93-003, PASSED by Commission and Council (6/3/93).
- 444-96:** Zoning Referral 444-96; Resolution 10-96: A proposal to change the zoning classification of two areas of North Market Street that are currently zoned C-2 (secondary business centers), and that are located between the Brandywine River (creek) and 26th Street, and between 29th Street and Todds Lane, respectively, to the C-1 (neighborhood shopping zoning classification) (Resolution 10-96). PASSED by Commission and Council.
- 540-14** Zoning Action 540-14; A proposal to rezone five areas within the Baynard Boulevard Analysis Area. CPC Resolution 7-14, Ordinance 14-045, PASSED by Commission and Council. **Area 1:** Baynard Blvd (North of Concord Avenue). **Area 2:** Monroe Street, Jefferson Street, Concord Avenue and 22nd Street. R-2A to R-2. **Area 3:** Monroe Street, Jefferson Street, Concord Avenue and 22nd Street. R-3 to R-2. **Area 4:** Tatnall Street, Market Street, 28th Street and 29th Street. R-5B to R-3. **Area 5:** Market Street, Mid-Block between 29th and 30th Street, Mid-Block between Market and Tatnall Street and 29th Street. R-5B to C-1

EXISTING LAND USE

Cathedral Site (Cathedral, Bishop's House, Nursery School, Parking)

The subject property is located at the southwest corner of the intersection of Concord Avenue and North Market Street. The property is generally bounded by Tatnall Street to the west, Concord Avenue to the north, Market Street to the east and the property boundaries of the homes along 20th Street to the south.

The Cathedral site includes the Cathedral Church of St. John, which is located along Concord Avenue and the Bishop's House, located along Tatnall Street. Both structures are currently vacant. A curb cut exists along Tatnall Street with a small driveway and parking area. In addition to the Cathedral and Bishop's House, there is another building in the cathedral complex which is located on the southeast corner of the site, fronting on Market Street, which is currently leased to a commercial nursery school.

Adjacent/Surrounding Land Use

The surrounding land uses include single-family row homes directly to the south of the site along West 20th Street. To the west, along Tatnall Street, are three-story rowhomes and the Elliot's Way development of three story homes. To the north, across Concord Avenue is an existing open space for storm water management located on the northwest corner of Concord Avenue and

North Market Street. In addition, a parking lot which served the Cathedral is located to the west of this open space. Directly behind the parking lot on North Tatnall Street is City of Wilmington Fire Station Number 4, at 2200 North Tatnall Street. To the east of the subject site is North Market Street which includes a variety of small shops with general commercial and institutional uses interspersed along the corridor. At the corner of 18th and Market Street is the Wilmington Senior Center and institutional land uses near 22nd and 25th Streets. Vandever Avenue includes a mix of both single-family homes, corner commercial and institutional uses, such as churches, the Wilmington Job Corps Center and Habitat for Humanity located along Hutton Street, directly south of Vandever Avenue.

Several apartment buildings are within the vicinity of the Cathedral site. These include the eight story condominiums along Superfine Lane, Crestview Apartments at 2700 North Market Street and the Baynard Apartments at 309 West 18th Street. The surrounding neighborhoods including Brandywine Village, North Brandywine Village, Washington Heights and Prices Run are largely developed with single-family two and three story row homes with some conversions to apartment houses.

PROPOSED LAND USE

Low to medium density residential uses are being proposed on the site, along with parking. The Cathedral and Bishop's House will be adaptively reused for apartments, and in addition a three story apartment building is also being proposed to be developed on the site. Lastly, parking spaces will be provided on the Cathedral site, accessed from Tatnall Street, and an additional 44 spaces will be located across from the Cathedral in a lot at 1 Concord Avenue.

ZONING

Current Zoning

The Cathedral site is currently zoned R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping). The C-1 zoning classification is located on the eastern portion of the property along Market Street. Both R-3 and C-1 permit the current cathedral and low density residential uses. C-1 zoning is also consistent for large portions to both the east and west sides of North Market Street between 19th to 25th Street. The western portion of the subject property along Tatnall Street is zoned R-3. This R-3 zoning is consistent with the majority of the residential neighborhoods further to the west and northwest of the subject site heading into Wilmington's Ninth Ward, Prices Run, and the residential sections of Brandywine Village.

The zoning in the surrounding area also includes a small section of C-1A zoning at the corner of 21st and Tatnall Streets, which accommodates a small office building located in a former residence. In addition, there are several small pockets of “O” Open Space located at both Concord Avenue and Tatnall Street and Concord Avenue and Madison Street.

R-3 (One Family Row Houses)

The R-3 zoning category (One Family Row Houses) is designed to encourage the development of one family row houses limited to three stories and also permits institutional uses such as schools, community centers and hospitals. Under the R-3 classification row houses are permitted to be developed in groups of ten or fewer. The R-3 district also permits any use permitted in the R-1 (One Family Detached Dwellings), and R-2 (One Family Semidetached Dwellings) districts. Under R-1, daycares (with restrictions), churches, low-intensity home occupations and group homes (Type I) are permitted as a matter-of-right. Under R-2, single-family semi-detached, municipal fire house, police station, private art galleries and museums are examples of uses permitted as a matter-of-right.

C-1 (Neighborhood Shopping)

The C-1 zoning category (Neighborhood Shopping) is designed to encourage the development of neighborhood shopping with minimal impacts to adjoining residential developments. In the C-1 zone permitted uses include the conversion of three story buildings housing two families for the use of more than two families (with restrictions), retail store or shop, laundromat, office, restaurant, parking, public or private garage, private club or lodge and municipal police stations. The C-1 district also permits any use permitted in the R-4 district (Row Houses with Conversions), which includes as a matter-of-right apartment houses with not more than two families on each story, schools, sanitarium or convalescent home not for the care of contagious diseases, dormitory, fraternity or sorority houses, bed a breakfast and group homes (Type II). In addition, the R-4 zoning category permits by matter-of-right any uses in R-3.

Proposed Zoning

R-5A1 (Apartment House Low Medium Density)

The R-5A1 zoning category is designed to encourage the development of low to medium apartment houses contiguous to one family zoning districts with building heights limited to five stories. The purpose of the R-5A1 district would be to buffer one family neighborhoods from more intensive residential and commercial uses. Examples of the types of uses that would be permitted under the R-5A1 category that are not currently permitted under R-3 include apartment buildings, private or nursery school, sanitarium or convalescent home, dormitory, fraternity or sorority house and a group home (Type II).

R-5A1 zoning calls for setbacks at 15 feet, 15 feet side yards, and rear yards of 20 feet plus an additional 1 foot for every additional 2 feet above 40 feet in height. In addition to these setbacks, minimum lot dimensions for apartment buildings in the R-5A1 zone include a floor area ratio of 2.0 and a minimum lot width of 50 feet. R-5A1 zoning permits maximum of five stories with heights limited to sixty feet which is appropriate for medium density development. Considering the Cathedral's central location at the intersection of Concord Avenue, North Market Street and Vandever Avenue, the permitted density and height is appropriate.

The R-5A1 zoning classification allows the higher density, which accommodates the proposed 36 unit apartment building. This zoning category is designed to encourage the development of low to medium apartment houses adjacent to single family districts and is a reasonable district to buffer between the row homes district and the Market Street corridor.

Impacts of Proposed Zoning

The proposed rezoning from R-3 and C-1 to R-5A1 would have minimal impacts to the current uses on the site. The Cathedral and Bishop's House are currently vacant; however, churches are permitted under the proposed R-5A1 category as they are in the current R-3. In addition, the only active use on the site is the commercial nursery school, which is also permitted as a matter-of-right under the R-5A1 zoning classification. This rezoning action would not create any nonconforming uses.

Alternative Zoning Considerations

R-5A Apartment House Low Density

The R-5A zoning category (Low Density Apartment Houses) is designed to permit low-density garden apartment developments contiguous to one-family districts with building heights limited to three stories. The R-5A category permits as a matter-of-right single-family row homes in groups of 10 or less, semidetached dwellings, garden apartments limited to 18 families per building, hospitals, community centers, private art gallery, bed and breakfast, group homes (Type II) and neighborhood police stations. In addition, the R-5A zoning category permits any use permitted as a matter-of-right under the R-1 (One Family Detached) zoning category.

The R-5A zoning category (Low Density Apartment Houses) is designed to permit low-density garden apartment developments contiguous to one-family districts with building heights limited to three stories. This zoning district permits heights to three stories, with a maximum of 18 units per building. Also for apartments, R-5A zoning requires setbacks of 30 feet, 15 feet side yards and 30 feet rear yards. In addition to these setbacks, minimum lot dimensions are required at 43,560 square feet with no prescribed minimum width; and a floor area ratio of 0.75.

Although the proposed 3 story apartment building would meet the height restriction under R-5A the 36 units proposed exceeds the allowances for number of units per building, requiring additional buildings on the site. This could potentially reduce the amount of open space preserved on the Cathedral property.

ZONING SUMMARY

The Ministry of Caring proposal could not be developed under the current R-3 and C-1 zoning classifications. The R-5A1 zoning category supports the proposed density, although the five story height does exceed that which is permitted in the surrounding R-3 residential neighborhoods. However the site is located on the North Market and Concord Avenue Corridors, and will serve as a buffer, since the R-5A1 district was specifically designed to buffer one-family districts from more intensive uses along major corridors. Furthermore, the R-5A1 zoning provides for a lower level of density that is currently found on the North Market Street Corridor (Crestview Apartments) and the Baynard Apartments (309 West 18th Street), and several apartment buildings located along Superfine Lane.

RELATED PLANNING DOCUMENTS

Greater Brandywine Village Urban Renewal Plan

The Greater Brandywine Village Urban Renewal Plan (GBVURP) was adopted by the Planning Commission in November 2001 and adopted by City Council in January 2002. This urban renewal plan was based on the Greater Brandywine Village Revitalization Plan which serves as a companion document to the urban renewal plan. The GBVURP area is approximately bounded by the Brandywine Creek, Baynard Boulevard, West Street, 24th and 23rd Street, Thatcher Street, 17th Street and Pine Street connecting back to Brandywine Creek (See Attachment D). The Cathedral Church of St. John is located in a central location at the intersection of Market Street, Concord Avenue and Vandever Avenue in Brandywine Village. The Cathedral site including the buildings is a contributing resource to the Brandywine Village National Register Historic District. The Urban Renewal Plan does not identify any proposed rezoning of the parcels encompassing the Cathedral Church of St. John, however the plan does reference the importance of this site to urban renewal efforts and encourages the adaptive reuse of structures.

The Urban Renewal Plan includes a Statement of Development Objectives which include:

“To enhance and protect the character and scale of existing historic resource components, through the use of appropriate streetscape, landscape and lighting, and adaptive reuse.”

“To provide for the preservation and adaptive reuse of buildings within the existing city and National Register historic districts and individually listed or eligible properties on the National Register of Historic Places”

These development objectives were included as part of this analysis to show the importance of maintaining the scale of historic resources and the adaptive reuse of structures. The Ministry of Caring is proposing to preserve and adaptively reuse both the Cathedral and the Bishop's House, which support the development objectives as outlined in the urban renewal plan.

PUBLIC NOTICE

On November 30th, public notices were mailed to affected property owners and interested parties. The meeting agenda was mailed to the Planning Commission members and other interested parties on December 8th. Planning has received two comments on the proposed rezoning. The first was on December 3rd from a community member who had general questions regarding the proposal. The second was from Kevin Smith of Habitat for Humanity, who sent an email of support on December 7th. See Attachment E.

SUMMARY/RECOMMENDATIONS

The Department of Planning has evaluated the impacts of the proposed rezoning of the Diocese property from the current R-3 and C-1 classifications to R-5A1.

- This rezoning will bring the development site under a single zoning classification and will not create any nonconforming uses.
- The R-5A1 classification would permit the development of garden style apartments to a height of 5 stories and the zoning district was developed to buffer single-family districts from commercial corridors. Considering the Cathedral's central location at the intersection of Concord Avenue, North Market Street and Vandever Avenue, a maximum height of 5 stories is appropriate.
- The proposal to redevelop the Cathedral site includes the adaptive reuse of the Cathedral and the Bishop's House. Adaptive reuse of buildings is included as a development objective in the Greater Brandywine Village Urban Renewal Plan.
- The proposed new construction is being built to a height of 3 stories, which is in keeping with the residential neighborhood to the west. The scale of three story rowhomes is similar to the three story apartment building being proposed.
- Approval of the R-5A1 zoning classification would permit the Ministry of Caring to develop, as they have proposed, one three story apartment building including 36 one-bedroom units for seniors. Density, while slightly increased from the R-3 and R-5A allowances, is reasonable for the location.

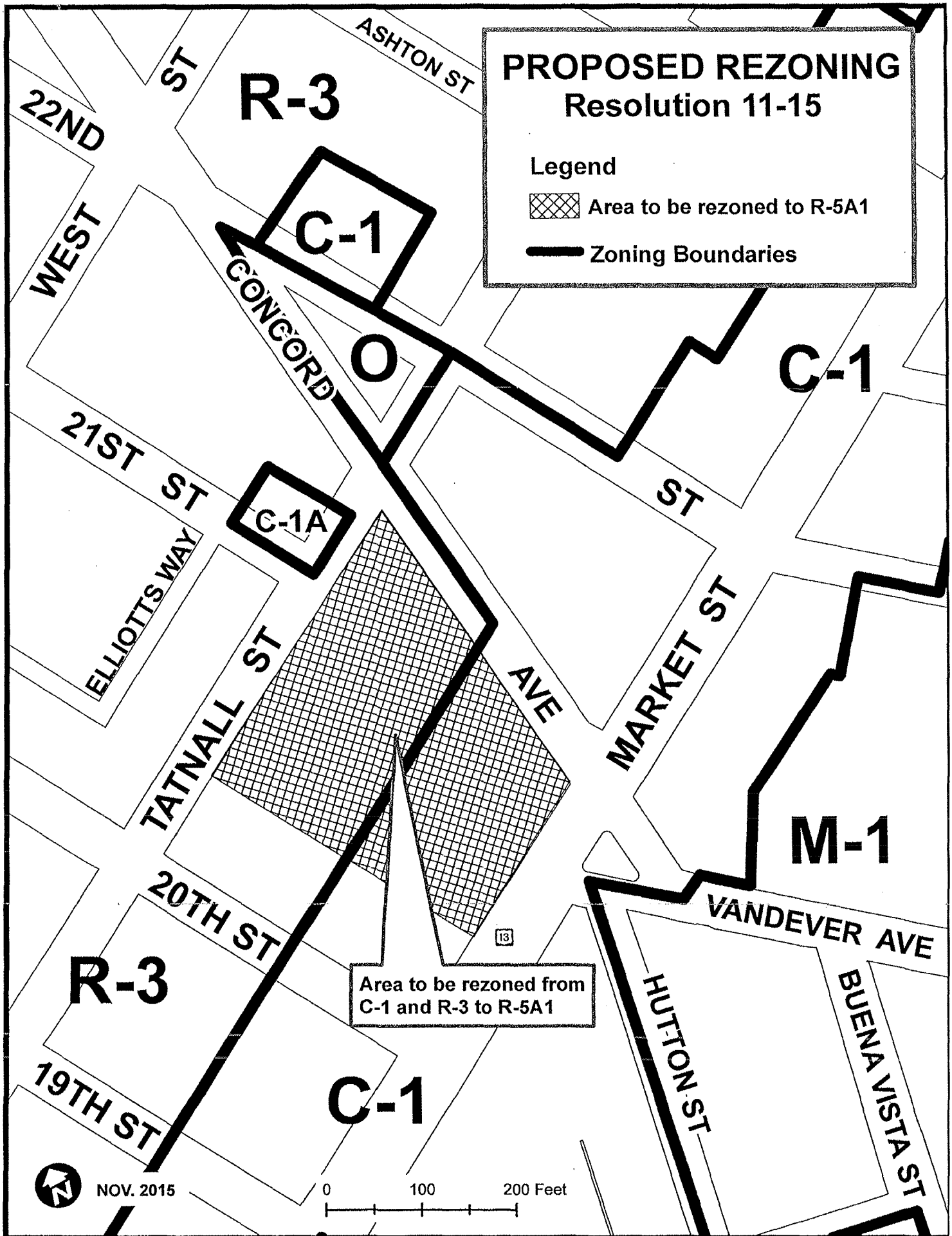
Resolution 10-15: Recommends amendments to the Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area to change the land use classification on the Proposed Land Use Map (Map H) for the Cathedral site from “Public/Quasi Public or Institutional” to “Medium Density,”; and to amend the Proposed Zoning Map (Map I) for the site from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density).

Resolution 11-15: Recommends the rezoning of a portion of the block generally bounded by Tatnall Street, Concord Avenue, Market Street and 20th Street from R-3 (One Family Row Houses) and C-1 (Neighborhood Shopping) to R-5A1 (Apartment House Low-Medium Density). This action constitutes Zoning Referral 541-15.

Should the Planning Commission decide that the R-5A1 permits height and density that are not appropriate for the Diocese site, then consideration should be given to R-5A zoning, which places further limits on height and density of development, as discussed in the analysis.











Attachment F includes the draft form of the rezoning legislation.


Attachment A



Attachment B

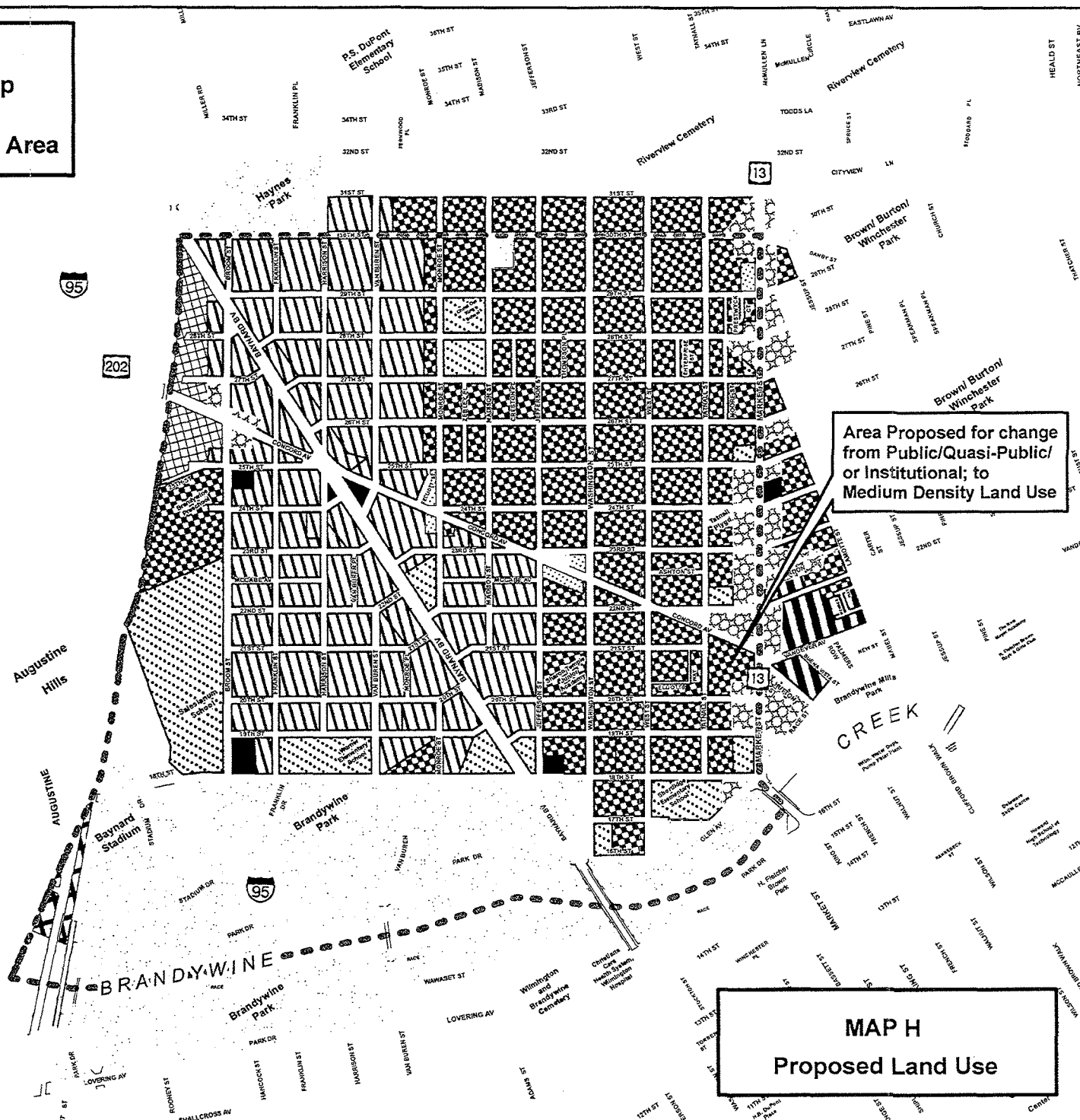
Resolution 10-15
Proposed Land Use Map
December 2015
Baynard Boulevard Analysis Area

-  Secondary Office Centers
-  Secondary Business Centers
-  Medium Low Density
-  Medium Density
-  High Density
-  Neighborhood Shopping
-  General Commercial
-  Public/Quasi-Public or Institutional
-  Light Industrial
-  Parkland/Open Space

 Analysis Area Boundary



0 600 1,200 Feet



MAP H
Proposed Land Use

Attachment C

Resolution 10-15
Proposed Zoning Map
December 2015
Baynard Boulevard Analysis Area

RESIDENTIAL

- R-1 ONE FAMILY DETACHED DWELLINGS
- R-2 ONE FAMILY SEMI-DETACHED DWELLINGS
- R-2A RESIDENTIAL
- R-3 ONE FAMILY ROW HOUSES
- R-4 ROW HOUSES WITH CONVERSIONS
- R-5A APARTMENT HOUSE LOW DENSITY
- R-5A1 APARTMENT HOUSE LOW-MEDIUM DENSITY
- R-5B APARTMENT HOUSE MEDIUM DENSITY
- R-5C APARTMENT HOUSE HIGH DENSITY

COMMERCIAL

- C-1 NEIGHBORHOOD SHOPPING
- C-1A NEIGHBORHOOD COMMERCIAL
- C-2 SECONDARY BUSINESS CENTERS
- C-2A SECONDARY OFFICE CENTERS
- C-3 CENTRAL RETAIL
- C-4 CENTRAL OFFICE
- C-5 HEAVY COMMERCIAL
- C-6 SPECIAL COMMERCIAL

MANUFACTURING & INDUSTRIAL


- M-1 LIGHT MANUFACTURING
- M-2 GENERAL INDUSTRIAL

SPECIAL PURPOSE

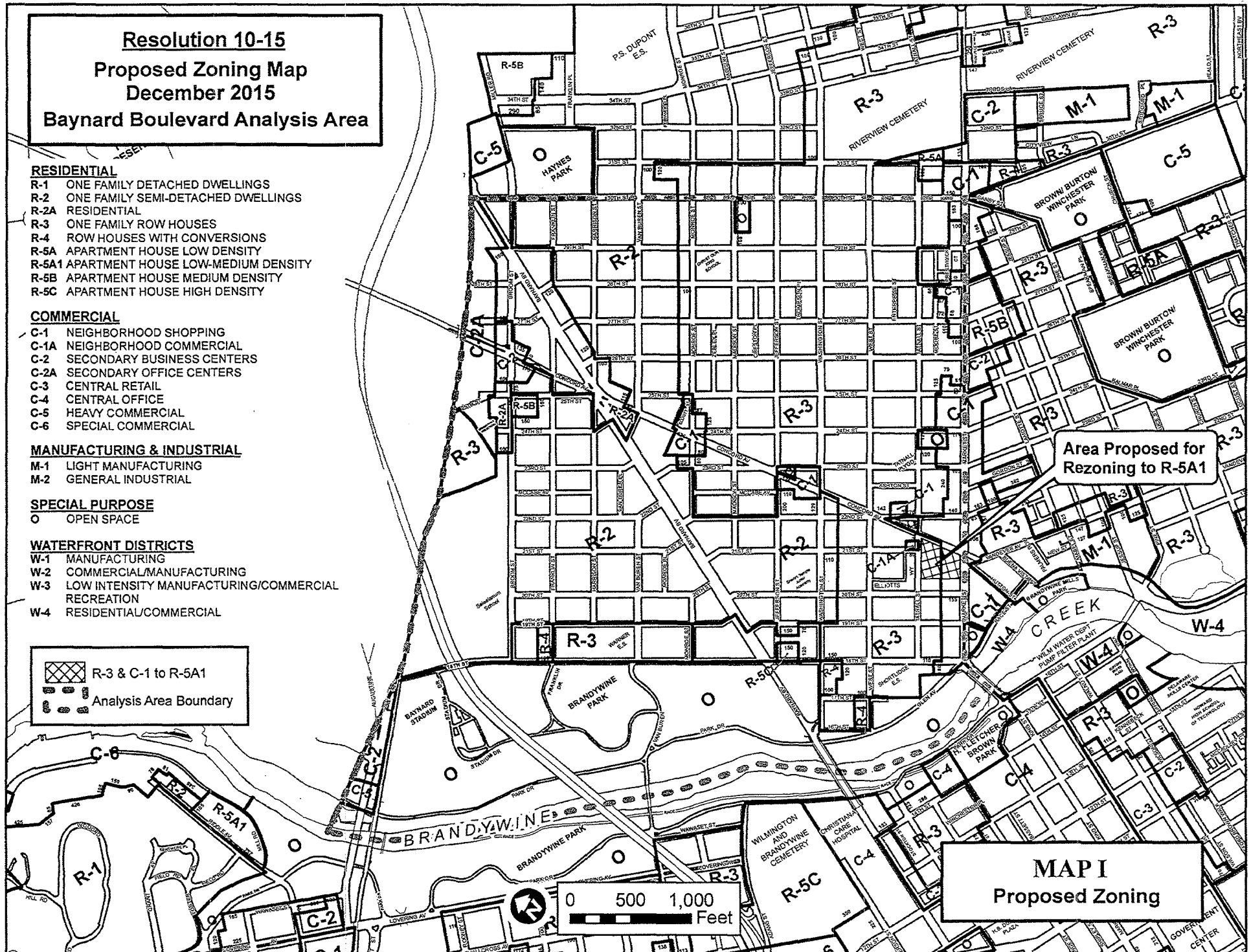
- O OPEN SPACE

WATERFRONT DISTRICTS

- W-1 MANUFACTURING
- W-2 COMMERCIAL/MANUFACTURING
- W-3 LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION
- W-4 RESIDENTIAL/COMMERCIAL

 R-3 & C-1 to R-5A1

 Analysis Area Boundary

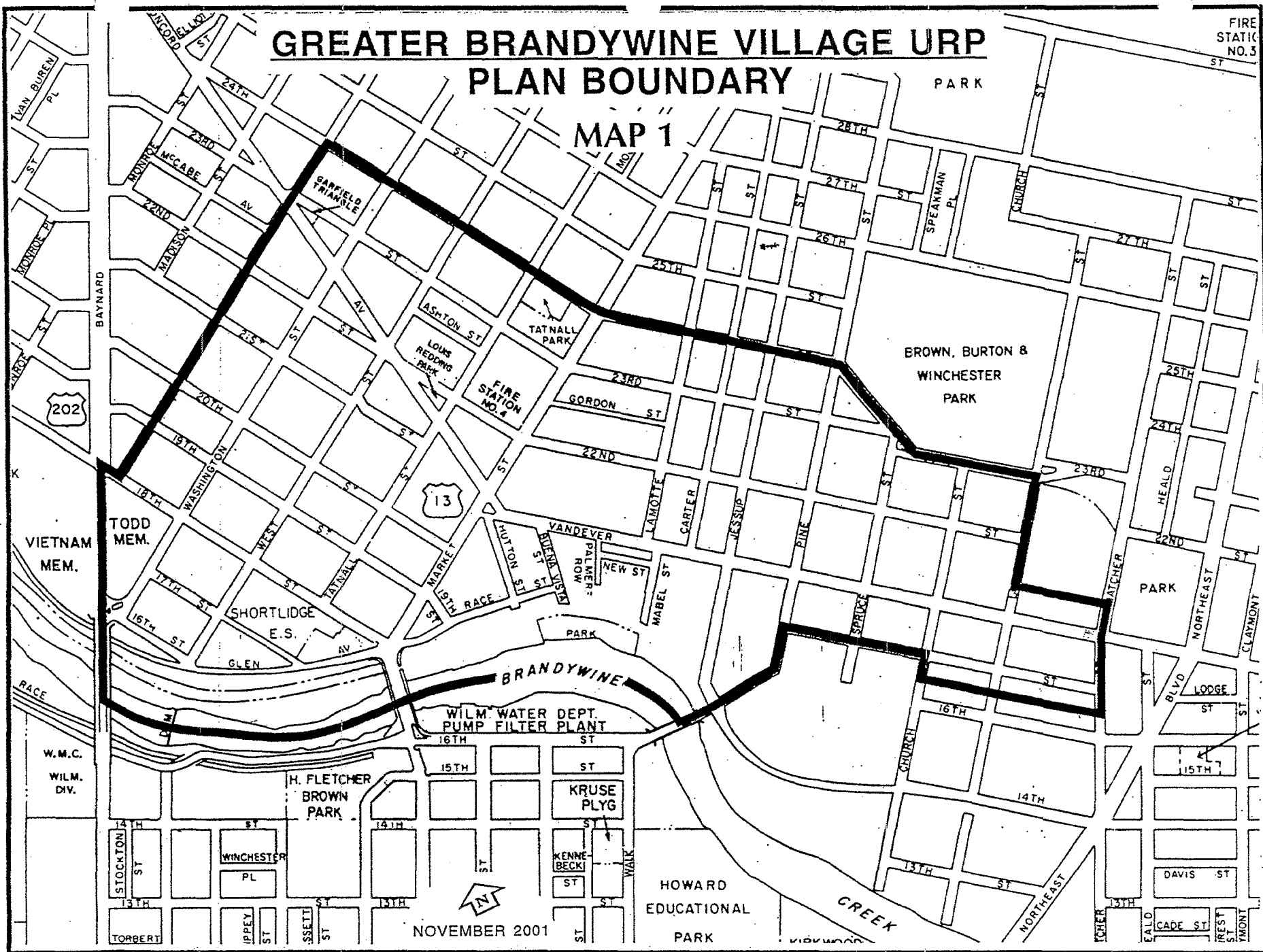


MAP I
Proposed Zoning

Attachment D

FIRE
STATION
NO. 3

MAP 1



Attachment E



City of Wilmington

Wilmington City Council

Louis L. Redding City/County Building
800 N. French Street
Wilmington, Delaware 19801-3537

phone (302) 576-2140
fax (302) 571-4071
www.WilmingtonDE.gov

September 21, 2015

Leonard Sophrin, Director
Department of Planning
City of Wilmington
800 North French Street
Wilmington, DE 19801

James DiPinto, Administrator
Zoning Board of Adjustment
City of Wilmington
800 North French Street
Wilmington, DE 19801

Dear Mr. Sophrin and Mr. DiPinto:

We write to express our support for a rezoning application submitted to the City by the Ministry of Caring (MOC) in support of its latest community project—the Village of St. John. This project is located at the site of the former Cathedral Church of St. John, on property bounded by North Market Street, North Tatnall Street and Concord Avenue, in Wilmington's historic Brandywine Village community.

It is our understanding that the MOC has agreed to purchase the property contingent upon the rezoning of the property to permit its development as an affordable housing project for senior citizens with a portion of the housing units set aside for seniors who are veterans. It is our further understanding that the MOC is requesting that a portion of the property designated as 2019 North Market Street or Tax Parcel No. 26-022.30-302, and a portion of the property at 2020 North Tatnall Street or Tax Parcel No. 26-022.30-278, which are both currently zoned as R-3, be changed to R-5-A-1.

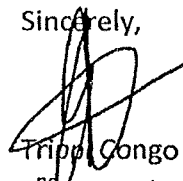
We support the rezoning change and urge the Department of Planning and the Zoning Board of Adjustment to approve this request.

The Ministry of Caring has developed an outstanding record of service to the community and has proven over many years that it is dedicated to the people who are served by these projects and that it is a capable and responsible developer/manager of projects that meet the housing, child and medical care and job training and employment needs of our citizens.

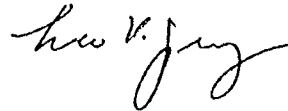
We note also that the MOC is committed to preserving the historic character of this well-known and revered property which, when completed as the Village of St. John, will be a beautiful and welcoming addition to an area that serves as the northern and western gateway to Wilmington.

This zoning change will further the Ministry's belief that the poor should never be treated poorly, but with love, dignity, and respect. We agree, and we support the development of the Village of St. John in the City's 2nd Council District.

Sincerely,




Tripp Congo
2nd Council District
Wilmington City Council



Theopalis T. Gregory
President
Wilmington City Council



Loretta Walsh
Council Member At-Large
Wilmington City Council



Maria D. Cabrera
Council Member At-Large
Wilmington City Council

Matthew Harris

From: Kevin Smith <klsmith@habitatncc.org>
Sent: Monday, December 07, 2015 4:55 PM
To: Matthew Harris
Subject: Wilmington Planning Council - Rezoning for Ministry Caring - Cathedral Church of St. John

Dear Matt,

I am writing you to express my support of the Ministry of Caring's rezoning request for the property known as the Cathedral Church of St. John. HFH of New Castle County headquarters is located in the Brandywine Village where this property/project is located, and we are supportive of the Ministry of Caring's plan and end use of the property. We believe it will enhance the quality of the neighborhood, and it also consistent with our vision that everyone should have a decent place to live.

Please let me know if you have any questions. I am sorry I cannot be present for the hearing.

Sincerely,

Kevin L. Smith
Chief Executive Officer
Habitat for Humanity of New Castle County
1920 Hutton Street
Wilmington, DE 19802
www.habitatncc.org
United Way #9034
A world where everyone has a decent place to live



Follow us on Twitter
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Like us on Facebook
www.facebook.com/HabitatNCC

*Seeking to put God's love into action, Habitat for Humanity of New Castle County
brings people together to build homes, communities and hope.*

Attachment F

AN ORDINANCE TO REZONE CATHEDRAL CHURCH OF ST. JOHN, THE PROPERTY WITHIN THE BLOCK GENERALLY BOUNDED BY TATNALL STREET, CONCORD AVENUE, MARKET STREET, AND 20TH STREET FROM C1 (NEIGHBORHOOD SHOPPING) AND R-3 (ONE FAMILY ROW HOUSES) TO R-5A1 (LOW-MEDIUM DENSITY APARTMENT HOUSES)

WHEREAS, the revised Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area was considered and adopted by City Council on _____, and recommends the rezoning of a portion of the block generally bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street in order to enhance community development within that area; and

WHEREAS, in accordance with and pursuant to Wilmington City Code §5-601, the City Planning Commission recommended approval of the Baynard Boulevard/Concord Avenue Neighborhood Comprehensive Development Plan, which includes the proposed rezoning, by its Resolution 10-15, approved on December 15, 2015; and

WHEREAS, the City Council for the City of Wilmington deems it necessary and proper to approve the rezoning actions for the site of the former Cathedral of St. John, located on the 2000 block of Market Street in the historic Brandywine Village neighborhood, including Tax Parcel Nos. 26-022.30-302, 26-022.30-301, 26-022.30-278, and 26-022.30-300, set forth herein and as illustrated on the maps attached hereto and made a part hereof; and

WHEREAS, City Council deems it necessary and appropriate to rezone the property including Tax Parcel No. 26-022.30-302 and Parcel No. 26-022.30-301 from a zoning designation of C1 (Neighborhood Shopping) and R-3 (One-Family Row Houses) to

W0081850.2

R-5A1 (Low-Medium Density Apartment Houses); and

WHEREAS, City Council also deems it necessary and appropriate to rezone the property being Tax Parcel No. 26-022.30-278, from R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); and

WHEREAS, City Council also deems it necessary and appropriate to rezone the property being Tax Parcel No. 26-022.30-300, from C-1 (Neighborhood Shopping) to R-5A1 (Low-Medium Density Apartment Houses).

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

SECTION 1. Section 48-97 of the Wilmington City Code and the “Building Zone Map, City of Wilmington, Delaware,” dated January 2006, are hereby amended by changing the zoning classification of the properties located at 2019 North Market Street, being Tax Parcel No. 26-022.30-302, and 2013 North Market Street, being Tax Parcel No. 26-022.30-301, from a zoning designation of C-1 (Neighborhood Shopping) and R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses), as illustrated on the Map attached hereto and made a part hereof as Exhibit “A” and as more particularly described by the metes and bounds description attached hereto as Exhibit “B”.

SECTION 2. Section 48-97 of the Wilmington City Code and the “Building Zone Map, City of Wilmington, Delaware” dated January 2006, are hereby amended by changing the zoning classification of the property located at 2020 North Tatnall Street, being Tax Parcel No. 26-022.30-278, from R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses), as illustrated on the Map attached hereto and made a

part hereof as Exhibit "C" and as more particularly described by the metes and bounds description attached hereto as Exhibit "D".

SECTION 3. Section 48-97 of the Wilmington City Code and the "Building Zone Map, City of Wilmington, Delaware" dated January 2006, are hereby amended by changing the zoning classification of the property located at 2011 North Market Street, being Tax Parcel No. 26-022.30-300, from C-1 (Neighborhood Shopping) to R-5A1 (Low-Medium Density Apartment Houses), as illustrated on the Map attached hereto and made a part hereof as Exhibit "E" and as more particularly described by the metes and bounds description attached hereto as Exhibit "F".

SECTION 3. This Ordinance shall be deemed effective immediately upon its date of passage by City Council and approval by the Mayor.

First Reading

Second Reading

Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this
_____ day of _____, 201__

Assistant City Solicitor

Approved this ____ day of _____, 201__

Mayor

W0081850.23

SYNOPSIS: This Ordinance rezones the property being Tax Parcel No. 26-022.30-302 and Tax Parcel No. 26-022.30-301 from a zoning designation of C1 (Neighborhood Shopping) and R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses). As well, this Ordinance rezones a portion of the property comprising the former St. John's Episcopal Church, being Tax Parcel No. 26-022.30-278, from R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses), and Tax Parcel No. 26-022.30-300, from C-1 (Neighborhood Shopping) to R-5A1 (Low-Medium Density Apartment Houses).

President Gregory: We're going to have the Planning Department Representative come forth at this time to present and to answer questions that Council may have.

Department of Planning Representative: Good Evening, my name is Matthew Harris and I am a Planner with the City of Wilmington's Department of Planning. I am here tonight to speak with you regarding the two actions necessary to implement the proposed rezoning. The first item, agenda number 4176, amends the Comprehensive Development Plan for the Baynard Boulevard Analysis Area. The second item, Ordinance 16-003, recommends the rezoning of the Cathedral of St. John property. These items are addressed in the two public hearings before you tonight and I am going to speak to both of them at this time.

On September 28th, 2015 the City received a request from the Ministry of Caring to rezone the property known as the Cathedral Church of St. John, which includes 2011, 2013 and 2019 North Market Street and 2020 North Tatnall Street. Item 4176 is a proposal to amend the Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area, Proposed Land Use Map from "Public/Quasi Public or Institutional" to "Medium Density Residential," land use classification; and to amend the Proposed Zoning Map from R-3, One Family Row Houses and C-1, Neighborhood Shopping to R-5A1, Apartment House Low-Medium Density. These changes will accommodate the rezoning request which is the subject of Ordinance 16-003.

The Ordinance is a proposal to rezone a portion of the block generally bounded by Tatnall Street, Concord Avenue, Market Street and 20th Street from R-3, One Family Row Houses and C-1, Neighborhood Shopping to R-5A1, Apartment House Low-Medium Density.

The Cathedral was active until it ceased operations in 2012, although the Bishop's House continued to be used as offices for the Diocese until July of 2014. At the current time both the Cathedral and Bishop's House are vacant. A commercial nursery school is currently operational on the site, leasing the property at 2013 North Market Street.

The Ministry of Caring has entered a purchase agreement with the Diocese, contingent upon the rezoning of the property, to permit the development of affordable housing for senior citizens. The proposal includes 53 apartments for mixed income senior citizens including the adaptive reuse of both the Cathedral and the Bishops House, which is a preservation goal of the Brandywine Village Urban Renewal Plan. Additionally, construction of a new three-story apartment building is proposed.

Nine parking spaces will be provided on the Cathedral site, accessed from Tatnall Street, and additional 44 spaces will be located across the street at 1 Concord Avenue.

The Comprehensive Development Plan for the Baynard Boulevard Analysis Area was first adopted in 1957, and most recently updated in 2014.

The proposed medium density residential land use classification provides sufficient density to support the proposed residential facility, which would not be accommodated under the existing Public/Quasi Public Institutional land use identified in the plan. Medium density residential is consistent with the surrounding areas and supports the lower density apartment developments. In addition, medium density residential also serves as a buffer between the surrounding medium density residential areas and the North Market Street corridor.

Several apartment buildings are within the vicinity of the Cathedral site. These include the eight story condominiums along Superfine Lane, Crestview Apartments at 2700 North Market Street and the Baynard Apartments at 309 West 18th Street, all of which are more dense than what is being proposed. The surrounding neighborhoods are largely developed with single-family two and three story row homes with some conversions to apartment houses.

The Ordinance recommends the rezoning of the Cathedral property from R-3 (one-family row houses) and C-1 (Neighborhood Shopping) to R-5A1 (apartment house low-medium density) in accordance with the recommendations of the Comprehensive Plan as proposed to be amended this evening.

The proposed R-5A1 zoning category is designed to encourage the development of low to medium apartment houses contiguous to one family zoning districts with building heights limited to five stories. The purpose of the R-5A1 district is to buffer one-family neighborhoods from more intensive residential and commercial uses.

The proposed R-5A1 zoning permits a maximum of five stories which is appropriate for medium density residential development. Although the five story height does exceed what is permitted in the surrounding neighborhoods, considering the height of the existing Cathedral structure and the Cathedral's central location at the intersection of Concord Avenue, North Market Street and Vandever Avenue, the permitted density and height is appropriate.

The proposed rezoning from R-3 and C-1 to R-5A1 would have no impacts to the current uses on the site and would not create any nonconforming uses. The only active use on the site is the commercial nursery school, which remains a matter-of-right under the proposed R-5A1 zoning.

Planning has received four comments on the proposal. The first was a letter of support received from Council President Gregory and Council Members Walsh, Cabrera and Congo. Two general inquiries from residents and an email of support from Habitat for Humanity was received.

The Planning Commission met on December 15, 2015 and unanimously approved the proposed amendments to the Comprehensive Development Plan for the Baynard Boulevard Analysis Area and the Rezoning of the Cathedral Church of St. John.

If anyone has questions I'd be happy to answer them at this time.

President Gregory: Are there any questions from Council? Ms. Cabrera.

Ms. Cabrera: Yes. You had mentioned that the parking is going to be across the street, I know exactly where you mean, the 44 spaces, so are we looking at also making some traffic changes for example having an additional crosswalk at the Tatnall verses the crosswalk that is at the Market and Concord? My concern is with the issues that we have with pedestrian crossings and people not understanding...

President Gregory: Right...

Ms. Cabrera: ...and respecting the laws and if, because this is a major thorough. I mean people fly by there. They don't even go in the right lane to turn to go straight and because we're dealing with people who may be seniors and people who differently abled, it might take them longer to cross the street. My concerns is somebody getting flung up in the air with a car that's flying down, so, do we need to look at perhaps implementing a traffic signal as well on the Tatnall side or a blinker or some type of crossing? That's my concern is crossing.

Mr. Harris: I did ask The Ministry of Caring when it went before Planning Commission and they did tell me that they are looking at pedestrian improvements especially as they relate to the parking at 1 Concord Avenue. Specifically, about a crosswalk at Tatnall Street, I'm not sure and they are here tonight and they may be able to answer that question.

Speaker in audience: (inaudible).

President Gregory: No, no you can't do that. Not right now.

Mr. Harris: Oh ok. I'm sorry. But they would be better to answer that question. I don't definitely know the - if that's a yes or a no.

Ms. Cabrera: Well, if nothing else, I do believe that this Council that we should look at that prudently, to make those changes – those changes if they're not part of the plan.

Mr. Harris: Ok.

President Gregory: Ok, are there any other Councilpersons who have questions? At this point in time since you wanted to comment, you can be a “for” or “against”. Anybody “for” it, that wants to offer a comment from the community? “For”, this is your chance. You have to state who you are.

“FOR”

Danielle Sullivan: Thank you. I’m Danielle Sullivan, I’m with The Ministry of Caring working on the Village of St. John Project and in answer to the question posed by Councilwoman Cabrera about the crosswalk, we do have plans; we’ve met with Delaware Transit Corporation about putting crosswalks both at Tatnall across Concord from the parking lot to the corner of Tatnall and Concord on the Cathedral side as well as crosswalks that would better delineate crossing the street from the bus stop that exist right now on the corner of Market and Concord to the Cathedral corner. We’re also planning to put a bump out back at the - - there’s discussion of changing one of the bus routes to enable our residents to access the 202 shopping area better so we would put a bus shelter on the parking lot side of Concord. And, on that corner on the parking lot side of Concord and Tatnall, we plan to put a bump out curb to, you know, inhibit traffic from going to quickly by the corner and we’re in discussions - - there is a – a blinking yellow light there that the fire station nearby uses that may come when the trucks come out. So, there’s some discussions about whether we should put a light there or use that light in some way to further inhibit fast traffic because we shared the same concern that you have.

Ms. Cabrera: Thank you.

President Gregory: Ms. Walsh.

Ms. Walsh: I didn’t even know if I wanted to make this as a point of order but for this type of question, it really should have been brought up in the Planning Commission I think more than anything because that’s when the entire rezoning was going through and Danielle, you can’t do bump outs in city streets. You can’t do bumps...

Ms. Sullivan: Okay.

Ms. Walsh: ..anywhere. Ok?

Ms. Sullivan: DTC suggested it; so yeah, okay.

President Gregory: And...

Mr. Freel: She didn’t - - can I just – a minute...

President Gregory: Yeah Mr. Freel.

Mr. Freel: I just want to clarify. I don't think she means speed bumps. She means like the curb extends...

Ms. Walsh: Okay.

Ms. Sullivan: Yeah, no, no, no....

Mr. Freel: ...it's like a curb extension.

Ms. Sullivan: A curb kind of like in Trolley Square.

Ms. Walsh: Oh the extension. Okay, okay. I misunderstood what you said then.

Ms. Sullivan: Yeah.

President Gregory: Thank – thank you. Is there anyone else that wants to speak “for”? You want to speak for the project? You have to come up. No excuse me. Wait a minute. Do you want to speak “for” the project?

Speaker in audience: No.

President Gregory: Do you want to speak “against” the project?

Speaker in audience: Yes.

President Gregory: Well come on up and speak. Anybody wants to speak “against”?

Ms. Sullivan: Thank you.

President Gregory: Thank you.

“AGAINST”

I know that Crestview was....

President Gregory: State your name please.

Ms. Leonette Williams: My name is Leonette Williams and I know Crestview was run by Purnell, the Housing Authority – the Wilmington Housing Authority and I'm saying, he came up here and see said all these changes are going to be done and everything. Who did he talk to? Did he talk to Purnell? Or, why didn't they

pass out any flyer to let people know what was going on and why are they just in the 1st, 2nd and 3rd District doing all this stuff when everywhere they need help but they're not doing anything but they're definitely on the 1st, 2nd and 3rd tearing it up...

President Gregory: Ms. Williams.

Ms. Williams: ...and ain't doing nothing.

President Gregory: Who is they? I want to make sure it's related to what we're talking about.

Ms. Williams: Well, just like I said, Purnell. He said, I asked him, did he talk to Purnell about this – about doing all this stuff and everything? And, so many words he could tell me.

President Gregory: He who? I'm trying to...

Ms. Williams: I don't know his name; the young man right there.

President Gregory: Okay.

Ms. Williams: And, I asked him is Crestview - - I said if Crestview – he said all this stuff about Crestview but when I went to the meeting Purnell said that Crestview is not run by the Wilmington Housing Authority and I asked him...

President Gregory: Okay, you got the wrong - Ms. Williams, you got the wrong meeting. We're not talking about the WHA issue here.

Ms. Williams: I know but I'm asking who is running Crestview?

President Gregory: Oh that's not domain or relevant to this meeting.

Ms. Williams: But I'm saying they're doing all this stuff and everything on the 1st, 2nd and 3rd, why are they doing all this stuff? Why haven't they passed out any flyers and everything? Why are we getting this notice....

President Gregory: Are you "against", are you "against" the rezoning or the project that's going to take place...

Ms. Williams: Yes I am because...

President Gregory: ...tell me why.

Ms. Williams: ...because we always find out all this stuff at the last minute.

President Gregory: Okay; so, you're "against" it for that reason.

Ms. Williams: Yes I am.

President Gregory: Thank you very much.

Ms. Williams: Do we got to put signs in our yards or something...

President Gregory: Thank you very much...

Ms. Williams: ...and let them know?

President Gregory: Thank you very much. Mr. Congo. Anyone else "against" the project? Mr. Congo.

Upon a motion of Mr. Congo, seconded by Mr. Williams/Ms. Walsh, Council returned to Regular Order of Business. Motion prevailed.

REGULAR ORDER OF BUSINESS

President Gregory: Okay now – Mr. Congo.

Mr. Congo: Yes Mr. President, I have a Resolution to present.

Mr. Congo presented Resolution No. 16-021 (Agenda #4176) as follows:

WHEREAS, the Wilmington City Charter provides that modifications to the Comprehensive Development Plan may be recommended by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution after a public hearing, Wilm. C. (Charter) ' 5-600; and

WHEREAS, the current Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area was adopted by City Council on January 12, 1984; and has recently been updated by the Department of Planning through a public meeting process; and

WHEREAS, the City Planning Commission at its meeting of December 15, 2015, by and through its Resolution 10-15, recommended the approval of an amendment to the Baynard Boulevard/Concord Avenue Neighborhood Comprehensive Development Plan, and recommended the rezoning of a portion of the block generally bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street in order to enhance community development within that area; and

WHEREAS, the said Area of the Comprehensive Plan being generally bounded by 30th Street, North Market Street, the Brandywine Creek, and the City Boundary Line as depicted in Map H attached hereto and made a part hereof as ‘Exhibit A’; and

WHEREAS, the proposed comprehensive plan focuses on several key objectives, including sustaining the area’s strong residential character; providing for economically vibrant commercial activity; addressing the importance of existing historic resources, parks, and open spaces; enhancing the area as a gateway to the northern areas of the City; and in providing for appropriate transportation and governmental infrastructure needs; in order to retain or enhance the quality of life for residents and workers in the area, as responsible growth and development occurs; and

WHEREAS, in accordance with Wilm. C. (Charter) ' 5-600(a), a duly advertised public hearing is scheduled to be held on March 3, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council hereby approves the amendments to the Baynard Boulevard Neighborhood Comprehensive Development Plan, which would revise the Proposed Land Use Plan (Map H) to change the proposed land use designation for the area of rezoning from APublic/Quasi-Public or Institutional@ to “Medium Density Residential,@ as illustrated on the map attached hereto as ‘Exhibit A’ and made a part hereof.

On the question:

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Congo, seconded by Ms. Walsh/Mr. Williams, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Congo. Committee Report.

The City Clerk read the following committee report:

<u>Housing, Licenses & Inspections Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Maria D. Cabrera	X		
Darius J. Brown	X		
Samuel Prado	X		
Nnamdi O. Chukwuocha	X		
Hanifa G.N. Shabazz		X	
Sherry Dorsey Walker		X	

President and Members of Council of
The City of Wilmington

Date: February 3, 2016

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred
Ordinance No. 16-003 entitled:

AN ORDINANCE TO REZONE CATHEDRAL CHURCH OF
ST. JOHN, THE PROPERTY WITHIN THE BLOCK GENERALLY
BOUNDED BY TATNALL STREET, CONCORD AVENUE,
MARKET STREET AND 20TH STREET FROM C1
NEIGHBORHOOD SHOPPING) AND R-3 (ONE FAMILY ROW
HOUSES) TO R-5A1 (LOW-MEDIUM DENSITY APARTMENT
HOUSES)

Upon a motion of Ms. Cabrera, seconded by Mr. Williams/Ms. Walsh, the
aforementioned Resolution was received, recorded and filed. Motion prevailed.

Ms. Dorsey Walker: Mr. President.

President Gregory: Yes.

Ms. Dorsey Walker: I was absent with leave.

Mrs. Seijo (City Clerk): Yes.

President Gregory: So noted.

Ms. Dorsey Walker/Mrs. Seijo: Thank you.

President Gregory: Any Findings?

Mrs. Seijo (City Clerk): Yes.

***Note: The Findings was added into the record and is attached herein as an insert from
Page 54 through Page 60.***

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MEMORANDUM

TO: The Honorable Ernest "Trippi" Congo II
Council Member 2nd District
The Honorable Theopolis Gregory, City Council President
The Honorable Members of City Council

FROM: Michael P. Migliore
City Solicitor

DATE: March 3, 2016

RE: City Council Findings Supporting Enactment of Ordinance No. 16-003, Rezoning Four Parcels Located in the Block Generally Bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street, in Accordance with the Baynard Boulevard Neighborhood Comprehensive Development Plan.

Enclosed please find a copy of the Findings prepared in connection with Council's scheduled Public Hearing on March 3, 2016, regarding the above-referenced zoning ordinance. The Findings supplement the record of the Planning Commission and its report, as well as the record of the Council's Public Hearing, and the Law Department advises their inclusion in the record as a means of complying with Delaware Court decisions that involve zoning ordinances of County governments, but the principles of which apply to Wilmington, as well.

~~In this instance, the Findings support the provisions of the Ordinance.~~ The Findings and the Ordinance reflect the recommendations approved by the City Planning Commission at its regular meeting following its public hearing on December 15, 2015. At that meeting, the Planning Commission approved its Resolution No. 11-15. The enclosed Findings support those recommendations.

Should you have any questions regarding this matter, please do not hesitate to contact me.

W0083427.

The Honorable Ernest "Trippi" Congo II
Members of City Council
March 3, 2016

MPM/ajh
Enclosure

cc: Gary Fullman, Acting Chief of Staff (w/ enc.)
Romain Alexander, City Council Chief of Staff (w/ enc.)
Maribel Seijo, City Clerk (w/ enc.)
Leonard Sophrin, Director Planning (w/ enc.)
Gwinneth Kaminsky, Planning Manager (w/enc.)
Matthew Harris, Planning Department (w/ enc.)
James G. DiPinto, Zoning Administrator (w/ enc.)
Anthony J. Hill, Assistant City Solicitor (w/ enc.)
Brenda James-Roberts, Senior First Assistant City Solicitor (w/ enc.)
Kalila Hines, Legal Legislative Assistant (w/ enc.)

W0083427.

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-003

CITY COUNCIL'S FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-003, which is the rezoning of four parcels located in the block generally bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street, submitted by City Council Member Ernest "Trippi" Congo II.

The Council makes the following Findings regarding the rezoning of four parcels located in the block generally bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street as follows: 1) rezone the property including Tax Parcel No. 26-022.30-302 and Parcel No. 26-022.30-301 from a zoning designation of C-1 (Neighborhood Shopping) and R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); 2) rezone the property being Tax Parcel No. 26-022.30-278, from R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); 3) rezone the property being Tax Parcel No. 26-022.30-300, from C-1 (Neighborhood Shopping) to R-5A1 (Low-Medium Density Apartment Houses); as set forth in the section of Findings attached hereto and made a part hereof and as the areas are illustrated on the Map attached to that Ordinance.

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-003

Rezoning Action:

The Council makes the following Findings regarding the rezoning of four parcels located in the block generally bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street as follows: 1) rezone the property including Tax Parcel No. 26-022.30-302 and Parcel No. 26-022.30-301 from a zoning designation of C1 (Neighborhood Shopping) and R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); 2) rezone the property being Tax Parcel No. 26-022.30-278, from R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); 3) rezone the property being Tax Parcel No. 26-022.30-300, from C-1 (Neighborhood Shopping) to R-5A1 (Low-Medium Density Apartment Houses).

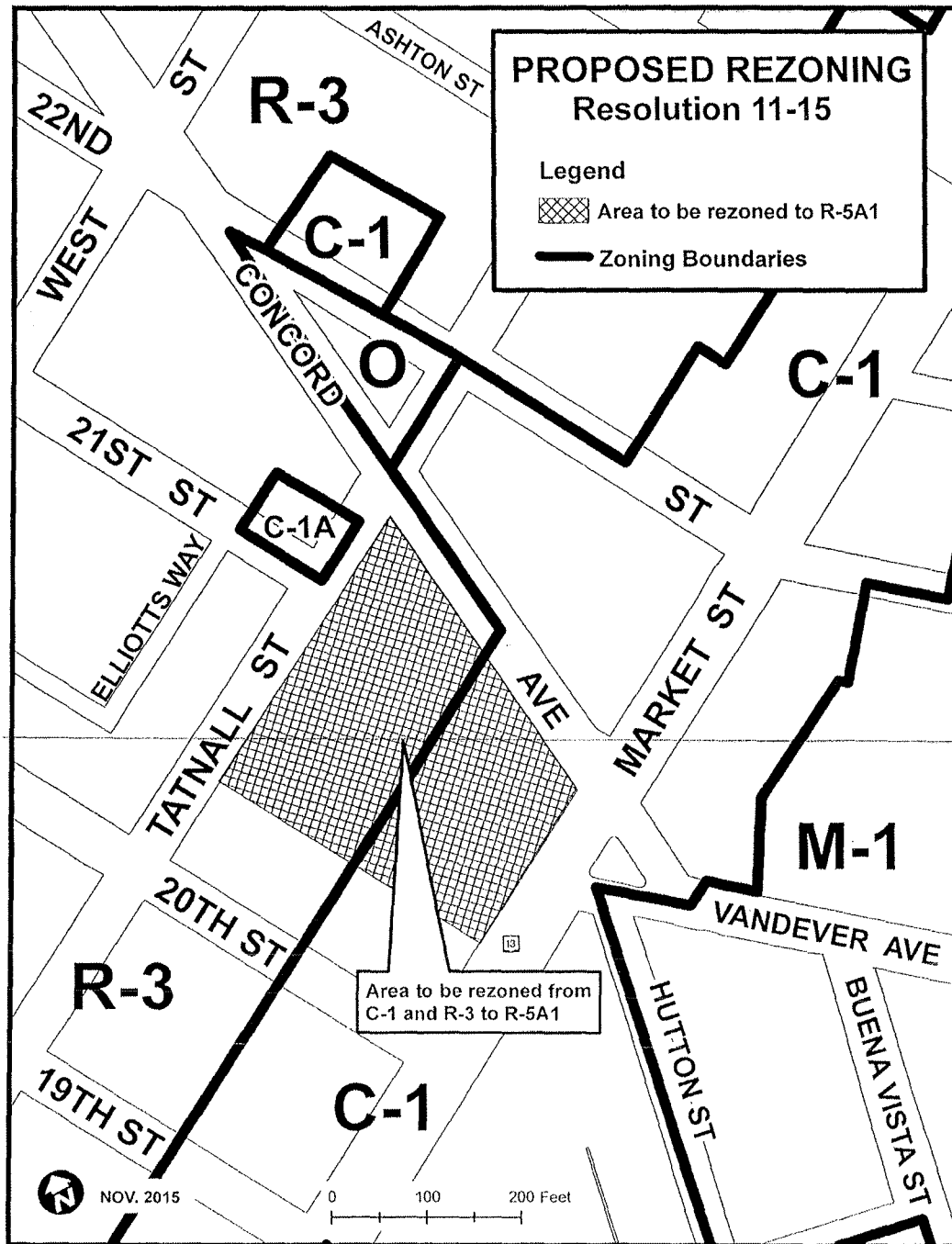
1. The proposed changes in zoning are consistent with the Baynard Boulevard Neighborhood Comprehensive Development Plan, as proposed to be amended, which is being adopted by City Council Resolution contemporaneously herewith.
2. The existing land use patterns appear to have been adverse to certain uses and future improvements and are more likely to be developed if the proposed zoning actions are enacted for uses and purposes within the R5A1 zoning classification.

3. Rezoning the said properties will not create any isolated districts, but rather will better relate the properties to the nearby areas and future best uses of the properties.
4. The rezoning actions will have no negative effect on population density patterns and will not overburden public utilities and facilities.
5. Changing conditions in the immediate area, as well as in adjacent areas, support the rezoning.
6. The proposed rezoning actions will have positive, and not adverse, influence on uses in the area.
7. The proposed rezoning actions will not create or excessively increase traffic congestion or otherwise adversely affect public safety.

8. The proposed rezoning actions will not create drainage problems, but rather will effectuate better control of any such existing drainage problems.
 9. The proposed rezoning actions will not seriously reduce light and air to adjacent areas, but will be consistent with and complement the zoning classifications of nearby zoning districts and the property uses therein.
 10. The proposed rezoning actions will not adversely affect property values in the adjacent areas, nor will it be a deterrent to the improvement or redevelopment of adjacent properties, but rather should have a positive effect.
 11. The proposed rezoning actions will best serve the public welfare and will not constitute a grant of any special privilege to any individual owner of property.
 12. The proposed rezoning actions will not be out of scale but rather will be consistent with the needs and current and future uses of the subject area and the City of Wilmington.
 13. The proposed rezoning actions adhere to the standards set forth in the applicable provisions of Chapter 48 of the City Code, Title 22 of the Delaware Code, and applicable Delaware case law.
-

CONCLUSION

This concludes the set of Council's Findings for the rezoning of the four parcels located in the block generally bounded by Tatnall Street, Concord Avenue, Market Street, and 20th Street as follows: 1) rezone the property including Tax Parcel No. 26-022.30-302 and Parcel No. 26-022.30-301 from a zoning designation of C-1 (Neighborhood Shopping) and R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); 2) rezone the property being Tax Parcel No. 26-022.30-278, from R-3 (One-Family Row Houses) to R-5A1 (Low-Medium Density Apartment Houses); 3) rezone the property being Tax Parcel No. 26-022.30-300, from C-1 (Neighborhood Shopping) to R-5A1 (Low-Medium Density Apartment Houses), as illustrated on the Map attached to that Ordinance and to these Findings. The Ordinance incorporates the recommendations of the City Planning Commission in its Resolution 11-15 regarding the rezoning action approved at the Planning Commission Meeting on December 15, 2015.



Upon a motion of Mr. Congo, seconded by Ms. Walsh, the above aforementioned Findings were made a part of the record. Motion prevailed.

Mr. Congo presented and called for the third and final reading Ordinance No. 16-003 (Agenda #4147) entitled:

AN ORDINANCE TO REZONE CATHEDRAL CHURCH OF ST. JOHN, THE PROPERTY WITHIN THE BLOCK GENERALLY BOUNDED BY TATNALL STREET, CONCORD AVENUE, MARKET STREET AND 20TH STREET FROM C1 NEIGHBORHOOD SHOPPING) AND R-3 (ONE FAMILY ROW HOUSES) TO R-5A1 (LOW-MEDIUM DENSITY APARTMENT HOUSES)

On the question:

President Gregory: You want to say something?

Mr. Congo: No.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Congo, seconded by Ms. Walsh/Mr. Williams, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha – Yes, due to public support and the findings; Congo – Yes, based on the findings; Darius Brown – Yes, based on community engagement and the findings; Shabazz – Yes, based on the community engagement and findings; Dorsey Walker – Yes, based on community involvement and the findings; Williams – Yes, based on the support of the community; Freel – Yes, based on the findings; Michael Brown – Yes, based on the community support and findings; Cabrera – Yes, based on community support, development and the findings; Walsh – Yes, based on the findings and the fact that we are keeping one of the prettiest building in our town and Wright – Yes, based on the findings and community support; and President Gregory – Yes, based its consistent way to continue to develop that neighborhood, we need senior housing and the community is in agreement with this. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Darius Brown.

Mr. Darius Brown: Yes Mr. President, I have one Ordinance for first and second and three Resolutions.

Mr. Darius Brown presented and called for the first and second reading Ordinance No. 16-012 (Agenda #4177) entitled:

AN ORDINANCE TO ANNEX A PARCEL OF LAND, LOCATED AT 3604 DOWNING DRIVE, BEING NEW CASTLE COUNTY TAX PARCEL NO. 06-152.00-003, CONTAINING APPROXIMATELY 2.04 ACRES, LOCATED WITHIN THE DOWNING INDUSTRIAL PARK, CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE RIVERSIDE, NEIGHBORHOOD ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE, AND IN CONNECTION THEREWITH, TO AMEND THE BOUNDARIES OF COUNCILMANIC DISTRICT NO. 3, THE BUILDING ZONE MAP, AND THE SUPPLEMENTAL BUILDING ZONE MAP – FLOOD DISTRICTS – AND TO ADD THE ANNEXED TERRITORY TO THE CITY’S CORPORATE BOUNDARIES

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Darius Brown, seconded by Ms. Walsh/Mr. Williams, the Ordinance was received, recorded and referred to the Housing, Licenses & Inspections Committee. Motion prevailed.

President Gregory: Mr. Brown.

Mr. Darius Brown presented Resolution No. 16-022 (Agenda #4178) as follows:

WHEREAS, the current Price’s Run/Riverside/11th Street Bridge Neighborhood Comprehensive Development Plan was adopted by Council on October 15, 1992 and August 15, 2010 and later amended on November 15, 2012; and

WHEREAS, the City Planning Commission will consider further amendments to the Price’s Run/Riverside/11th Street Bridge Neighborhood Comprehensive Development Plan at its meeting on March 15, 2016; and

WHEREAS, upon the recommendation of the City Planning Commission, Wilmington’s City Council will consider further amendments to the Price’s Run/Riverside/11th Street Bridge Neighborhood Comprehensive Development Plan; and

WHEREAS, the provisions of Wilm. C. '5-600(a) require that a duly advertised public hearing be held by the Council prior to the adoption of modifications to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that a public hearing on the amendments to the “Price’s Run/Riverside/11th Street Bridge Neighborhood Comprehensive Development Plan” be held by the Council on April 7th, 2016 at 6:30 p.m. in the City Council Chambers.

FURTHER RESOLVED, that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

On the question:

Mr. Darius Brown: Yes Mr. President, this Resolution is being presented by the Administration for Council's review and as stated, Council will be authorizing a public hearing to be held in regards to amendments to the Price's Run/Riverside/11th Street Bridge Neighborhood Comprehensive Development Plan.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh/Mr. Williams, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Darius Brown presented Resolution No. 16-023 (Agenda #4179) as follows:

WHEREAS, Ordinance No. 16-012, which proposes the annexation of a parcel of land located outside the City containing approximately 2.04 acres, within the Downing Industrial Park, being New Castle County Tax Parcel No. 06-152.00-003, contiguous to the City boundary in the vicinity of the Riverside neighborhood analysis area, shall be introduced at the March 3rd, 2016 regular meeting of the Wilmington City Council; and

WHEREAS, the City Planning Commission shall review said Ordinance at its March 15th 2016 regular meeting; and

WHEREAS, the City Council proposes to schedule a public hearing for review of the subject annexation and rezoning Ordinance to be duly advertised in conformity with Wilm. C. '48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council hereby schedules a public hearing on Ordinance No. 16-012, or a Substitute thereto, to be held on April 7th, 2016, at 6:30 p.m., in the City Council Chambers, to consider the proposed annexation of the site located at 3604 Downing Drive, being New Castle County Tax Parcel No. 06-152.00-003, and rezoning to an M-1 zoning designation (Light Manufacturing).

FURTHER RESOLVED, that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

On the question:

Mr. Darius Brown: Yes Mr. President, this Resolution schedules a public hearing to allow the public to voice their concerns on the proposed annexation and rezoning of property located at 3604 Downing Drive. There have been meetings with the civic association and Planning Councils in this area preceding this legislation and so, this is a formal meeting that the City and the Administration will be having with this public announcement.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh, and Wright, and President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Brown. It's mine.

On behalf of President Gregory, Mr. Darius Brown presented and called for the first and second reading Ordinance No. 16-013 (Agenda #4180) entitled:

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT WITH THE URBAN BIKE PROJECT OF WILMINGTON, INC. FOR THE LEASE OF THE PREMISES LOCATED AT 301 EAST 15TH STREET

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Darius Brown, seconded by Mr. Williams, the Ordinance was received, recorded and referred to the Housing, Licenses & Inspections Committee. Motion prevailed.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Mr. President, I have an Ordinance to present and call for the third and final reading.

Ms. Shabazz presented and called for the third and final reading Ordinance No. 16-005 (Agenda #4150) entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE BY AMENDING THE BOUNDARIES OF RESIDENTIAL PARKING AREA "W"

On the question:

Ms. Shabazz: Mr. President, this Ordinance amends Chapter 37-226 of the City Code by adding specific streets to the special residential parking area district that's in and around Justison Landing. In the addition to the residential parking district are proposed to the City due to the increased amount of residents in that geographical area. It also adds a four-hour meter parking along the Northside of Poole Street.

President Gregory: Mr. Brown.

Mr. Michael Brown: Yes Mr. President, we had this conversation at the hearing – at the meeting and we was – I was waiting for Public Works to get back with me because I was one of those folks who was asking, in particular, if – I thought if you did – it was pilot program where they four-hours down there and then come to find out there's four-hours over by Warner School on, because I got to physical therapy over, and there's four-hours parking over in that area. And, so, I'm just wondering, do we – are we picking certain neighborhoods? I'm going to support this but if I get the right answer but I'm wondering do we – are we just picking certain neighborhoods that have four-hour parking compared to two-hour parking in other neighborhoods? Because it is – to me, I think if you're going to do one neighborhood and, and, and, you don't have a real legitimate reason to start doing two neighborhoods and then the other neighborhoods – still people have to get out after two-hours to move their cars, I just need some answers and Public Works haven't come down to give me the answers that I was looking for. I don't think – I really don't think that's its fair that we just pick certain neighborhoods to have four-hour parking and then other neighborhoods don't and these folks come crying – not crying but angry that they got a ticket for being out there two-hours and one minute or two-hours and thirty seconds beyond their parking time when they're in the neighborhood. I just wish Public Works was here to give me some answers on how they feel – how they plan on fixing that because you can't do some and don't do the other unless there's a good excuse for doing that. You know, so, and I haven't heard a good excuse.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Yeah, this really brings up a question that I have had in these past few weeks in terms of how do we determine as Councilman Brown so eloquently stated, who gets the two-hour? Who gets the four-hours? Why do we put a sign here for no parking? Why do we put a sign here for that and, the inconsistencies throughout the City when it comes to our signage and the parking? So, at some point, we as Council, if it doesn't exist, we need to set-up the parameters of what determines these stipulations. As of now, I've had some requests for people who volunteer at one of the downtown schools that while they're in there as volunteers and there's no parking made available to them that they have to move their vehicle in two-hours and in most cases they can't do that. They would have to pay for private parking and as volunteers they feel that that's a burden and then worse yet, they have to pay the \$40 fine. So, do we just change

that one block into a four-hour parking zone because someone requested it? The same thing with street cleaning, you know, the neighbors – one person request it, it becomes a street cleaning zone. Wasn't there - shouldn't there had been more than one neighbor to request that because now people are getting tickets? And, what determines no parking from here to the corner in front of a business? So, this just – I'm noticing a lot of inconsistencies. I did call Dave Blankenship and asked him to do a ride along so we can look at some of these, you know, these lack of inconsistency; we still have signs throughout the City that state that you have to pay for parking on Saturday when we know that those meters are being policed by the PREO's so why are we still doing that? I mean we just got to overhaul this whole situation.

President Gregory: Ms. Shabazz and then Ms. Walsh and then Mr. Brown.

Ms. Shabazz: Thank you Mr. President. I'm not speaking on behalf of Public Works but as Chair of Public Works and being involved in this and some other practices of changing street signs by per request of Councilmembers, I – I think it's a (inaudible) hazard movement, it is definitely a study that goes out and they do a complete study of the area. The poll it and as Councilman Brown referred to that this was originally a pilot program to see how it affects the area that this sign – the new change of signage is located and also if it fulfills the need of the requestor. I know that the – there was a question about the four-hour signs in other locations down at the Riverfront, which were removed because it did not meet the standard that was set for the original request for the four-hour signage and I do know what being placed somewhere because it was like you said Councilman Brown, if it's done for one – if it meets the mode for one area, does it meet the mode for another area that has a similar circumstances. And, I would just like to say to my Council Members too that Wilmington is continuously growing; you're getting pockets of businesses and residences all across the City and some of them are different than others and in order for us to have a quality of life, than – this – to try and have a cookie cutter rule for everything that we do, it's – it's – I think we have to make it conducive for the area and the residents in that particular area. So, what fits in one neighborhood might not fit in the other but it does require – it gives them all a good quality of life, so.

President Gregory: Ms. Walsh.

Ms. Walsh: Yes Mr. President, I was just going to answer as to why that parking is over by Warner because I did and the Triangle area, not all of it is, but the – they did due diligence. They went out, these are very close to Warner and there was some Sallies kids that were parking up there too; as people know, they are very close to Salesianum High School; they got a petition for areas that they wanted to get it changed and so, it took us probably a good seven (7) months to get it changed too. It wasn't like it was just changed overnight or anything like that. But that's the reason why and in other areas I have people petition their blocks to get them removed altogether too. So, I think it

just depends on the neighborhood. They were also having a really big problem over in that area where it was changed with the PREOS giving tickets to cars that had been called in as visitors too and no matter was being done, the people still kept getting tickets even though they could even prove that they had called in about the cars. So, that's why it was changed over there.

President Gregory: Mr. Brown.

Mr. Michael Brown: Yeah. In closing for me, thank you Ms. Walsh, in closing for me, I would ask that staff, Ms. Washington, do a letter to Public Works since we're doing neighborhoods for a reason and this is not being facetious, I always – I wonder since that Charter School building went up on 12th & French Street, why isn't there a four-hour parking around there? I've had three people approach me and said, "I was in the building for a meeting on behalf of my child or I was in the building for a meeting for whatever reason, come back out after two-hours parked up towards the hill, towards King Street and I get a ticket." So, I would – since we're doing pilot programs and since we're picking designated areas, I would ask staff to write a letter to Public Works and cc the Chairperson, to ask and request a feasibility study be done in during around that Charter School for four-hour parking. And so, it just takes me back to a few years ago when the past Administration, when the word was out that they talking about trying to do a – they were going to charge to go into Canby Pool at one time and Council, this Council, not this body here, but before this body said, "woe, woe, you, you charge one pool, you're going to charge all five City pools." So, I say that to say that – that if there's a pattern there somewhere, if there's a pattern, let's look at the pattern and see what is feasible and what is not feasible and what is recommendable and good for the community. And, I think one of the good things that I'd like to see is a feasibility study for that Charter School up in – off Market Street to see if we can change that to four-hour for parents going in visiting and taking care of their business for their children.

President Gregory: Anybody else? Ms. Cabrera.

Ms. Cabrera: Yeah I just want to respond. See, I guess the closer you are to downtown, the issue becomes the people who come to work in the City that don't want to pay for parking and they're parking in our residential areas and then, again, will that parking go to the Charter School parent or will it go to someone who doesn't want to pay for parking in the City? One of the issues that was brought up to me in the Trolley Square area is that people are parking, leaving their vehicles all day because they don't have the stipulation, they're taking the bus into downtown. The people that are speaking to me are people that have those small neighborhood businesses because now the parking is being taken away from where their customers can run in and run out and the cars are there all day. So, I agree with you Councilman, we do need to do a feasibility study and we need to be fair across the board. Or do we get into a program where we give people passes that are there for a specific reason, especially now that we have schools downtown. Because the Montessori School has approached us and I've been talking to

Councilman Freel, how do we, you know, how do we work with these three or four volunteers, you know, do we give them a pass to be able to go into Montessouri and volunteer as reading specialist? And, if we start that precedence than we have to do it for everybody, so is that something that we might determine and say, maybe we have to make exceptions with those particular schools or businesses. But we need to do something because there is inconsistency and we have to do what's good goose is good for the gander. We just can't arbitrarily pick and choose because then....

President Gregory: I know but what's the goose and what's the gander is in the eyes of the beholder. So, Ms. Walsh, Ms. Cabrera, Ms. Shabazz and Mr. Brown, y'all saying the same thing, you should have standards in the process and procedures should not be arbitrary and capricious and no matter what you do, if I want mine, I want mine and I'm going to stay the rationale why I should get mine. The trend that I've noticed and I think that Councilwoman Hanifa Shabazz hit on it, we used to be very conservative and we've made exceptions to the basic two-hour rule and over the years apparently we've become more and more liberal in that process. So, eventually the whole City will be no parking limitations or there will be all four-hour parking limitations as oppose to two-hour parking limitation and of course, there's a domino effect, there will be other things to contend with there with your constituents. But there's no right answer. We talk about what's legitimate and what's not legitimate – what's legitimate to one person ain't legitimate to the other person. There's no right answer. Okay?

Mr. Michael Brown: That's true. I'm going to vote for it because I helped get the two-hour....

President Gregory: Did you – who's legislation is this?

Ms. Shabazz: It's mine.

Ms. Walsh: Shabazz's.

President Gregory: You want to end on it or you have something else?

Ms. Shabazz: No, you can call for the vote.

President Gregory: Alright. The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted.

Ms. Shabazz: Mr. President, I have a Resolution to present on your behalf.

On behalf of President Gregory, Ms. Shabazz presented Resolution No. 16-024 (Agenda #4181) as follows:

WHEREAS, providing snow removal services constitutes a significant undertaking for City officials and employees, especially following a significant weather event; and

WHEREAS, the Department of Public Works – pursuant to Ordinance No. 96- 082, passed in December 1996 – administers a program which allows for agreements between the City and community organizations for private snow removal services; and

WHEREAS, such agreements empower community organizations – such as civic associations, homeowner associations and Neighborhood Planning Councils – to manage their own snow removal services for City-maintained streets in their service areas; and

WHEREAS, such agreements also provide for City reimbursement of 75 percent of the costs of those private snow removal services; and

WHEREAS, over the past several years, only two organizations in Wilmington have taken advantage of this program; and

WHEREAS, members of City Council believe that, with greater efforts to market the City's Snow Removal Reimbursement Program, additional community organizations may become interested in taking advantage of this opportunity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council encourages the Administration to work with City Council to be proactive with this program and increase marketing efforts for future winter seasons to more aggressively share information about this program with community organizations throughout the City of Wilmington.

On the question:

Ms. Shabazz: Yes Mr. President, this Resolution is being presented by City Council for Council's review and approval where it's urging the Administration to increase the marketing and promotional efforts for the City's Snow Removal Reimbursement Program, which may encourage community groups to participate. The Snow Removal Reimbursement Program was adopted in 1996 and allows for development of agreements between the City and community groups, whereby the community group would contract for private snow removal services for City-maintained streets in its service area and that the City would reimburse that community group by 75% of its cost of contracting out the service. There's been conversations about – there's

some neighborhoods that had – that get their snow cleared up sooner than others and evidentially is because they might take advantage of this and so, we want to make sure that the entire City knows and other neighborhoods want to take advantage of that. Again, community, working along with government to make a better quality of life for the City of Wilmington.

President Gregory: But it requires that they have money in their Treasurer's to be able to pay in advance and get reimbursed up to 75% in a pre-approved plan through the City of Wilmington.

Ms. Shabazz: Correct. They have to apply and proved all that they are...

President Gregory: What this Resolution is saying is that we need to market that better.

Ms. Shabazz: Correct.

President Gregory: And it doesn't just put the ownness on the Administration – it says City Council should be involved in that process and by doing the Resolution, we want to bring it to the forefront so that people about this plan or this program. Ms. Cabrera.

Ms. Cabrera: Yes, my question is this. Is there an allowable rate that is set for using this program so that way the costs are consistent?

President Gregory: There's a rate, yes. There's a plan. You have to pre-get pre-certified or pre-approved plan in place.

Ms. Cabrera: I would like to co-sponsor this.

President Gregory: Thank you. Mr. Brown. So noted.

Mr. Michael Brown: Yes Mr. President, two things. One, I'd like to be added as a co-sponsor and when we discussed this at the leadership among us – not in leadership but when we discussed this, I gotta – when I'm – when's something is wrong and I've done something wrong, I need to apologize. I need to apologize to the past Administration because I used to get mad when I'd ride out on Bancroft Parkway and up in Wawaset area when I ride around and snow watching to see what's snow – what streets are being done in what neighborhoods. I used to get upset because I said, "they're forgetting about the other side of town." But it was because they paid attention to this – to this program that was back in 1996. And, I agree, we need to advertise it more. So, I'm apologizing to the past Administration because I used to get their case about why they're not all over the City trying to do something and why just picking Bancroft Parkway and that area up in there. So, I apologize even though they can't hear me and they're gone but I apologize.

President Gregory: You think Jim Baker care whether you apologize to him? Do you really think that he cares?

Mr. Michael Brown: I think he's mellowed out. I think he has. Yes he has.

President Gregory: Okay.

Mr. Michael Brown: I spoke to him the other day. I think he's mellowed out.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Thank you Ms. Shabazz for presenting that on behalf and just as 4181 was presented on my behalf, Mr. Brown – Darius Brown, thank you for presenting 4180 on behalf. Ms. Dorsey Walker.

Ms. Dorsey Walker: No legislation tonight Mr. President. Thank you.

President Gregory: Mr. Williams.

Mr. Williams: No legislation; thank you sir.

President Gregory: Mr. Freel.

Mr. Freel: Sir, I have one for third and final and one Resolution.

Mr. Freel presented and called for the third and final reading Ordinance No. 16-009 (Agenda #4160) entitled:

AN ORDINANCE TO AMEND CHAPTER 3 OF THE
WILMINGTON CITY CODE RELATING TO THE
FEEDING OF WILD ANIMALS AND WATERFOWL

On the question:

Mr. Freel: Yes Mr. President, I know that when I look back on career of twenty (20) years, this Ordinance would be at the top of the list for accomplishments but sometimes you got to do what you got to do. What this Ordinance does it prohibits the feeding of wild animals, waterfowls, sea gulls, pigeons on public property and obviously on private property without the consent of the owner.

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President. Sir, I just have to speak out and just call out the hypocrisy of this Council at this time. I know that the Police will be doing the enforcement. Now, we're creating a law because we have one rogue individual in the City who likes to feed birds. I imagine the grandpops and the grandmoms taking their kids to the park to go feed the dummies and an officer have to tell them they're breaking law and at the same time this Council rejected an Ordinance to prohibit smoking in the parks that would protect our youths that we're more concern about the migration patterns and the nutritional problems that it causes our waterfowl. I can't support it. Thank you.

President Gregory: That was real good Mr. Williams. You had me going there but you threw one value in there that I don't agree with. I'll tell you in a minute what it is. Ms. Cabrera.

Ms. Cabrera: I do want to add that obviously this is a running joke with this Ordinance. You know, when I talk to people on the street cause they're like wow, you know, we're looking at prohibiting the feeding of fowl. And, I understand and the things that Councilman Williams, I could even agree with him on all of that but I think what has happened, he's right, it is one rogue individual – it's happening one of our areas in the City that has, you know, has spent millions of dollars to renovate and when you look at the pictures of loaves of bread everywhere and it just adds to more problems besides the birds, now you can have the rodents and everything else. I mean, I'm a co-sponsor of this, I think it needs to be addressed because it is creating a problem in an area. It is a shame that we have to legislate these little things and these little nuisances but this is what happens when the neighbors call in and they complain and they try to work with the City departments and no one wants to be accountable for it. It's not Public Works; it's not Parks; it's not the Police; call DNREC; call this person, so this is where we end up. We end up with an ordinance that is what Mr. Freel is going to highlight in his career which for all the reasons that Councilman Williams stated, we shouldn't even be discussing this but we have to do things like this because we can't get the departments or anyone to be accountable and say, "we're going to stop this individual and we're going to stop this in this area"; and, this where we are.

President Gregory: That was really good though Mr. Williams. I had to come back and tell you that. That was really good. But look...

Mr. Williams: Let me have it.

President Gregory: ...thank God for selective prosecution.

Mr. Williams: Understood.

President Gregory: They'll enforce this one time and never again in life. Just be on the books like – 99.99999 percent of every other law; right?

Mr. Williams: Correct.

President Gregory: Thank God for that. The Clerk will call...Ms. Walsh.

Ms. Walsh: I did want to say something on this. I don't necessarily disagree with what Mr. Williams said but for this particular area, I think the Police Chief is going to form a special ops unit for the amount of phone calls he's going to get daily because police has not responded. It's the amount of damage that has been done to a project that costs the City millions and millions of dollars too and but like everything else that's going on in this country, it all comes down to poop, does it?

Ms. Cabrera: Yup.

President Gregory: Who? Well, thank God for selective prosecution. The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Freel, Michael Brown, Cabrera, Walsh and Wright, and President Gregory. Total, ten. Nays, Council Members Dorsey Walker and Williams. Total, two. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. 4182.

Mr. Freel presented Resolution No. 16-025 (Agenda #4182) as follows:

WHEREAS, Ordinance No. 14-026, which proposes amendments to the Zoning Map by rezoning property comprising the former Wilmington Finishing Company, from C-6 to W-4 and R-2 zoning classifications, was introduced by City Council at its regular meeting of June 5, 2014; and

WHEREAS, pursuant to Wilm. C. §48-52, the City Planning Commission has 90 days to review and submit a report to the Mayor concerning that Ordinance;

WHEREAS, on November 19, 2015 City Council passed a resolution to extend the City Planning Commission's time for review by ninety (90) days to on or about March 1, 2016; and

WHEREAS, City Council believes it is necessary and desirable to extend the City Planning Commission's time for review by an additional ninety (90) days through and including June 2, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the time for review and submission of a report by the City Planning Commission on Ordinance No. 14-026, or a Substitute thereto, is hereby extended an additional ninety (90) days through and including June 2, 2016.

On the question:

Mr. Freel: This just extends review process for another ninety (90) days for the Bancroft Mills site.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Michael Brown.

Mr. Michael Brown: Yes Mr. President, nothing tonight. Thanks for your, for asking. Thank you.

President Gregory: Thanks for thanking me.

Mr. Michael Brown: No problem buddy. I mean sir.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Nothing this evening and thank you for asking.

President Gregory: Thanks for thanking me.

Ms. Cabrera: You're welcome.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation; thank you Mr. President.

President Gregory: I'm not doing it again. Mr. Wright.

Mr. Wright: No legislation.

President Gregory: Thank you.

PETITIONS AND COMMUNICATIONS

Council Members announced committee meetings/civic association meetings and community events/activities throughout their districts. Council Members spoke on the following matters: Congressman John Lewis' events; Mr. Williams was thanked for holding a meeting in which the issues in the senior high-rises was discussed; school open house; upcoming budget hearings; a vacant abandoned home that collapsed and the need of funding for demolitions.

The City Clerk read the following communication into the record and is attached herein as **an insert from Page 76 through Page 80:**

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**PETITION FOR ANNEXATION OF 3604 DOWNING DRIVE
(TAX PARCEL NO. 06-152.00-003) INTO THE
CITY OF WILMINGTON, STATE OF DELAWARE**

TO:

Maribel Seijo, City Clerk City of Wilmington Louis L. Redding City/Cty Building, 9 th Floor 800 N. French Street Wilmington, DE 19801	Betsy Gardner, Clerk of County Council New Castle County Council Louis L. Redding City/Cty Building, 8 th Floor 800 N. French Street Wilmington, DE 19801
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The undersigned, in accordance with 22 *Del. C.* § 101A, hereby petitions the City of Wilmington and New Castle County for the annexation into the City of Wilmington of that certain real property located 3604 Downing Drive, Wilmington, DE 19802, being Tax Parcel No. 06-152.00-003, which is more particularly depicted and described on Exhibit "A" attached hereto (the "Property").

And in support of this Petition, the undersigned does hereby state that:

1. It is desirable and necessary that the above-described Property be annexed into the City of Wilmington.
2. The Property is adjacent to the existing municipal boundaries of the City of Wilmington.
3. The undersigned is the sole owner of the Property.
4. There are no other individuals or entities residing at the Property or that have a leasehold interest in the Property.
5. The undersigned constitutes one hundred percent (100%) of the qualified voters in the territory to be annexed.

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LEGAL\25315953\1

NOW, THEREFORE, on this 6 day of January, 2016, the undersigned hereby petitions the City of Wilmington and New Castle County to approve the annexation of the Property into the City of Wilmington.

MOAT STREET, LLC

By: 

Name: Andrew Duffley

Title: Owner

STATE OF DELAWARE :
: ss.
COUNTY OF NEW CASTLE :

On this 6 day of January, 2016, before me appeared Andrew Duffley, to me personally known, who, being by me duly sworn, did say that he is the Owner of **MOAT STREET, LLC**, a Delaware limited liability company, and acknowledged this petition to be his act and deed and the act and deed of said company, and that such was duly authorized by said company.



NANCY G. DUFFLEY
NOTARY PUBLIC
Notary Public, STATE OF DELAWARE
My Commission Expires Mar 24, 2019

EXHIBIT “A”

(see attached)



M E R E S T O N E
Consultants, Inc.

Civil Engineers - Land Surveyors - Site Planners

21 January 2016

Property Description

Project: Description of a portion of Lot No. 5, Downing Industrial Park to be annexed into the City of Wilmington (New Castle County Tax Parcel: 06-152.00-003)

Description of property situate in Brandywine Hundred, New Castle County, State of Delaware, being a portion of Lot No. 5 as shown on the Record Major Subdivision Plan of Downing Industrial Park as recorded in the Recorder of Deeds Office in and for New Castle County, Delaware, on Microfilm No. 7681, and more particularly bounded and described according to a plan titled "Annexation Plan prepared for Moat Street, LLC," prepared by Merestone Consultants, Inc. (Plan No. 23414-127723), last dated 18 January 2016 as follows to wit:

Beginning at a point along the division line between Lot No. 5, Downing Industrial Park and lands now or formerly of Brandywine School District (PIN 06-152.00-001), at the intersection therewith the Corporate Boundary for the City of Wilmington, and further located from the intersection of the northeasterly side of East 35th Street at 50 feet wide, with the northwesterly side of Bellevue Avenue at 50 feet wide, by the following 2 courses and distances:

- 1) Along said northeasterly side of East 35th Street, South 27° 08' 45" East, 50.00 feet to a point, a corner for said Lot No. 5 and said lands of Brandywine School District;
- 2) Along said division line between said Lot No. 5 and said lands of Brandywine School District, North 62° 50' 45" East, 125.00 feet;

Thence, from said Point of Beginning so located, along the Corporate Boundary for the City of Wilmington, through said Lot No. 5, the following 2 courses and distances:

- 1) North 27° 08' 45" West, 200.01 feet and;
- 2) North 62° 50' 45" East, 444.29 feet to a point in the perimeter line of said Lot No. 5, a corner for Lot No. 6, Downing Industrial Park and lands now or formerly of Delmarva Power (PIN 06-152.00-002);

Thence, continuing along the perimeter line of Lot No. 5, being the line of said lands of Delmarva Power, South 26° 46' 35" East, 200.01 feet to said division line of lands of Brandywine School District;

Thence, along a portion of said division line, South 62° 50' 45" West, 443.00 feet to the first mentioned point and place of Beginning...

Containing within the said described metes and bounds 2.04 acres of land, be the same, more or less.

Prepared by and Checked by: Grant H. Gregor, Prof. L. S.

"The Extra Measure People"
5215 W. Woodmill Drive, Suite 38 - Wilmington, DE 19808 - (302) 992-7900 - FAX (302) 992-7911
19633 Blue Bird Lane, Suite 9 - Rehoboth Beach, DE 19971 - (302) 226-5880 - FAX (302) 226-5883

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh, the above
aforementioned communication was received, recorded and filed. Motion prevailed.

Council Members also spoke on the following matters: it was duly noted
that there has always been funds available for demolitions; Cornerstone were thanked for
paying the \$21,000 owed to the City; residents were encouraged to be prepared and
support Executive Order 13650, which is focused on improving chemical facility safety
and security; condition of Wilmington's water; it was duly announced that the previously
scheduled City Council meeting has been rescheduled from March 17th to March 31st at
6:00 p.m. for the Mayor's Budget Address and including but not limited to the Nu
Upsilon Omega Psi Phi Fraternity "Talent Hunt" Program at William Penn High School.

ADJOURNMENT

Upon a motion of Mr. Wright, seconded by Mr. Williams, Council
adjourned at 8:03 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk