



# City of Wilmington

Rysheema J. Dixon  
City Council Member At-Large

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## **Community Development & Urban Planning Committee**

Rysheema J. Dixon, Chair  
Yolanda McCoy, Vice-Chair  
Ernest "Trippi" Congo, II  
Linda M. Gray  
Zanthia Oliver  
Va'Shun "Vash" Turner  
Dr. Hanifa Shabazz, Ex-Officio Member

## **NOTICE**

### Virtual Community Development & Urban Planning Committee Meeting

September 2, 2020

5:00 p.m.

### Agenda

**ORD. 20-036** An Ordinance to Rezone the Parcels of Land Located at (i) 1914, 1920, 2004, and 2006 North Market Street; (ii) 50 Race Street; and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street from C-1 (Neighborhood Shopping) Zoning Classification to C-2 (Secondary Business Centers) Zoning Classification

**ORD. 20-037** An Ordinance to Rezone the Parcels of Land Located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street from M-2 (General Industrial) Zoning Classification to C-2 (Secondary Business Centers) Zoning Classification

**ORD. 20-038** An Ordinance to Approve the Removal of a Portion of Anchorage Street, Located Between Lower Oak and Lower Beech Streets, From the Official City Map. This Ordinance is being presented by the Administration for Council's review and approval to authorize the removal of a portion of Anchorage Street, located between Lower Oak and Lower Beech Streets, from the Official City Map.

**CONTINUED ON NEXT PAGE**

*If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.*

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**Ord. 18-041** An Ordinance to Amend Chapter 8 of the City Code to Require that Developers who Received Financial Assistance from the City of Wilmington on Residential Construction Projects Require their Construction Contractors to Hire Workers from Class A Apprentice Programs.

**Community Development & Urban Planning Committee Meeting**

When: Sep 2, 2020 05:00 PM Eastern Time (US and Canada)

Topic: Community Development & Urban Planning Committee Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/98610367302>

Or iPhone one-tap :

US: +13017158592,,98610367302# or +13126266799,,98610367302#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

**Webinar ID: 986 1036 7302**

International numbers available: <https://zoom.us/j/98610367302>

Posted (08/25/2020)

*If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.*

**AN ORDINANCE TO REZONE THE PARCELS OF LAND LOCATED AT (I) 1914, 1920, 2004, AND 2006 NORTH MARKET STREET; (II) 50 RACE STREET; AND (III) 1901, 1903, 1905, 1907, 1915, 1925, 1927, AND 1929 HUTTON STREET FROM C-1 (NEIGHBORHOOD SHOPPING) ZONING CLASSIFICATION TO C-2 (SECONDARY BUSINESS CENTERS) ZONING CLASSIFICATION**

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**#4844**

**Sponsor:**

**Council  
Member  
Oliver**

**Co-Sponsor:**

**Council  
President  
Shabazz**

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its July 21, 2020 meeting and adopted Planning Commission Resolution 15-20, which recommended approval of the rezoning of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26-029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26-029.10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, and 26-029.10-038, respectively) (collectively, the “Parcels”) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”; and

**WHEREAS**, City Council deems it necessary and appropriate to rezone the Parcels from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**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 of Wilmington, Delaware”, dated January 19, 2006 (as subsequently amended), are

hereby amended by changing the zoning classification of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel ID Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26-029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel ID No. 26-029.10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel ID Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, and 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**SECTION 2.** The rezoning of the Parcels described herein and identified in Exhibit “A” attached hereto and made a part hereof is consistent with the recommendations of the Citywide comprehensive plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities”.

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

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

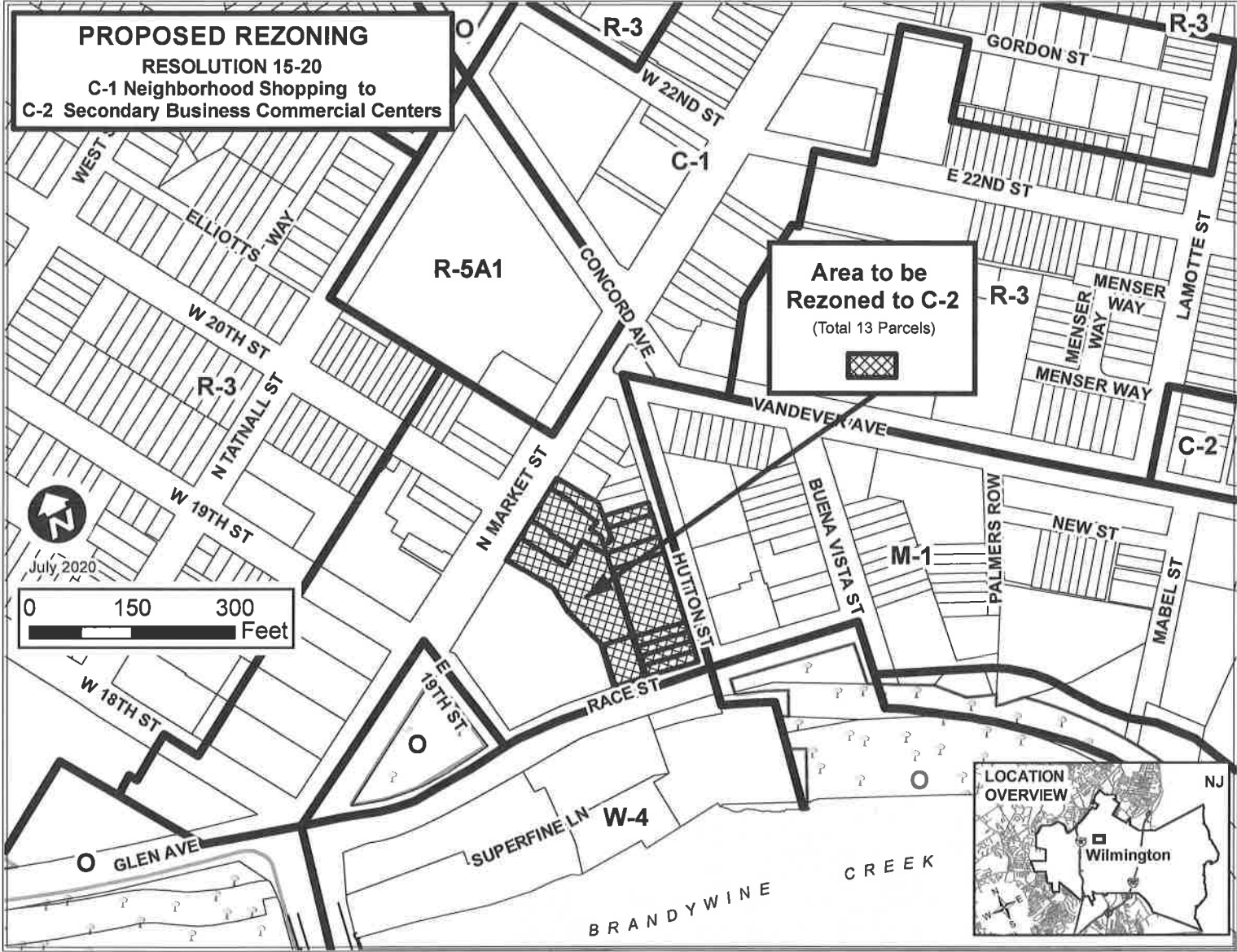
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Mayor

**SYNOPSIS:** This Ordinance rezones the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26-029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26-029.10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers).

W0111504

## **EXHIBIT A**



**AN ORDINANCE TO REZONE THE PARCELS OF LAND LOCATED AT 700 MARYLAND AVENUE, 101 LOWER OAK STREET, AND 120 LOWER BEECH STREET FROM M-2 (GENERAL INDUSTRIAL) ZONING CLASSIFICATION TO C-2 (SECONDARY BUSINESS CENTERS) ZONING CLASSIFICATION**

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**#4847**

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the

**Sponsor:**

City Planning Commission held a duly advertised public hearing at its April 21, 2020

**Council  
Member  
McCoy**

meeting and adopted Planning Commission Resolution 9-20, which recommended approval of the rezoning of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak

**Co-Sponsor:**

Street, and 120 Lower Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-

**Council  
President  
Shabazz**

042.30-079, 26-042.30-309, and 26-042.30-308, respectively) (collectively, the "Parcels"), from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit "A"; and

**WHEREAS**, City Council deems it necessary and appropriate to rezone the Parcels from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit "A".

**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 of Wilmington, Delaware", dated January 19, 2006 (as subsequently amended), are hereby amended by changing the zoning classification of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308,



respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**SECTION 2.** The rezoning of the Parcels described herein and identified in Exhibit “A” attached hereto and made a part hereof is consistent with the recommendations of the Citywide comprehensive plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities”.

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

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance rezones the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers).

W0111492

## **EXHIBIT A**



**AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF ANCHORAGE STREET, LOCATED BETWEEN LOWER OAK AND LOWER BEECH STREETS, FROM THE OFFICIAL CITY MAP**

**#4849**

**Sponsor:**

**Council  
Member  
McCoy**

**Co-Sponsor:**

**Council  
President  
Shabazz**

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

**WHEREAS**, Reybold Venture Group XI, LLC (the “Applicant”), the owner of the former National Vulcanized Fiber site located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (collectively, the “Site”), would like to redevelop the Site into a residential complex, including renovating the vacant buildings for apartments, constructing a new apartment building along Maryland Avenue and Beech Street, and providing parking; and

**WHEREAS**, a portion of Anchorage Street, located between Lower Oak and Lower Beech Streets, bisects the Site (the “Street Bed”); and

**WHEREAS**, the Applicant has requested the removal of the Street Bed from the Official City Map, as more particularly illustrated on Exhibit “A” attached hereto, in order to provide open space for the Site; and

**WHEREAS**, the City has been able to determine that it owns the Street Bed; and

**WHEREAS**, the Department of Public Works has advised that: (1) the Street Bed is not currently necessary, nor would be reasonably anticipated to be necessary in the future, to provide for general vehicular traffic circulation and the safety of vehicular and pedestrian traffic in the area of the Street Bed; (2) there is an eight inch water main and a sixty-five inch brick sewer line located within the Street Bed and therefore thirty-foot wide easements respectively centered on such water main and sewer line will be required so that the City may

retain access to such water main and sewer line; and (3) the Division of Transportation takes no exception and supports the request to vacate the Street Bed, subject to the retention of the aforementioned easements by the City; and

**WHEREAS**, the Department of Planning has no objection to the removal of the Street Bed from the Official City Map because: (1) the Street Bed does not currently contribute to the general vehicular traffic circulation or distribution pattern in the immediate area; (2) the Street Bed is proposed to remain undeveloped and subjected to the required utility easements; (3) the Street Bed is not privately owned; and (4) there are no findings to suggest that the removal of the Street Bed would create a detriment to the general public or to public safety; and

**WHEREAS**, no comments or objections were received from the Fire Marshal's Office; and

**WHEREAS**, there are no findings to suggest that the removal of the Street Bed would create a detriment to the general public or to public safety; and

**WHEREAS**, the City Planning Commission has adopted Planning Commission Resolution 10-20, which recommended approval of the Applicant's request to remove the Street Bed from the Official City Map; and

**WHEREAS**, the City Council deems it necessary and appropriate to approve the removal of the Street Bed referenced in Exhibit "A" from the Official City Map.

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

**SECTION 1.** The removal from the Official City Map of a portion of Anchorage Street located between Lower Oak and Lower Beech Streets, which is illustrated on Exhibit

“A” attached hereto, is hereby approved (subject to the conditions set forth in Section 2 of this Ordinance), and the Official City Map is hereby amended to reflect such removal.

**SECTION 2.** The City shall retain thirty-foot wide easements respectively centered on the eight inch water main and the sixty-five inch brick sewer line located within the portion of Anchorage Street that is being removed from the Official City Map, or such other easements as the Commissioner of Public Works shall determine are necessary.

**SECTION 3.** The conveyance of the portion of Anchorage Street that is being removed from the Official City Map to Reybold Venture Group XI, LLC, the owner of the abutting properties, is hereby authorized.

**SECTION 4.** All City departments are hereby authorized to take any and all necessary actions required for: (i) the proposed removal of the portion of Anchorage Street from the Official City Map; (ii) the proposed conveyance of the portion of Anchorage Street to Reybold Venture Group XI, LLC; and (iii) the proposed retention of the aforementioned easements for the City.

**SECTION 5.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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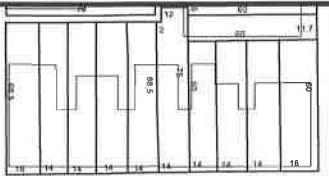
Mayor

**SYNOPSIS:** This Ordinance authorizes the removal of a portion of Anchorage Street, located between Lower Oak and Lower Beech Streets, from the Official City Map.

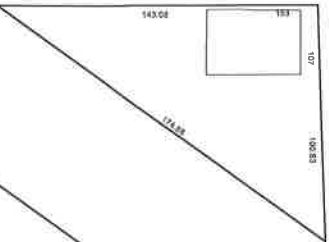
W0111495

## **EXHIBIT A**





**S Van Buren St**



**Columbia Ave**

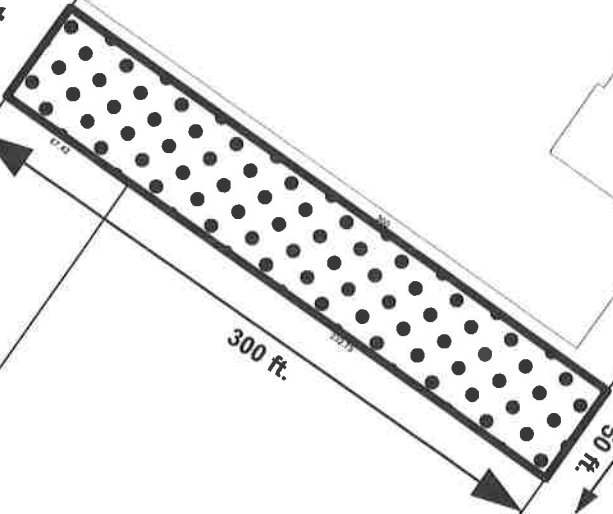
**Maryland Ave**

**Lower Beech St**

**Lower Oak St**

**Anchorage St**

**Marshall St**

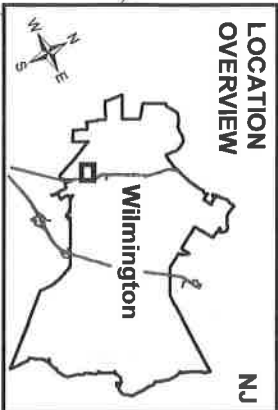


Portion of Anchorage Street  
Subject to Removal

**CPC RESOLUTION 10-20**  
**A Proposal to Remove a Portion**  
**of Anchorage Street from the**  
**Official City Map**



April 2020



**AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY CODE TO REQUIRE THAT DEVELOPERS WHO RECEIVE FINANCIAL ASSISTANCE FROM THE CITY OF WILMINGTON ON RESIDENTIAL CONSTRUCTION PROJECTS REQUIRE THEIR CONSTRUCTION CONTRACTORS TO HIRE WORKERS FROM CLASS A APPRENTICE PROGRAMS**

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#4561

Sponsors:

Council  
Member  
Guy  
Dixon

WHEREAS, the City of Wilmington has a compelling interest to ensure that residential construction projects located in the City ("Residential Projects") are completed at a reasonable cost with a high degree of quality; and

WHEREAS, a highly skilled workforce helps to ensure the efficient, economical and safe completion of such projects; and

WHEREAS, the City desires to encourage new and established businesses to generate good-paying job opportunities for City residents, particularly in low-income neighborhoods and in new markets; and

WHEREAS, the City desires to encourage developers and contractors to hire workers from Class A Apprentice Programs where Wilmington residents can gain key skills in residential construction; and

WHEREAS, the City has the authority to grant economic incentives for businesses to remain in or relocate to Wilmington, and the City periodically grants such incentives to developers of Residential Projects.

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

**SECTION 1.** Chapter 8 of the City Code is hereby amended by adding a new Section 8-6 thereto as follows:

**Section 8-6. Developer and Contractor Requirements Regarding Residential**

## Construction Apprentice Programs.

- (a) *Definition.* For purposes of this Section 8-6, a Residential Construction Apprentice Program shall be a program, as defined in City Code Sec. 2-563, that:
- (1) Maintains participation by Residents of the City of Wilmington.
  - (2) Recruits applicants from low-income neighborhoods, including in the City of Wilmington, especially those applicants that live near the location of a Residential Project.
  - (3) Demonstrates a commitment to graduating and placing apprentices from underrepresented communities in career-track residential construction jobs.
  - (4) Provides classroom and on-the-job training in residential construction prior to graduation, including classroom health and safety training, as well as training to recognize and abate hazardous material such as asbestos, mold and lead.
- (b) *Applicability.* This section shall be applicable to any developer of a residential construction project 1) receiving any amount of financing, subsidy, or grant from any city department, or 2) any developer receiving an in-kind contribution from any city department with a value that exceeds \$100,000.00, or 3) developing a residential construction project on property acquired by the Wilmington Neighborhood Conservancy Land Bank, with the exception of Homesteading for new home-owners, Side-Lots, and Community Gardens. This section shall not apply to developers who are awarded contracts through the competitive bidding process, or where the source of the funding exclusively derives from the federal or state government.
- (c) The City has previously been authorized to give financial assistance to developers of Residential Projects located in the City of Wilmington, including subsidies in the form of donation of property and tax credits. Each construction contractor hired by a developer to work on Residential Projects, shall provide a contractor responsibility certification, in a form developed by the City, that it participates in a Residential Construction Apprentice Program and demonstrates good faith efforts to meet the following requirements:
- (1) Pay a wage of at least \$15.00 an hour to all construction employees, effective upon passage, pay a wage of at least \$16.00 an hour to all construction employees, effective January 1, 2019; pay a wage of at least \$17.00 an hour to all construction employees, effective January 1, 2020; and pay a wage of at least \$18.00 an hour to all construction employees, effective January 1, 2021.
  - (2) Endeavor to ensure that at least 30% of work hours on any Residential Project will be performed by apprentices in a Residential Construction

Apprentice Program or individuals who have graduated from a Residential Construction Apprentice Program in the past two years.

- (3) Certify that neither the developer nor the construction contractors hired by the developer, nor any principal thereof, have been suspended or debarred by any federal, state, or local agency within the past five years.
- (d) As part of its review process, the city shall ensure that the contractor responsibility certification has been submitted and properly executed for all the developer's contractors and subcontractors. The city may conduct any additional inquiries to verify that the developer and its subcontractors have the qualifications and performance capabilities necessary to successfully comply with the requirements of Section (b). In conducting such inquiries, the city may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.
- (e) *Enforcement.* This section shall be enforced by the City Department of Real Estate and Housing. Failure to comply with this section may result in revocation of city assistance in the immediate project and/or subsequent projects. If the city determines that a developer's contractor or subcontractor responsibility certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work on Residential Construction Projects under Section 8-6(b) for a period of three years and shall be subject to any other penalties and sanctions, including contract termination, available to the city under law. A contract terminated under these circumstances shall further entitle the city to withhold payment of any monies due to the developer, contractor or subcontractor as damages.
- (f) If any provision of this subdivision shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this subdivision and all remaining provisions shall remain in full force and effect.
- (g) The requirements of this subdivision shall not apply to contracts advertised for bid prior to the effective date of the ordinance from which this subdivision is derived, except that the exercise of an option on a contract covered by this subdivision shall be deemed to create a new contract for purposes of this subdivision.

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**SECTION 2.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....July 2, 2018  
Second Reading.....July 2, 2018  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 8 of the City Code to require that developers who receive financial assistance from the City of Wilmington on residential construction projects require their construction contractors to participate in and hire workers from Residential Construction Apprentice Programs.