

# Town of Milton

115 Federal Street  
Milton, DE 19968



[www.milton.delaware.gov](http://www.milton.delaware.gov)

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## RESOLUTION 2020-012

**TO RESCHEDULE A TIME AND PLACE FOR A PUBLIC HEARING ON THE APPLICATION OF PHOENIX RHCS HOLDINGS, LLC FOR REZONING OF five parcels addressed as 423 Mulberry Street, 415 Mulberry Street, 413 Mulberry Street, 402 Reed Street, and 401 Reed Street, further identified as tax/map/parcels 235-14.19-31.00, 235-14.19-32.00, 235-14.19-43.00, 235-14.19-39.01, and 235-14.19-42.00; AND FOR THE PROPOSED AMENDMENT TO THE TOWN COMPREHENSIVE PLAN FOR THE SAME PARCELS**

**WHEREAS**, the Mayor and Town Council of the Town of Milton, Delaware (“Town”), may, from time to time, amend by ordinance the boundaries of the Town’s zoning districts, pursuant to Section 220, Article XIV of the Town Code; and

**WHEREAS**, the Town Code provides that any proposed amendment be referred to the Planning and Zoning Commission for an advisory report prior to the public hearing before the Mayor and Town Council; and

**WHEREAS**, the Town Code requires the Mayor and Town Council to fix by resolution the time and place of the public hearing and cause notice to be given via: publication not less than 15 days prior to the date of the hearing; written notice to any required municipal, county, state, or federal agency in a manner prescribed by law; and certified mail, return receipt requested, to all owners within 200 feet of the boundaries of the subject property at least 10 days prior to the public hearing; and

**WHEREAS**, the Town has received an application from Phoenix RHCS Holdings LLC for the rezoning of five parcels addressed as 423 Mulberry Street, 415 Mulberry Street, 413 Mulberry Street, 402 Reed Street, and 401 Reed Street, further identified as tax/map/parcels 235-14.19-31.00, 235-14.19-32.00, 235-14.19-43.00, 235-14.19-39.01, and 235-14.19-42.00, which also requires an amendment to the Town Comprehensive Plan for the same parcels; and

**WHEREAS**, the Mayor and Town Council referred the application to the Planning and Zoning Commission on the 6<sup>th</sup> day of January 2020;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Milton shall hold a public hearing at 6:30 p.m. on August 3, 2020 in the Grace Church Hall, located at 512 Union Street, Milton, Delaware, on the application for a rezoning of five parcels addressed as 423 Mulberry Street, 415 Mulberry Street, 413 Mulberry Street,

402 Reed Street, and 401 Reed Street, further identified as tax/map/parcels 235-14.19-31.00, 235-14.19-32.00, 235-14.19-43.00, 235-14.19-39.01, and 235-14.19-42.00, and on a proposed amendment to the Town Comprehensive Plan for the same parcels.

**BE IT FURTHER RESOLVED** that the Town of Milton shall cause notice to be given in accordance with Milton Town Code Section 220-101 and Title 22 of the Delaware Code.

**BE IT FURTHER RESOLVED** that any advisory report by the Planning and Zoning Commission, including its recommendations and a full state of the reasons therefor, shall be provided in writing to the Town Council and the Code Enforcement Officer, prior to the public hearing on the aforementioned date.

**I, THE UNDERSIGNED**, Secretary of the Town Council, do hereby certify that the above resolution was passed at the meeting of the Town Council, duly called and convened, held on the 6th day of July, 2020, at which a quorum was present and voting throughout and that same is still in full force and effect.

**TOWN OF MILTON**

BY: Richard H. Baty  
**SECRETARY OF TOWN COUNCIL**

DATE: 7/22/20