

*Wilmington, Delaware
Louis L. Redding
City/County Building
November 17, 2016*

Council met in regular session on the above date at 6:30 p.m., President Theopalis 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, Prado*, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, nine. Absent with leave, Council Members Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

MINUTES

After reading a portion of the minutes of November 3, 2016, upon a motion of Mr. Freel, seconded by Mr. Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Community and Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Loretta Walsh	X		
Darius J. Brown	X		
Maria D. Cabrera		X	
Ernest "Trippi" Congo, II	X		
Sherry Dorsey Walker	X		
Justen A. Wright	X		

President and Members of Council of
The City of Wilmington

Date: November 10, 2016

Ladies and Gentlemen:

We, your Community and Economic Development Committee, met on the above date at 5:00 p.m., Councilwoman Loretta Walsh presiding. The following item was discussed:

- Discuss a report on the Northern Delaware Office Vacancy review with a focus on the City of Wilmington

- Update on vacancy and occupancy along Market Street Mall store fronts and office buildings within the Central Business District by the Office of Economic Development

Respectfully submitted, Members of
Community and Economic Development Committee
/s/Loretta Walsh, Chair
/s/Darius J. Brown
/s/Sherry Dorsey Walker
/s/Justen A. Wright

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

*Note: The items on the aforementioned Report did not require to be voted out of
committee.*

The City Clerk read the following committee report:

<u>Public Safety Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Michael A. Brown, Sr., Chair	X		
Ernest "Trippi" Congo, II	X		
Charles M. "Bud" Freel	X		
Loretta Walsh		X	
Robert A. Williams	X		

President and Members of Council of
The City of Wilmington

November 14, 2016

Ladies and Gentlemen:

We, your Public Safety Committee, met on the above date at 5:00 p.m.,
Councilman Michael A. Brown, Sr., presiding. The following items were discussed:

- Discuss a Resolution regarding the Collective Bargaining Agreement for FOP Lodge 1 (Captains & Inspectors)
- Discuss a Resolution authorizing the filing of a grant application by the Wilmington Police Department to the State of Delaware to combat violent Crime

Respectfully submitted, Members of
Public Safety Committee

/s/Michael A. Brown, Sr.
/s/Ernest “Trippi” Congo, II
/s/Charles M. Freel
/s/Robert A. Williams

Upon a motion of Mr. Michael Brown, seconded by Mr. Williams, the
aforementioned Report was received, recorded and filed. Motion prevailed.

*Note: The item referenced on the aforementioned Report did not require to be voted out
of committee.*

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

November 16, 2016

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 16-046 entitled:

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CITY
CODE REGARDING THE MOBILE FOOD VENDING UNIT
PILOT PROGRAM

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

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

Upon a motion of Mr. Chukwuocha, seconded by Mr. Freel, 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

November 16, 2016

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 16-050 entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/PARKING
REGULATIONS

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

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

Upon a motion of Mr. Chukwuocha, seconded by Mr. Freel/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
Ladies and Gentlemen:

November 16, 2016

We, your Public Works & Transportation Committee, met on the above date at 5:00 p.m., Council Member Nnamdi O. Chukwuocha presiding. The following item was discussed:

- Discuss a Resolution on the proposed amendments to the South Wilmington Neighborhood Comprehensive Development Plan

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

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

Note: The item referenced on the aforementioned Report did not require to be voted out of committee.

TREASURER'S REPORT

The following Treasurer's Report dated November 17, 2016 was read into the record by the City Clerk, and upon a motion of Mr. Freel, seconded by Mr. Williams, the Report was received, recorded and filed. Motion prevailed.

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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON NOVEMBER 17, 2016

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 715.81
105	Police Pension Account	M & T Bank	\$ 3,760.94
106	Fire Pension Account	M & T Bank	\$ 5,360.87
107	Evidence/Found Currency Account	M & T Bank	\$ 375,720.67
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	\$ 155,167.37
117	Cement Workers	Wilmington Savings Fund	\$ 33,506.43
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 3,689.38
120	Grant-In-Aid Account	M & T Bank	\$ 402,738.00
130	Payroll	M & T Bank	\$ 506,958.11
131	Pension Payroll Account	M & T Bank	\$ 110,990.72
139	Pension Healthcare Account	M & T Bank	\$ <u>4,429.45</u>
	Total Cash on Hand		\$ 1,621,433.01

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	11/17/16	0.01%	\$ 1.66	\$ 6,045,359.00
110	Capital	WSFS	CD	11/18/16	0.50%	\$ 99,726.02	\$ 20,000,000.00
116	General	TD	CD	11/21/16	0.43%	\$ 1,730.75	\$ 2,100,000.00
116	General	TD	CD	11/21/16	0.47%	\$ 1,096.67	\$ 1,500,000.00
124	Non-Uniform 1990	WSFS	CD	11/29/16	0.45%	\$ 1,179.62	\$ 2,990,000.00
106	Fire Pension	WSFS	CD	11/29/16	0.45%	\$ 581.92	\$ 1,475,000.00
116	General	WSFS	CD	11/30/16	0.45%	\$ 2,278.35	\$ 2,400,000.00
116	General	TD	CD	11/30/16	0.50%	\$ 4,861.12	\$ 5,000,000.00
116	General	WSFS	CD	12/09/16	0.45%	\$ 2,278.36	\$ 2,400,000.00
116	General	WSFS	CD	12/21/16	0.45%	\$ 2,021.92	\$ 2,000,000.00
116	General	TD	CD	12/21/16	0.41%	\$ 747.12	\$ 1,600,000.00
116	General	WSFS	CD	01/06/17	0.45%	\$ 1,294.52	\$ 2,100,000.00
110	Capital	WSFS	CD	01/20/17	0.45%	\$ 14,671.23	\$ 10,000,000.00
116	General ¹	TD	CD	01/31/17	0.48%	\$ 24,646.19	\$ 15,403,864.00
110	Capital	WSFS	CD	02/02/17	0.45%	\$ 8,476.02	\$ 5,500,000.00
110	Capital	TD	CD	02/16/17	0.49%	\$ 17,966.67	\$ 10,000,000.00
514	Risk Management	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
515	Worker's Comp	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
104	Escrow Pension	Vanguard					\$ 44,306,798.00
104	Escrow Pension	Black Rock					\$ 23,842,329.00
104	Escrow Pension	Edgar Lomax					\$ 23,340,230.00
104	Escrow Pension	Wilmington Trust					\$ 44,267,812.00
104	Escrow Pension	Manning & Napier					\$ 10,288,560.00
104	Escrow Pension	Earnest Partners					\$ 18,627,767.00
104	Escrow Pension	GMO					\$ 11,896,247.00
104	Escrow Pension	MFS Management					\$ 23,102,563.00
104	Escrow Pension	American Funds					\$ 10,298,223.00
139	Medical Escrow	Vanguard-OPEB					\$ 15,545,251.00
116	Deferred Comp.	MassMutual					\$ 40,915,287.00
	Total Investments						\$ 371,082,073.42
	Total Cash on Hand						\$ <u>1,621,433.01</u>
	Grand Total						\$ 372,703,506.43

¹ Budget Reserve

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

M. Brown	Sympathy Norman James Porter
Gregory/M. Brown	Sympathy Martha Farmer
Shabazz	Retirement Sister Dorothy W. Young
Williams	Recognize 2 nd Lieutenant Steven Barnes
Williams	Recognize November 17, 2016 as “World Pancreatic Cancer Day”

LEGISLATIVE BUSINESS

President Gregory: Mr. Congo.

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

President Gregory: Mark Mr. Prado present please.

Mr. Prado: Thank you.

Mrs. Seijo (City Clerk): So noted.

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

Mr. Congo presented Resolution No. 16-084 (Rev. 1, Agenda #4282) as follows:

WHEREAS, pursuant to Wilm. C. (Charter) §1-101, the City may acquire, hold, manage, and dispose of property on such terms as it deems proper for any municipal purpose; and

WHEREAS, Steven and Shirley Brown (the “Seller”), have agreed to sell, and the City has agreed to purchase, contingent upon Wilmington City Council (“Council”) approval, the real property located at 216 West 23rd Street, Wilmington, Delaware, being Tax Parcel No. 26-022.10-348 (the “Property”) for Forty Four Thousand Five Hundred Fifty Dollars (\$44,550.00). That certain Agreement of Sale is attached hereto as Exhibit “A”; and

WHEREAS, the City intends to purchase the Property in order to renovate it, and add it to a stock of homeowner-occupant-ready properties that the City can later dispose of to an eligible resident.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council authorizes and approves the acquisition of the Property by the City from Seller for Forty Four Thousand Five

Hundred Fifty Dollars (\$44,550.00).

BE IT FURTHER RESOLVED that Council authorizes the Mayor or his designee to execute any and all documents and to take all actions necessary to effectuate the purchase and transfer of the Property to the City.

On the question:

Mr. Congo: Yes Mr. President, this is the Resolution that – that was held at our last meeting. We had a chance to talk to Real Estate and Housing just to get some - get a better understanding of the purchase and its intent. So, we're going to move forward with it.

President Gregory: The Clerk will call the roll please.

Upon a motion of Mr. Congo, seconded by 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, Prado, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, nine. Nays, none. Absent, Council Members Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

President Gregory: Declare it adopted. Who has Ms. Shabazz?

Mr. Williams: Mr. President, I will be presenting on behalf of Councilwoman Shabazz. Mr. President, I have an Ordinance to present and call for the third and final reading.

On behalf of Ms. Shabazz, Mr. Williams presented and called for the third and final reading Ordinance No. 16-050 (Agenda #4269) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

Mr. Williams: Mr. President, I have a **Substitute** to present in lieu of that Ordinance:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

On the question:

Mr. Williams: Mr. President, this is maintenance issues in regards to some signage that was changed and installed over the last six-months.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

President Gregory: Ms. Dorsey Walker.

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

President Gregory: Mr. Williams.

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

Mr. Williams presented and called for the third and final reading Ordinance No. 16-046 (Agenda #4260) entitled:

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CITY
CODE REGARDING THE MOBILE FOOD VENDING UNIT
PILOT PROGRAM

On the question:

Mr. Williams: Mr. President, this Ordinance changes the pilot program to a permanent program. Throughout the Program we had fifteen mobile food vendors sign up. We had five active spots within the City; the most prolific spot being H.B. DuPont Plaza. We're looking to make this a permanent situation here in the City of Wilmington.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Williams, seconded by Mr. Michael Brown/Mr. Freel, 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 adopted by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Prado, Dorsey Walker, Williams, Michael Brown and Wright, and Council President Gregory. Total, eight. Nays, Council Member Freel. Absent, Council Members Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

President Gregory: Declare it adopted.

Mr. Williams: Mr. President, I have a Resolution to present.

President Gregory: We have to dissolve...

Mrs. Seijo (City Clerk): Dissolve into the Committee of the Whole.

President Gregory: ...to Committee of the Whole.

Mr. Williams: Alright, I make a motion that we dissolve into...

President Gregory: Committee of the Whole for the purpose.

Mr. Williams:the Committee of the Whole for the purpose of holding a public hearing.

Ms. Dorsey Walker/Mr. Freel: Second.

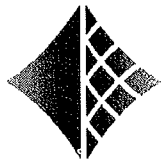
Upon a motion of Mr. Williams, seconded by Ms. Dorsey Walker, Council dissolved into the Committee of the Whole for the purpose of holding two public hearings.

PUBLIC HEARING
PROPOSED AMENDMENTS TO THE NEIGHBORHOOD
COMPREHENSIVE DEVELOPMENT PLAN FOR THE
SOUTHWEST ANALYSIS AREA AND THE REZONING OF
2303 PYLE STREET FROM C-5 (HEAVY COMMERCIAL) TO R-3
(ONE-FAMILY ROW HOUSES) - ORDINANCE NO. 16-049

President Gregory: Affidavits.

The City Clerk read both Affidavits of Publications into one. Upon a motion of Mr. Williams, seconded by Mr. Freel, the Affidavits of Publications was made a part of the record. Motion prevailed.

Note: The Affidavits of Publications was added into the record and is attached herein as an insert from Page 12 through Page 15.



The News Journal Media Group

A GANNETT COMPANY

Street Address:
950 West Basin Road
New Castle, DE 19720

(302) 324-2500
(800) 235-9100

Mailing Address:
P.O. Box 15505
Wilmington, DE 19850

Legal Desk:
(302) 324-2676
Legal Fax:
302 324-2249

SD CITY OF WILMINGTON
800 N FRENCH ST

WILMINGTON, DE 19801

AFFIDAVIT OF PUBLICATION

State of Delaware New Castle County

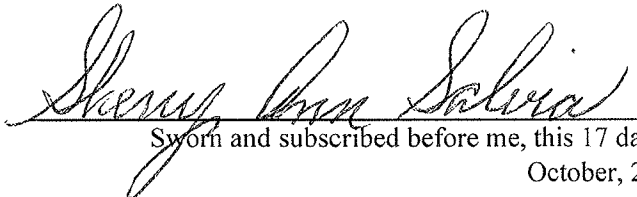
Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

10/17/16 A.D 2016

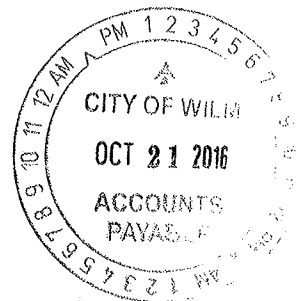
Linda Barber

Ad Number: 0001654361


Sworn and subscribed before me, this 17 day of
October, 2016



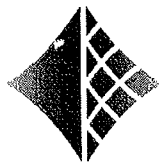
Legal notification printed at larger size for affidavit.



NOTICE IS HEREBY GIVEN that a public hearing to consider amendments to the Neighborhood Comprehensive Development Plan for the "Southwest Analysis Area" to be held by the Wilmington City Council in the Council Chambers 1st floor, Louis L. Redding City/County Building, 800 French Street, Wilmington, Delaware on November 17, 2016 at 6:30 p.m. pursuant to Resolution No. 16-075.

Maribel Seijo
City Clerk
10/17-NJ

0001654361-01



The News Journal
Media Group
A GANNETT COMPANY

Street Address:
950 West Basin Road
New Castle, DE 19720

(302) 324-2500
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Wilmington, DE 19850

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302 324-2249

SD CITY OF WILMINGTON
800 N FRENCH ST

WILMINGTON, DE 19801

AFFIDAVIT OF PUBLICATION

State of Delaware
New Castle County

Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

10/17/16 **A.D 2016**

Linda Barber

Sherry Ann Salva
Sworn and subscribed before me, this 17 day of
October, 2016

Ad Number: 0001654399



Legal notification printed at larger size for affidavit.

Notice of time and place of a public hearing before City Council of the City of Wilmington on Ordinance No. **16-049**, or a Substitute thereto, which proposes to amend Chapter 48 of the Wilmington City Code of the City of Wilmington.

Please take notice that a public hearing will be held in the Council Chambers, 1st floor, City/County Building, 800 French Street, Wilmington, Delaware on **November 17, 2016 at 6:30 p.m.** before City Council of the City of Wilmington, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. **16-049**, or a Substitute thereto, entitled:

AN ORDINANCE TO REZONE 2303 PYLE STREET FROM C-5 (HEAVY COMMERCIAL) TO R-3 (ONE-FAMILY ROW HOUSES)

Ordinance No. **16-049** was introduced in City Council at a regular meeting held on October 6, 2016 and received 1st & 2nd readings at that time. Resolution No. 16-076 was adopted by City Council at the meeting of City Council held on October 6, 2016 directing that a public hearing on same be held by City Council on **November 17, 2016 at 6:30 p.m.** in the Council Chambers and directed that the President of City Council and the City Clerk of the City of Wilmington give public notice of the said hearing in the manner and form required by the Zoning Enabling Act and that ordinance.

Ordinance No. **16-049** proposed to amend the existing zoning code of the City.

This notice is given pursuant to the provisions of Sec. 48-51 of the Wilmington City Code providing that the zoning ordinance may be amended after a public hearing is held, at which time interested property owners and citizens may have an opportunity to be heard in favor of or in opposition to the proposed amendment.

The text and report of the City Planning Commission related to this proposed amendment may be examined in the Department of Planning, 7th floor, or City Clerk's Office, 9th floor, City/County Building from 9:00 a.m. to 5:00 p.m. Except Saturday, Sunday, and Holidays.

By direction of City Council
THEOPALIS K. GREGORY, SR., President
10/17-NJ

City Clerk
MARIBEL SEIJO

President Gregory: Planning Commission Report please.

The City Clerk read the Planning Commission Report. Upon a motion of Mr. Williams, seconded by Mr. Freel, 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 17 through Page 47.

[the remainder of this page was intentionally left blank]

DENNIS P. WILLIAMS
MAYOR

City of Wilmington
Delaware

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



August 19, 2016

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 9-16, 10-16, 11-16, and 12-16, along with the related Department of Planning analyses. At their August 16, 2016 meeting, the Planning Commission voted to recommend the following measures to City Council:

1. **Resolution 9-16:** Proposed amendments to the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan to amend Map E, Proposed Land Use, and Map F, Proposed Zoning, to change the land use and zoning recommendations for the properties located within the existing C-6 Special Commercial district located along the Brandywine Creek near the northern end of Riddle Avenue and Mill Road.
2. **Resolution 10-16:** A proposal to rezone four parcels of land (Tax Parcels 26-006.20-041, 26-006.20-045, 26-006.40-050 and 26-006.20-046) located along the Brandywine Creek near the northern end of Riddle Avenue and Mill Road, from C-6 (Special Commercial) to W-4 (Waterfront Residential/Commercial) and R-3 (One-Family Row Houses). Substitute No. 1 to Ordinance 16-028. Zoning Referral 543-16.
3. **Resolution 11-16:** Proposed amendments to the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area to amend the Proposed Land Use Map (Map D) to change the land use classification from "Heavy Commercial" to "Medium Density Residential," and to amend the map titled "Areas With Proposed Zoning Changes" (Map E) from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses) for a single parcel of land located at 2303 Pyle Street (Tax Parcel 26-026.10-103).

4. **Resolution 12-16:** A proposal to rezone a single parcel of land (Tax Parcel 26-026.10-103) located within the block generally bounded by Pyle Street, Rodman Street, 3rd Street and Woodlawn Avenue from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses). Zoning Referral 544-16.

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

Sincerely,



Gwinneth 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 11-16**

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 Southwest Analysis Area ("Plan") was adopted by City Council in 1959 and last amended on December 5, 1991; and

WHEREAS, the property identified as 2303 Pyle Street, being tax parcel number 26-026.10-103, which is within the block bounded by Pyle Street, Rodman Road, West 3rd Street and Woodlawn Avenue, is currently designated for "Heavy Commercial" land use on Map D, Proposed Land Use, in the Plan; and

WHEREAS, Map E, Areas With Proposed Zoning Changes, of the Plan designates this site for C-5 (Heavy Commercial) zoning which provides for large wholesale and storage establishments involving both storage in buildings and storage yards; and

WHEREAS, the owner of 2303 Pyle Street has requested the property be rezoned from C-5 to R-3 (One-Family Row Houses) which is consistent with the current use of the property as a single-family home; and

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

WHEREAS, Map D, Proposed Land Use, of the Plan is proposed to be amended from the existing "Heavy Commercial" land use classification to "Medium Density Residential" land use, which is consistent with the current use of the property; and

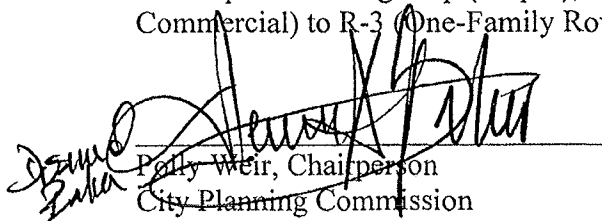
WHEREAS, Map E, Areas With Proposed Zoning Changes, of the Plan is proposed to be changed to reflect R-3 zoning on the site, which permits one-family rowhomes; and

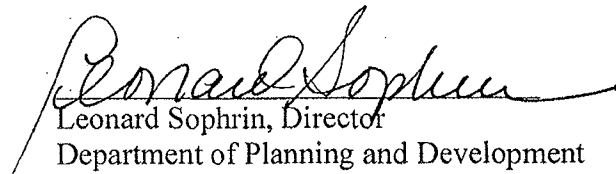
WHEREAS, the R-3 zoning classification will bring the property under the appropriate zoning classification for the current use; and

WHEREAS, the Commission has considered the analysis prepared by the Planning Department along with other evidence presented at the August 16, 2016 Planning Commission meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Commission recommends that the proposed amendments to the Southwest Analysis Area Comprehensive Development Plan, Proposed Land Use Map (Map D), which would change the proposed land use designation of 2303 Pyle Street, constituting tax parcel number 26-026.10-103, from "Heavy Commercial" to "Medium Density Residential", as shown on the attached map, be approved.

FURTHER RESOLVED, that the Commission recommends that the proposed amendments to the Proposed Zoning Map (Map E), which would change the proposed zoning from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses), as shown on the attached map, be approved.


Polly Weir, Chairperson
City Planning Commission


Leonard Sophrin, Director
Department of Planning and Development

Date: August 16, 2016
Attachments

**CITY PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF WILMINGTON
RESOLUTION 12-16**

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 owner of 2303 Pyle Street has requested a change in zoning classification for the property, being tax parcel number 26-026.10-103, from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses); and

WHEREAS, the existing C-5 zoning provides for large wholesale and storage establishments involving both storage in buildings and storage yards; and

WHEREAS, the proposed R-3 (One-Family Row Houses) zoning supports the current use of the property as a single-family residence; and

WHEREAS, one family residential development exist to the east and south of the site, with commercial development to the west and north; and

WHEREAS, the sites location adjacent to the single-family row house districts to the east and south supports the rezoning of the property to the R-3 zoning category; and

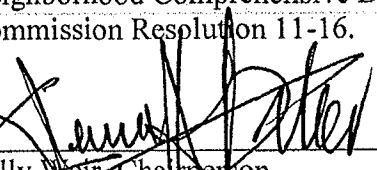
WHEREAS, the rezoning is consistent with the Comprehensive Development Plan for the Southwest Analysis Area, as amended by Commission Resolution 11-16 to change the land use classification for 2303 Pyle Street from "Heavy Commercial" to "Medium Density Residential" on Map D, Proposed Land Use Map, and to change the zoning on Map E, Areas With Proposed Zoning Changes, from C-5 to R-3; and

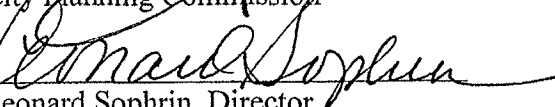
WHEREAS, a public notice was sent to the owners of properties and other interested parties within the area proposed for rezoning on July 29th, a legal notice was published in the News Journal on August 2nd and the Planning Commission's agenda was posted in the lobby of the Louis L. Redding City/County Building and mailed to the standard Commission mailing list recipients on August 9th, 2016; 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 August 16th, 2016 when making their determination.

City Planning Commission
Resolution 12-16
Page 2

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Commission recommends that the property located at 2303 Pyle Street, being tax parcel number 26-026.10-103, be rezoned from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses) in accordance with the Neighborhood Comprehensive Development Plan for Southwest Analysis Area, as amended by Commission Resolution 11-16.

Demond E. Smith

Polly Weir, Chairperson
City Planning Commission


Leonard Sophrin, Director
Department of Planning and Development

Date: August 16, 2016
Attachment

MEMORANDUM

To: City Planning Commission

From: Department of Planning

Date: August 16, 2016

Re: **Resolution 11-16:** Proposed amendments to the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area to amend the Proposed Land Use Map (Map D) from "Heavy Commercial" to "Medium Density Residential," to change the land use classification and to amend the map titled "Areas With Proposed Zoning Changes" (Map E) from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

Resolution 12-16: A proposal to rezone a single parcel of land (Tax Parcel number 26-026.10-103) located within the block generally bounded by Pyle Street, Rodman Street, 3rd Street and Woodlawn Avenue from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses). Zoning Referral #544-16.

SPONSOR

Robert A. Williams, Council Member 7th District

BACKGROUND/PURPOSE

On May 20, 2016 Michael P. Bouchard, III submitted an application to the Wilmington City Clerk's Office to rezone the property located at 2303 Pyle Street (Tax Parcel Number 26-026.10-103) from the current C-5 (Heavy Commercial) zoning classification to R-3 (One-Family Row Houses). Mr. Bouchard is the current owner of the property. See attachment "A" for rezoning application and attachment "B" for rezoning map.

The property is designed and is currently being used as a single-family residence. The home also includes an attached garage, which includes interior access from the home. The garage space is currently used for additional storage. The Zoning Manager was consulted by the Department of Planning and has confirmed that the use of the garage is a legal accessory use to the home. The home is currently for sale and the applicant has indicated that the current C-5 heavy commercial zoning classification has proven a difficulty for potential purchasers when attempting to secure financing. The home is situated directly adjacent to other single-family row homes which front on West 2nd Street and Woodlawn Avenue. The rezoning to R-3 will bring the property under the appropriate zoning classification as a single-family residence.

COMPREHENSIVE DEVELOPMENT PLAN

The Comprehensive Development Plan for the Southwest Analysis Area, ("Plan"), was adopted in 1959 and last updated in 1991, at which time 11 zoning changes were recommended in the Southwest Analysis Area. These changes are described in the chart below.

Area	See Attachment "C" "Recommended Rezoning"	Zoning Change
Area 1	4th Street, Greenhill Avenue, 7th Street and Ford Avenue	R-5B to R-4
Area 2	6th Street, Hawley Street, 7th Street and Webb Street	R-5B to R-3
Area 3	7th Street, CSX Rail Line, 5th Street and Hawley Street	M-1 to R-3
Area 4	Small Triangular Parcel located at the intersection of the CSX Rail and Bancroft Parkway (not implemented)	C-2 to R-5B
Area 5	CSX Rail Line, 6th Street, Weldin Street and 9th Street	C-2 to R-4
Area 6	Grant Avenue, Union Street, 9th Street and 8th Street	C-2 to R-3
Area 7	Parcels North of 2nd Street between Woodlawn and Hawley and parcels located at the Northwest Corner of Hawley and 2nd Street	C-2 and C-5 to R-3
Area 8	3 Areas. Intersection of Grant and Elsmere Blvd, Northwest Corner of Tulip and Union Street, Southeast Corner of 4th and Union	C-1 and C-2 to R-3
Area 9	4th Street, 5th Street, Greenhill Avenue, Hawley Street	M-1 to C-2
Area 10	2nd Street, Ford Avenue, 3rd Street, Greenhill Avenue, 4th Street, CSX Rail, 3rd Street, Webb Street	C-5 to C-2
Area 11	Two Residential properties located on south side of West 3rd mid-block between Greenhill Avenue and Ford Avenue	C-5 to R-3 Amended by Planning Commission to C-2

As part of the planning process in 1991 to implement the eleven recommended zoning changes, two areas were not adopted by City Planning Commission. These areas included Area 4 and Area 11. Area 4 was recommended in the Plan to change from C-2 to R-5B zoning. The Commission recommended it remain as a C-2 zoning classification due to its location directly adjacent to the railroad. The Plan recommended Area 11 to be rezoned from C-5 to R-3. At the property owner's request, the zoning for Area 11 was changed to C-2 to accommodate their business plans for the parcels, which included the development of accessory parking.

The Plan is currently proposed to be amended to change the proposed land use classification for 2303 Pyle Street from "Heavy Commercial" to "Medium Density Residential" land use (Map D). The current heavy commercial land use classification is not consistent with the single-family residential use.

All zoning recommendations are required to be consistent with the Comprehensive Plan and therefore the Plan is also proposed to be further amended to reflect R-3 zoning. Map E of the Comprehensive Development Plan is proposed to be amended to change the recommended zoning of 2303 Pyle Street from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

Comprehensive Development Plan Summary Recommendation:

Resolution 11-16 recommends that the Comprehensive Development Plan for the Southwest Analysis Area, Proposed Land Use Map (Map D), be amended to change the land use classification from "Heavy Commercial" to "Medium Density Residential," and to amend the Proposed Zoning Map (Map E) to reflect a change from C-5 (Heavy Commercial) to R-3, which provides for One-Family Row Houses. See Attachments D and E.

ZONING HISTORY

There have been no zoning changes in the Southwest Analysis Area since the adoption of the Comprehensive Plan in 1991.

LAND USE

The subject property is located on Pyle Street, midblock between Woodlawn Avenue and Rodman Street. The property includes one single-family home with an attached garage with interior access from the home.

Adjacent/Surrounding Area

The surrounding land uses include single-family row homes directly to the east of the site along Woodlawn Avenue. To the west along Pyle Street is an inactive auto repair business (John's Body Shop) and various other commercial business, including a sheet metal business and small offices. Additionally, there are various small lots used for storage of vehicles. Along Rodman Street are additional auto-related businesses. This land use pattern of commercial businesses continues along West 3rd Street, directly behind 2303 Pyle Street. Directly across Pyle Street, from the subject property, is a single-family home and additional parking for vehicles. To the east are single-family rowhomes concentrated along Woodlawn Avenue, West 3rd and Pyle Street, east of Woodlawn Avenue. Single family rowhomes are also found directly to the south of 2303 Pyle Street along West 2nd Street. In addition, there are several institutional uses in the vicinity of the property including The Lorelton and a vacant school located at the intersection of Pyle Street and Woodlawn Avenue.

Proposed Land Use

The Department of Planning is proposing to amend the land use classification for 2303 Pyle Street from “Heavy Commercial” to “Medium Density Residential”. The site is currently used as a single-family home. The proposed rezoning will not result in any negative impacts to the adjacent properties.

ZONING

Current Zoning

The site is currently zoned C-5, Heavy Commercial. The property has been zoned C-5 since the Southwest Analysis Area Comprehensive Development Plan was adopted in 1959. However, the C-5 zoning classification is inconsistent with the historical use of the property as a single-family home, although the balance of the development within the C-5 district is consistent with the nature of the land uses permitted under C-5 zoning.

The zoning in the surrounding area includes a large area of R-3 zoning to the east of 2303 Pyle Street which accommodates existing single-family rowhomes. The larger C-5 zoning district is located to the west along Pyle Street, Rodman Street and West 3rd Street. To the south, along Lancaster Avenue the zoning is C-2 which currently accommodates secondary business centers, and one block of R-5B, apartment house medium density, to accommodate The Lorelton along Fourth Street.

C-5 Heavy Commercial

The C-5 zoning category (Heavy Commercial) is designed to provide sites for large wholesale and storage establishments involving both storage in buildings and storage yards. It includes areas which draw heavy truck traffic and is therefore located within easy access of main highways and with controls to minimize the effect on nearby residential districts. Within the C-5 district permitted uses include, but are not limited to, storage warehouses and storage yards, automobile laundry, automobile paint or body shop, carting, express moving or hauling terminal or yard, commercial sports park or arena, public utility station, consumer recycling collection centers or freestanding towers or monopoles. In addition any use permitted in C-3, Central Retail, such as wholesale storage or light manufacturing is allowed under C-5.

Proposed Zoning

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.

Impacts of Proposed Zoning

The proposed rezoning from C-5 to R-3 would have minimal impacts to the current use on the site and would bring the property into conformance with the Zoning Code. The site is currently used as a single-family home and the Department of Planning has received no plans to indicate the land use at 2303 Pyle Street will be changed. This rezoning action would not create any nonconforming uses. Any future use of the site will have to conform to the R-3 zoning regulations.

ZONING ANALYSIS AND SUMMARY

The current C-5 zoning classification is inappropriate for the current use of the site as a single-family home. The Department of Planning has evaluated surrounding zoning categories and has determined that the R-3 zoning category is appropriate for the site located at 2303 Pyle Street as it would expand the adjacent R-3 zoning district. The site location directly adjacent to the medium density row homes located along Woodlawn Avenue and Second Street supports the R-3 rezoning. The addition of 2303 Pyle Street to the immediately adjacent R-3 zoning district is consistent with adjacent land uses and brings 2303 Pyle Street under an appropriate zoning classification.

PUBLIC NOTICE

The Department of Planning sent a public notice to the owners of properties and other interested parties within the area proposed for rezoning on July 29th. A legal notice was published in the News Journal on August 2nd 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 August 9th, 2016.

The Department of Planning received one letter of support from State Representative Helene M. Keeley and one call from a property owner inquiring about the impact on her commercial property. See Attachment "F" for the Public Notice and Attachment "G" for letter of support.

SUMMARY/RECOMMENDATIONS

The Department of Planning has evaluated the impacts of the proposed rezoning of 2303 Pyle Street from the current C-5 classification to R-3. While the current zoning of the property is compatible with the surrounding land uses in the larger C-5 district, it is incompatible with the current use of the subject property. This rezoning will bring 2303 Pyle Street under an appropriate zoning classification as a single-family residence.

Planning recommends that the following resolutions be approved:

Resolution 11-16: Recommends approval of the amendments to the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area, to amend the Proposed Land Use Map (Map D) to change the land use classification from "Heavy Commercial" to "Medium Density Residential," and to amend Map E titled "Areas with Proposed Zoning Changes" from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

Resolution 12-16: A proposal to rezone a single parcel of land (tax parcel number 26-026.10-103) located within the block generally bounded by Pyle Street, Rodman Street, 3rd Street and Woodlawn Avenue from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

Attachment A
Zoning Application



City of Wilmington

Theopalis K. Gregory, Sr., City Council President
Maribel Seijo, City Clerk

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

May 20, 2016

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

Dear Mr. Sophrin:

By way of this letter, you are hereby advised of the application, a copy of which is enclosed herein, submitted to the City Clerk by Mr. Michael P. Bouchard, III. to rezone the property located at 2303 Pyle Street, Wilmington, Delaware 19805. At the May 19, 2016 City Council meeting, upon a motion of Council Member Robert A. Williams and seconded by Council Member Loretta Walsh, the application was referred to the Planning Department to be scheduled on the City Planning Commission's agenda. City Council will await your report and recommendation.

Thank you for your time, attention and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Maribel Seijo".

Maribel Seijo
City Clerk

Enclosure

Cc: The Honorable Robert A. Williams, 7th Councilmanic District (w/o encl.)
Gwineth Kaminsky, Planning Manager (w/o encl.)
Tanya L. Washington, Legislative Director (w/o encl.)
Kalila Hines, Legal Legislative Assistant (w/o encl.)

City Clerk
Ninth Floor
Louis L. Redding City/County Building
800 N. French Street
Wilmington, DE 19801

Dear Sir/Madame:

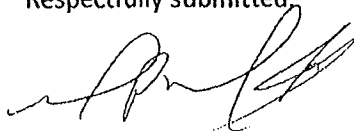
RE: Application for Rezoning of 2303 Pyle Street, Wilmington, Delaware, 19805

This application is submitted in accordance with the rules and regulations of the City Planning Commission for amendment of the Building Zone Map of the City of Wilmington.

1. The petitioner is Michael P. Bouchard III, the owner of 2303 Pyle Street, Wilmington, Delaware, 19805. Petitioner wishes that questions concerning this application be directed to him at (302) 423-6633 or mikebouchard2004@hotmail.com.
2. The present zoning classification of the property to be rezoned is C-5. This application is for a change in the zoning classification to R-3.
3. The property to be rezoned is 2303 Pyle Street. Descriptions of the parcel are attached.
4. The petitioner is the legal owner of the subject property. The property was acquired originally by the petitioner and the petitioner is the sole owner.
5. The property at 2303 Pyle Street is presently used as a residence and has been so used since the original structure was built in approximately 1910.
6. The petitioner is not requesting any additions, demolition, or other changes to the current property.
7. The property will continue to be used as a residential dwelling, as it has been since it was originally constructed.

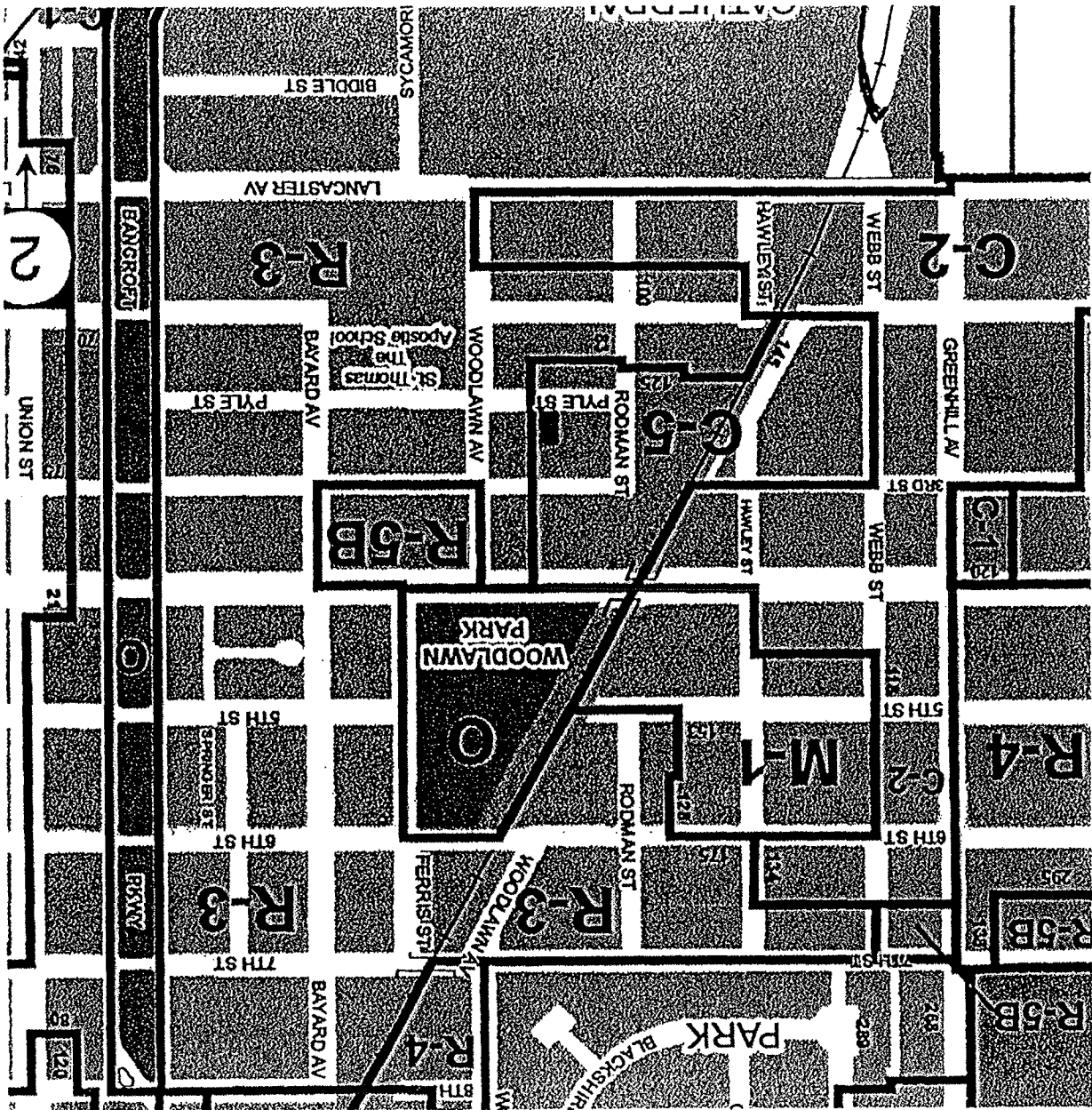
A check in the amount of \$150.00 and one copy of the Building Zoning Map, on which the location of the subject property is shown, are enclosed. Please advise if anything further is required before processing this application.

Respectfully submitted,



Michael P. Bouchard, III
Petitioner



— - Referenced Property

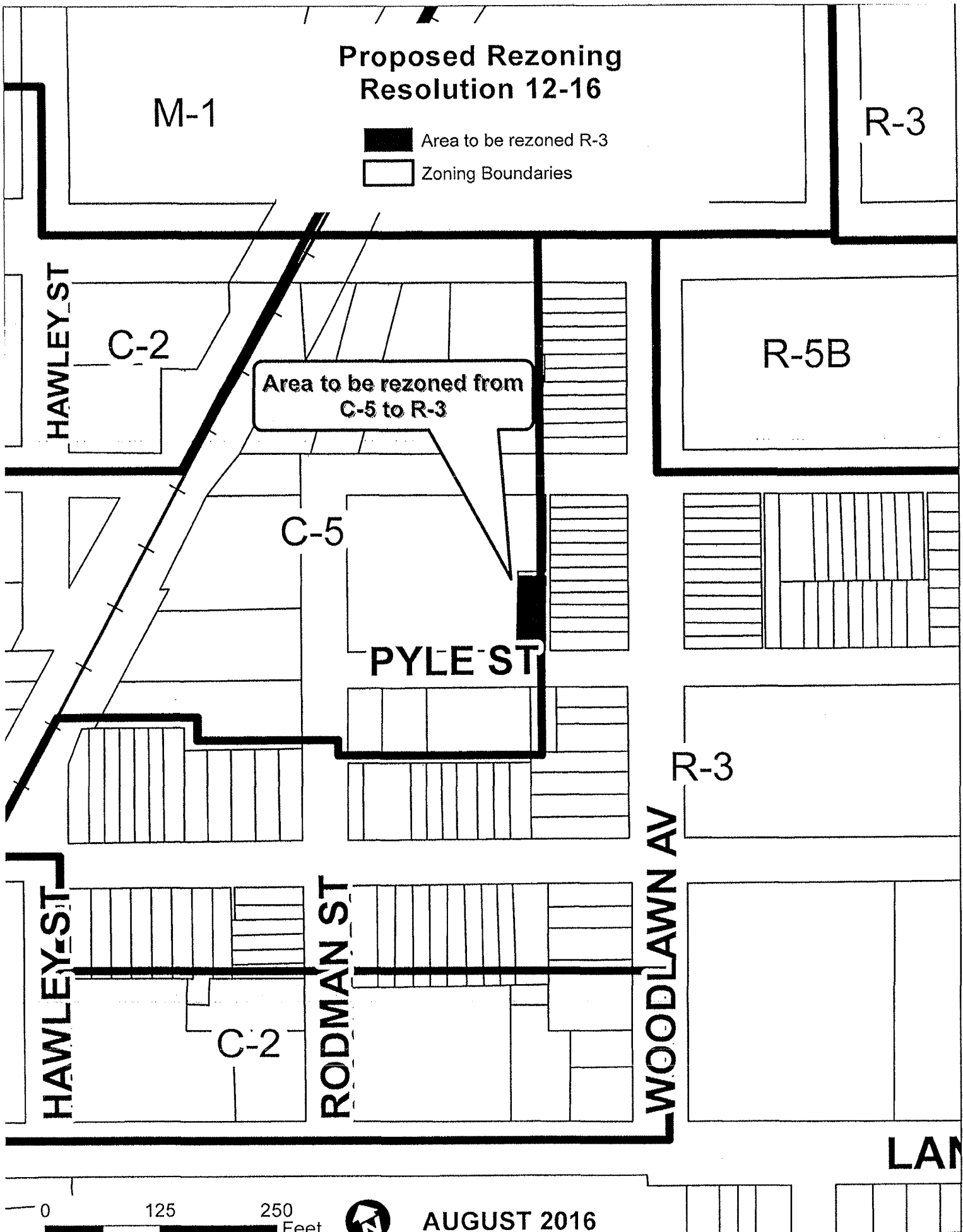


Attachment B

Rezoning Map

**Proposed Rezoning
Resolution 12-16**

-  Area to be rezoned R-3
-  Zoning Boundaries



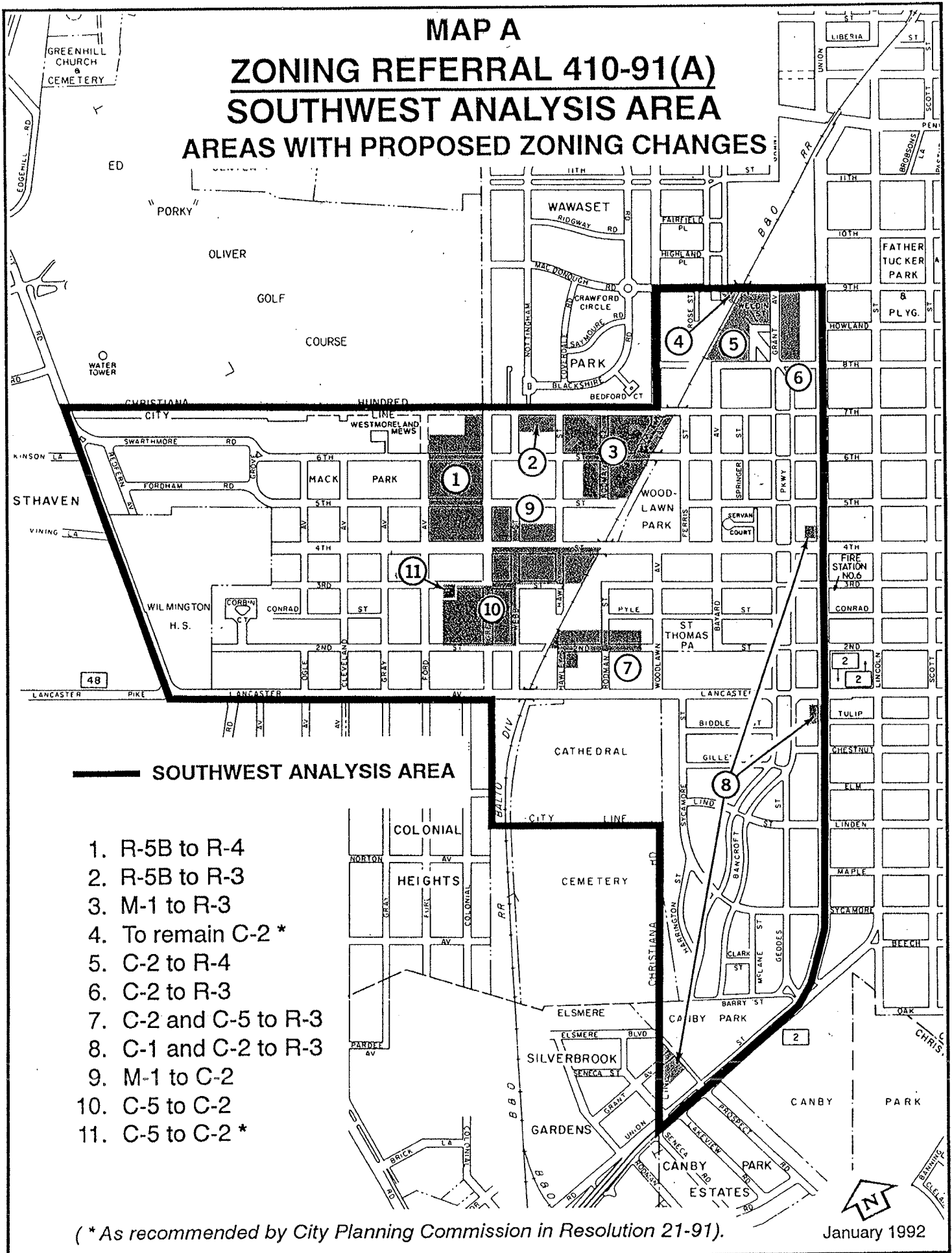
Attachment C

MAP A

ZONING REFERRAL 410-91(A)

SOUTHWEST ANALYSIS AREA

AREAS WITH PROPOSED ZONING CHANGES



Attachment D

MAP D SOUTHWEST ANALYSIS AREA PROPOSED LAND USE

Ed "Porky" Oliver
Golf Course

Hills

Westhaven

CHRISTIANA
CITY

HUNDRED
LINE

Wawaset

Park

Father
Tucker
Park

Mack Park

Woodlawn
Park

E

Silverbrook

Colonial

Colonial

Heights

Silverbrook

Gardens

Canby

Park

Canby Park
Estates

J.H. Douglass
School

LAND USE



LOW DENSITY RESIDENTIAL
(Detached Dwellings)



MEDIUM LOW DENSITY RESIDENTIAL
(One Family Semi-detached Dwellings)



MEDIUM DENSITY RESIDENTIAL
One Family Row Houses



MED. DENSITY RESIDENTIAL
(Row Houses with Conversions)



MEDIUM HIGH DENSITY RESIDENTIAL
(Apartment Houses)



NEIGHBORHOOD SHOPPING



GENERAL COMMERCIAL
(Secondary Business Center)



HEAVY COMMERCIAL



LIGHT MANUFACTURING



OPEN SPACE/PARKLAND

Resolution # 11-16

Area proposed for change from
Heavy Commercial to
Medium Density Residential



SOUTHWEST AREA BOUNDARY



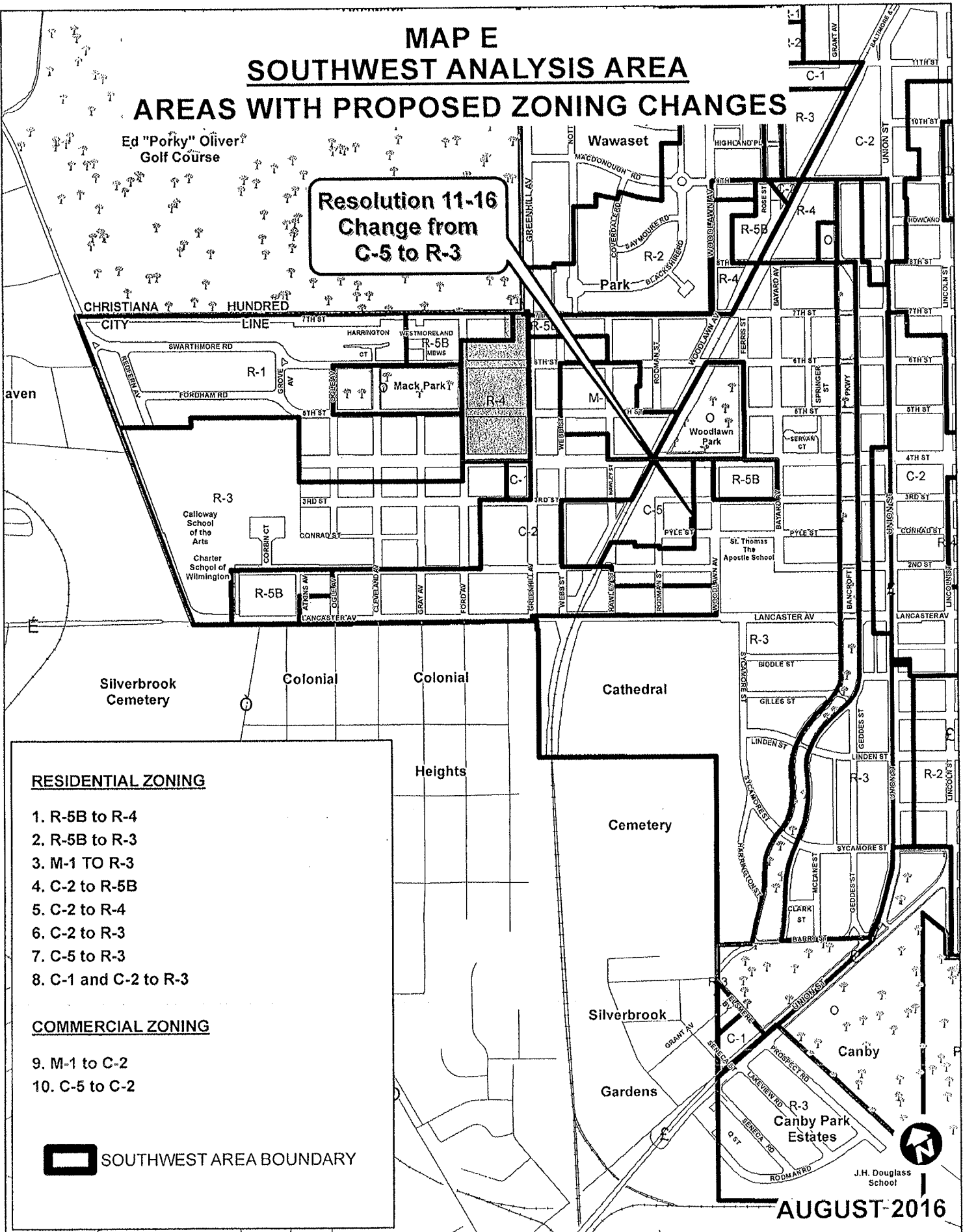
August 2016

Attachment E

MAP E SOUTHWEST ANALYSIS AREA AREAS WITH PROPOSED ZONING CHANGES

Ed "Porky" Oliver
Golf Course

Resolution 11-16
Change from
C-5 to R-3



AUGUST-2016

Attachment F

Public Notice

DENNIS P. WILLIAMS
MAYOR

City of Wilmington Delaware

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



PUBLIC NOTICE

TO: Affected Property Owners, Community Groups and Interested Parties

FROM: Wilmington Department of Planning

DATE: July 29, 2016

RE: **Resolution 12-16:** A proposal to rezone a single parcel of land (tax parcel number 26-026.10-103) located within the block generally bounded by Pyle Street, Rodman Street, 3rd Street and Woodlawn Avenue from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses). Zoning Referral #544-16.

The Wilmington City Planning Commission will hold a public hearing on **Tuesday, August 16, 2016 at 6:30 p.m. in the City Council Chambers, First Floor, Louis L. Redding City Council Building, 800 North French Street, Wilmington, Delaware.** At that time, the Commission will receive public comment regarding Resolution 12-16, a proposal to rezone a single parcel of land (tax parcel number 26-026.10-103) located within the block generally bounded by Pyle Street, Rodman Street, 3rd Street and Woodlawn Avenue from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

The owner of the single family rowhome located at 2303 Pyle Street has requested the rezoning in part because the land is currently developed with a single-family row home. The parcel in question, which is currently zoned C-5, is situated immediately adjacent to an existing R-3 zoning district which includes row home development.

Existing Zoning

The existing C-5 district is designed to provide for sites for large wholesale and storage establishments involving both storage in buildings and storage yards. Uses permitted in C-5 include storage warehouses and storage yards, automobile paint and body shops and automobile laundry.

Proposed Zoning

The proposed R-3 classification is designed to encourage the development of one-family row houses limited to three stories, and also permits other single-family detached and semi-detached dwellings, as well as institutional uses such as schools, community centers and hospitals.

The Neighborhood Comprehensive Development Plan for the Southwest Analysis Area, which was last updated in July 1991, is also proposed to be amended to update the land use classification for the site in question on the Proposed Land Use Plan (Map D) from "Heavy Commercial" to "Medium Density Residential" which is consistent with the proposed zoning. The Proposed Zoning Map (Map E) is also proposed to be amended to reflect the recommended R-3 zoning on the site.

Please contact Matthew Harris of the Planning Department at 576-3110 if you have any questions or comments regarding Resolution 12-16, or would like to discuss any potential impacts that the proposed zoning might have on your property.

The Planning Commission reserves the right to recommend alternative zoning designations which may be more keeping with the proposed development and surrounding area.

Attachment – Proposed Rezoning Map (Resolution 12-16)

CC: Honorable Members of Wilmington City Council
Charles Potter Jr., State Representative, 1st District
Margaret Rose Henry, State Senator, 2nd District
Gary Fullman, Chief of Staff, Office of the Mayor
Michael P. Migliore, City Solicitor

Attachment G
Letter of Support

HELENE M. KEELEY
Speaker Pro-Tempore
STATE REPRESENTATIVE
3rd District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Revenue & Finance, Chair
Gaming & Pari-mutuels,
Vice Chair
Economic Development, Banking,
Insurance & Commerce
Labor

August 8, 2016

Dear Zoning Board Members:

I would like to express my support of a property rezoning request from Mr. Michael Bouchard III. His home at 2303 Pyle Street, Wilmington DE 19805, is zoned C5 commercial and he would like to have it zoned as R3 residential to sell his home. The home has been used as a residence since 1910 and Mr. Bouchard recently learned that the property is zoned for commercial use. Because of the home's classification, he is having difficulty with lenders of potential buyers.

I am supporting Mr. Bouchard because a property used for residential purposes since 1910 should be classified properly so that the issue of resale should not arise again in the future. Thank you and I hope that you take this letter into consideration. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Helene M. Keeley".

Helene M. Keeley
State Representative,
Third District

P.O. Box 2716, Wilmington, DE 19805-0716
Home: 302-655-7071 House Offices: Dover: 302-744-4351 Fax: 302-739-2313
Wilmington 302-577-8476 Fax: 302-577-6701
helene.keeley@state.de.us

Public comments submitted at Planning Commission

Wilmington City Planning Commission –

We are Darren and Susan May of H2O Properties, LLC.

We are the owners of 2310 and 2314 Pyle Street.

We are concerned that the proposed zoning change will cause two problems throughout the entire C5 zoning area:

1. **First** - This change could establish a precedent supporting or allowing other existing heavy commercial parcels in this historically zoned commercial area to be changed to residential and eventually force out even those commercial property owners who wish to remain. The initial domino in a chain of events.
2. **Second** - This change could lead to the current or any future owner of 2303 Pyle Street to complain about the perfectly legitimate and legal daily business activities going on around their property.

We wish to leave you with one last thought –

The City of Wilmington advertises on its Website and Encourages Businesses to Choose the City of Wilmington as a Pro - Business City to conduct business activity, and to be located,

“right in the middle of it all –in Wilmington, Delaware.”

The City of Wilmington website states:

“Wilmington is a true business community, not just a collection of companies. Whatever the size, whatever the nature of your business, you'll stand out here and get the kind of attention and support that will help your company thrive and grow.”

Thank you for your time and consideration.

XFINITY Connect

maysplumbing@comcast.net
+ Font Size -

Resolution 12 - 16

From : jbs1946@comcast.net

Tue, Aug 16, 2016 02:02 PM

Subject : Resolution 12 - 16**To :** maysplumbing@comcast.net

To: Wilmington Department of Planning

Re: Resolution 12-16

I am sorry that I am unable to be present this evening for the public hearing on this proposal. I am, Guy DeBonaventura, Trustee of the surrounding property in

connection with this proposal. I am not sure if I want to oppose it or not based on my knowledge of the owner and the surrounding owners on this block. I do not

want to hinder Mr. Bouchard in selling his property at 2303 Pyle Street nor do I want to hinder the other owners on this block that are already zoned C-5. If this

proposal is for the one parcel of land at 2303 Pyle Street and does not affect the rest of us than I see no problem, but if this is going to lead to a downhill

movement to re-zone the rest of the properties on this block, than I am highly opposed. I will not be able to sell my property. if I loose the C-5 zoning, for the current

asking price. I feel I would have to lower the cost to fit in with a residential area. I therefore will have to oppose this rezoning if it is going to affect my parcels of land.

Guy T. De Bonaventura
Trustee

President Gregory: Planning Department representative who's going to speak to this.

Mr. Matthew Harris (Planning Department): Good Evening, my name is Matthew Harris and I am a Planner with the City of Wilmington. I am here tonight to speak to you regarding two related items, Agenda Item 4292 and Ordinance 16-049. I will be addressing both items in this presentation. On May 20, 2016 Michael P. Bouchard, the property owner, submitted an application to the Wilmington City Clerk's Office to rezone the property located at 2303 Pyle Street from the current C-5, Heavy Commercial zoning classification to R-3, One-Family Row Houses. The property is designed and is currently being used as a single-family home. 2303 Pyle Street is currently zoned C-5 Heavy Commercial and Mr. Bouchard has requested the property be rezoned to R-3, One-Family Row Houses. The home is located within an existing C-5 zoning district and is immediately adjacent to an R-3 zoning district. The rezoning to R-3 will bring the property under the appropriate zoning classification as a single family home. The Planning Commission reviewed the case and recommended approval of the rezoning from C-5 to R-3 on August 16, 2016. At that meeting there were some concerns expressed by adjacent property owners in the C-5 zoning district that this was part of a larger rezoning effort in the area, which would eventually include their properties. However, we assured the constituents that this was not the case and that we were only evaluating 2303 Pyle Street at the owners' request.

This ordinance was introduced to City Council on October 6th and voted out of Housing and L&I committee on November 2nd. There are two items before you tonight. The first will first amend the neighborhood comprehensive development plan for the Southwest Analysis Area and the second will rezone the property located at 2303 Pyle Street. Agenda item 4292 will amend the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area to amend the Proposed Land Use Map from "Heavy Commercial" to "Medium Density Residential," to change the land use classification and to amend the map titled "Areas with Proposed Zoning Changes" from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses). Ordinance 16-049 will rezone a single parcel of land located within the block generally bounded by Pyle Street, Rodman Street, 3rd Street and Woodlawn Avenue from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses). If anyone has any questions I can answer them.

President Gregory: Does anyone want to speak for this piece of legislation? Thank you.

Mr. Harris: You're welcome. Thank you.

President Gregory: Does anyone want to speak against the legislation?
Motion.

No one desired the privilege of the floor to speak for or against the public hearing.

Upon a motion of Mr. Williams, seconded by Mr. Freel/Mr. Prado, the Council returned to regular order of business. Motion prevailed.

REGULAR ORDER OF BUSINESS

Mr. Williams presented Resolution No. 16-085 (Agenda #4292) 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, Wilm. C. (Charter) ' 5-600; and

WHEREAS, the Planning Department finds it necessary to update the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area to reflect desired land use and zoning classifications for the area; and

WHEREAS, said changes to future land use and zoning classifications were reviewed by the City Planning Commission on August 16, 2016 and the changes were recommended by way of City Planning Commission Resolution 11-16; and

WHEREAS, the City Planning Commission recommended to City Council that the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area be amended to update the proposed land use map and the proposed zoning map; and

WHEREAS, based upon the recommendation of the City Planning Commission, City Council deems it necessary and proper to adopt the updated Neighborhood Comprehensive Development Plan for the Southwest Analysis Area as proposed to be amended; and

WHEREAS, in accordance with Wilm. C. (Charter) ' 5-600(a), a duly advertised public hearing was held on November 17, 2016 to consider the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council hereby approves the updated Neighborhood Comprehensive Development Plan for the Southwest Analysis Area to revise the Proposed Land Use Map in a manner consistent with Map D, attached hereto and made a part hereof as Exhibit 'A' and the Proposed Zoning Map in a manner consistent with Map E, attached hereto and made a part hereof as Exhibit 'B'.

On the question:

Mr. Williams: Mr. President, this Resolution is as result of a situation whereby Mr. Bouchard who is the property owner has made an attempt to sell this property; however, given the fact that's classified as a commercial property, no one can

get a mortgage for there. So, he needs to have it reclassified. It is a single-family row home.

President Gregory: The Clerk will call the roll please.

Upon a motion of Mr. Williams, seconded by Mr. Freel, 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, Prado, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, nine. Nays, none. Absent, Council Member Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

President Gregory: Declare it adopted please. 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 Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of
The City of Wilmington

November 2, 2016

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred
Ordinance No. 16-049 entitled:

AN ORDINANCE TO REZONE 2303 PYLE STREET FROM C-5
(HEAVY COMMERCIAL) TO R-3 (ONE-FAMILY ROW HOUSES)

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

Respectfully submitted, Members of
Housing, Licenses & Inspections Committee
/s/Maria D. Cabrera, Chair
/s/Nnamdi O. Chukwuocha
/s/Hanifa Shabazz
/s/Sherry Dorsey Walker

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

Note: Although, Mr. Darius Brown was present at the meeting, his signature was inadvertently missed and not reflected on the above referenced Committee Report.

President Gregory: Are there any Findings?

Mrs. Seijo (City Clerk): Yes.

President Gregory: Madame Clerk.

The City Clerk read the Findings as follows:

MEMORANDUM

**TO: The Honorable Robert A. Williams
 Council Member 7th District
 The Honorable Theopolis Gregory, City Council President
 The Honorable Members of City Council**

**FROM: Michael P. Migliore
 City Solicitor**

DATE: November 17, 2016

**RE: City Council Findings Supporting Enactment of Ordinance No. 16-
 049, Rezoning 2303 Pyle Street from C-5 (Heavy Commercial) to R-3
 (One-Family Row Houses) in Accordance with the Neighborhood
 Comprehensive Development Plan for the Southwest Analysis Area**

Enclosed please find a copy of the Findings prepared in connection with Council's scheduled Public Hearing on November 17, 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 August 16, 2016. At that meeting, the Planning Commission approved its Resolution No. 12-16. The enclosed Findings support those recommendations.

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

MPM/ajh
Enclosure

cc: Gary Fullman, 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.)
Kalila Hines, Legal Legislative Assistant (w/enc.)

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-049

CITY COUNCIL'S FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-049, which is the rezoning of 2303 Pyle Street from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses), submitted by City Council Member Robert A. Williams of the 7th Councilmanic District.

The Council makes the following Findings regarding the rezoning of 2303 Pyle Street: 1) rezone the property including Tax Parcel No. 26- 026.10-103 from a zoning designation of C-5 (Heavy Commercial) to R-3 (One-Family Row Houses); as set forth in the section of Findings attached hereto and made a part hereof and as the area is illustrated on the Map attached to Ordinance No. 16-049.

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-049

Rezoning Action:

The Council makes the following Findings regarding the rezoning of 2303 Pyle Street as follows: 1) rezone the property including Tax Parcel No. 26- 026.10-103 from a zoning designation of C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

1. The proposed changes in zoning are consistent with the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area, as proposed to be amended, which is being adopted by City Council Resolution contemporaneously herewith.
2. The existing land use patterns for the property are residential in nature and are more consistent with the development found in the contiguous neighborhood, and further, the property will not likely to be developed

under the existing C-5 zoning category, but is more likely to be developed if the proposed zoning actions are enacted for uses and purposes within the R-3 zoning classification.

3. Rezoning the said property will not create any isolated districts, but rather will better relate the property to the nearby areas and future best uses of the property.
4. The proposed rezoning action will have no negative effect on population density patterns and will not overburden public utilities and facilities and it will not create drainage problems, but rather will effectuate better control of any such existing drainage problems.
5. Changing conditions in the immediate area, as well as in adjacent areas, support the rezoning and as such, the proposed rezoning action will have positive, and not adverse, influence on uses in the area.
6. The proposed rezoning action will not create or excessively increase traffic congestion or otherwise adversely affect public safety.
7. The proposed rezoning action 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.
8. The proposed rezoning action 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.
9. The proposed rezoning action will best serve the public welfare and will not constitute a grant of any special privilege to any individual owner of property.
10. The proposed rezoning action 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.

CONCLUSION

This concludes the set of Council's Findings for the rezoning 2303 Pyle Street:

1) rezone the property including Tax Parcel No. 26- 026.10-103 from a zoning designation of C-5 (Heavy Commercial) to R-3 (One-Family Row Houses); as set forth in the section of Findings attached hereto and made a part hereof and as the area is

illustrated on the Map attached to Ordinance No. 16-049. The Ordinance incorporates the recommendations of the City Planning Commission in its Resolution 12-16 regarding the rezoning action approved at the Planning Commission Meeting on August 16, 2016.

Upon a motion of Mr. Williams, seconded by Mr. Freel, the Findings were made a part of the record. Motion prevailed.

President Gregory: Mr. Williams

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

Mr. Williams presented and called for the third and final reading Ordinance No. 16-049 (Agenda #4270) entitled:

AN ORDINANCE TO REZONE 2303 PYLE STREET FROM C-5 (HEAVY COMMERCIAL) TO R-3 (ONE-FAMILY ROW HOUSES)

On the question:

Mr. Williams: Mr. President, again as stated earlier this is a single-family row home that's been truly converted to residential use so that it can be enjoyed by another family.

President Gregory: Thank you. The Clerk will call the roll.

Upon a motion of Mr. Williams, seconded by Mr. Freel, 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, based on the findings; Congo – yes, based on the findings; Prado – yes, based on the findings; Dorsey Walker – yes, based on the findings; Williams – yes, based on the findings; Freel – yes, based on the findings; Michael Brown – yes, based on the findings; and Wright – yes, as a result of the findings, and Council President Gregory – yes, as a result of the findings. Total, nine. Nays, none. Absent, Council Members Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

Mr. Williams: I have no further business; thank you sir.

President Gregory: Thank you Mr. Freel.

Mr. Freel: Yes, I have an Ordinance to present for first and second.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-062 (Agenda #4293) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY
CODE REGARDING THE AUDIT REVIEW COMMITTEE

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Mr. Williams, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

President Gregory: Mr. Michael Brown.

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

Mr. Michael Brown presented Resolution No. 16-086 (Agenda #4294) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary, prior to Council's approval by resolution; and

WHEREAS, the City, through the Wilmington Police Department, has applied for a grant from the State of Delaware, Fund to Combat Violent Crime in the amount of \$270,360.00; and

WHEREAS, the proposed grant funds will be used to for an overtime program which will focus on intelligence driven data of violent crimes, and will encompass high visibility patrols, walking assignments, tactical response initiatives, and plain clothes operations in target areas that are currently experiencing violent crime trends; and

WHEREAS, the grant does not require a local match; and

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Police Department to accept the grant funds from the State of Delaware, Fund to Combat Violent Crime in the amount of \$270,360.00, for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department is hereby authorized to accept grant funding from the State of Delaware, Fund to Combat Violent Crime in the amount of \$270,360.00.

BE IT FURTHER RESOLVED that the Chief of Police of the Wilmington Police Department, or his designee, shall be authorized to take all necessary actions to accept the grant funds and move forward with the implementation of the overtime program.

On the question:

Mr. Michael Brown: Yes Mr. President, this Resolution is being presented on behalf – by the Administration for the City Council's review and approval and if approved, Council would be authorizing the Wilmington Police Department to apply for a \$270,360 grant from the State of Delaware's Fund to Combat Violent Crime. It says here that the funding will be used for overtime, data-driven intelligence, highly visibility

patrols, walking assignments and tactical response initiatives and there is no and I repeat, there's no local match of funds required for the City to receive this grant.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Michael Brown, seconded by 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, Prado, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, nine. Nays, none. Absent, Council Members Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Michael Brown: Yes Mr. President, I have a Resolution to present on your behalf.

On behalf of President Gregory, Mr. Michael Brown presented Resolution No. 16-087 (Agenda #4295) as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Agreement for the term of July 1, 2014 through June 30, 2017 between the *CITY OF WILMINGTON*, a municipal corporation of the State of Delaware, and the *FRATERNAL ORDER OF POLICE, LODGE #1* (Captains & Inspectors), a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor and the City Clerk are hereby authorized and directed to execute as many copies of the said Agreement as may be necessary.

On the question:

Mr. Michael Brown: Yes Mr. President, this Resolution is being presented by – on behalf of the Administration for Council's review and approval and if approved, Council would be authorizing the Administration to enter into a Collective Bargaining Agreement with FOP Lodge #1 Captains and Inspectors. The retro-active agreement is effective from July 1, 2014 through June 30, 2017. It provides a 1% cost of living increase for Fiscal Years 15, 16 and 17. The agreement also requires Captains and Inspectors to pay additional costs related to City-provided health care.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Michael Brown, seconded by Mr. Freel, 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, Prado, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, nine. Nays, none. Absent, Council Members Darius Brown, Shabazz, Cabrera and Walsh. Total, four.

President Gregory: Declare it adopted.

Note: The aforementioned agreement is on file in the City Clerk's Office.

President Gregory: Ms. Cabrera.

Mr. Freel: Mr.

Mr. Michael Brown: Nothing else Mr. President; thank you.

Mr. Freel: Mr. President, I have an Ordinance to present on behalf of Council Member Maria Cabrera.

On behalf of Ms. Cabrera, Mr. Freel presented and called for the first and second reading Ordinance No. 16-063 (Agenda #4296) entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE
CITY CODE REGARDING UNPAID PARKING
PENALTIES THAT ARE OLDER THAN SEVEN
YEARS

The aforementioned Ordinance was given two separate readings by title only and upon Mr. Freel, seconded by Mr. Prado/Mr. Wright, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

President Gregory: Mr. Wright.

Mr. Wright: No legislation tonight. Motion to adjourn.

President Gregory: Motion to adjourn.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Mr. Wright, seconded by Mr. Michael Brown/Mr. Williams, Council adjourned at 7:10 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk