

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
September 15, 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 Congo\*\*\*, Darius Brown, Shabazz, Prado\*\*, Dorsey Walker\*, Williams, Freel, Michael Brown, Cabrera\*, Walsh and Wright and Council President Gregory. Total, twelve. Absent, Council Member Chukwuocha. Total, one.

### **MINUTES**

After reading a portion of the minutes of September 1, 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:

<b><u>Public Safety Committee Member</u></b>	<b><u>Present</u></b>	<b><u>Absent with Leave</u></b>	<b><u>Absent w/out Leave</u></b>
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

September 12, 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:

- A Resolution authorizing the filing of a grant application by the Wilmington Police Department to the Community Oriented Policing Services Agency for fifteen additional police officers for the City's police force
- A Resolution authorizing the filing of a grant application by the Wilmington Police Department to Edward Byrne Memorial Justice Assistance Grant Program for anti-violence overtime and a Cold Case Investigator Salary (Civilian Position)
- A Resolution authorizing the filing of a grant application by the Wilmington Police Department to Special Law Enforcement Assistance Fund (S.L.E.A.F.) for various projects
- A Resolution authorizing the Wilmington Police Department to accept a grant from the Delaware Criminal Justice Council to fund on-site training for Crime Prevention through Environmental Design, a collaborative program with the Delaware Attorney General's Office
- Update on Shot Spotter Stats from June 2015 to present, and number of resulting arrests
- Update on Police Class, including size and make-up

Respectfully submitted, Members of  
Public Safety Committee  
/s/Michael A. Brown, Sr., Chair  
/s/Ernest "Trippi" Congo, II  
/s/Robert A. Williams

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

The City Clerk read the following committee report:

<u>Education, Youth &amp; Families Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Nnamdi O. Chukwuocha	X		
Michael A. Brown Sr.		X	
Maria D. Cabrera		X	
Ernest "Trippi" Congo, II	X		
Hanifa G.N. Shabazz		X	
Sherry Dorsey Walker	X		

President and Members of Council of  
The City of Wilmington

September 14, 2016

Ladies and Gentlemen:

We, your Education, Youth & Families Committee, met on the above date at 5:00 p.m., Councilman Nnamdi O. Chukwuocha presiding. The following item was discussed:

- Discuss a Resolution approving the acceptance of a grant for the CACFP Winter Food Program

Respectfully submitted, Members of  
Education, Youth & Families Committee  
/s/Nnamdi O. Chukwuocha, Chair  
/s/Ernest “Trippi” Congo, II  
/s/Sherry Dorsey Walker

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

#### **TREASURER’S REPORT**

The following Treasurer’s Report dated September 15, 2016 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel, the Report was received, recorded and filed. Motion prevailed.

*[The remainder of this page intentionally left blank]*

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON SEPTEMBER 15, 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	\$ 3,247.37
106	Fire Pension Account	M & T Bank	\$ 3,914.66
107	Evidence/Found Currency Account	M & T Bank	\$ 412,303.13
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	\$ 40,543.49
117	Cement Workers	Wilmington Savings Fund	\$ 33,498.59
118	Worker's Comp. 3 <sup>rd</sup> Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 2,351.02
120	Grant-In-Aid Account	M & T Bank	\$ 402,738.00
130	Payroll	M & T Bank	\$ 616,520.13
131	Pension Payroll Account	M & T Bank	\$ 44,956.07
139	Pension Healthcare Account	M & T Bank	\$ <u>56,728.61</u>
	Total Cash on Hand		\$ <b>1,635,912.14</b>

*[The remainder of this page intentionally left blank]*

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	09/15/16	0.01%	\$ 1.91	\$ 6,963,611.00
116	General	WSFS	CD	09/16/16	0.40%	\$ 806.57	\$ 2,300,000.00
110	Capital	WSFS	CD	09/23/16	0.45%	\$ 17,605.47	\$ 12,000,000.00
116	General	TD	CD	09/26/16	0.47%	\$ 1,214.17	\$ 1,500,000.00
124	Non-Uniform 1990	WSFS	CD	09/28/16	0.40%	\$ 869.21	\$ 2,735,000.00
106	Fire Pension	WSFS	CD	09/28/16	0.40%	\$ 176.38	\$ 555,000.00
105	Police Pension	WSFS	CD	09/28/16	0.40%	\$ 417.92	\$ 1,315,000.00
116	General	WSFS	CD	09/30/16	0.40%	\$ 986.30	\$ 2,000,000.00
110	Capital	WSFS	CD	09/30/16	0.40%	\$ 12,243.29	\$ 8,400,000.00
116	General <sup>1</sup>	TD	CD	10/03/16	0.45%	\$ 18,292.09	\$ 15,403,864.00
116	General	WSFS	CD	10/03/16	0.40%	\$ 1,545.20	\$ 3,000,000.00
110	Capital	TD	CD	10/07/16	0.50%	\$ 14,583.34	\$ 10,000,000.00
116	General	WSFS	CD	10/07/16	0.40%	\$ 942.46	\$ 2,000,000.00
116	General	WSFS	CD	10/07/16	0.40%	\$ 565.47	\$ 1,200,000.00
116	General	TD	CD	10/14/16	0.41%	\$ 637.78	\$ 1,000,000.00
116	General	TD	CD	10/14/16	0.41%	\$ 956.67	\$ 1,500,000.00
116	General	TD	CD	10/21/16	0.50%	\$ 1,187.50	\$ 1,500,000.00
116	General	TD	CD	10/28/16	0.50%	\$ 4,280.56	\$ 4,600,000.00
116	General	TD	CD	11/01/16	0.43%	\$ 2,747.23	\$ 4,600,000.00
116	General	TD	CD	11/10/16	0.43%	\$ 1,691.34	\$ 2,400,000.00
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	WSFS	CD	11/30/16	0.45%	\$ 2,278.35	\$ 2,400,000.00
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					\$ 45,236,023.00
104	Escrow Pension	Black Rock					\$ 23,931,350.00
104	Escrow Pension	Edgar Lomax					\$ 23,839,222.00
104	Escrow Pension	Wilmington Trust					\$ 44,433,565.00
104	Escrow Pension	Manning & Napier					\$ 10,613,773.00
104	Escrow Pension	Earnest Partners					\$ 18,979,409.00
104	Escrow Pension	GMO					\$ 11,908,163.00
104	Escrow Pension	MFS Management					\$ 23,466,438.00
104	Escrow Pension	American Funds					\$ 10,279,659.00
139	Medical Escrow	Vanguard-OPEB					\$ 15,751,934.00
116	Deferred Comp.	MassMutual					\$ 40,045,123.00
	Total Investments						\$ 392,093,917.42
	Total Cash on Hand						\$ 1,635,912.14
	Grand Total						\$ 393,729,829.56

<sup>1</sup> Budget Reserve

/s/Henry W. Supinski  
City Treasurer

President Gregory: Mark Ms. Dorsey Walker and Ms. Cabrera.

Mrs. Seijo (City Clerk): So noted.

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

President Gregory: Non-legislative business Ms. Walsh.

### **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:

Shabazz	Sympathy Gerald Patterson
Shabazz	Sympathy Clarence Daniels, Jr.
Shabazz	Sympathy The Honorable Dejerilyn "DJ" King-Henderson

### **LEGISLATIVE BUSINESS**

President Gregory: There are no presentations tonight. So we go to Mr. Chukwuocha for legislative business.

Ms. Shabazz: Mr. President, I have a Resolution to present on behalf of Councilman Chukwuocha.

Ms. Shabazz presented on behalf of Mr. Chukwuocha Resolution No. 16-068 (Agenda #4258) as follows:

**WHEREAS**, pursuant to Section 2-363 of the Code of the City of Wilmington ("City"), the City may apply for and receive grant funds to be used for a wide variety of City activities, subject to the approval of City Council; and

**WHEREAS**, the City has been approved by the Department of Education for the State of Delaware to receive grant funds from the Federal government for the operation and cost of the Child and Adult Care Food Program (the "Food Program"), which is set to run from October 3, 2016 through September 30, 2017, and which may be extended for one similar period upon the agreement of the parties; and

**WHEREAS**, the amount of the grant funds for the FY2017 Food Program is estimated by the Department of Parks and Recreation to be approximately \$485,273.00 based upon the increased number of meals projected to be served in comparison with the FY2016 Food Program (see Exhibit "A"); and

**WHEREAS**, although the City is not required to provide matching funds for receipt of these grant funds, the City is initially required to pay the Food Program vendor with City funds and is then reimbursed by the Federal government through the State of Delaware for the payments. There will be no net financial impact on the City,

provided the City complies with all Federal and State requirements attached to the Food Program; and

**WHEREAS**, the City has prepared the necessary specifications to solicit bids from prospective vendors to submit bids for a contract to provide meals to eligible participants in the Food Program, which contract may be extended for one additional similar period; and

**WHEREAS**, the Department of Parks and Recreation has recommended that City Council approve the City's use of the grant funds for the Food Program in accordance with the terms of the grant.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the use of the herein described Federal grant funds received from the State of Delaware for the Food Program be accepted and approved, and the Mayor or his designee, and the City Clerk are hereby authorized to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary. This grant and the resulting contract to provide meals for the Food Program may be extended for one additional similar period upon the agreement of the parties.

On the question:

Ms. Shabazz: This Resolution approves acceptance and use of federal grant dollars received by the City from the State for the Child and Adult Care Food Program in the approximate amount of \$485,273 – as estimated by the Department of Parks and Recreation – for the period of October 3, 2016 through September 30, 2017. There'll be no financial impact on the City providing the City complies with all the Federal and State requirements attached to the Food Program. This grant, and the resulting contract to provide meals through the Food Program, may be extended for one additional similar period upon agreement of the parties.

President Gregory: Clerk, call the roll.

Upon a motion of Ms. Shabazz, seconded by Mr. William/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 Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, ten. Nays, none. Absent, Council Members Chukwuocha, Congo and Prado. Total, three.

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

Mr. Darius Brown: Nothing tonight.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Nothing tonight. Thank you.

President Gregory: Mr. Prado.

Mr. Michael Brown: You got to mark him present.

President Gregory: Mark Mr. Prado present.

Mrs. Seijo (City Clerk): So noted.

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

Mr. Prado: Yes, I have a Resolution.

Ms. Walsh: Turn on your mic.

President Gregory: Ms. Dorsey Walker.

Mr. Prado: Oh...

Mrs. Seijo (City Clerk): No, he has...

President Gregory: I'm coming back to you.

Mr. Prado: Ok.

Ms. Dorsey Walker: No legislative business tonight Mr. President. Thank you.

President Gregory: Mr. Prado.

Mr. Prado: Yeah, I have a Resolution to present tonight.

Mr. Prado presented Resolution No. 16-069 (Agenda #4259) 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**, Wells Fargo Bank N.A. (the "Owner") has agreed to donate free of charge, and the City has agreed to accept, contingent upon Wilmington City Council ("Council") approval, the real property located at 627 West 5<sup>th</sup> Street, Wilmington, Delaware, being Tax Parcel No. 26-035.10-212 (the "Property"); and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Council authorizes and approves the acceptance of the donation of the Property by Owner to the City.



**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 transfer of the Property to the City.

On the question:

Mr. Prado: This is a Resolution for the City to accept a donation over at 627 West 5th Street.

President Gregory: Clerk, call the roll.

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

President Gregory: Declare it adopted. Mr. Williams.

Mr. Williams: Mr. President, I have an Ordinance to present and call for the first and second reading.

Mrs. Seijo: Ordinance 16-046 (Agenda #4260)....

Mr. Wright: First reading.

Mrs. Seijo (City Clerk): Oops, thank you, correction. On Resolution 16-069, 11 Yeas and 2 Absent. Thank you Ms. Traci.

Mr. Williams presented and called for the first and second 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

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Williams, seconded by Ms. Walsh, the Ordinance was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

President Gregory: Mark Mr. Congo present please.

Mrs. Seijo (City Clerk): So noted.

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

President Gregory: Mr. Freel.

Mr. Freel: Yes, thank you Mr. President. First, I'd like to ask that agenda item 4263 be withdrawn from the agenda. This Ordinance has already been acted on by this Council.

President Gregory: 4263 – hold on – ok, thank you, so noted.

Mr. Freel: Okay, I will now move the Council dissolve into the Committee of the Whole for the purpose of holding a public hearing on Agenda item 4261 and 4207.

Mr. Williams/Ms. Walsh: Seconded.

Upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, Council dissolved into the Committee of the Whole for purpose of holding a public hearing on Agenda #4261 and #4207.

**PUBLIC HEARING**  
**AMENDMENTS TO DELAWARE AVENUE/BANCROFT PARKWAY**  
**NEIGHBORHOOD COMPREHENSIVE DEVELOPMENT PLAN AND**  
**REZONING OF FOUR PARCELS OF LAND FROM C-6 (SPECIAL**  
**COMMERCIAL DISTRICT) TO W-4 (WATERFRONT RESIDENTIAL**  
**COMMERCIAL DISTRICT) AND R-3 (ONE-FAMILY ROW HOUSES) –**  
**SUBSTITUTE NO. 1 TO ORDINANCE NO. 16-028**

President Gregory: The Clerk will read both Affidavits of Publications.

The City Clerk read both Affidavits of Publications into one. Upon a motion of Mr. Freel, seconded by Ms. Walsh/Ms. Shabazz, 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 11 through Page 14.***



**The News Journal**  
**Media Group**

A GANNETT COMPANY

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

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SD CITY OF WILMINGTON  
800 N FRENCH ST

WILMINGTON, DE 19801

## AFFIDAVIT OF PUBLICATION

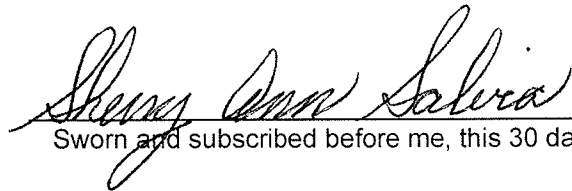
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08/30/16 A.D 2016

  
Sworn and subscribed before me, this 30 day of August,  
2016

Linda Barber

Ad Number: 0001543197



Legal notification printed at larger size for affidavit.

**NOTICE IS HEREBY GIVEN** that a public hearing to consider amendments to the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan" 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 September 15, 2016 at 6:30 p.m. pursuant to Resolution NO. 16-O65. Maribel Seijo City Clerk  
8/30-NJ

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0001543197-01



**The News Journal**  
Media Group

A GANNETT COMPANY

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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:

08/30/16 **A.D 2016**

  
Sworn and subscribed before me, this 30 day of August,  
2016



Ad Number: 0001543165



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. **16-028**, 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 **September 15, 2016 at 6:30 gm.** before City Council of the City of Wilmington, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. **16-028**, or a Substitute thereto, entitled:

**AN ORDINANCE TO REZONE FOUR PARCELS OF LAND FROM C-6 (SPECIAL COMMERCIAL) TO W-4 (WATERFRONT/RESIDENTIAL COMMERCIAL) AND R-3 (ONE-FAMILY ROW HOUSES)**

Ordinance NO. **16-028** was introduced in City Council at a regular meeting held on May 5, 2016 and received 1" & 2" readings at that time. Resolution No. 16-066 was adopted by City Council at the meeting of City Council held on August 25, 2016 directing that a public hearing on same be held by City Council on **September 15, 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. **16-028** 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 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.,  
8/30-NJ

City Clerk  
President MARIBEL SEIJO

President Gregory: The Clerk will now read the Planning Commission Report:

The City Clerk read the Planning Commission Report. Upon a motion of Mr. Freel, seconded by Mr. Williams/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 16 through Page 77.***

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

**RESOLUTION 9-16**

**Amendments  
to the  
Delaware Avenue / Bancroft Parkway  
Neighborhood  
Comprehensive Development Plan**

**PLANNING COMMISSION  
OF THE DEPARTMENT OF PLANNING  
CITY OF WILMINGTON  
RESOLUTION 9-16**

**WHEREAS**, Section 506(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 current Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan ("Plan") was completely updated and adopted by City Council on December 20, 2007 and was last revised on December 3, 2009; and

**WHEREAS**, at that time, the Plan recommended thirteen areas for changes in land use and zoning, all of which were implemented in early 2008; and in addition to these changes, the Plan also addressed concerns about development pressures that were occurring in the Analysis Area, specifically citing the intensity of development permitted within the existing C-6 zoning district along the Brandywine Creek at the northern end of Riddle Avenue and Mill Road, commonly known as the former Bancroft Mills site; and

**WHEREAS**, although the rezoning of the C-6 site was deliberately postponed because a portion of that area was actively under development for a residential project known as Rockford Falls, the Plan called for a reexamination of the land use and zoning once development was either completed or failed to materialize, and the Plan further recommended consideration of residential/commercial mixed uses and corresponding W-4 zoning for the site, consistent with changes that were implemented on adjacent riverfront properties to the west; and

**WHEREAS**, development efforts continued on the Rockford Falls site for several years, but ultimately the project was never completed and the property was sold in 2015; and

**WHEREAS**, Ordinance 16-028 was introduced at the May 5, 2016 meeting of City Council for the purpose of rezoning the four parcels of land located within, and which make up the entirety of, the existing C-6 (Special Commercial) zoning district; and

**WHEREAS**, as directed by the Comprehensive Plan, the existing C-6 district has been reevaluated and amendments are now being proposed to the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan to amend Map E (Proposed Land Use) and Map F (Proposed Zoning Changes) in order to change the land use and zoning recommendations for the four parcels that are within, and make up the entirety of, the C-6 (Special Commercial) district; and

**WHEREAS**, Map E (Proposed Land Use) is proposed to be amended to provide for residential/commercial mixed uses and low-to-medium density residential uses in the area currently designated for special commercial land uses; and

**WHEREAS**, Map F (Proposed Zoning Changes) is proposed to be amended to change the zoning of the four parcels from C-6 (Special Commercial) to W-4 (Residential/Commercial) and R-3 (One-Family Row Houses); and

**City Planning Commission**  
**Resolution 9-16**  
**Page Two**

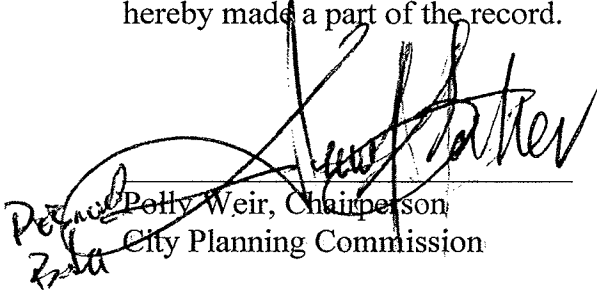
**WHEREAS**, these changes implement the recommendations of the current Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan, allowing for waterfront residential and commercial mixed land uses (and the corresponding W-4 zoning) for the three parcels located within the C-6 district along the lower bank of the Brandywine Creek; and allowing for single-family residential land uses (and corresponding R-3 zoning) for the fourth parcel located along the upper bank; and

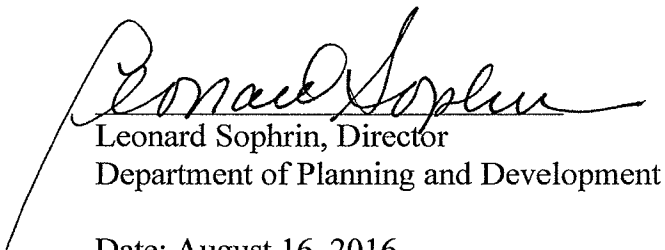
**WHEREAS**, the Commission has considered the analysis prepared by the Planning Department along with other evidence presented at the August 16, 2016 Planning Commission meeting.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Planning Commission recommends that the proposed amendments to the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan, Map E (Proposed Land Use), which change the proposed land use designations of the four parcels which are within, and make up the entirety of, the current C-6 district from "special commercial" to "residential/commercial mixed uses" and "one-family row houses", be approved.

**FURTHER RESOLVED**, the Commission recommends that the proposed amendments to Map F (Proposed Zoning Changes), which change the current C-6 (Special Commercial) zoning to W-4 (Residential/Commercial) and R-3 (One-Family Row Houses), be approved.

**FURTHER RESOLVED**, that the proposed changes to Map E and Map F are presented in the Planning Department analysis dated August 12, 2016, and are attached to this resolution and hereby made a part of the record.

  
Polly Weir, Chairperson  
City Planning Commission

  
Leonard Sophrin, Director  
Department of Planning and Development

Date: August 16, 2016

attachments

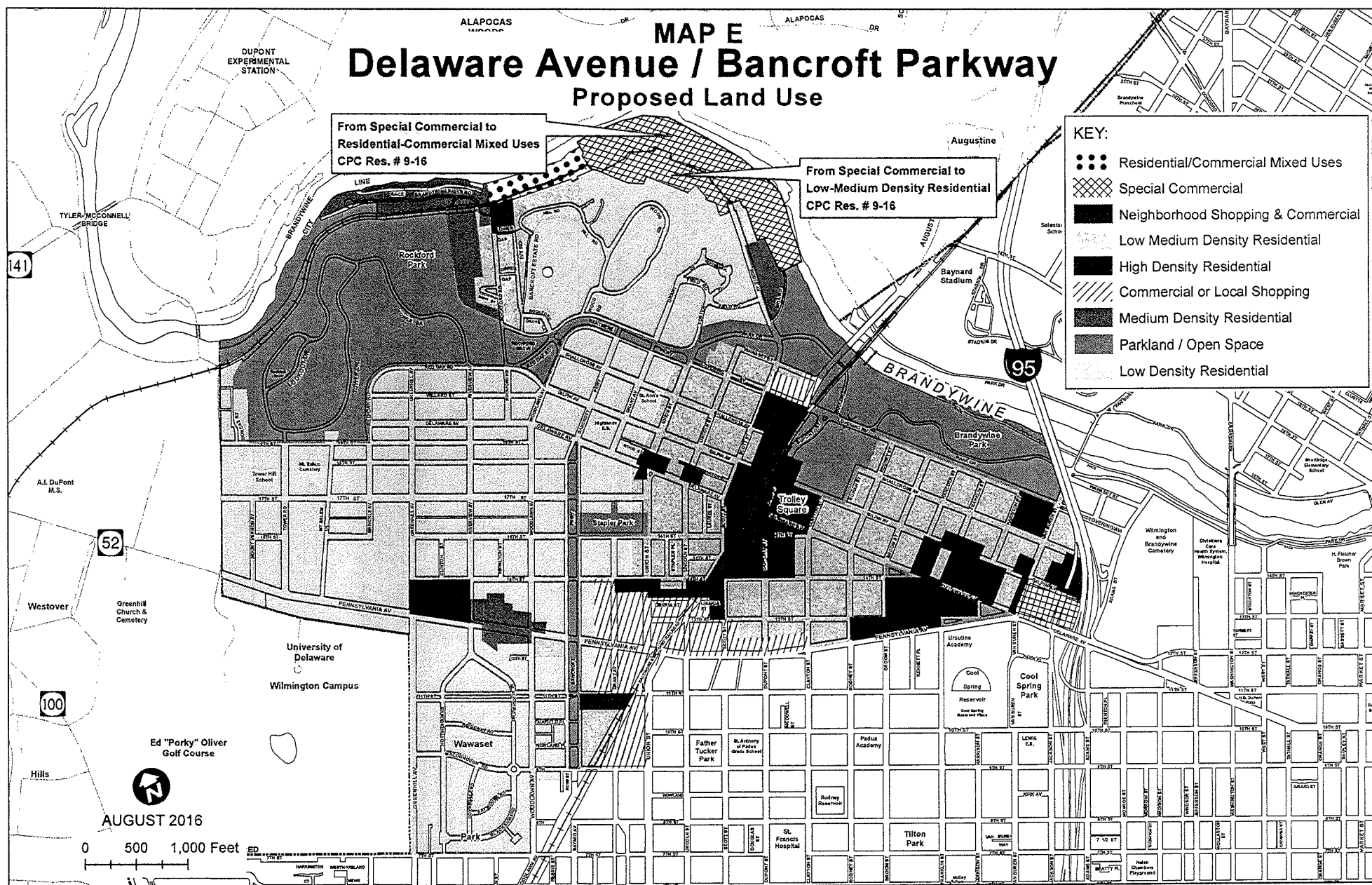
**MAP E**  
**venue / Bancroft Parkway**  
**Proposed Land Use**

**From Special Commercial to  
Residential-Commercial Mixed Uses  
CPC Res. # 9-16**

**From Special Commercial to  
Low-Medium Density Residential  
CPC Res. # 9-16**

**KEY:**

-  Residential/Commercial Mixed Uses
-  Special Commercial
-  Neighborhood Shopping & Commercial
-  Low Medium Density Residential
-  High Density Residential
-  Commercial or Local Shopping
-  Medium Density Residential
-  Parkland / Open Space
-  Low Density Residential





# **RESOLUTION 10-16**

## **Proposed Rezoning**

**CITY PLANNING COMMISSION  
OF THE DEPARTMENT OF PLANNING  
CITY OF WILMINGTON  
RESOLUTION 10-16**

**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**, Ordinance 16-028 was introduced at the May 5, 2016 meeting of City Council for the purpose of rezoning four parcels of land located within, and which make up the entirety of, the existing C-6 (Special Commercial) zoning district along the Brandywine Creek at the northern end of Riddle Avenue and Mill Road; and

**WHEREAS**, the ordinance proposes to rezone three of these parcels (Tax Parcels 26-006.20-041, 26-006.20-045, and 26-006.40-050) from C-6 to W-4 (Waterfront Residential/Commercial), and one parcel (Tax Parcel 26-006.20-046) from C-6 to R-3 (One-Family Row Houses).

**WHEREAS**, this rezoning is consistent with the recommendations of the Delaware Avenue/Bancroft Parkway Comprehensive Development Plan ("Plan"), which was updated and adopted by City Council on December 20, 2007, revised in 2009, and further amended by Commission Resolution 9-16; and

**WHEREAS**, the Plan addressed concerns about development pressures that were occurring in the Analysis Area, specifically citing the intensity of development permitted within existing C-6 zoning districts, more specifically the former Bancroft Mills site, which at the time was proposed for a residential development project known as Rockford Falls; and

**WHEREAS**, although the rezoning of the C-6 district which included the Bancroft Mills site was deliberately postponed because it was actively under development at the time, the Plan called for a reexamination of the land use and zoning at such time that the proposed development was either completed or had ceased activity, and the Plan further recommended W-4 zoning which was consistent with the character and intensity of the Rockford Falls proposal, but which would prohibit the higher intensity land uses allowed under the current C-6 zoning; and

**WHEREAS**, after several years of development activity related to the earlier Rockford Falls project, that project ultimately failed to materialize and the property was sold to another developer which will also be pursuing development on the site, and that developer was advised of the City's plans to rezone the land in accordance with the Comprehensive Plan; and

**WHEREAS**, the purpose of the existing C-6 (Special Commercial) district is to encourage intense and high quality commercial uses along boulevards and major arterial streets leading to and from Wilmington's downtown area, with special zoning controls but without height limitations, and a review process for all new buildings and uses which requires the approval of Design Review and Preservation Commission; and



**City Planning Commission**  
**Resolution 10-16**  
**Page Two**

**WHEREAS**, three of the four parcels within the subject rezoning area are situated along the lower bank of the Brandywine Creek and are recommended for W-4 (Residential/Commercial) zoning, which is consistent with the zoning in adjacent areas along the Brandywine Creek to the west; and

**WHEREAS**, the purpose of the proposed W-4 district is to provide areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office development can take place, while prohibiting the higher intensity land uses currently allowed under the C-6 zoning, and development is subject to conformance with the waterfront development standards, including landscaping and screening, to assure that development is of a quality nature, with development height limited to 6 stories; and

**WHEREAS**, one of the four parcels within the subject rezoning area is situated along the upper bank and is proposed for R-3 (One-Family Row Houses) zoning, the purpose of which is to encourage the development of single-family row houses which are limited to three stories; and

**WHEREAS**, the proposed W-4 and R-3 zoning classifications are consistent with, and support, land uses in the surrounding neighborhood which include low density residential (R-1) in the form of single-family detached dwellings; low-medium density residential (R-3) in the form of single-family semi-detached and row house dwellings; medium-density residential (R-5A1 and R-5A) in the form of multi-family condominiums and apartments; as well as residential/commercial mixed uses (W-4) along the Brandywine Creek; neighborhood shopping/commercial (C-1A); and open space (O); and

**WHEREAS**, the proposed rezoning will not create any nonconforming uses or otherwise negatively impact the properties in question, given that current land uses and proposed development within the area of rezoning are permitted under the proposed R-3 and W-4 zoning categories; and

**WHEREAS**, in July 2016, a subdivision request was submitted to realign the boundary line separating two of the affected parcels within the area of rezoning, which was approved by the Planning Commission (Rockford Falls Resolution 8-16; MS-16-04); and

**WHEREAS**, because the affected parcels are proposed for different zoning classifications (the lower parcel is proposed for W-4; the upper parcel is proposed for R-3), it is therefore necessary to prepare Substitute No. 1 to Ordinance 16-028 in order to reflect the newly revised property lines which will separate and distinguish the two zoning districts, and also to provide the revised metes and bounds descriptions for the affected parcels; and

**WHEREAS**, on July 29, 2016, a public notice was mailed to the affected property owners, occupants and interested parties within and surrounding the area proposed for rezoning; a classified legal advertisement was placed in the News Journal on August 2, 2016; and the Commission's August meeting agenda was sent to the standard Commission mailing list recipients and was posted in the information window of the Louis L. Redding City/County Building and on the City's website on August 9, 2016; and

**City Planning Commission**  
**Resolution 10-16**  
**Page Three**

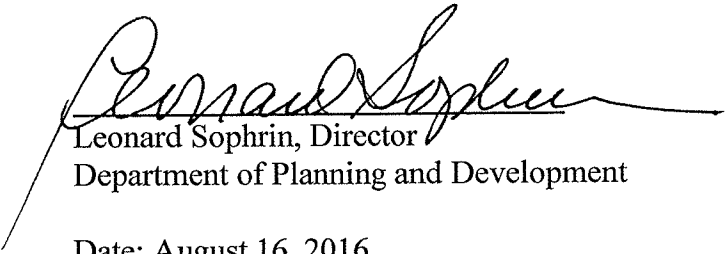
**WHEREAS**, the City Planning Commission has considered the analysis prepared by the Department of Planning, along with other evidence entered into the hearing record.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission recommends approval of the 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) as shown on the map attached and hereby made a part of the record.

**FURTHER RESOLVED**, that these rezonings are in accordance with the recommendations of the Delaware Avenue/Bancroft Parkway Comprehensive Development Plan, updated and adopted by Council on December 20, 2007, further revised in 2009, and as amended by Planning Commission Resolution 9-16.

**FURTHER RESOLVED**, that the Commission recommends that Substitute No. 1 to Ordinance 16-028 be prepared and adopted by City Council to reflect recent changes to the boundary lines separating two parcels within the area of the subject rezoning, which was recently approved through the subdivision process (Resolution 8-16; MS-16-04), in order for the rezoning ordinance to reflect accurate boundaries for the proposed R-3 and W-4 district classifications, as well as the revised metes and bounds descriptions for the subject parcels.

  
Polly Weir, Chairperson  
City Planning Commission

  
Leonard Sophrin, Director  
Department of Planning and Development

Date: August 16, 2016

attachments

CPC Resolution 10-16  
Sub. No. 1 to Ordinance 16-028

# Rezoning Proposal

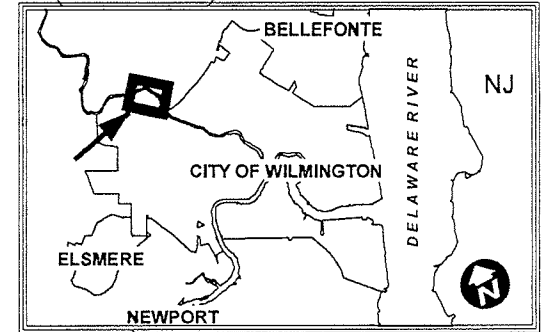
C-6 Special Commercial to W-4 Residential/Commercial  
and R-3 One Family Row Houses

Alapocas  
Woods



August 2016

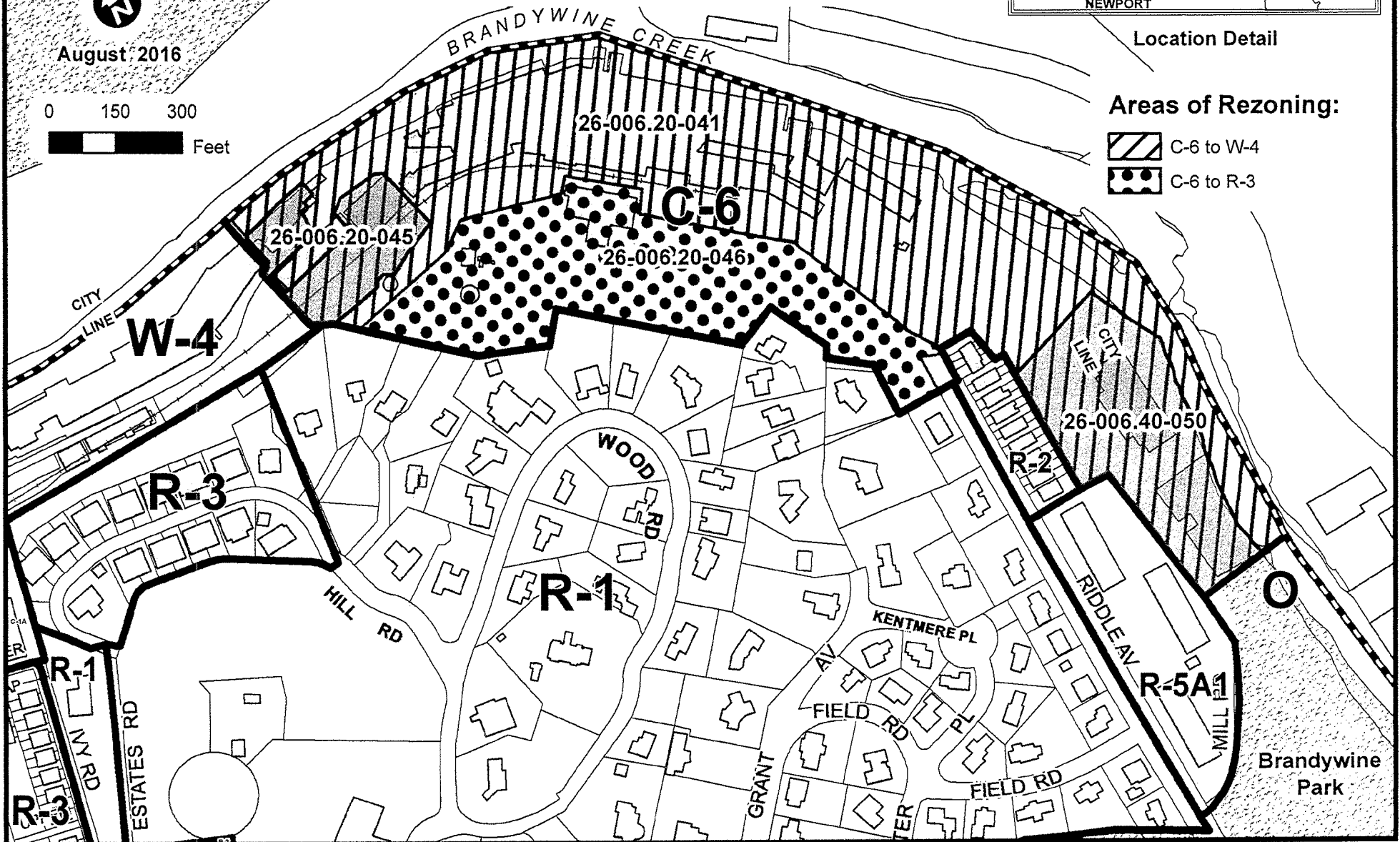
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Location Detail

## Areas of Rezoning:

- C-6 to W-4
- C-6 to R-3



## MEMORANDUM

**TO:** Wilmington Planning Commission

**FROM:** Department of Planning and Development

**DATE:** August 12, 2016

**RE:** **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 Changes) to change the land use and zoning recommendations for the properties within the existing C-6 (Special Commercial) district located at the northern end of Riddle Avenue and Mill Road.

**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.

### APPLICANT/SPONSOR:

Honorable Charles M. “Bud” Freel  
City Council Member, 8<sup>th</sup> Council District

### BACKGROUND/PURPOSE

Ordinance 16-028 was introduced at the May 5, 2016 meeting of City Council for the purpose of rezoning the four properties located within, and which make up the entirety of, the existing C-6 (Special Commercial) zoning district along the Brandywine Creek at the northern end of Riddle Avenue and Mill Road. The proposal would rezone three of these parcels (Tax Parcels 26-006.20-041, 26-006.20-045, and 26-006.40-050) from C-6 to W-4 (Waterfront Residential/Commercial), and one parcel (Tax Parcel 26-006.20-046) from C-6 to R-3 (One-Family Row Houses). See **Attachment A** for Ordinance 16-028 and **Attachment B** for the proposed rezoning map.

This rezoning is in accordance with recommendations that are discussed in the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan (“Comprehensive Plan”), which was completely updated and adopted by City Council in 2007 and last revised in 2009.

## **COMPREHENSIVE DEVELOPMENT PLAN**

The Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan ("Plan") was completely updated in 2007 through a comprehensive planning effort guided by a Neighborhood Working Group representing residents, businesses and labor interests, and elected officials. The Plan, which was adopted by City Council in December 2007, recommended changes in land use and zoning for thirteen areas; the related rezonings were implemented in early 2008 (Substitute No. 1 to Ordinance 07-083 rezoned 11 areas in March 6, 2008; and Ordinance 08-012 rezoned the remaining two areas in April 17, 2008).

In addition to identifying recommendations for these specific areas, the Plan also addressed concerns about development pressures that were occurring in the Analysis Area, specifically citing the intensity of development that was permitted within existing C-6 zoning districts. While a moratorium had been established in July 2007 to halt new development while the Plan was being updated, there were several active projects underway which were not subject to the moratorium. They included the Columbus Inn site (2216 Pennsylvania Avenue), Gibraltar Estate (2505 Pennsylvania Avenue), and the Bancroft Mills site (commonly referred to as Rockford Falls).

Although the rezoning of these sites was deliberately postponed because they were actively under development, the Plan called for a reexamination of their zoning once the projects were either completed or had ceased activity. To that end, when proposed plans for the Columbus Inn site failed to materialize, the Plan was updated in 2009 to recommend the rezoning of that site, which was implemented.

For the Bancroft Mills site (the subject of the current rezoning effort), the Plan recommended W-4 zoning for the four parcels that make up the C-6 district, which was consistent with changes implemented on adjacent riverfront properties to the west. The W-4 zoning classification was consistent with the character and intensity of the Rockford Falls development being proposed at the time, but would prohibit the higher intensity land uses allowed under the current C-6 zoning. Because the Rockford Falls project included two of the four parcels within the C-6 district, however, the Plan recommended that the rezoning of the C-6 district be postponed until a later date.

There have been no updates to the Comprehensive Development Plan, and no other zoning activity within the Analysis Area, since 2009.

### **Proposed Amendments to the Comprehensive Plan**

Resolution 9-16 proposes to amend Map E (Proposed Land Use) to change the land use designation within the area proposed for rezoning, providing for the residential and commercial mixed land uses along the lower bank of the riverfront, and to provide for low-to-medium density residential land uses along the upper bank. This area is currently designated for special commercial land uses.

Additionally, Map F (Proposed Zoning Changes) is proposed to be amended to change the zoning within the subject area to W-4 (Residential/Commercial) along the lower bank, and to R-3 (One-Family Row Houses) along the upper bank.

These changes implement the recommendations of the current Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan, and allow for waterfront residential and commercial mixed land uses (and corresponding W-4 zoning) for the three parcels along the lower bank of the Brandywine Creek; and would also allow for single-family residential land uses (and corresponding R-3 zoning) for the fourth parcel located along the upper bank. See **Attachment C** for the proposed changes to the Comprehensive Plan.

## **ZONING HISTORY**

As previously mentioned, the Delaware Avenue/Bancroft Parkway Analysis Area was evaluated when the Comprehensive Plan was updated in 2007, and thirteen rezoning recommendations were identified, all of which were implemented in early 2008. An additional zoning change was made to the Columbus Inn site in 2009. Since that time, while there have been many discussions related to the rezoning of the C-6 district in which the Bancroft Mills site is located, rezoning has not occurred.

### **Bancroft Mills Development Site (Background)**

In early 2004, two large parcels which were part of the former Bancroft Mills site had been purchased by Brandywine Partners LLC (O'Neill Properties) with the intent to construct a residential development to be known as Rockford Falls. Fifteen hundred dwelling units were originally contemplated for the site, which was later reduced to 999 units. Through discussions with the community and City officials, the proposal continued to evolve as design plans were refined. Development activity occurred at the site for several years, and was subject to the various review processes. The Planning Commission reviewed initial plans related to the subdivision and condominium declaration processes when they were submitted in 2005, and again in 2007 and 2008 when revised plans were presented. The Design Review and Preservation Commission (DRPC) reviewed plans for demolition and remediation, as well as design under the existing C-6 district guidelines. In 2007, the DRPC approved plans for a 448 unit development; in 2008, a revised 421 unit proposal was approved.

Other work completed for the site included a Traffic Impact Study (2006); an Archaeological Testing Report, and History and Building Inventory (2007); and a Financial Impact Analysis, and Master Fire Protection and Safety Plan (2009). A revised Financial Impact Analysis and Tax/Fee/Permit Estimate were provided in 2010. Although there was a period of inactivity during this time that was attributed to the recession, the project was never formally withdrawn by the developer. The project resurfaced in 2014 with a revised proposal for 380 units, including carriage homes and condominiums. Shortly thereafter, in March 2015, the property was acquired by a new owner, Rockford Falls Partners LLC, a special purpose entity controlled by the Buccini Pollin Group.

### **Past Rezoning Efforts**

In 2011 then-district Council Member Stephen Martelli requested a zoning analysis for the Bancroft Mills site, in which the Planning Department evaluated the appropriateness of the R-1, R-2, and R-3 single-family residential zoning districts for the upper parcel. There was never any issue with the W-4 recommendation for the lower parcel or for the two adjacent parcels to the north and south which are also within the C-6 district.

The analysis included discussion of the progress taking place with respect to the Rockford Falls development. The conclusion at that time was that the C-6 zoning should remain in place because the Rockford Falls project had not yet been formally withdrawn from consideration by the developer, but that either R-2 or R-3 zoning on the upper parcel would be consistent with the existing density of development in the immediate area.

In July 2012, Ordinance 12-044 was introduced to rezone the Bancroft Mills site (2 parcels) from C-6 to W-4 and R-1 zoning. The Planning Commission instead approved W-4 and R-3 zoning, and recommended that the other two parcels in the C-6 district (2/3 Mill Road; State parcel), be included in the rezoning action. Substitute No. 1 to Ordinance 12-044 was drafted, but held by City Council.

In March 2014, Ordinance 14-010 was introduced, again proposing to rezone the two Bancroft Mills properties from C-6 district to W-4 and R-1. The ordinance was withdrawn by the sponsor, and in June 2014, Ordinance 14-026 was introduced to rezone the entire C-6 district to W-4 and R-2. However, in light of the developer's assertion that the Rockford Falls residential project was still actively being pursued, and after discussions with the Law Department, the ordinance was held.

### **Current Rezoning Proposal**

In April 2015, the Bancroft Mills site (two parcels, upper and lower) was acquired by Rockford Falls Partners LLC. In May 2015, the City met with the new developer to discuss proposed redevelopment plans for the site and the City's intent to move forward with the recommended rezoning action. On May 5, 2016, Ordinance 16-028 (the subject of Resolution 10-16) was introduced to rezone the four parcels which make up the entirety of the C-6 district, to R-3 and W-4 zoning.

### **Proposed Substitute No. 1 to Ordinance 16-028**

In July 2016, Rockford Falls Partners LLC submitted a subdivision request to realign the boundary line separating two development parcels, which was approved by the Commission (Resolution 8-16; MS-16-04). Because the two parcels are included in the rezoning action and are proposed for different zoning classifications (the lower parcel is proposed for W-4; the upper parcel is proposed for R-3), a substitute ordinance is necessary to reflect the new property lines, as amended, and to provide the revised metes and bounds descriptions for the parcels. This recommendation is included in the rezoning action presented in Resolution 10-16. See **Attachment D** (Rockford falls subdivision plan) and **Attachment E** (draft Substitute No. 1 to Ordinance 16-028).

## ANALYSIS

### Land Use (Rezoning Site)

Of the four subject parcels under consideration for rezoning, three are underutilized and have vacant buildings and/or structures on site; and one parcel is developed with active commercial/office mixed uses. The area is currently designated for special commercial land uses.

#### 0 Riddle Avenue /“Upper Parcel” (Tax Parcel #26-006.20-046)

Property Owner: Rockford Falls Partners LLC.  
Current Land Use: Vacant land and structures.  
Proposed Land Use: Residential development in the form of new construction (single-family carriage-style row houses, in groups of three).  
Impact: The proposed dwellings are a permitted use under the proposed “low-medium density residential” land use classification and corresponding R-3 zoning.

#### 0 Riddle Avenue/“Lower Parcel” (Tax Parcel # 26-006.20-041)

Property Owner: Rockford Falls Partners LLC.  
Current Land Use: Vacant land and buildings (formerly Bancroft Mills).  
Proposed Land Use: Residential condominiums (renovated buildings; new construction).  
Impact: Proposed use is permitted under proposed “residential/commercial mixed use” land use classification and corresponding W-4 zoning.

#### 165-167-169 Bancroft Mill Road (Tax Parcel # 26-006.20-045)

Property Owner: State of Delaware.  
Current Land Use: Passive open space / vacant building.  
Proposed Land Use: Discussions are underway to revise the parcel boundary lines between this irregularly shaped parcel and the adjacent development parcel (0 Riddle Avenue, “lower parcel”) into a more logical configuration.  
Impact: Passive open space is a permitted use under the proposed “residential/commercial mixed use” land use classification and corresponding W-4 zoning.



2/3 Mill Road                      (Tax Parcel #26-006.40-050)

Property Owner:        2/3 Mill Road LLC (Buccini Pollin Group).  
Current Land Use:      Offices.  
Proposed Land Use:    The parcel is currently developed; no changes are proposed.  
Impact:                  The current office buildings are a permitted use under the  
proposed “residential/commercial mixed use” land use  
classification and corresponding W-4 zoning.

**Land Use (Surrounding Area)**

Land uses in the area surrounding the subject rezoning site (and their corresponding zoning classifications) include the following:

- a)      Low density residential (R-1) in the form of single-family detached dwellings in an area generally bounded by Kentmere Parkway, Ivy Road, Riddle Avenue, and the southwestern boundary of the upper development parcel.
- b)      Low-medium density residential (R-3) in the form of single-family row houses situated along Riddle Avenue to the south, as well as along Ivy and Rockford Roads (Rockford Mews) to the west; and single-family, semi-detached dwellings along Hill Road, to the west.
- c)      Medium-density residential (R-5A1; R-5A) in the form of multi-family condominiums and apartments along the lower portion of Riddle Avenue to the south (5-story Rockford Park Condominiums); in the area west of Rockford Road (3-story Rockford Towers), to the west; and along Brandywine Falls Road which parallels the Brandywine Creek (Brandywine Falls Condominiums), also to the west.
- d)      Residential/commercial mixed uses (W-4) along the Brandywine Creek to the immediate west of the rezoning site, including art studios, condominiums, apartments, row houses and offices.
- e)      Neighborhood shopping and commercial uses (C-1A) within office buildings on Rockford Road at the Lower Gap, to the west of the rezoning site.
- f)      Open space (O) to the east, west and south of the rezoning site, including Brandywine Park, Rockford Park and Kentmere Parkway, respectively.

## **Existing Zoning**

### C-6 (Special Commercial)

The area under consideration for rezoning is comprised of four parcels currently zoned C-6 (Special Commercial). The purpose of the existing C-6 district is to encourage intense and high quality commercial uses along boulevards and major arterial streets leading to and from Wilmington's downtown area. Special zoning controls are designed to provide a proper setting for development, although there is no limit on the height of construction, and the review and approval of all new buildings and uses by the Design Review and Preservation Commission is required.

Examples of uses permitted as a matter-of-right in C-6 include: residential (low, medium and high density apartment, row house, single-family detached and semi-detached dwelling); hospital; retail store and shop for personal services; office, bank or other financial institution; restaurant or lunch room; commercial parking lot; private garage; public garage and motor vehicle service facility; private club or lodge; hotel or motel; indoor theatre or assembly hall; and emergency homeless shelter.

## **Proposed Zoning**

### W-4 (Waterfront Residential/Commercial)

Three of the four parcels within the current C-6 district are recommended for W-4 zoning, which is consistent with the area along the river to the west. These three parcels are situated along the lower bank of the Brandywine Creek, and include 2/3 Mill Road, the "lower parcel" owned by Rockford Falls Partners LLC, and the vacant State-owned parcel.

The purpose of the W-4 district is to provide areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office development can take place. Development is subject to conformance with waterfront review standards, including landscaping and screening, to assure that it is of a quality nature, and development height is limited to six stories.

Examples of uses permitted as a matter-of-right in the W-4 district include: single-family and multi-family residential dwelling, excluding detached single-family dwelling; bed and breakfast guest facility; library, museum, and gallery; private or public school; private club or lodge; office, bank or other financial institution; retail store and service; hotel or motel; commercial marine use, including accessory fuel service; commercial recreation; nonprofit charitable institution; indoor performing arts theater; restaurant/lunchroom; family day care; group day care home; and day care center.

R-3 (One-Family Row Houses)

The parcel along the upper bank of the Brandywine Creek, one of the two development parcels owned by Rockford Falls Partners LLC ("Upper Parcel"), is proposed for R-3 zoning. The purpose of the R-3 district is to encourage the development of one-family row houses that are limited to three stories. Examples of uses permitted as a matter-of-right in the R-3 district include single-family row house, single-family detached and semi-detached residential dwelling; church and other place of worship; public and parochial elementary, junior and senior high school; college or university; public library; museum; art gallery; hospital; fire house and police station; family day care; group day care home; day care center; and group home (Type I).

**Comparison of Zoning Regulations**

	<b>Existing C-6</b>	<b>Proposed W-4</b>	<b>Proposed R-3</b>
<b>Review Process</b>	DRPC review of buildings/uses; height & bulk provisions	In-house review per waterfront standards	Standard Regulations
<b>Landscaping / Screening</b>	Review of development site plans, including parking areas	Plans for development site, including parking, loading, storage, refuse areas, utility screening	--
<b>Height</b>	None prescribed	6 stories / 72 feet	3 stories / 40 feet
<b>Building Setback</b>	10 feet from any street	min. setback from river (based on parcel depth) <div> <div>&lt; 200 feet</div> <div>30 feet</div> </div> <div> <div>200 to 400</div> <div>40 feet</div> </div> <div> <div>&gt; 400</div> <div>50 feet</div> </div>	15 feet
<b>Rear/Side Yards</b>	None	None	20 feet (rear); none (side)
<b>Floor Area Ratio</b>	10	<div> <div>row houses</div> <div>0.8</div> </div> <div> <div>garden apts</div> <div>1.0</div> </div> <div> <div>walk up apts</div> <div>1.5</div> </div> <div> <div>elevator apts</div> <div>2.0</div> </div> <div> <div>all other uses</div> <div>2.0</div> </div>	None
<b>Building Coverage Ratio (building lot area/total parcel area)</b>	None	<div> <div>row houses</div> <div>0.4</div> </div> <div> <div>garden apts</div> <div>0.4</div> </div> <div> <div>walk up apts</div> <div>0.5</div> </div> <div> <div>elevator apts</div> <div>0.5</div> </div> <div> <div>all other uses</div> <div>0.5</div> </div>	None. <b>Minimum lot area:</b> <div> <div>row houses</div> <div>1,600</div> </div> <div> <div>semidetached</div> <div>2,500</div> </div> <div> <div>all other uses</div> <div>4,000</div> </div>
<b>Lot Frontage</b>	None	None	<div> <div>row houses</div> <div>16</div> </div> <div> <div>semidetached</div> <div>25</div> </div> <div> <div>all other uses</div> <div>40</div> </div>

## Rezoning Impacts

The proposed rezoning will not create any nonconforming uses or otherwise negatively impact the properties in question. Both the current land uses and proposed development within the area of rezoning are permitted under the proposed W-4 and R-3 zoning categories, and any new development will be required to conform to the regulations governing these districts.

<b>Tax Parcel</b>	<b>Address/Owner</b>	<b>Current Land Use</b>	<b>Proposed Zoning/Impact</b>
26-006.20-041	0 Riddle Avenue Rockford Falls Partners LLC	vacant/underutilized	C-6 to W-4 No Impact
26-006.20-045	165, 167, 169 Bancroft Mill Rd State of Delaware	vacant/underutilized/ passive open space	C-6 to W-4 No Impact
26-006.40-050	2 and 3 Mill Road 2/3 Mill Road LLC	offices	C-6 to W-4 Permitted Use
26-006.20-046	0 Riddle Avenue Rockford Falls Partners LLC	vacant/underutilized	C-6 to R-3 No Impact

## PUBLIC NOTICE

On July 29, 2016, a public notice of the Commission public hearing was mailed to affected property owners, occupants, and interested parties. A classified legal advertisement was placed in the News Journal on August 2, 2016. The Commission's August meeting agenda was sent to the standard Commission mailing list recipients and was posted in the information window of the Louis L. Redding City/County Building and posted on the City's website on August 9, 2016. To date, Planning has received one call for information regarding the rezoning proposal. See **Attachment F** for the public notice and **Attachment G** for the Summary of Public Comments.

There has been extensive outreach on the part of the district Council Member and representatives of Rockford Falls Partners LLC, owners of two of the subject properties being rezoned, who have been working closely with a core group of neighborhood representatives to resolve any concerns regarding the proposed residential development, including potential impacts from the density of development permitted under the proposed zoning categories, and neighborhood parking issues.

## SUMMARY/RECOMMENDATIONS

The Department of Planning recommends the approval of the following resolutions:

**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 Changes) to change the land use and zoning recommendations for the properties within the existing C-6 (Special Commercial) district located at the northern end of Riddle Avenue and Mill Road.

**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.

It is further recommended that Substitute No. 1 to Ordinance 16-028 be prepared to reflect the changes that resulted from a recent subdivision request which realigned the boundary lines separating two of the subject parcels being rezoned. Because these two parcels are proposed for different zoning classifications (the lower parcel is proposed for W-4; the upper parcel is proposed for R-3), a substitute ordinance is necessary to reflect the new property lines created by the subdivision, and to provide the revised metes and bounds descriptions for the parcels. Public hearings for the comprehensive plan amendments and the rezoning action are tentatively being scheduled for the September 15, 2016 City Council meeting.

# **ATTACHMENT A**

## **Ordinance 16-028**

**AN ORDINANCE TO REZONE FOUR PARCELS OF LAND FROM C-6 (SPECIAL COMMERCIAL) TO W-4 (WATERFRONT/RESIDENTIAL COMMERCIAL) AND R-3 (ONE-FAMILY ROW HOUSES).**

---

#4207

**Sponsor:**

**Council  
Member  
Freel**

WHEREAS, City Council for the City of Wilmington deems it necessary and appropriate to rezone the four parcels of land as depicted on the map attached hereto and made a part hereof as Exhibit "A" and further described as follows: Tax Parcel No. 26-006.20-041, Tax Parcel No. 26-006.20-045, and Tax Parcel No. 26-006.40-050 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial) and Tax Parcel No. 26-006.20-046, from C-6 (Special Commercial) to R-3 (One-Family Row Houses); and

**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 Tax Parcel No. 26-006.20-041 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial), as illustrated on the Map attached hereto and made a part hereof as Exhibit "B" and as more particularly described by the metes and bounds description attached hereto as Exhibit "C".

**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 Tax Parcel No. 26-006.20-046 from C-6 (Special Commercial) to R-3 (One-family Row Houses), as illustrated on the Map attached hereto and made a part hereof as Exhibit "D" and as more particularly described

First Reading ..... May 5, 2016  
Second Reading..... May 5, 2016  
Third Reading .....

Passed by City Council,

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

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

Approved as to form this 4<sup>th</sup>  
day of May, 2016

  
\_\_\_\_\_  
Assistant City Solicitor

Approved this \_\_\_ day of \_\_\_\_\_, 2016

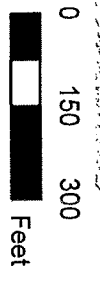
\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance rezones four parcels, more specifically Tax Parcel No. 26-006.20-041, Tax Parcel 26-006.20-045, and Tax Parcel No. 26-006.400-50 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial) and Tax Parcel No. 26-006.20-046 from C-6 (Special Commercial) to R-3 (One-family Row Houses) Zoning Classification.



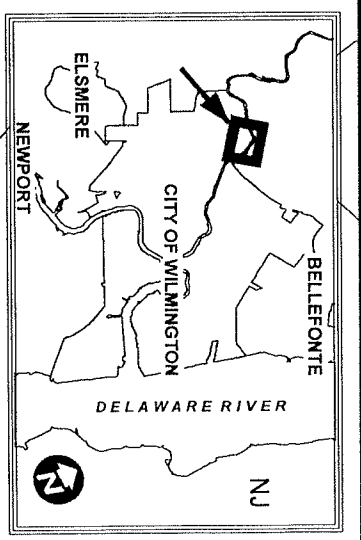
Alapocas  
Woods

May 2016



# Rezoning Proposal

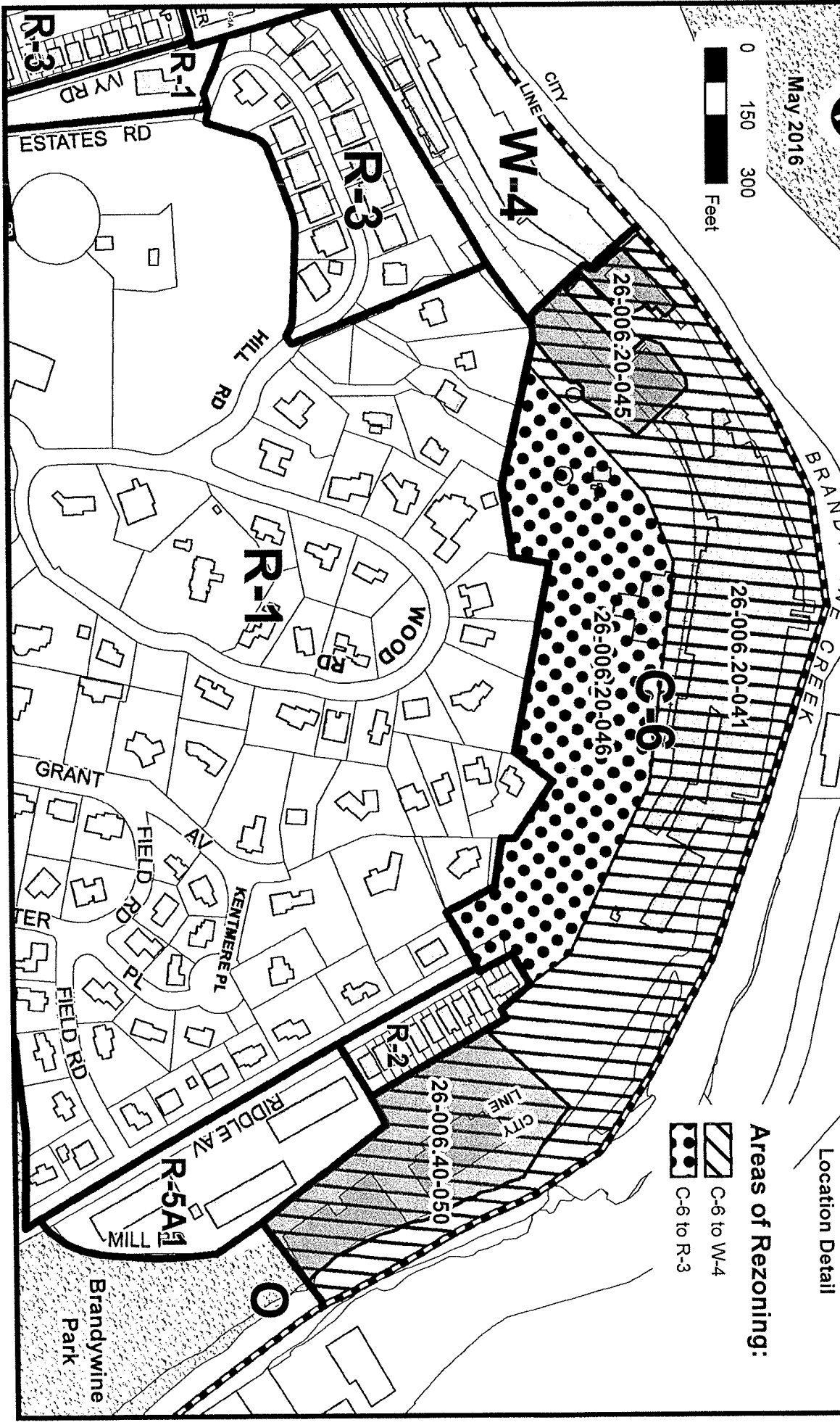
## C-6 Special Commercial to W-4 Residential/Commercial and R-3 One Family Row Houses



Location Detail

### Areas of Rezoning:

- C-6 to W-4
- C-6 to R-3



Alapocas  
Woods

Sub. No. 1 to Ordinance 16-028  
**Rezoning Proposal**  
**EXHIBIT B**

  
August 2016

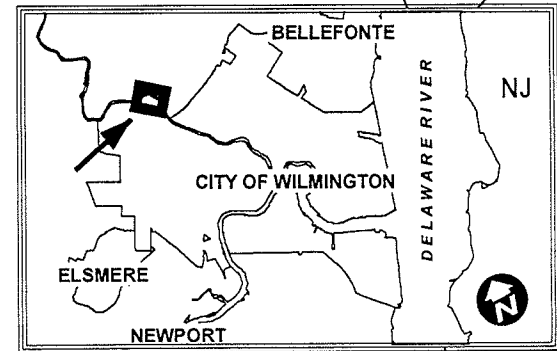
0 100 200  
Feet

BRANDYWINE CREEK

26-006.20-041

CITY  
LINE

WOOD  
RD



Location Detail

## EXHIBIT C

All that certain lot, piece or parcel of land, with buildings, utilities and improvements thereon, situate in the City of Wilmington, New Castle County, State of Delaware, being know as Parcel No. 1 as shown on the Record Subdivision Plan for Wilmington Finishing Company prepared by Pennoni Associates Inc., dated 2/22/00, last revised 6/7/00, appearing at Microfilm 14215, and being more particularly described by Pennoni Associates Inc., as follows, to wit:

BEGINNING for the same at a common corner for Parcel 1 herein described and at the northeasterly most corner of the Subdivision of Riddle Hollow, Microfilm #7887, said point being distant the following 6 courses and distances from the common corner between Parcel #2 of the aforementioned plan and Tax Parcel #26-006.40-054 located on the northwesterly side of Riddle Avenue, 60 feet wide, to wit: North 09° 43' 18" East, 85.55 feet to the terminus of Riddle Avenue, thence thereby, South 58° 38' 12" East, 52.46 feet to a point on the southeasterly line of Riddle Avenue, thence by the line with Tax Parcel #26-006.40-065 the following 3 courses and distances: North 09° 43' 18" East, 10.26 feet to a point; thence continuing, North 80° 16' 42" West, 78.00 feet to a point; thence continuing, South 00° 53' 00" East, 81.50 feet along the common line with Tax Parcels #26-006.40-065 and 26-006.40-064, to a point on the line of the aforesaid Riddle Hollow, thence thereby, South 80° 16' 42" East, 23.24 feet to the point of Beginning; thence for Parcel #1 as follows, to wit: (1) North 80° 16' 42" West, 23.24 feet by the line of the aforesaid Riddle Hollow to a common corner with Tax Parcel #26-006.40-064, thence along the line with Tax Parcel #26-006.40-064 and 26-006.40-065; (2) North 00° 53' 00" West, 81.50 feet to a common corner with Tax Parcel #26-006.40-065 and Parcel #2, thence by the common line with Parcel #2 the following 6 courses and distances: (3) North 02° 36' 57" East, 109.27 feet to a point thence continuing; (4) North 25° 25' 02" West, 417.20 feet to a point thence continuing; (5) North 43° 59' 20" West, 446.49 feet to a point thence continuing; (6) North 43° 25' 10" West, 40.17 feet to a point thence continuing; (7) North 71° 15' 57" West, 157.70 feet to a point thence continuing; (8) South 88° 10' 33" West, 396.42 feet to a point on the common line with Tax Parcel #26-006.20-028; thence thereby; (9) North 38° 33' 20" West, 50.00 feet to a common corner with Parcel #3, thence thereby the following 26 courses and distances; (10) South 89° 52' 57" East, 59.68 feet to a point thence continuing; (11) North 88° 21' 05" East, 64.53 feet to a point thence continuing; (12) North 40° 57' 50" East, 16.76 feet to a point thence continuing; (13) North 86° 17' 18" East, 17.83 feet to a point thence continuing; (14) South 49° 49' 12" East, 18.35 feet to a point thence continuing; (15) South 08° 05' 42" East, 4.14 feet to a point thence continuing; (16) North 77° 43' 05" East, 11.46 feet to a point thence continuing; (17) North 69° 45' 34" East, 48.17 feet to a point thence continuing; (18) North 76° 24' 25" East, 83.71 feet to a point thence continuing; (19) North 04° 28' 05" West, 151.44 feet to a point thence continuing; (20) North 55° 41' 26" West, 20.18 feet to a

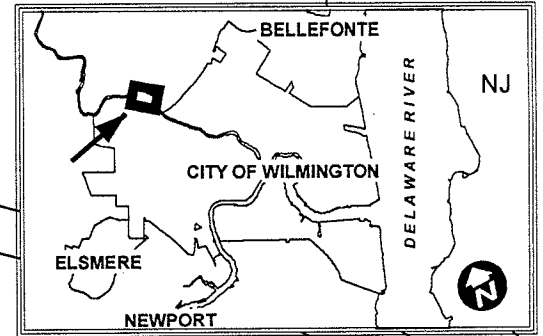
Alapocas  
Woods



May 2016

0 100 200  
Feet

# Rezoning Proposal EXHIBIT D



Location Detail

BRANDYWINE CREEK

CITY  
LINE

26-006.20-046

WOOD  
RD

HILL  
RD

KENTMERE PL

RIDDLE AV

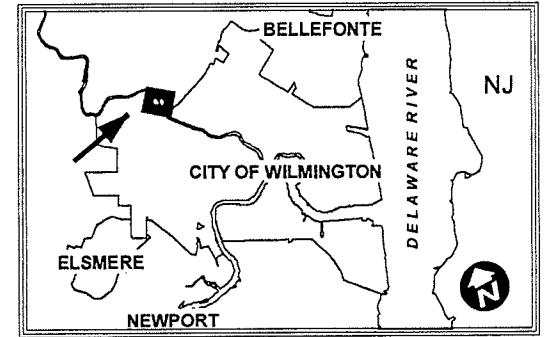
## EXHIBIT E

BEGINNING for the same at a common corner for Parcel #2 herein described and Tax Parcel #26-006.40-054, on the northeasterly side of Riddle Avenue, 60 feet wide, thence from said point of beginning, as follows, to wit:

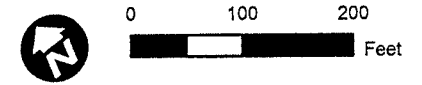
- 1) North 80° 16' 42" West, 103.69 feet by the line with Tax Parcel #26-006.40-054 to a corner with Tax Parcel #26-006.20.019, thence by the line with Tax Parcel #26-006.20-019 and Tax Parcel #26-006.20-043
- 2) North 09° 43' 18" East, 126.73 feet to a point, thence continuing by the line with Tax Parcel #26-006.20-043;
- 3) North 42° 40' 36" West, 105.85 feet to a point on the line of the lands of Tax Parcel #26-006.20-017, thence hereby;
- 4) North 38° 17' 25" East, 26.86 feet to a point; thence continuing by the line of the lands of Tax Parcel #26-006.20-017 the following 2 courses and distances;
- 5) North 13° 59' 30" West, 152.21 feet to a point; thence continuing;
- 6) South 76° 00' 30" West, 104.76 feet to a common corner with Tax Parcel #26-006.20-007, and Tax Parcel #26-006.20-017; thence by the line of the lands of Tax Parcel #26-006.20-007, Tax Parcel #26-006.20-006, and Tax Parcel #26-006.20-005;
- 7) North 40° 17' 42" West, 426.90 feet to a point, thence continuing by the line of the lands of Tax Parcel #26.006.20-005;
- 8) South 49° 03' 48" West, 76.97 feet to a common corner with Tax Parcel #26-006.20-004 and Tax Parcel #26-006.20-005; thence by the line of the lands of Tax Parcel #26-006.20-004,
- 9) North 62° 08' 12" West, 12" West, 156.69 feet to a common corner with Tax Parcel #26-006.20-022 and Tax Parcel #26-006.20-004; thence by the line with lands of Tax Parcel #26-006.20-022, Tax Parcel #26-006.20-027 and Tax Parcel #26006.20-028 in part,
- 10) North 38° 33' 20" West, 276.55 feet to a common corner with Parcel #1; thence thereby the following 6 courses and distances,
- 11) North 88° 10' 33" East, 396.42 feet to a point; thence continuing
- 12) South 71° 15' 57" East, 157.70 feet to a point; thence continuing
- 13) South 43° 25' 10" East, 40.17 feet to a point; thence continuing
- 14) South 43° 59' 20" East, 446.49 feet to a point; thence continuing
- 15) South 25° 25' 02" East, 417.20 feet to a point; thence continuing
- 16) South 02° 36' 57" West, 109.27 feet to a common corner with Tax Parcel #26-006.40-042; thence by the line with Tax Parcel #26-006.40-042;
- 17) North 80° 16' 42" West, 78.00 feet to a point; thence continuing by the line with Tax Parcel #26-006.40-042,
- 18) South 09° 43' 18" West, 10.26 feet to a point at the terminus of Riddle Avenue; thence thereby,
- 19) North 58° 38' 12" West, 52.46 feet to a point on the aforesaid northwesterly line of Riddle Avenue; thence thereby,
- 20) South 09° 43' 18" West, 85.55 feet to a point and place of Beginning.

# Rezoning Proposal

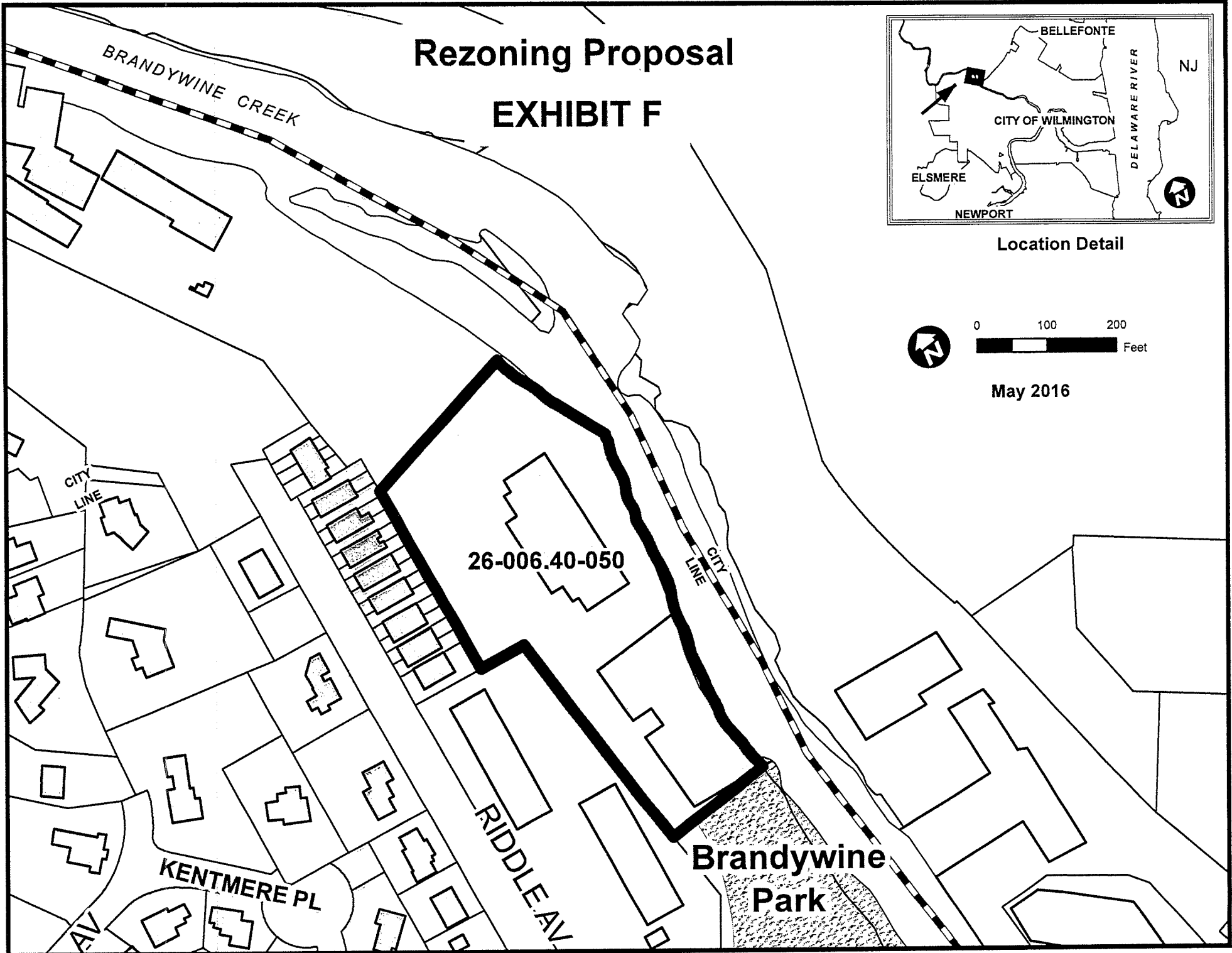
## EXHIBIT F



Location Detail



May 2016



## EXHIBIT G

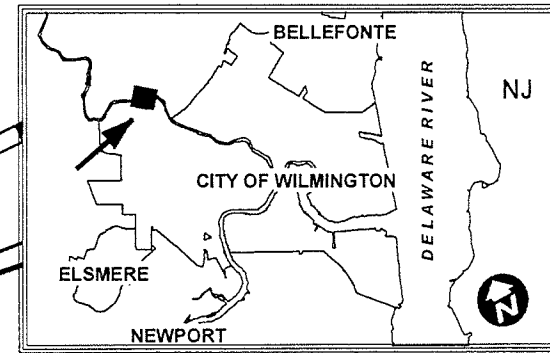
All that certain piece, parcel or tract of land situate in The City of Wilmington, New Castle County, State of Delaware, being 2 & 3 Mill Road as per the ALTA/ACSM Land Title Survey prepared for The Duccini/Pollin Group prepared by Ramesh C. Batta Associates, P.A., Professional Engineers and Land Surveyors dated May 3<sup>rd</sup>, 2005 and last revised May 19<sup>th</sup>, 2005, plan number 89518-C-16785 and more particularly described as follows, to wit:

Beginning at the point in line of lands now or formerly of Rockford Condominiums, said point being located the following four courses and distances along the northerly, northwesterly and westerly side of Mill Road (40 feet wide Private Right of Way) from the point formed by the intersection of the northerly side of Mill Road with the easterly side of Riddle Avenue (60 feet wide):

- 1) north 83 degrees, 13 minutes, 30 seconds east, 62.12 feet to a point, thence;
  - 2) north 57 degrees, 55 minutes, 30 seconds east, 59.97 feet to a point, thence;
  - 3) north 38 degrees, 29 minutes, 10 seconds east, 287.56 feet to a point, thence;
  - 4) north 00 degrees, 55 minutes, 00 seconds east, 106.47 feet to the Point of Beginning.
- Thence, from said Point of Beginning, the following seven (7) courses and distances:
- (1) continuing with Rockford Condominiums this and the next two courses and distances, north 00 degrees, 59 minutes, 30 seconds east, 341.07 feet to a point, thence;
  - (2) north 05 degrees, 33 minutes, 00 seconds east, 3.10 feet to a point, thence;
  - (3) north 79 degrees, 42 minutes, 16 seconds west, 67.87 feet to a corner for #2400 Riddle Avenue, thence, in part with same and in part with #2402, #2404, #2406, #2408, #2410, #2412, #2414, #2416, #2418, #2420, #2422, #2424 and #2426 Riddle Avenue;
  - (4) north 02 degrees, 43 minutes, 15 seconds east, 293.66 feet to a corner for lands now or formerly of Brandywine partners, LLC, thence, with same;
  - (5) north 80 degrees, 21 minutes, 30 seconds east, 360.35 feet to a point in the centerline of Brandywine Creek, thence, with same;
  - (6) in a southerly direction along the various courses of the Brandywine Creek, 740 feet, more or less (survey tie line = south 08 degrees, 28 minutes, 18 seconds west, 721.53 feet to a corner for Brandywine Park, Lands of the Mayor and Council of the City of Wilmington, thence, with same;
  - (7) north 88 degrees, 09 minutes, 51 seconds west, 238.10 feet to the Point of Beginning.
- Containing within said metes and bounds 4.7223 acres of land, be they the same, more or less.

# Alapocas Woods

## Rezoning Proposal EXHIBIT H



Location Detail



May 2016

0 50 100  
Feet

BRANDYWINE CREEK

CITY  
LINE

26-006.20-045





# EXHIBIT I

BEGINNING for the same at a common corner for Parcel #3 herein described and Parcel #1 on the line of the lands with Tax Parcel # 26-006 20-028 being distant the following 10 courses and distances from a point being a corner for Parcel #2 and Tax Parcel # 26-006 40-054 on the northwesterly side of Kiddle Avenue, 60' wide, thence, to wit, North 80° 16' 42" W to 1103 69' by the line with Tax Parcel #26-006 40-054 to a corner with Tax Parcel # 26-006 20-019 thence by the line with Tax Parcel # 26-006 20-019 and Tax Parcel # 26-006 20-043, North 09° 42' 18" East, 126 73' to a point, thence continuing by the line with Tax Parcel # 26-006 20-043, South 42° 40' 36" West 105 85' to a point on the line of the lands of Tax Parcel #26-006 20-017, thence, hereby, North 38° 17' 25" East, 26 86' to a point, thence continuing by the line of the lands of Tax Parcel # 26-006 20-017 the following 2 courses and distances, North 13° 59' 30" West 152 21' to a point, thence continuing, South 76° 00' 30" West 104 78' to a common corner with Tax Parcel # 26-006 20-007, thence by line of the lands of Tax Parcel # 26-006 20-007, Tax Parcel # 26-006 20-008 and Tax Parcel # 26-006 20-003, North 40° 17' 42" West 426 90' to a point, thence continuing by the line with Tax Parcel #26-006 20-003, North 49° 30' 48" West 76 97' to a common corner with Tax Parcel #26-006 20-004, thence by the line of the lands of Tax Parcel # 26-006 20-004, North 62° 08' 12" West, 156 69' to a point, thence by the line with lands of Tax Parcel # 26-006 20-022, Tax Parcel #26-006 20-027 and Tax Parcel #26-006 20-028 in part, North 38° 33' 20" West 370 55' to the point and place of beginning, thence for Parcel No. 3, as follows to wit

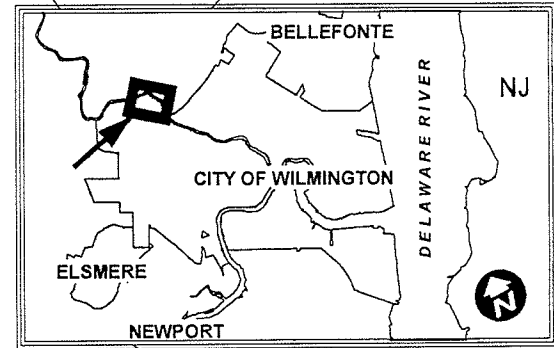
- 1) North 52° 57' 51" West 53 72' by the line with Tax Parcel #26-006 20-028 Tax Parcel #26-006 20-001 and Tax Parcel #26-006 20-044, thence by the line with the lands of Tax Parcel #26-006 20-044, Tax Parcel #26-002 40-001 and 26-002 30-002,
- 2) North 04° 31' 28" West, 153 07' to a point, thence by the line with the lands of Tax Parcel #26-002 30-002, the following 2 courses and distances,
- 3) North 62° 35' 42" East 29 32' to a point, thence continuing,
- 4) North 02° 53' 41" West 68 73' along the face of the aforesaid existing building to a point, thence continuing,
- 5) North 87° 07' 58" East, 1 60' along the face of aforesaid existing building to a point, thence continuing,
- 6) North 02° 37' 57" West, 8 19' to a common corner with Parcel #1, thence by the line with Parcel #1 the following 25 courses and distances,
- 7) North 87° 36' 08" East, 39 33' to a point, thence continuing;
- 8) North 84° 19' 02" East, 78 48' to a point, thence continuing;
- 9) North 87° 13' 27" East, 54 15' to a point, thence continuing;
- 10) South 02° 48' 57" East, 35 91' to a point, thence continuing;
- 11) South 87° 13' 52" West, 27 60' to a point, thence continuing;
- 12) South 03° 19' 33" East, 12 76' to a point, thence continuing;
- 13) South 86° 42' 48" West, 17 30' to a point, thence continuing;
- 14) South 10° 03' 19" West, 38 41' to a point, thence continuing,
- 15) South 04° 22' 49" East, 15 71' to a point, thence continuing,
- 16) South 85° 49' 29" West, 136 63' to a point, thence continuing;
- 17) South 04° 20' 28" East, 51 06' to a point, thence continuing;
- 18) North 85° 30' 48" East, 196 77' to a point, thence continuing;
- 19) North 04° 30' 33" West, 50 20' to a point, thence continuing;
- 20) North 59° 10' 50" East, 36 24' to a point, thence continuing;
- 21) South 86° 42' 11" East, 93 60' to a point, thence continuing,
- 22) South 35° 41' 26" East, 20 18' to a point, thence continuing,
- 23) South 04° 28' 05" East, 151 44' to a point, thence continuing,
- 24) South 76° 24' 25" West, 83 71' to a point, thence continuing;
- 25) South 69° 45' 34" West, 48 17' to a point, thence continuing,
- 26) South 77° 43' 05" West, 11 46' to a point, thence continuing;
- 27) North 08° 05' 42" West, 4 14' to a point, thence continuing,
- 28) North 49° 49' 12" West, 18 35' to a point, thence continuing,
- 29) South 86° 17' 18" West, 17 88' to a point, thence continuing;
- 30) South 40° 57' 50" West, 16 76' to a point, thence continuing;
- 31) South 88° 21' 05" West, 64 53' to a point, thence continuing,
- 32) North 89° 52' 57" West, 59 68' to the point and place of beginning and containing with these metes and bounds 1 53 acres of land, more or less. Be the contents thereof what they may.

## **ATTACHMENT B**

**Proposed Rezoning Map  
(per Ordinance 16-028)**



# Rezoning Proposal

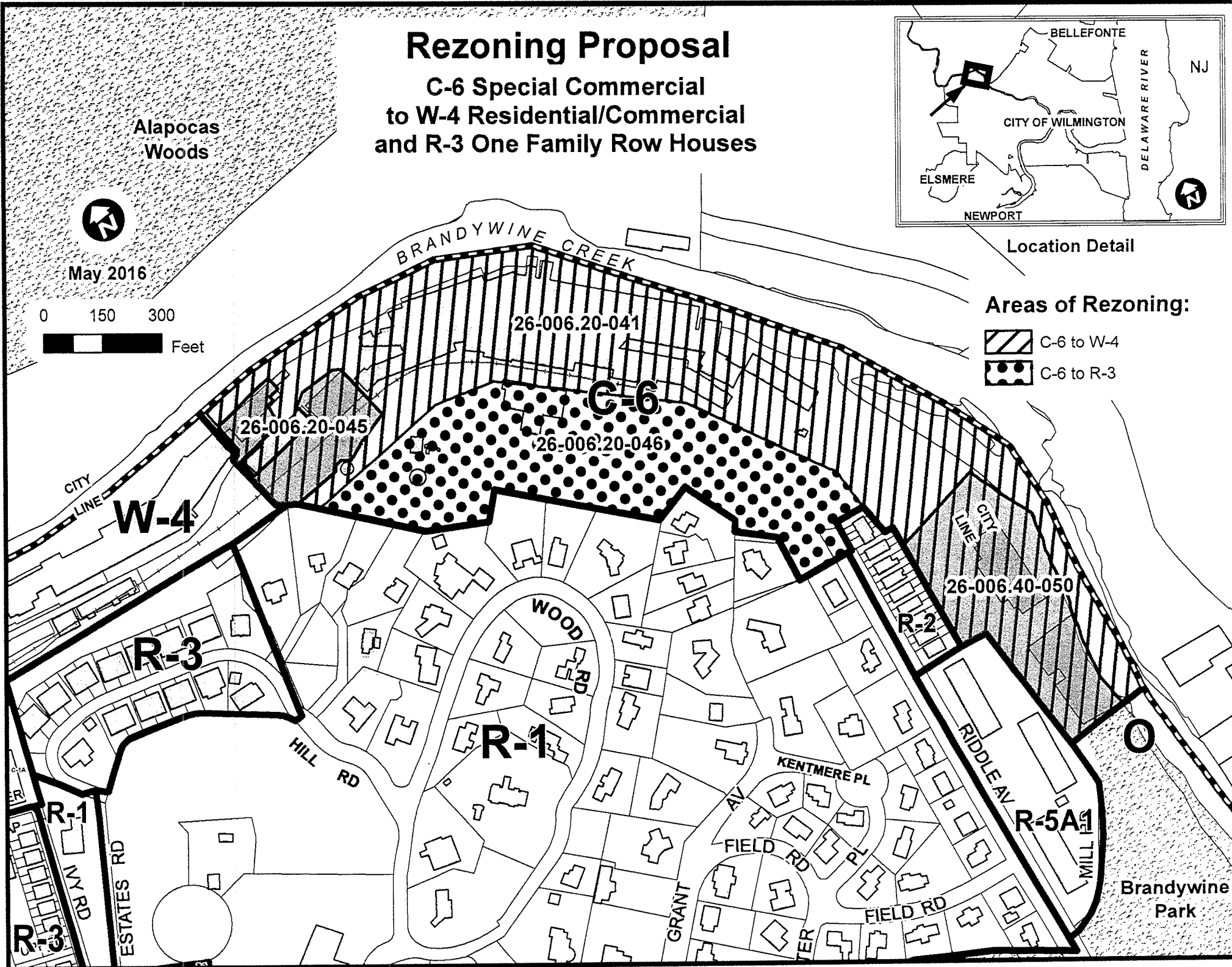
## C-6 Special Commercial to W-4 Residential/Commercial and R-3 One Family Row Houses



Location Detail

### Areas of Rezoning:

-  C-6 to W-4
-  C-6 to R-3



# **ATTACHMENT C**

## **Proposed Changes to the Neighborhood Comprehensive Development Plan for Delaware Avenue / Bancroft Parkway**

### **Map E and Map F**

# **DELAWARE AVENUE / BANCROFT PARKWAY NEIGHBORHOOD COMPREHENSIVE DEVELOPMENT PLAN**

**Department of Planning and Development**

**August 2016**

**Recommended by:**

City Planning Commission  
Resolution 9-16  
Date: August 16, 2016

**Adopted by:**

Wilmington City Council  
Resolution (pending)  
Date: September, 2016

**Recommended by:**

City Planning Commission  
Resolution 21-09  
Date: November 17, 2009

**Adopted by:**

Wilmington City Council  
Resolution 09-120  
Date: December 3, 2009

**Recommended by:**

City Planning Commission  
Resolution 34-07  
Date: December 18, 2007

**Adopted by:**

Wilmington City Council  
Resolution 07-076  
Date: December 20, 2007

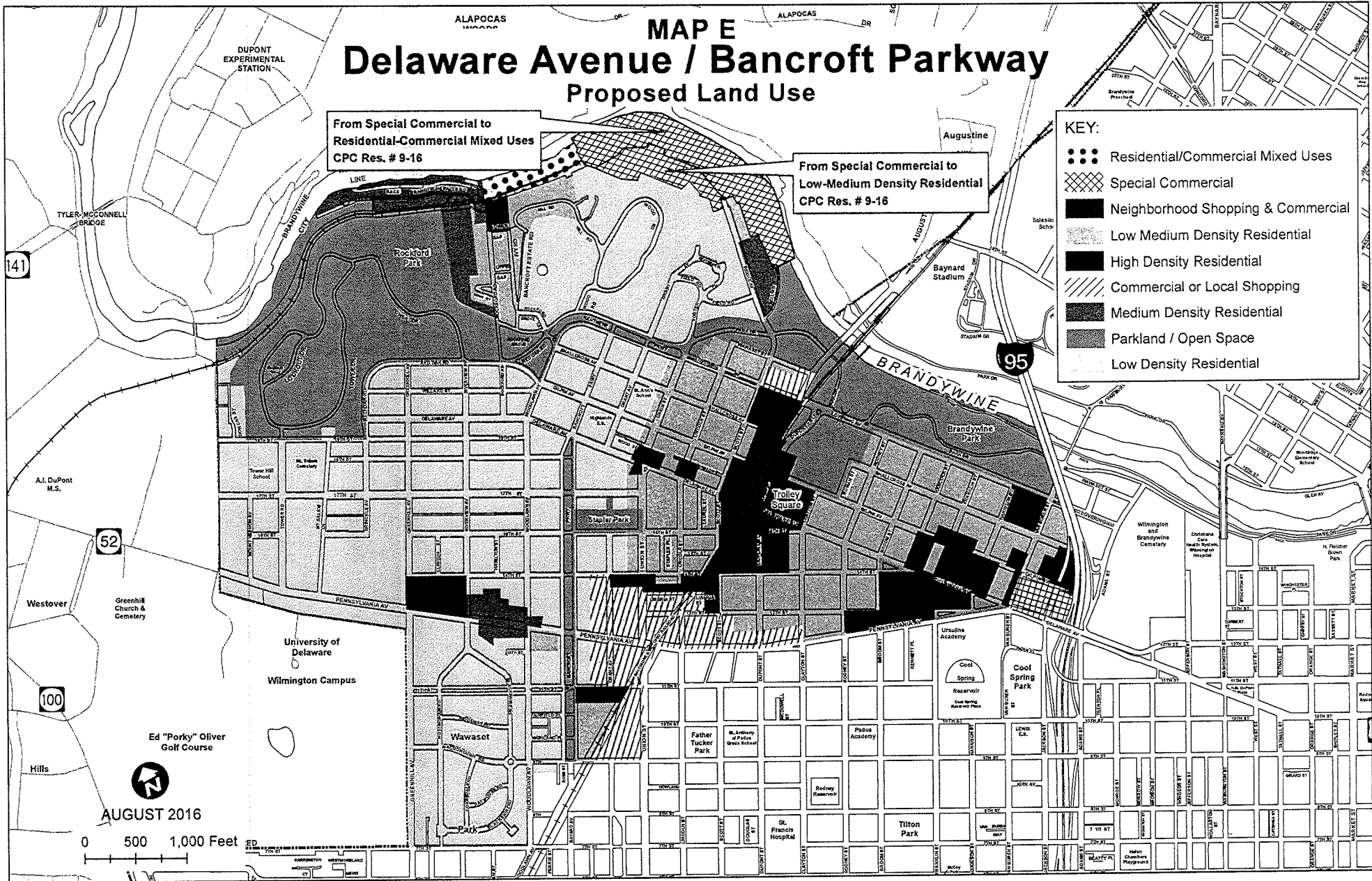
This plan supercedes the previous document, which was prepared in June 1975 (Planning Commission Resolution 10-75) and adopted by City Council (Resolution 75-170) and last revised in 2006 (Planning Commission Resolution 21-05; City Council Resolution 06-023).

# MAP E **Delaware Avenue / Bancroft Parkway** Proposed Land Use

From Special Commercial to  
 Residential-Commercial Mixed Uses  
 CPC Res. # 9-16

From Special Commercial to  
 Low-Medium Density Residential  
 CPC Res. # 9-16

- KEY:**
- Residential/Commercial Mixed Uses
  - ▨ Special Commercial
  - Neighborhood Shopping & Commercial
  - ▨ Low Medium Density Residential
  - High Density Residential
  - ▨ Commercial or Local Shopping
  - Medium Density Residential
  - Parkland / Open Space
  - ▨ Low Density Residential



# MAP F

## Delaware Avenue / Bancroft Parkway

### Proposed Zoning Changes

From C-6 to W-4  
CPC Res. # 9-16  
Sub. No. 1 to Ord. 16-028

From C-6 to R-3  
CPC Res. # 9-16  
Sub. No. 1 to Ord. 16-028

#### KEY

##### Area - Proposed Change

- A, R-5B to R-5A1
- B, R-5B to R-5A1
- C, M-1 to C-1A
- D, M-1 to R-1
- E, R-5B to R-5A1
- F, C-2 to C-1
- G, R-5B to C-1
- H, R-5B to R-3
- I, R-4 to R-3
- J, R-5C to R-3
- K, C-6 to R-5A
- L, C-6 to W-4
- M, R-4 to R-3

#### 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



AUGUST 2016

0 500 1,000 Feet

City of the Arts

# **ATTACHMENT D**

## **Rockford Falls Subdivision Plan**



GENERAL NOTES:

- [illegible]

APPROVED FOR RECORDATION

#### DEFINITION OF PLANNING AND DEVELOPMENT

#### CERTIFICATION OF ACCURACY

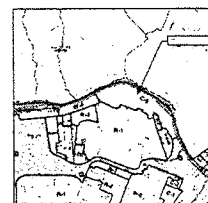
3. I, \_\_\_\_\_, HEREBY CERTIFY THAT I HAVE BEEN TRAINED PROFESSIONAL ENGINEER IN THE STATE OF MISSISSIPPI WITH A BACKGROUND IN THE FOLLOWING AREA(S): \_\_\_\_\_, SUPPORTING THE STATE OF MISSISSIPPI, AS THE BEST OF MY KNOWLEDGE AND BELIEF, ACCORDING TO THE INFORMATION ON THE PLAN AND TRUE AND CORRECT TO THE ACCURACY ASSURED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES. THE PROPOSED CONSTRUCTION AS SHOWN ON THE PLAN COMPLIES WITH ALL APPLICABLE LAWS AND REGULATIONS.

**CERTIFICATION OF OWNERSHIP**

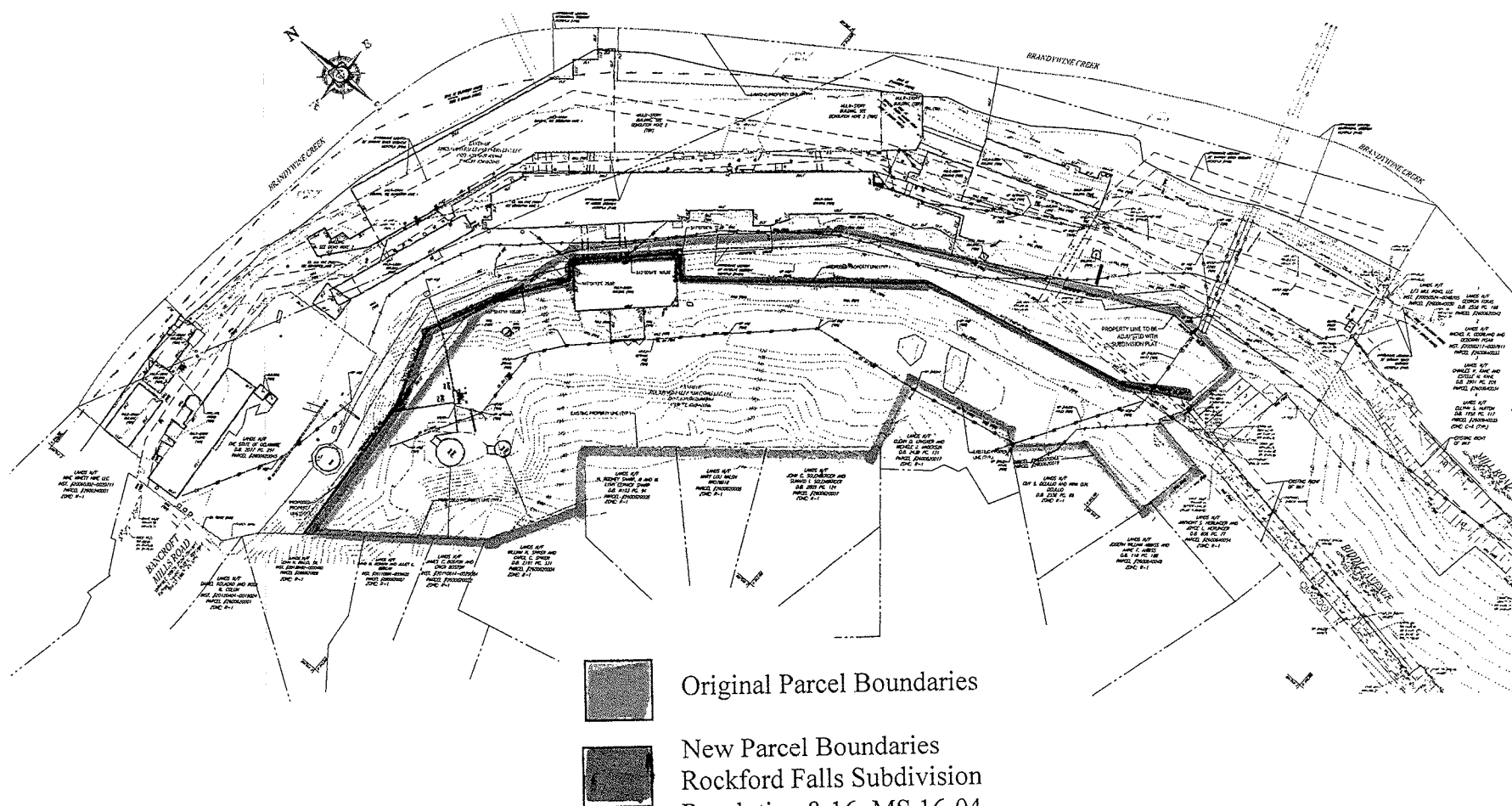
I, \_\_\_\_\_ hereby certify that I am the owner of the property shown on the map, that the subdivision therein was made in an  
 execution that I have made, and I desire the same to be recorded as such according to the law and in  
 accordance with the subdivision and development regulations of the City of Washington.

### LEGEND

EXISTING NOTE	TECHNICAL NOTE TEXT
	SL. PROPERTY LINE
	PROP. PROPERTY LINE
	UNDERGROUND UTILITY
	UNDERGROUND G.S.
	OVERHEAD ARRE
	UNDERGROUND UTILITY
	UNDERGROUND UTILITY
	STORM SEWER
	SEWER CONNECTION
	FRANKLIN STREET ON
	W/STREET LIGHT
	RAILWAY CROSSING
	RAILWAY CROSSING
	STORM SEWER
	STORM DRAIN INLET
	STORM INLET
	WATER MAIN
	WATER MAIN



LOCATION MAP SCALE = 1"=200'



Original Parcel Boundaries

New Parcel Boundaries  
Rockford Falls Subdivision  
Resolution 8-16; MS 16-04



BOHNER

[illegible]

## REVISIONS

[illegible]

NOT APPROVED FOR  
CONSTRUCTION

PROJECT NO.	DATE
STARTED BY	Q.
CHECKED BY	W.
DATE	6/29
SCALE	" = 1'
CAD TO	C.

FOR  
ROCKFORD  
FALLS

LOCATION OF SITE  
MILL ROAD, RIDDLE AVENUE AND  
SANCROFT MILLS ROAD  
CITY OF WILMINGTON  
NEW CASTLE COUNTY, DE



22636 DAYS DRIVE, SUITE 250  
STERLING, VIRGINIA 20154  
Phone: (703) 706-9500  
Fax: (703) 706-9501  
VA@BohlerEng.com

SHEET TITLE

MAJOR  
SUBDIVISION

Small number

## **ATTACHMENT E**

### **Substitute No. 1 to Ordinance 16-028 (draft)**

# **DRAFT**

## **SUBSTITUTE NO. 1 TO ORDINANCE NO. 16-028**

### **AN ORDINANCE TO REZONE FOUR PARCELS OF LAND FROM C-6 (SPECIAL COMMERCIAL) TO W-4 (WATERFRONT/RESIDENTIAL COMMERCIAL) AND R-3 (ONE-FAMILY ROW HOUSES).**

---

**WHEREAS**, City Council for the City of Wilmington deems it necessary and appropriate to rezone the four parcels of land as depicted on the map attached hereto and made a part hereof as Exhibit "A" and further described as follows: Tax Parcel No. 26-006.20-041, Tax Parcel No. 26-006.20-045, and Tax Parcel No. 26-006.40-050 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial) and Tax Parcel No. 26-006.20-046, from C-6 (Special Commercial) to R-3 (One-Family Row Houses); and

**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 Tax Parcel No. 26-006.20-041 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial), as illustrated on the Map attached hereto and made a part hereof as Exhibit "B" and as more particularly described by the metes and bounds description attached hereto as Exhibit "C".

**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 Tax Parcel No. 26-006.20-046 from C-6 (Special Commercial) to R-3 (One-family Row Houses), as illustrated on the Map attached hereto and made a part hereof as Exhibit "D" and as more particularly described by the metes and bounds description attached hereto as Exhibit "E".

Passed by City Council,

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

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

Approved as to form this \_\_\_\_\_  
day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Assistant City Solicitor

Approved this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Substitute Ordinance rezones four parcels, more specifically Tax Parcel No. 26-006.20-041, Tax Parcel 26-006.20-045, and Tax Parcel No. 26-006.400-50 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial) and Tax Parcel No. 26-006.20-046 from C-6 (Special Commercial) to R-3 (One-family Row Houses) Zoning Classification.

CPC Resolution 10-16  
Sub. No. 1 to Ordinance 16-028

# Rezoning Proposal

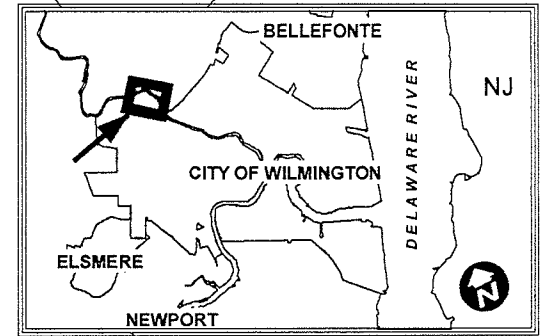
C-6 Special Commercial to W-4 Residential/Commercial  
and R-3 One Family Row Houses

Alapocas  
Woods





August, 2016

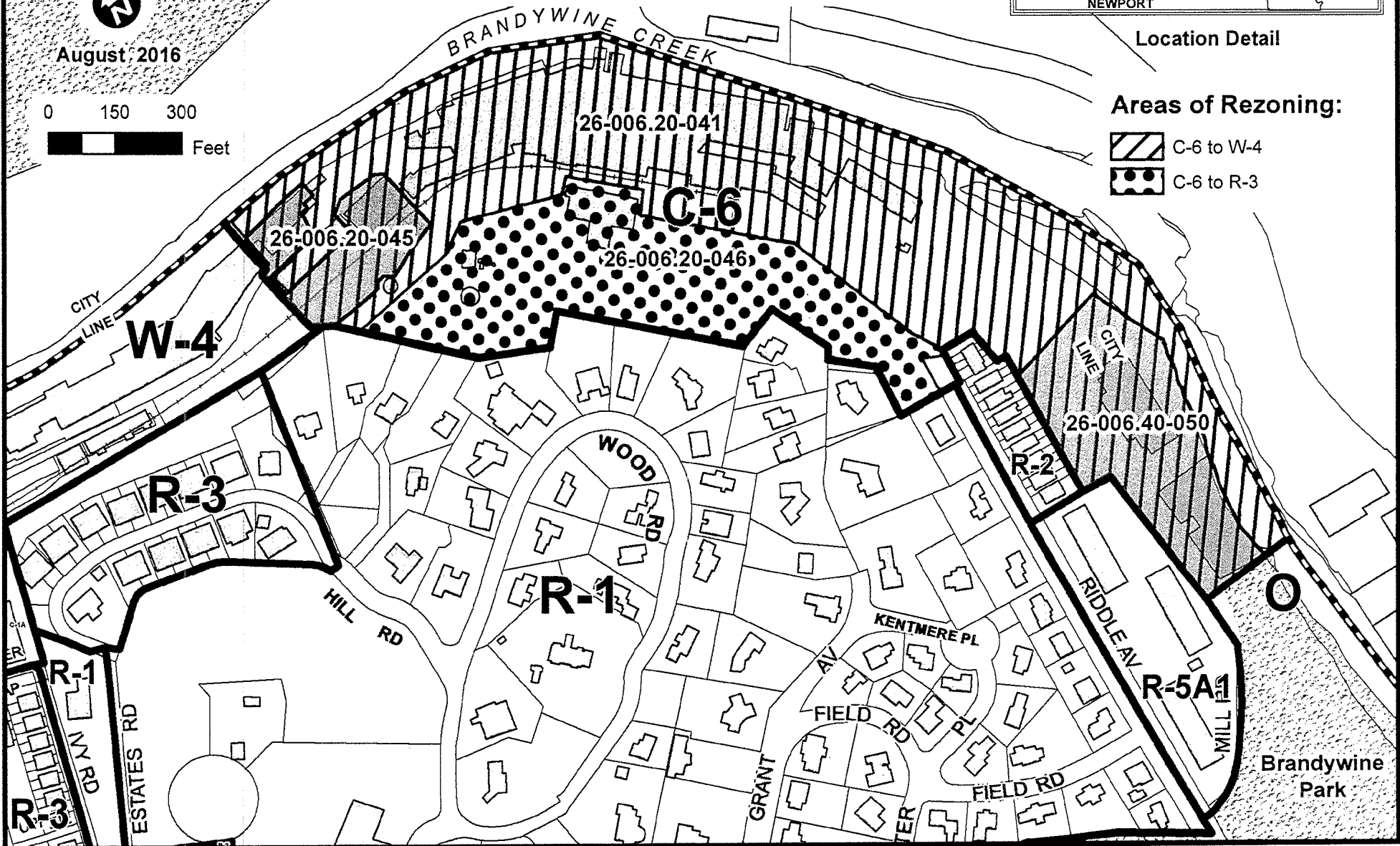
0 150 300  
Feet



Location Detail

## Areas of Rezoning:

-  C-6 to W-4
-  C-6 to R-3



Alapocas  
Woods

Sub. No. 1 to Ordinance 16-028

# Rezoning Proposal EXHIBIT B



August 2016

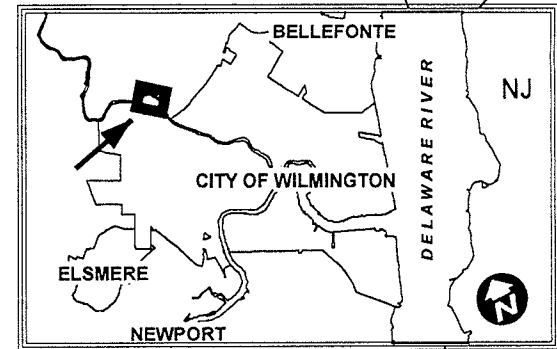
0 100 200  
Feet

BRANDYWINE CREEK

26-006.20-041

CITY  
LINE

WOOD  
RD



Location Detail

PART OF  
THE LANDS OF  
ROCKFORD FALLS PARTNERS LLC, LLC  
INSTRUMENT NO. 20150420-0018048

BEGINNING AT A 1" PIPE FOUND MARKING THE NORTHEASTERLY CORNER OF THE LANDS OF ANTHONY S. NERLINGER AND JOYCE L. NERLINGER (DEED BOOK 606 PAGE 77) AT THE BEGINNING OF THE DIVISION LINE BETWEEN THE SAID LANDS OF ANTHONY S. NERLINGER AND JOYCE L. NERLINGER ON THE SOUTH, AND THE LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC (INSTRUMENT NO. 20150420-0018048) ON THE NORTH, THENCE WITH SAID DIVISION LINE;

1. NORTH 80° 07' 16" WEST, 23.23 FEET TO A ½" REBAR FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF ELLYNN S. HUTTON (DEED BOOK 1958 PAGE 117) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE WEST, THENCE WITH SAID DIVISION LINE AND FURTHER CONTINUING WITH THE DIVISION LINE BETWEEN THE LANDS OF CHARLES W. KANE AND ESTELLE M. KANE (DEED BOOK 2901 PAGE 209), RACHEL K. GOORLAND AND DEBORAH PISAN (INSTRUMENT NO. 20090217-0007911) AND GEORGIA FOKAS (DEED BOOK 2558 PAGE 168) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST;
2. NORTH 00° 43' 34" WEST, 81.50 FEET TO A REBAR FOUND AT THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE NORTH, AND THE SAID LANDS OF GOERGIA FOKAS ON THE SOUTH, THENCE WITH SAID DIVISION LINE;
3. NORTH 80° 07' 16" WEST, 73.66 FEET, THENCE DEPARTING SAID DIVISION LINE AND WITH A LINE THROUGH THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC, THE FOLLOWING TWELVE COURSES AND DISTANCES;
4. NORTH 26° 16' 29" WEST, 45.75 FEET, THENCE;
5. CONTINUING, 45.37 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 263.82 FEET, A CENTRAL ANGLE OF 09° 51' 15" AND A CHORD BEARING AND DISTANCE OF NORTH 31° 12' 07" WEST, 45.32 FEET, THENCE;
6. CONTINUING, NORTH 12° 15' 40" WEST, 322.85 FEET, THENCE;
7. CONTINUING, NORTH 41° 30' 44" WEST, 41.49 FEET, THENCE;
8. CONTINUING, NORTH 39° 27' 18" WEST, 319.72 FEET, THENCE;
9. CONTINUING, NORTH 47° 07' 06" EAST, 37.69 FEET, THENCE;
10. CONTINUING, NORTH 43° 00' 04" WEST, 160.05 FEET, THENCE;
11. CONTINUING, SOUTH 47° 04' 13" WEST, 29.95 FEET, THENCE;
12. CONTINUING, NORTH 53° 50' 47" WEST, 105.05 FEET, THENCE;
13. CONTINUING, NORTH 64° 44' 23" WEST, 115.42 FEET, THENCE;
14. CONTINUING, SOUTH 71° 21' 49" WEST, 114.74 FEET, THENCE;

39. CONTINUING, NORTH 87° 23' 18" EAST, 27.60 FEET, THENCE;
40. CONTINUING, NORTH 02° 39' 31" WEST, 35.91 FEET, THENCE;
41. CONTINUING, SOUTH 87° 22' 53" WEST, 54.15 FEET, THENCE;
42. CONTINUING, SOUTH 84° 28' 28" WEST, 78.48 FEET, THENCE;
43. CONTINUING, SOUTH 87° 45' 34" WEST, 39.33 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF NINE NINETY NINE LLC (INSTRUMENT NO. 20060302-0020711) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST, THENCE WITH SAID DIVISION LINE;
44. NORTH 02° 28' 31" WEST, 42.00 FEET MORE OR LESS TO A POINT IN THE CENTERLINE OF THE BRANDYWINE CREEK, THENCE;
45. SOUTHEASTERLY 2225 FEET MORE OR LESS ALONG THE CENTERLINE OF SAID BRANDYWINE CREEK TO A POINT BEING DISTANT BY THE TIE LINES WITH THE FOLLOWING TWO COURSES AND DISTANCES;
  - A. SOUTH 63° 24' 53" EAST, 1283.87 FEET, THENCE;
  - B. CONTINUING, SOUTH 24° 45' 27" EAST, 811.88 FEET TO THE DIVISION LINE BETWEEN THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE NORTH AND THE LANDS OF 2/3 MILL ROAD, LLC (INSTRUMENT NO. 20050524-0048205) ON THE SOUTH, THENCE WITH SAID DIVISION LINE;
46. SOUTH 80° 30' 48" WEST, 360.00 FEET MORE OR LESS TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE SAID DIVISION LINE BETWEEN THE LANDS OF ANTHONY S. NERLINGER AND JOYCE L. NERLINGER ON THE WEST, AND THE LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST, THENCE WITH SAID DIVISION LINE;
47. NORTH 09° 52' 44" EAST, 52.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 617,735 SQUARE FEET OR 14.181 ACRES MORE OR LESS

RT/rl

S:\Surveys\2015\SDE150023\Word Documents\Metes and Bounds\PROPOSED PARCEL.docx



Alapocas  
Woods

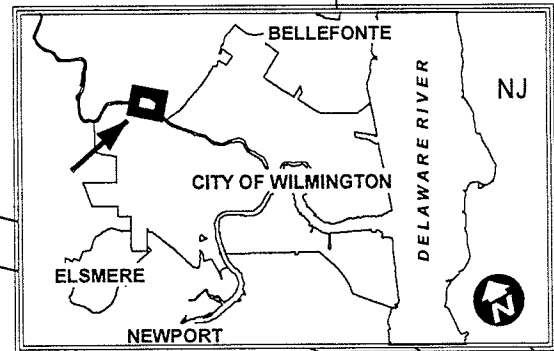
Sub. No. 1 to Ordinance 16-028

# Rezoning Proposal EXHIBIT D

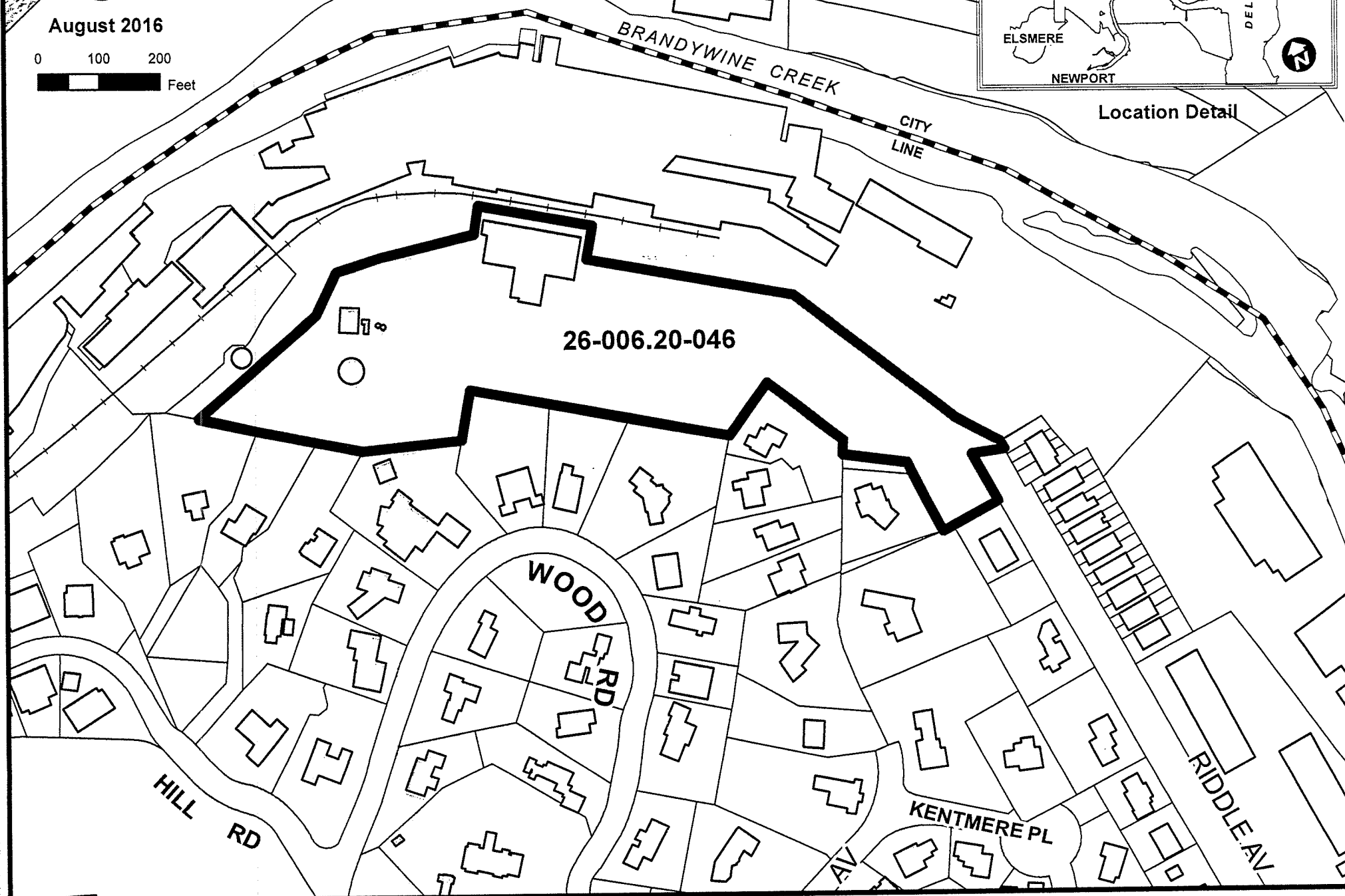


August 2016

0 100 200  
Feet



Location Detail



PART OF  
THE LANDS OF  
ROCKFORD FALLS PARTNERS LLC, LLC  
INSTRUMENT NO. 20150420-0018048

BEGINNING AT A 1/2" REBAR FOUND MARKING THE NORTHEWESTERLY CORNER OF THE LANDS OF GEORGIA FOKAS (DEED BOOK 2558 PAGE 168) AT THE BEGINNING OF THE DIVISION LINE BETWEEN THE SAID LANDS OF GEORGIA FOKAS ON THE EAST, AND THE LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC (INSTRUMENT NO. 20150420-0018048) ON THE WEST, THENCE WITH SAID DIVISION LINE;

1. SOUTH 09° 52' 44" W, 10.26 FEET TO A MAG NAIL FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF ANTHONY S. NERLINGER AND JOYCE L. NERLINGER (DEED BOOK 606 PAGE 77) ON THE SOUTH, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE NORTH, THENCE WITH SAID DIVISION LINE THE FOLLOWING THREE COURSES AND DISTANCES;
2. NORTH 58° 28' 46" WEST, 52.46 FEET TO A 2" REBAR WITH CAP FOUND, THENCE;
3. CONTINUING SOUTH 09° 52' 44" WEST, 85.53 FEET, THENCE;
4. CONTINUING NORTH 80° 07' 16" WEST, 103.70 FEET TO A CONCRETE MONUMENT MARKING THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF GUY S. DELILLIO AND NINA D.H. DELILLIO (DEED BOOK 2556 PAGE 69) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST, THENCE WITH SAID DIVISION LINE THE FOLLOWING TWO COURSES AND DISTANCES;
5. NORTH 09° 52' 44" WEST, 126.73 FEET TO A REBAR WITH CAP FOUND, THENCE;
6. CONTINUING, NORTH 42° 31' 10" WEST, 105.85 FEET TO A REBAR WITH CAP FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF GLENN D. KRASKER AND MICHELE J. MADEKSZA (DEED BOOK 2439 PAGE 131) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST, THENCE WITH SAID DIVISION LINE THE FOLLOWING THREE COURSES AND DISTANCES;
7. NORTH 38° 26' 51" EAST, 26.86 FEET TO A RAIL ROAD SPIKE FOUND, THENCE;
8. CONTINUING, NORTH 13° 50' 04" WEST, 152.21 FEET TO A NAIL FOUND, THENCE;
9. CONTINUING, SOUTH 76° 09' 56" WEST, 104.76 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF JOHN C. SOLENBERGER AND SUMAKO I. SOLENBERGER (DEED BOOK 2809 PAGE 124) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST, THENCE WITH SAID DIVISION LINE AND FURTHER CONTINUING WITH THE DIVISION LINE BETWEEN THE LANDS OF MARY LOU WALSH (WR078918), H. RODNEY SHARP, III AND M. LYNN EERRICK SHARP (DEED BOOK M103 PAGE 94) ON THE WEST AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST THE FOLLOWING TWO COURSES AND DISTANCES;
10. NORTH 40° 08' 16" WEST, 426.90 FEET TO A CONCRETE MONUMENT WITH DISK FOUND, THENCE;
11. CONTINUING, SOUTH 49° 13' 14" WEST, 76.97 FEET TO A 7/8" PIPE FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF WILLIAM N. SPIKER AND CAROL C. SPIKER (DEED BOOK 2191 PAGE 331) ON THE WEST, AND THE SAID LANDS OF ROCKFORD FALLS PARTNERS LLC, LLC ON THE EAST, THENCE WITH SAID DIVISION;

**EXHIBIT F**

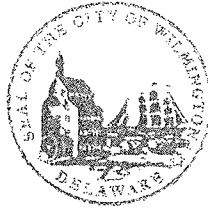
**EXHIBIT G**

## EXHIBIT H

**EXHIBIT I**

# **ATTACHMENT F**

## **Public Notice**



## PUBLIC NOTICE

**TO:** Affected Property Owners and Interested Parties

**FROM:** Wilmington Department of Planning

**DATE:** July 29, 2016

**RE:** Resolution 10-16: A proposal to rezone four parcels of land 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.

The Wilmington City Planning Commission will hold a public hearing on **Tuesday, August 16, 2016 at 6:30 p.m. in the Council Chambers, First Floor, Louis L. Redding City/County Building, 800 North French Street, Wilmington, Delaware.** At that time, the Commission will receive public comment regarding Resolution 10-16, a proposal to rezone four parcels of land located along the Brandywine Creek near the northern end of Riddle Avenue and Mill Road, which currently comprise the existing C-6 (Special Commercial) zoning district. The proposal would rezone three of the parcels from C-6 to W-4 Waterfront Residential/Commercial (tax parcels 26-006.20-041, 26-006.20-045, and 26-006.40-050) and one parcel from C-6 to R-3 One-Family Row Houses (tax parcel 26-006.20-046). **See the attached map for the proposed rezoning.**

This rezoning is in accordance with the recommendations of the Delaware Avenue / Bancroft Parkway Neighborhood Comprehensive Development Plan ("Comprehensive Plan"), which was last updated in December 2009. At that time, there were concerns about the intensity of development permitted under the existing C-6 zoning along the riverfront, and a recommendation was included in the Plan that the C-6 district be changed to a zoning classification that was consistent with the recommendations being made for other adjacent properties along the riverfront. Because there was an active project to redevelop the former Bancroft Mills property at that time, the rezoning of the C-6 district was postponed until such time that the project was completed, but the project never materialized.

As part of the rezoning process, the Planning Commission will also consider Resolution 9-16, which proposes changes to the Comprehensive Plan which would amend the Proposed Land Use Map (Map E) and Proposed Zoning Changes Map (Map F) to update the land use and zoning recommendations to allow for waterfront residential and commercial mixed land uses permitted under W-4 zoning, and for single-family residential land uses permitted under the R-3 zoning.



### Rezoning Impacts

The proposed rezoning will not create any nonconforming uses or otherwise negatively impact the properties in question.

Parcel	Address/Owner	Current Land Use	Proposed Zoning	Rezoning Impact
26-006.20-041	0 Riddle Avenue Rockford Falls Partners LLC	vacant/underutilized	C-6 to W-4	No Impact
26-006.20-045	165, 167, 169 Bancroft Mill Rd State of Delaware	vacant/underutilized	C-6 to W-4	No Impact
26-006.40-050	2 and 3 Mill Road 2/3 Mill Road LLC	office buildings	C-6 to W-4	Permitted Use
26-006.20-046	0 Riddle Avenue Rockford Falls Partners LLC	vacant/underutilized	C-6 to R-3	No Impact

Please contact Gwinneth Kaminsky, Planning Manager, at the Department of Planning (302-576-3105) if you have any questions or comments about the proposed rezoning. Please note that the Planning Commission reserves the right to recommend alternative zoning designations which may be more in keeping with proposed development and the surrounding area.

attachment

cc: Honorable Theopalis K. Gregory, Sr., City Council President  
Honorable Charles M. Freel, City Council Member, 8<sup>th</sup> District  
Honorable Members of City Council  
Honorable Gerald L. Brady, State Representative, 4<sup>th</sup> District  
Honorable Harris B. McDowell III, State Senator, 1<sup>st</sup> District  
Gary Fullman, Chief of Staff, Office of the Mayor  
Michael Migliore, City Solicitor

CPC Resolution 10-16  
Sub. No. 1 to Ordinance 16-028

# Rezoning Proposal

C-6 Special Commercial to W-4 Residential/Commercial  
and R-3 One Family Row Houses

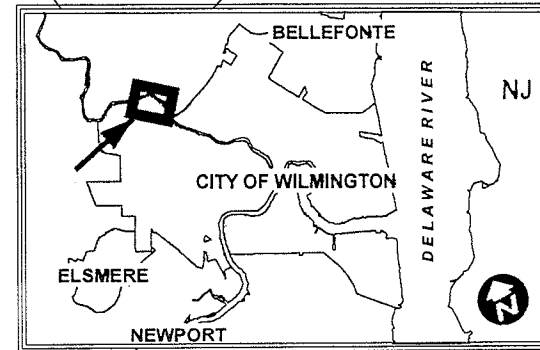
Alapocas  
Woods



August 2016



0 150 300

Feet



Location Detail

## Areas of Rezoning:

-  C-6 to W-4
-  C-6 to R-3



# **ATTACHMENT G**

## **Public Comment**

## **Summary of Public Comment**

### Phone Calls

Mr. James Boston

- Stated that there were no concerns regarding the zoning change from C-6 to R-3.

4 Boulder Road

- Inquired about the height permitted under the proposed W-4 zoning.

Staff Response: W-4 permits 6 stories; 72 feet.

- Stated that there would be concern if any new construction were to exceed the height of the existing buildings, because it would block the existing views from his property.

Staff Response: Currently there is no height limit under the C-6 district. The proposed W-4 zoning would limit height to 6 stories. Preliminary concept plans for Rockford Falls proposal do not exceed height limits. Majority of plan involves reuse of existing buildings.

## Summary of Public Comment

(Updated on August 17, 2016 to include recent comments not reflected in analysis.)

August 5

James Boston  
4 Boulder Road

- Stated that there were no concerns regarding the zoning change from C-6 to R-3. - Inquired about the height permitted under the proposed W-4 zoning. (Response: W-4 permits 6 stories; 72 feet.)
- Stated that there would be concern if any new construction were to exceed the height of the existing buildings on the lower parcel, because it would block the existing views from his property.  
(Response: Currently there is no height limit under C-6. The proposed W-4 zoning would limit height to 6 stories. Preliminary concept plans for Rockford Falls proposal do not exceed existing building height. Plan largely involves reuse of existing buildings.)

August 15

Steve Crifasi  
2300 N. Grant Avenue

- Inquired about the date and time of the hearing. Stated that the proposed land uses and zoning being discussed are appropriate, including the row homes.

August 16

Lauren Delpino  
Riddle Avenue

- Inquired whether the Planning Commission would be the last opportunity to provide public comment. (Response: City Council makes the final determination on the proposed ordinance, and will be holding two public hearings September 15<sup>th</sup>.)
- Inquired whether the city would be exercising eminent domain and acquire a portion of her property to widen Riddle Avenue in conjunction with the project. (Response: Eminent domain has not been discussed as a part of either the rezoning or subdivision process.)

August 17

Lindsay DiSabatino  
39 Rockford Road

- Inquired where the main point of vehicular access would be located for proposed development. Indicated that traffic on Rockford Road is heavy and there is concern about increased congestion. (Response: Access to the upper parcel, proposed for row houses in sets of three, will be from Riddle Avenue. Access to the lower parcel is proposed from Mill Road; the developer owns 2/3 Mill Road which will permit access to the site.)

August 17

John Solenberger  
4 Wood Road

- Stated that he is familiar with the site being redeveloped, as his property is directly adjacent. Is in favor of the rezoning; agrees with the proposed W-4 and R-3 zoning; and supports the Rockford Falls project.

August 16

Tony Nerlinger  
2405 Riddle Avenue

- Discussion of the proposed design/layout of the upper parcel as presented in the proposed subdivision, including the location of a public parking lot and semi-detached model homes adjacent to his property.

President Gregory: Planning Commission – Planning Department representative wants to speak. Who’s going to speak to this?

Ms. Gwinneth Kaminski: Good evening, I’m Gwinneth Kaminsky with the Planning Department. In the interest of time I will be speaking to both Public Hearing items on your agenda; namely, the proposed comprehensive plan amendments and the related zoning action. Ordinance 16-028 proposes to rezone four properties that make up an existing C-6 (Special Commercial) zoning district located along the Brandywine Creek in the Delaware Avenue/Bancroft Parkway analysis area. You should have a hand-out that looks like this in your packets; if not, I have extra copies. I’ll be referring to this. If you refer to the first page, the map shows the location of this district near the northern end of Riddle Avenue and Mill Road. Three of these parcels are located along the lower bank of the creek and are recommended to be changed from C-6 to W-4, which is a Waterfront Residential Commercial Mixed-Use District. In this case, W-4 will provide an area adjacent to residential neighborhoods where mixed residential, retail, and office development can take place while prohibiting the higher intensity commercial land uses and densities of development that are allowed under the existing C-6 zoning. In W-4 zones, development is subject to conformance with waterfront development standards, including landscaping and screening to assure quality development, and building height is limited to six stories. Of these three parcels being rezoned to W-4, the parcel at the northern end of the bank, on the left side of the map, is owned by the State Department of Natural Resources and currently serves as passive open space.

The parcel at the southern end, at 2-3 Mill Road, on the right side of the map, is owned by the Buccini-Pollin Group and includes two commercial office buildings which are permitted uses under the proposed W-4 zoning. The third parcel in the middle at 0 Riddle Avenue is owned by Rockford Falls Apartments LLC, which is a special purpose entity of the Buccini-Pollin Group. This parcel, which is the former Bancroft Mills site, is currently proposed for multi-family residential development which is permitted in the proposed W-4 zoning. The fourth parcel is referred to as the “upper parcel,” and is proposed for R-3, single-family rowhouse zoning. This parcel is also owned by Rockford Falls Partners and is proposed to be developed with current-style rowhouses built in groups of three. The R-3 district encourages the development of single-family rowhouses, although it also permits single-family detached and semi-detached dwellings and certain institutional uses like schools and churches. Height is limited to three stories. R-3 was chosen for this upper parcel, in part, because of the higher elevation that sets it apart from the parcels along the riverbank, and it is also in closer proximity to adjacent single-family residential neighborhoods. The existing C-6 Special Commercial District is recommended to be rezoned because it encourages intensive commercial retail office and residential uses that would be more suitable along boulevards and major arterials than at this location. While C-6 includes building density controls and requires the review and approval of the Design Review Commission, there are no height restrictions and the types of permitted commercial uses and the density of development are considered too intense for this section of the Brandywine. The types of uses that are allowed in the proposed W-4 and R-3 districts are much more compatible and consistent with the surrounding neighborhood, which is developed with single-

family, detached and semi-detached dwellings, row houses, condominiums, and apartment uses, as well as limited commercial uses, retail uses and open space. The proposed rezoning will not create any non-conforming uses or otherwise negatively impact the four properties in question or the surrounding area. Both the current land uses and proposed development are permitted under the W-4 and R-3 zoning categories, and any new development that comes in will be required to conform to the new district regulations. As you know, land use and zoning designations are required to be consistent with the Comprehensive Plan. In this case, the Delaware Avenue/Bancroft Parkway Plan was updated and adopted by City Council in December 2007, recommending a series of rezoning which were implemented in 2008. That Plan addressed specific concerns about the C-6 zoning district, citing the potential for overdevelopment. However, at that time, a portion of the C-6 district was under redevelopment for a major residential project known as Rockford Falls, and a decision was made at that time to postpone the rezoning of the site. Instead, the Plan recommended that rezoning to W-4 be revisited when the Rockford Falls Project was either completed or ceased to materialize. Despite years of preliminary development activity, that project never actually broke ground and the property was sold to BPG in early 2015, and City staff has discussed the intent of the City to rezone the land with BPG at that time. Unlike the previous developer BPG has indicated their support for the rezoning and their development plans are consistent with the W-4 and R-3 zoning. So, in accordance with the Comprehensive Plan, the existing C-6 zoning along the Brandywine has be re-evaluated and necessary amendments to the Plan's proposed land use map and proposed zoning map are now being proposed to reflect the updated recommendations for the four parcels in questions. These map amendments are addressed in Agenda Item 4261 by means of a Resolution, and they are included in your handout as the second and third pages.

The rezoning action is addressed in Ordinance 16-028, and the reason for the substitute ordinance is that the boundary lines separating one of the lower parcels from the upper parcel was recently changed through the subdivision process, and because these two parcels are proposed for different zoning categories, revised maps were needed in the Ordinance to accurately reflect the new boundary separating those two districts, and the last page of your handout illustrates this change.

District Council Member Freel and Rockford Falls Partners have been engaged in extensive outreach, working closely with a core group of neighborhood representatives to resolve any outstanding concerns or issues regarding the rezoning and the proposed residential development, which I must stress is a separate and distinct issue from the rezoning. Planning staff fielded about a half dozen calls, which were mostly related to the proposed development plans. We did receive a letter of support from a property owner directly adjacent to the upper parcel. There were about eight speakers at the Planning Commission public hearing, which was held on August 16. The Commission voted to recommend the approval of both the Comprehensive Plan amendments and the Rezoning Ordinance. So, in summary, the first action requested of Council this evening is the approval of the Resolution amending the Comprehensive Plan to establish the recommended land use and zoning for this area, and the second action item is to approve Ordinance 16-028, which would actually change and implement the zoning in accordance with the Comprehensive Plan, and I believe the Law Department has prepared the

necessary findings for your consideration in the approval of this Ordinance. And, I'd be happy to address any questions.

President Gregory: Any questions from Council? Anyone from the public wants to speak for this proposal? Come on up. Thank you, Gwinn.

### **FOR THE PROPOSAL**

Mr. Sean Goodrick: Good evening, my name is Sean Goodrick. I'm an architect, a resident of the 8th District, member of the Highlands Community Association, and a member of the Rockford Falls Working Group. Beginning a decade ago, the Working Group began discussions with the former owner of the property. Since that time, a significant effort has been made by the representatives of the Working Group to uphold the best interests of the neighborhood and to work with potential developers of the property to ensure a reasonable development. I come here tonight on behalf of the Working Group to provide support of this rezoning. Thank you.

President Gregory: Thank you. Anyone else want to speak for? We want to recognize former Councilman Mike Hare who's in the audience, as is our custom.

Mr. Paul Crawford: Greetings, my name is Paul Crawford. I am a long-time, 50-year resident of the Highlands, and I'm speaking behalf of the Highlands Community Council in favor of Ordinance 16-028. This Ordinance is a hoped for culmination of a long battle by the community for reasonable development of the Bancroft Mills property in question here. You may recall the previous developer had proposed a placement of 1,000 units on this property. The community and Highlands Community Council vigorously and successfully opposed that effort and other plans for development of this former Bancroft Mills site. The Ordinance in question today is a good first step in carefully controlling development of one of the last developable parcels in the city; large developable parcels in the city. The 30-plus well-situated homes which will probably be built or are planned to be built in the current rezoned R-3 section of the property will hopefully provide the impetus for other developers, or maybe the same developer, to boil out the land in the manner consistent with the surrounding community. Right now it is largely a manufacturing wasteland, but it has ideal potential for a very nice residential/commercial development if properly restrained, contained, unlike the original proposal which was fought for ten years or more by the community, which was originally planned for of over a thousand units.

So, in closing, I just want to briefly mention that I was a member of the committee that was referred to, that originally reviewed the zoning of the site back in 2007 and I was on the commission then, that committee that looked at the possible zoning of the site and at the time, to the extent my memory permits, which is not always that great at my age, but at any rate the deliberations at that time were that the C-6 designation would, the proposal for changing the C-6 designation in that area was largely overcome by concerns about litigation over such a change by the then owners of the property. As indicated before, the owner of that property has since sold the property to another developer and we're happy to say that the new developer is willing and confident that it



can develop the land in the less dense, more consistent manner with the surrounding community. So, in closing, just ask you to consider this Resolution and this Ordinance as a step forward in the long battle to find a good use for this piece of property. Thank you.

President Gregory: Thank you. Anyone else for?

Mr. Dennison Hatch: Hi, my name is Dennison Hatch, President of the Highlands Association. This is really the culmination of more than a decade of working with a couple of developers and I just wanna say that the, that there was good faith negotiations on both parts. The logical rezoning on the Riddle Avenue extension, which is the upper part, should have probably been R-1 or R-2, however, the, we're quite content because there was a declaration, there was a declaration signed that they are gonna restrict it to 32 houses, so, there's, there's, that's just gonna be 32 houses, the configuration under R-2 would not permit the three houses together, clustered, but with the, with negotiations with the BPG, we're quite content to develop this. The Highlands have never said that the property shouldn't be developed; we just wanted it to be done responsibly.

President Gregory: Thank you. Anyone else for? Anyone against from the audience? Could we - - entertain a motion to return . . .

Mr. Freel: Mr. President I move that Council return to regular order of business.

Ms. Walsh/Ms. Shabazz: Second.

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

### **REGULAR ORDER OF BUSINESS**

Mr. Freel presented Resolution No. 16-070 (Agenda #4261) 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 Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan was adopted by City Council on December 20, 2007 and was later revised on December 3, 2009; and

**WHEREAS**, the City Planning Commission at its meeting of August 16, 2016, by and through its Resolution 9-16, recommended the approval of an amendment to the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan, and made 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; and

**WHEREAS**, the proposed comprehensive plan focuses on several key objectives, including making consistent the area's strong residential character and also providing for the ability of economically vibrant commercial activity to take place; addressing the importance of existing historic resources, parks, and open spaces; enhancing the area as a gateway to the Brandywine Creek and Alapocas Park; 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 September 15<sup>th</sup>, 2016.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that the City Council hereby approves the amendments to the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan, which would revise the Proposed Zoning Map to change the zoning classifications for the area of the rezoning from C-6 "Special Commercial" to R-3 "One Family Row Houses" and W-4 "Residential/Commercial" as illustrated on Map F attached hereto and made a part hereof as 'Exhibit A'; and which would revise the Proposed Land Use Plan to change the proposed land use designation for the area of rezoning from ASpecial Commercial@ to "Residential-Commercial Mixed Uses@ and "Low-Medium Density Residential," as illustrated on Map E attached hereto and made a part hereof as 'Exhibit B'.

On the question:

President Gregory: Declare it adopted.

Mrs. Seijo: You didn't vote.

Mr. Freel: You have to read – you have to read the committee report first, right?

President Gregory: The committee report please.

Mrs. Seijo: You have to vote on the Resolution.

President Gregory: Do you vote?

Mrs. Seijo: No, you said on the question.

President Gregory: I'm sorry. We're going to vote on the Resolution please.

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 Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Chukwuocha. Total, one.

President Gregory: Declare it adopted. Committee Report.

The City Clerk read the following committee report:

<u>Finance Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Michael A. Brown, Sr.	X		
Samuel Prado		X	
Hanifa G.N. Shabazz	X		
Loretta Walsh		X	

Date: September 6, 2016

President and Members of Council of  
The City of Wilmington

Ladies and Gentlemen:

We, your Finance Committee, to who was referred Substitute No. 1 to **Ordinance No. 16-028** entitled:

AN ORDINANCE TO REZONE FOUR PARCELS OF LAND FROM  
C-6 (SPECIAL COMMERCIAL) TO W-4 (WATERFRONT/RESIDENTIAL  
COMMERCIAL) AND R-3 (ONE-FAMILY ROW HOUSES)

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

Respectfully submitted, Members of  
Finance Committee  
/s/Charles M. Freel, Chair  
/s/Michael A. Brown, Sr.  
/s/Hanifa Shabazz  
/s/Theopalis K. Gregory, Sr., Ex Officio

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

The City Clerk read the following Findings:

**MEMORANDUM**

**TO:           The Honorable Charles “Bud” Freel  
              Council Member 8<sup>th</sup> District  
              The Honorable Theopalis Gregory, City Council President  
              The Honorable Members of City Council**

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

**DATE:       September 15, 2016**

**RE:           City Council Findings Supporting Enactment of Substitute No. 1 to  
              Ordinance No. 16-028, Rezoning Four Parcels Located in the 8<sup>th</sup>  
              Councilmanic District, More Specifically New Castle County Tax  
              Parcel No. 26-006.20-041, Tax Parcel 26-006.20-045, Tax Parcel No.  
              26-006.400-50, and Tax Parcel No. 26-006.20-046 in Accordance with  
              the Delaware Avenue/Bancroft Parkway Neighborhood  
              Comprehensive Development Plan.**

Enclosed please find a copy of the Findings prepared in connection with Council’s scheduled Public Hearing on September 15, 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. 10-16. 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, 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.)

**FINDINGS SUPPORTING ENACTMENT OF SUBSTITUTE NO. 1 TO  
ORDINANCE NO. 16-028**

CITY COUNCIL'S FINDINGS SUPPORTING ENACTMENT OF SUBSTITUTE NO. 1 TO ORDINANCE NO. 16-028, which is the rezoning of four parcels located in the 8<sup>th</sup> Councilmanic District, more specifically New Castle County Tax Parcel No. 26-006.20-041, Tax Parcel No. 26-006.20-045, Tax Parcel No. 26-006.400-50, and Tax Parcel No. 26-006.20-046 in accordance with the Delaware Avenue/Bancroft Parkway Neighborhood Comprehensive Development Plan, submitted by City Council Member Charles "Bud" Freel.

The Council makes the following Findings regarding the rezoning of parcels located in the 8th Councilmanic District, more specifically New Castle County Tax Parcel No. 26-006.20-041, Tax Parcel No. 26-006.20-045, Tax Parcel No. 26-006.400-50, and Tax Parcel No. 26-006.20-046 as follows: 1) rezone the property including Tax Parcel No. 26-006.20-041, Tax Parcel 26-006.20-045, and Tax Parcel No. 26-006.400-50 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial); 2) rezone the property being Tax Parcel No. 26-006.20-046 from C-6 (Special 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 areas are illustrated on the Map attached to that Ordinance.

**FINDINGS SUPPORTING ENACTMENT OF SUBSTITUTE NO. 1 TO  
ORDINANCE NO. 16-028**

Rezoning Action:

The Council makes the following Findings regarding the rezoning of four parcels located in the 8th Councilmanic District, more specifically New Castle County Tax Parcel No. 26-006.20-041, Tax Parcel No. 26-006.20-045, Tax Parcel No. 26-006.400-50, and Tax Parcel No. 26-006.20-046 as follows: 1) rezone the property including Tax Parcel No. 26-006.20-041, Tax Parcel 26-006.20-045, and Tax Parcel No. 26-006.400-50 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial); 2) rezone the property being Tax Parcel No. 26-006.20-046 from C-6 (Special Commercial) to R-3 (One-family Row Houses).

1. The proposed changes in zoning are consistent with the Delaware Avenue/Bancroft Parkway 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 W-4 and R-3 zoning classifications.
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. Changing conditions in the immediate area, as well as in adjacent areas, support the rezoning.
5. The proposed rezoning actions will have positive, and not adverse, influence on land uses in the area.
6. The proposed rezoning actions will not adversely affect public safety.
7. 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.
8. 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.
9. 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.
10. 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 as a whole.
11. The City Planning Commission, at its August 16<sup>th</sup> Public Hearing recommended the proposed rezoning action.
12. 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 Findings regarding the rezoning of four parcels located in the 8th Councilmanic District, more specifically New Castle County Tax

Parcel No. 26-006.20-041, Tax Parcel No. 26-006.20-045, Tax Parcel No. 26-006.400-50, and Tax Parcel No. 26-006.20-046 as follows 1) rezone the property including Tax Parcel No. 26-006.20-041, Tax Parcel 26-006.20-045, and Tax Parcel No. 26-006.400-50 from C-6 (Special Commercial) to W-4 (Waterfront/Residential Commercial); 2) rezone the property being Tax Parcel No. 26-006.20-046 from C-6 (Special Commercial) to R-3 (One-family Row 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 No. 10-16 regarding the rezoning action approved at the Planning Commission Meeting on August 16, 2016.

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

Mr. Freel: Mr. President, I have an Ordinance to present for third and final at this time.

Mr. Freel presented and called for the third and final reading Ordinance No. 16-028 (Agenda #4207) entitled:

AN ORDINANCE TO REZONE FOUR PARCELS OF  
LAND FROM C-6 (SPECIAL COMMERCIAL) TO W-4  
(WATERFRONT/RESIDENTIAL COMMERCIAL) AND  
R-3 (ONE-FAMILY ROW HOUSES)

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

AN ORDINANCE TO REXONE FOUR PARCELS OF  
LAND FROM C-6 (SPECIAL COMMERCIAL) TO W-4  
(WATERFRONT/RESIDENTIAL COMMERCIAL) AND  
R-3 (ONE-FAMILY ROW HOUSES)

On the question:

Mr. Freel: Mr. President, I would like to make some brief remarks. First of all I'd like to thank Ms. Kaminsky of the Planning Department for her work over, over many years to get us to this point. I'd also like to thank Mr. Goodrick, Crawford and Hatch and all the members of the Rockford Falls Working Group, who over the years have put an enormous amount of time and effort to get us here tonight. As have been mentioned, this is probably one of the last areas in the city that is zoned C-6, which is the highest density zoning that we can have under any classification here in the city, and it was just not an appropriate classification for this area. After it was purchased, we started meeting with the previous owner and I was told at that time those discussions were very difficult. We had numerous community meetings where hundreds of people would show up to express their concerns with his plans. Towards 2007, 2008, 2009 area, when the housing crunch hit, the previous owner, Mr. O'Neal, had kind of pulled back from his plans.

We started discussing, actually a rezone, probably around 2011, and when the property was taken over by Buccini-Pollin, they immediately contact the Working Group and wanted to meet. We started our discussions; we were looking as a community, at W-4 for the lower end and R-2 at the upper end. They came back to us with the request for a W-4 and R-3. The community did have concerns with R-3 because it allows row homes and we were looking for semi-detached homes at our maximum. After discussions, the owner agreed to some deed restrictions in regards to number of units, in regards to the Plan, and also in helping build a parking pad for individuals on Riddle Avenue. They also took the step, at our request, to record those restrictions immediately, and that has been done. So we are satisfied at where we are at. At this point we think it's a good compromise and, as you know, the W-4 was recommended by the Comp Plan back in 207, 2007, so we just feel like we're bringing it into compliance tonight. But, I think this is good for the community, I think it's good for the landowner and, hopefully, our discussions will continue to be positive as they start presenting their subdivision plans. I'll take any questions at this time.

President Gregory: Clerk? Ms. Walsh.

Ms. Walsh: I just wanted to make one comment, Mr. President, since I live in this district, too. We've heard from the various people that spoke. This was such an albatross hanging around the necks of so many residents over there, and probably, you know, ten years ago, the only good thing that was coming out of that property was that all the community groups got to meet one another and started banding together and showed what an individual neighborhood can do when you get community organizations working with each other. I do want to commend Council Member Freel because he has put an enormous amount of time into this, along with the many residents – many of whom donated their time for this, and by that I mean there's a pretty high-priced lawyer on this that, you know, didn't make anything out of it. So, thank you Mr. Freel.

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

Upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, 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 passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Congo: Yes, based on community support; Darius Brown: Yes, based on the findings and community support; Shabazz: Yes, based on the findings and the community support; Prado: Yes, based on the findings; Dorsey Walker: Yes, based on the finding and community support; Williams: Yes, based on the findings and the community support; Freel: Yes, based on the findings; Michael Brown: Yes, based on the community support and the finding; Cabrera: Yes, based on the findings and community support; Walsh: Yes, based on the findings; and Wright: Yes, based on community support; and Council President Gregory: Based on the findings, yes. Total, twelve. Nays, none. Absent, Council Member Chukwuocha. Total, one.



President Gregory: Declare it adopted.

Mr. Freel: Thank you.

President Gregory: Declare it adopted. Mr. Freel.

Mr. Freel: Yes, I have two additional Ordinances for first and second.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-047 (Agenda #4262) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY  
CODE REGARDING THE HOURS OF OPERATION ON  
SUNDAYS FOR SELLERS OF INTOXICATING LIQUORS

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

President Gregory: 4264.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-048 (Agenda #4264) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY  
CODE REGARDING MEDICAL REQUIREMENTS OF  
EMPLOYEES

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

President Gregory: Mr. Brown.

Mr. Michael Brown: Ah yes Mr. President, I have several Resolutions. Four to be exact.

Mr. Michael Brown presented Resolution No. 16-071 (Agenda #4265) 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 U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) in the amount of \$ 4,179,015.00; and

**WHEREAS**, the proposed grant funds will be used to hire fifteen (15) community policing officers; and

**WHEREAS**, the COPS hiring program requires a 25% local match; and

**WHEREAS**, the Council deems it necessary and proper to authorize the Wilmington Police Department to accept the grant funds from the COPS hiring program in the amount of \$4,179,015.00, 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 U.S. Department of Justice's COPS program in the amount of \$4,179,015.00.

**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 hiring of the fifteen (15) community policing officers.

On the question:

Mr. Michael Brown: Yes, Mr. President. This is a, this is kind of a sticky area, but I want to present it to Council. It's a Resolution for a grant, a C.O.P.S grant. A three years, for 15 cops. We, I bring this forth because as we all know, the federal government will make a decision, or start their new budget cycle in October, and so we will get a notification, the City will get a notification some time thereafter October 1. Now, there's been questions should this happen, should we take it, what's gonna go on. I don't know - I won't be the one that says that this is, that you should or should not do. I support, frankly, you know that, I understand that the ruling, that conversations in the past that said a city our size right now don't have, we got too many police officers than needed and that might be so but the criminals are dictating to us. The criminals are dictating to us in terms of all the things that is going on in our city. Just proving today, we read in the newspaper the police problem, our police problem after May 6, no arrest of youngsters terrorizing, alleging terrorizing our city in gang affiliation and so I think that we should go ahead and allow this to come out and if there is, if you don't want it at the end of the year, or the new Administration and the new Council don't want it, then they can always print it down. They can always say, hey, we don't want these 15 officers because at the end of the three years we got to find money to either place them in the General Funds or we got to go ahead and let them go after the hard training we've done and gave these police officers; we can hard let them go. So I'm supporting it. I want, you know, I just wanted you to get the Councilmembers that kind of insight where after three years , we don't know what's gonna happen in terms of where the money's gonna come from, where the budget is, but I do know, I do know that it gives us an opportunity and it gives this new Administration an opportunity to come in here and with its new chief and it's new plans and possibly with 15 new police officers, help clean up some of the areas and we go from there. So I'm gonna be quiet until the last person speaks and I might have to come back.

President Gregory: Mr. Williams.

Mr. Williams: Sir, could I be added as a co-sponsor, please?

President Gregory: Sure. Mr. Freel.

Mr. Freel: I do want a couple of comments. You know, we've had a lot of folks look at the police department over the last several years, and I've had conversations with individuals from the Police Foundation, individuals from the Violence Reduction Network, and I actually met with Mr. Ramsey when he first came out, Chief Ramsey, back in March. And, almost all those individuals stated that Wilmington had enough officers in the city for a city its size to try to deal with the problems that we have. So, I just don't think it's appropriate now to add 15 more officers where we got to put up a 25% match, and then we got to pick up the full cost in three years. I just don't think it's necessary. Thank you.

Ms. Walsh: Mr. President.

President Gregory: Ms. Walsh:

Ms. Walsh: Yes, I'd like to say a couple words, too. Mr. Brown, I agree with everything that you said, but we have been hearing time and time again – not just this Administration, but previous administrations, too – more police, more police, more police. We all know every single person sitting on this floor knows that we have not had any type of consistent deployment within that department. I also do not think it would be responsible of us to already be tagging a, and incoming mayor with an additional million dollars over the next couple of years and so I, because there's never a catch, there's never any, what's the word I'm looking for, I don't know, (inaudible) if they don't live to what they say in committee meetings or anything else, so – answerability – is probably a good word. So, I am sorry tonight but I am going to have to vote no on this.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Yes. I agree with Councilwoman Walsh. This is about deployment. The way that the police department is being deployed, we're not using them to the best of our ability in terms of time. It's also about specialty units being heavy laden with officers in it when we can actually have them on patrol. And, this is about accountability; there is no accountability from mid-management on down. We fought for police officers; we say that the problem with crime is the police officers, as if they're supposed to solve the problems when it comes to crime in our streets. This is about the community and people becoming engaged; and this is about leadership. The leadership is not there to really look at this department and deploy in the way that it should; as well as the accountability. So, I agree; we shouldn't be - we don't need any more police officers. We have more as it is per capita; we have police, we have to look at our policies and these contracts in terms of police officers that go to serve. How long are we going to keep seats open and pay someone whatever rate which keeps us from hiring new police

officers who are physically here? It's about looking at what we have in place and maybe restructuring that and working with the unions so that we have more bodies on the ground. Police is not going to solve the problems in Wilmington. This is about people coming together; bring the comprehensive plan and making it work, and investing in our communities as has been discussed. I'm not supporting this.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. We keep saying we can't police our way out of this but we keep throwing money at more policing and not ever putting any money into other support systems that are, to help address the community. We now have a police force that, you know, we hope that would have deserved to get a little more than what we pay them, we're gonna add 15 more people and we're gonna struggle to have to pay. So, I, I just don't see - I know there's many more other grants out there that can provide us some support to our current police force that would serve as efficiently numbered and I just don't think adding more, 15 more police officers, and putting us in that financial burden is going to help us to resolve it. So, I'm gonna also, I will not support this tonight.

President Gregory: Ms. Dorsey-Walker.

Ms. Dorsey-Walker: Mr. President, I'd like to be added as co-sponsor, please.

President Gregory: Thank you. Mr. Congo.

Mr. Congo: Yes, thank you, Mr. President. I also do not agree. Again, it just, it comes down to management and deployment. I don't think we should put this burden on the next administration to come up with money. Like Councilwoman Hanifa Shabazz just said about the (inaudible). We're gonna struggle to try to get our current officers raises and we're gonna put an even greater financial burden? I don't think it makes sense. So, I won't support it either.

President Gregory: The Clerk will call the roll. I' sorry, Mr. Brown.

Mr. Michael Brown: Mr. President, I, I, I, listen - I wanna say that we have gone down this road many times expressing about police department working, should be working, shouldn't be doing, but the citizens of this city, I would pretty much guarantee with all that has been going on over the past few years, has to realize that there are tough decisions that's gonna be, having to be made in the upcoming year. Tough decisions - you might have to increase taxes anyway - you got to pay for services and, again, this is a three-year grant; we don't necessarily have to keep these officers, but I tell you, it dictates, the criminals are dictating to us. It's no longer, I don't know where we get this it's only 5% of the community; it's, to me it's 20% of the community. Five percent are Wilmingtonian, are from the city of Wilmington, and the other 15 are from everywhere else.

So, I just wanna, I, I, I just, it mind boggles me, and I don't wanna bring up two days ago, but if two days ago was last week and this, and we were discussing this last week, this wouldn't be such a powerful conversation. We would be going at this grant and, again, you don't have to, it, the next administration coming in don't have to - they don't have to take this grant. They can refuse it. They can refuse it, but we need to get it out so that we know, the government knows that we are in support of getting that money. Why give it back, why give back that money? And why give back that - services? If we got 15 people that can come in, train them and come in here and help us in our communities, then I think we should do that. Again, I didn't wanna bring all this up. I just wanted to get this out. I just wanted to get this out because this Administration coming up has got a tough road already ahead of them and we all realize that. We got police officers still waiting to get paid from that, the money that they were voted on. But I'm not, I'm here to just say, I'm just hoping that we can get this passed out because if we don't get it passed out, we don't get, the city, the city won't get this money.

President Gregory: I think this should give the next Administration the option of having the 15 police officers – you ring this bell, it's not a bell that can't be unring, I guess would be appropriate grammar, for the next Administration, but I do believe that we should position the next Administration to a maximum, maximum flexibility in policing on site. I can say that yes, they're over staffed; yes, you have a deployment issues but let's just let folk be able to take a look at that in a situation where they have maximum flexibility. I agree with, yes, they should be going after other grants, but that's not what we're going after, we're going after policing grant. So that's my three cents. Mr. Brown.

Mr. Darius Brown: Thank you, Mr. President. As I examined the Resolution, the language says that Wilmington PD has applied for the grant; we've already applied for the grant. We're first, already applying for the grant and understanding that, based upon attrition, we're losing an officer a month. If we add 15 over time, we're still going to have to fill that. We've gone through the C.O.P.S. Program in previous years in the city where we've taken on the cost of that. This is, this is not a new, a new thing for us, and then just to add to what, what you mentioned, we should provide the option for this new Administration, for this new Council to say yes or no. There's lots of federal grants that individuals – or not individuals – that cities and municipalities apply for and are awarded and then that Administration determines whether they will receive it or give it back to the federal government; it happens every day.

President Gregory: Clerk, 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 Darius Brown, Shabazz, Dorsey Walker, Williams, Michael Brown, Cabrera and Wright, and Council President Gregory. Total, eight. Nays, Council Members Congo, Prado, Freel and Walsh. Total, four. Absent, Council Member Chukwuocha. Total, one.

President Gregory: Declare it adopted.

Mr. Michael Brown: Thank you.

President Gregory: Mr. Brown.

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

Mr. Michael Brown presented Resolution No. 16-072 (Agenda #4266) 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 funding from the Edward Byrne Memorial Justice Assistance Grant Program, administered by the U.S. Department of Justice, in the amount of \$223,978.00; and

**WHEREAS**, the proposed grant funds will be utilized to subsidize overtime for an anti-violence initiative, and the salary for a civilian cold case investigator position; and

**WHEREAS**, the Byrne Memorial JAG Program does not require a local or "in kind" match; and

**WHEREAS**, the Council deems it necessary and proper to authorize the Wilmington Police Department to accept the grant funds from the Byrne JAG Program in the amount of \$223,978.00, 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 Edward Byrne Memorial Justice Assistance Grant Program administered by the U.S. Department of Justice, in the amount of \$223,978.00.

**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 and administer the grant funds.

On the question:

Mr. Michael Brown: Yes Mr. President, this Resolution is being presented by the Administration for City Council's review and approval. And, if approved, the Council would be authorizing the Administration to accept a \$223,978 grant from the U.S. Department of Justice. The money would be used by the City to pay for overtime assignments for an anti-violence initiative and to pay the salary of a cold case homicide investigator position. This grant does not require a local funding match by the City.

President Gregory: Clerk will call the roll.

Upon a motion of Mr. Michael Brown, 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 Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Chukwuocha. Total, one.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Michael Brown: Yes Mr. President, I have another Resolution.

Mr. Michael Brown presented Resolution No. 16-073 (Agenda #4267) 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 submitted four (4) grant applications to the State of Delaware, Special Law Enforcement Assistant Fund (S.L.E.A.F) totaling \$105,750.95; and

**WHEREAS**, the S.L.E.A.F. applications are as follows: (1) \$70,000 for various advanced training initiatives, including advanced investigation and forensic and evidence detection training, (2) \$22,000 for one dual camera long endurance SAR patrol UAV(Drone) which will be utilized by the Forensic Unit, (3) \$10,100 to purchase 110 officer down individual first aid kits, (4) \$3,650 for a Visitor Access Management System, which will add additional security for the public safety building by tracking all those who enter the premises.

**WHEREAS**, none of the grants require a local match; and

**WHEREAS**, the Council deems it necessary and proper to authorize the four (4) S.L.E.A.F applications totaling \$105,750.95, for the aforesaid purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington Police Department's four (4) S.L.E.A.F grant applications in the total amount of \$105,750.95, copies of which are attached hereto, are hereby authorized.

**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 any and all funds associated with the four (4) S.L.E.A.F grant applications.

On the question:

Mr. Michael Brown: Yes Mr. President, this Resolution also is being presented by the Administration for City Council's review and approval. And, if it's approved, the Council would be authorizing the Administration to apply for four State of

Delaware grants from the Special Law Enforcement Assistance Fund in the amount of \$105,750. This money would be used by the City to fund police training, to purchase a DRONE, to purchase 110 “officer down” first aid kits and to enhance the visitor access management system at police headquarters for better tracking of person entering the building.

President Gregory: Clerk will call the roll

Upon a motion of Mr. 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 Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Chukwuocha. Total, one.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Michael Brown: Yes Mr. President, last and final Resolution.

Mr. Michael Brown presented Resolution No. 16-074 (Agenda #4268) 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 Delaware Criminal Justice Council in the amount of \$5,245.00 and is awaiting award of such funds, subject to Council approval; and

**WHEREAS**, the funding will be utilized to fund on-site training for Crime Prevention through Environmental Design, a collaborative program with the Delaware Attorney General’s Office; and

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

**WHEREAS**, the Council deems it necessary and proper to authorize the application and the acceptance of the grant from the Delaware Criminal Justice Council in the amount of \$5,245.00, for the aforesaid purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington Police Department’s application for a grant from the Delaware Criminal Justice Council in the amount of \$5,245.00 is hereby authorized; and

**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.



On the question:

Mr. Michael Brown: Yes, Mr. President. This Resolution, again, is being presented by the Administration for the first, for City Council's review and approval. And if approved, the Council would be authorizing the Administration to apply for a \$5,245 grant from the Delaware Criminal Justice Council. The money would be used by the Wilmington Police Department for on-site training entitled "Crime Prevention through Environmental Design," which is a collaborate program with the Delaware Attorney General's Office.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Michael 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 Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Chukwuocha. Total, one.

President Gregory: Declare it adopted. Ms. Cabrera.

Ms. Cabrera: Nothing this evening sir.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation; thanks.

President Gregory: Mr. Wright.

Mr. Wright: 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. Williams, Council adjourned at 7:24 p.m. Motion prevailed.

Attest:   
Maribel Seijo, City Clerk