

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

TUESDAY, OCTOBER 4, 2011

7:00 P.M.

**NEWARK MUNICIPAL BUILDING
220 ELKTON ROAD**

COUNCIL CHAMBER

AGENDA

1. The minutes of the September 6, 2011 Planning Commission meeting.
2. Election of Officers and 2012 Calendar.
3. Review and consideration of the rezoning from BL (business limited) to BB (central business district) of a .345 acre portion of the .679 acre 132 E. Delaware Avenue properties and major subdivision, parking waiver and special use permit for a four story building with 4,000 sq. ft. of commercial space and 28 upper floor apartments.

The Planning Commission may modify the above agenda items.

Advertised on Tuesday, September 20, 2011

GENERAL NOTES

1. PROPOSED SANITARY SEWER: CITY OF NEWARK - SANITARY SEWERAGE IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK WATER AND WASTEWATER DEPARTMENT.
2. PROPOSED WATER SUPPLY: CITY OF NEWARK - WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK WATER AND WASTEWATER DEPARTMENT.
3. ALL FIRE LANES, FIRE HYDRANTS, STANDPIPES, SPRINKLER CONNECTIONS, ETC., SHALL BE MARKED AND/OR PROTECTED IN ACCORDANCE WITH THE 2006 STATE FIRE PREVENTION REGULATIONS, (DSFPR PART V, CHAPTER 5), AND AS AMENDED.
4. STORMWATER MANAGEMENT, DRAINAGE, AND EROSION AND SEDIMENT CONTROL SHALL BE IN COMPLIANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE CITY OF NEWARK CODE.
5. NO DEBRIS SHALL BE BURIED ON THIS SITE.
6. THE ARCHITECTURAL DESIGN OF THE PROPOSED STRUCTURE SHALL BE CONSISTENT ON ALL BUILDING ELEVATIONS VISIBLE FROM PUBLIC WAYS, STORAGE AREAS, MECHANICAL AND UTILITY HARDWARE, AND RELATED FACILITIES SHALL BE APPROPRIATELY SCREENED FROM ADJOINING PROPERTIES AND ROADWAYS IN A MANNER CONSISTENT WITH THE PROPOSED ARCHITECTURAL DESIGN.
TOPOGRAPHIC INFORMATION IS BASED ON JULY, 2008 PHYSICAL SURVEY BY LANDMARK ENGINEERING, INC.
DATUM: NAVD 1988
PROJECT BENCHMARK: BRASS DISC (JULY 1406) SPAMMED V-3 1931. SET IN A WALL AT THE POST OFFICE.
ELEVATION: 122.82
7. DEVELOPER WILL RESTORE ANY EXISTING SIDEWALKS IN ACCORDANCE WITH THE CITY OF NEWARK STANDARDS.
8. ALL CONSTRUCTION IMPROVEMENTS SHALL BE IN ACCORDANCE WITH CITY OF NEWARK STANDARDS OR DELDOT STANDARDS, AS APPLICABLE.
9. SITE SOILS CONSIST OF MATAPEAKE-SASSAFRAS-URBAN LAND COMPLEX (M&B) MAPPED IN ACCORDANCE WITH THE NEW CASTLE COUNTY SOIL CONSERVATION SERVICE (MAP NO. 18).
10. THERE ARE NO FEMA MAPPED FLOODPLAINS ON THIS SITE. (PANEL 140 OF 475 MAP NO. 10003C0140 J, DATED JANUARY 17, 2007).
11. THERE ARE NO WETLAND AREAS ON THE EXISTING DEVELOPED PARCEL SHOWN ON THIS PLAN.

DATA COLUMN

1. TAX PARCEL NUMBERS: 18-020.00-096, -097, -108 & -259
2. SITE AREA: 0.680± ACRES
3. EXISTING ZONING: BB (CENTRAL BUSINESS)
4. SOURCE OF TITLE: INST. #20010709-0054671 (PARCELS -096 AND -259)
INST. #20071220-0107782 (PARCEL -097)
D/R 2535/321 (PARCEL -108)
5. PROPOSED BUILDING GROSS FLOOR AREA: 50,100± SF
6. LAND USE BREAKDOWN:

	EXISTING	PROPOSED
EXISTING BUILDING(S):	0.060± AC. 8.8%	0.000± AC. 0.0%
PROPOSED BUILDING(S): (15,360 SF FOOTPRINT)	0.000± AC. 0.0%	0.353± AC. 51.9%
PARKING AND ACCESSWAYS:	0.457± AC. 67.2%	0.239± AC. 35.2%
GREEN AREA:	0.163± AC. 24.0%	0.086± AC. 12.9%
TOTALS:	0.680± AC. 100%	0.680± AC. 100%
7. VERTICAL DATUM: NAVD 1988
8. BULK AREA RESTRICTIONS:

BB ZONING
MIN. LOT AREA: 3,000 SF
MIN. LOT WIDTH: 20'
MIN. FRONT YARD SETBACK: 0' FOR BUILDINGS 3 STORIES ≤ 35' HIGH
MIN. REAR YARD SETBACK: 15'
MIN. SIDE YARD SETBACK: 0'
MAX. BUILDING HEIGHT: 4 STORIES (3 STORIES OVER COVERED PARKING)
9. PARKING REQUIREMENTS:

PROPOSED USES (THIS PLAN)	
OFFICE: 4,000 SF x 1 SPACE/300 SF	13 SPACES
APARTMENTS: 28 UNITS x 2 SPACES/UNIT	56 SPACES
NEW SPACES REQUIRED	69 SPACES

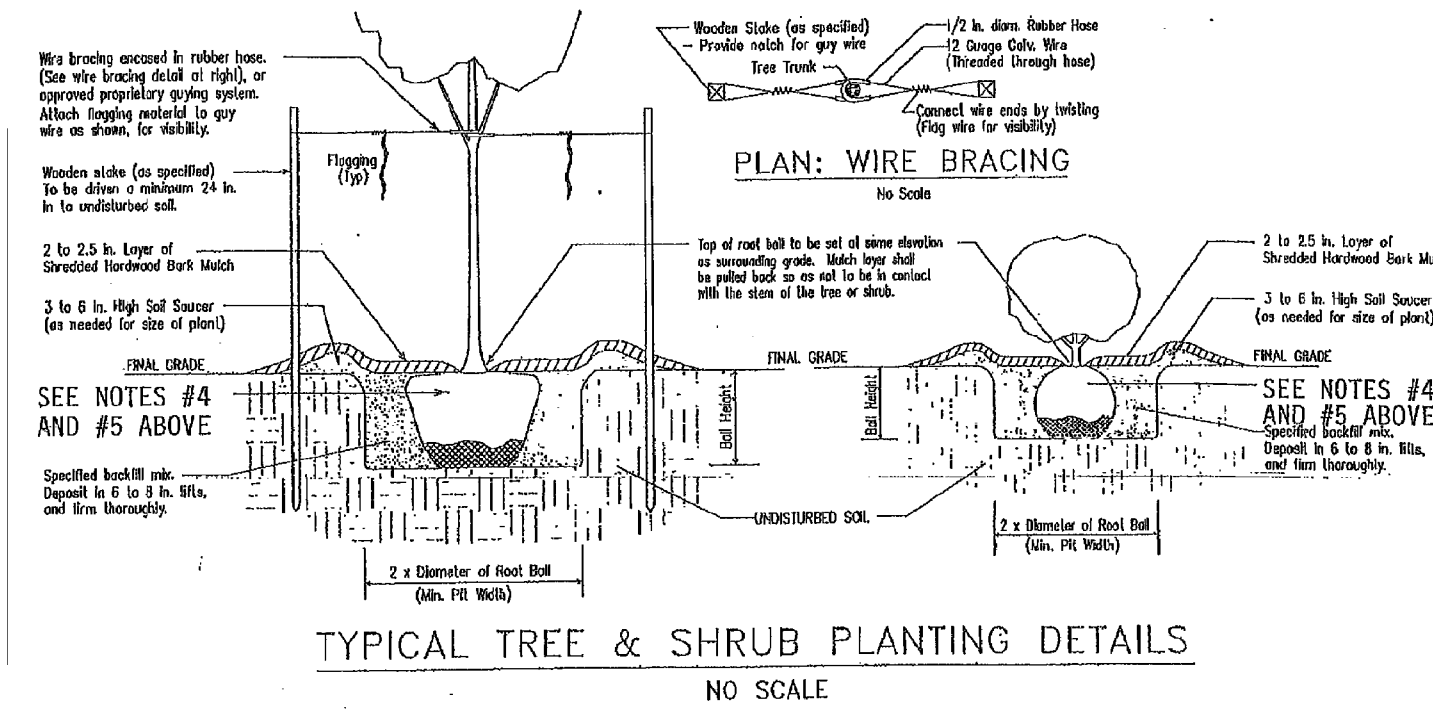
PARKING PROVIDED (THIS PLAN)	
EXISTING PARKING (PRIOR TO REDEVELOPED SITE)	56 SPACES
GRANDFATHERED PARKING FROM PRIOR USES ON DEL. AVENUE (2,400 SF OFFICE, 1 SINGLE FAMILY HOME) +10 SPACES	
ADDITIONAL NEW SPACES PROVIDED	18 SPACES

* WAIVER OF PARKING REQUIREMENTS PER SECTION 32-45(B) OF NEWARK MUNICIPAL CODE FOR 51 PARKING SPACES HAS BEEN APPLIED FOR AND APPROVED BY THE CITY OF NEWARK PLANNING COMMISSION AT ITS _____ MEETING.
10. POSTAL ADDRESS: 132 EAST DELAWARE AVENUE, NEWARK, DE 19711

CITY OF NEWARK
TREE AND SHRUB PLANTING DETAIL

NOTES:

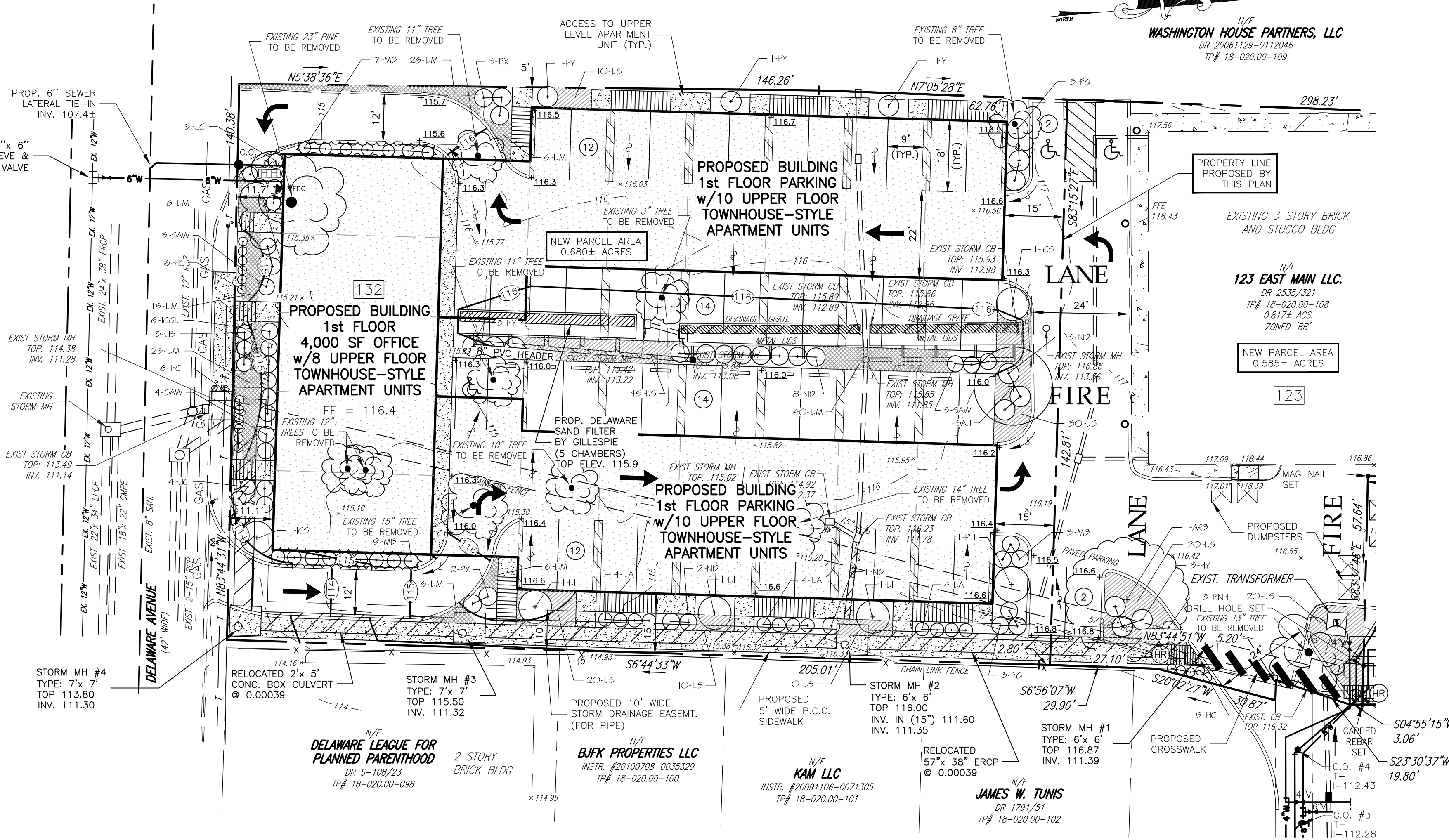
1. See planting specifications: All plant material and plant installation shall conform to the specifications and plant schedules contained on the landscape plan.
2. All plant material shall be watered in the same day it is planted.
3. All stakes, hoses and wires are to be removed one (1) year after installation unless otherwise directed by the landscape architect, owner or City.
4. After the tree is in the hole at its proper depth and plumb and if a wire cage is present, cut and remove 1/3 to 1/2 of the top of the wire cage. Fold down burlap prior to backfilling the hole. DO NOT remove any portion of the wire cage until the tree is in the hole as the rootball may fall apart.
5. If plant material is containerized, scarify the sides and bottom of the rootball thoroughly prior to placement in the hole and planting.
6. There is a two (2) year maintenance/replacement warranty on all plant material. Any plant material that is dead, declining or missing during that two (2) year period shall be replaced at the next appropriate planting time.



PLANTING SCHEDULE

TYPE KEY	#	BOTANICAL - COMMON NAME	MINIMUM SIZE & REMARKS
Canopy - Shade and Street Trees			
T	ARB	1 Acer rubrum 'Bowhall' - Bowhall Red Maple	2.5' - 3" cal. BB 12'-14' ht.
T	SAJ	1 Syringa amurensis japonica 'Ivory Silk' - Jap. Tree Lilac	2" - 2.5" cal. BB
Understory - Trees			
O	LI	3 Lagerstroemia indica 'Whit Vellor III' - Pink Crepe Myrtle	5' - 6'
Shrubs			
S	FG	6 Feathergillia gardenia 'Mt. Airy' - Dwarf Garden Fothergill	15" - 18" cont.
S	HY	9 Hydrangea 'Blue Billow' - Blue Billow Hydrangea	18" - 21" cont.
S	ICS	2 Ilex crenata 'Steeles' - Steeles Upright Japanese Holly	24" - 36" cont.
S	ICGL	6 Ilex crenata 'Green Luster' - Green Luster Holly	18" - 21" cont.
S	JC	9 Juniperus conferta 'Blue Pacific' - Shore Juniper	2 gal. cont.
S	JS	3 Juniperus squamata 'Blue Star' - Blue Star Juniper	2 gal. cont.
S	LA	12 Leucotoea fontanesiana 'Rainbow' - Rainbow Leucothoe	18" - 21" cont.
S	MB	19 Microbiota decussata - Siberian Carpet	1 gal. cont.
S	ND	14 Nandina domestica 'compacta' - Heavenly Bamboo	18" - 24" cont.
S	PJ	1 Pieris japonica 'Dorothy Wycoff' - Dorothy Wycoff andromeda	24" - 36" cont. BB
S	PX	5 Photinia x Frasieri 'Pink Marble' - Photinia	24" - 30" cont.
S	SAW	10 Spiraea bumalda 'Anthony Waterer' - Anthony Waterer Spiraea	2 gal. cont.
G	PNH	3 Pennisetum alpecurioides Hamlen - Dwarf Fountain Grass	1 gal. cont.
GC	LS	165 Linopoe spicata - Fine-leaved Lily Turf	1 qt. cont.
GC	LM	130 Linopoe muscari 'Silverly Sunproof' - Silverly Sunproof Lily Turf	1 qt. cont.
P	HC	17 Hemmercallis x 'Stella d'Ora' - Stella Dora Daylily	1 gal. cont.

Type Key: T= Tree, ST= Street tree, O= Understory/Ornamental, E= Evergreen, S= Shrub,
G= Grasses, GC= Ground Cover, P= Perennial, B= Bulbs, V= Vines



PROPOSED CONDITIONS VIEW

SCALE: 1" = 20'

LEGEND			
+116.0	PROPOSED SPOT ELEVATION	W	EXISTING WATER MAIN & WATER VALVE
116	PROPOSED CONTOUR	15	EXISTING PARKING COUNT
-130	EXISTING CONTOUR	15	PROPOSED PARKING COUNT
x 116.0	EXISTING SPOT ELEVATION		PROPOSED DRAINAGE FLOW PATH
Ø UP	EXISTING UTILITY POLE		PROPOSED CURB (NORMAL CURB)
Ø	EXISTING SANITARY SEWER AND MANHOLE		PROPOSED CURB (FLUSH OR DEPRESSION)
Ø	EXISTING STORM DRAIN & CATCH BASIN	BR	PROPOSED BIKE RACK
Ø	PROPOSED SANITARY SEWER AND MANHOLE	FL	EXISTING LIGHT POLE
Ø	PROPOSED STORM DRAIN & CATCH BASIN	FL	PROPOSED FIRE LANE SIGN
Ø	EXISTING CURB	FL	PROPOSED FIRE DEPARTMENT CONNECTION
Ø	EXISTING GAS MAIN & GAS VALVE	HR	PROPOSED HANDICAP RAMP
Ø	EXISTING FIRE HYDRANT	HR	PROPOSED HANDICAP PARKING
Ø	PROPOSED FIRE HYDRANT		PROPOSED YELLOW DEMARCATION LINE
Ø	PROPOSED BUMPER BLOCK		PROPOSED CROSSWALK

I, THE UNDERSIGNED, WILL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS LANDSCAPE PLAN.

OWNER DATE



Know what's below.
Call before you dig.

MISS UTILITY PHONE 1-800-257-7777
PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE

REZONING, SPECIAL USE PERMIT,
PARKING WAIVER, AND
RECORD MAJOR SUBDIVISION PLAN

132 EAST DELAWARE AVENUE
CITY OF NEWARK - NEW CASTLE COUNTY, DELAWARE

NEW CASTLE, DE
(402) 323-5977
DOVER, DE
(302) 734-5997
GEORGETOWN, DE
(302) 854-9138
WILMINGTON, DE
(610) 687-1976
HAYES OF GRACE, MD
(410) 592-2144
LANDMARK UCM
Science and Engineering
100 WEST COMMONS BOULEVARD, SUITE 801
NEW CASTLE, DELAWARE 19720
PHONE - (402) 323-8977 • FAX - (402) 323-4661
INFO@LANDMARKUCM.COM • WWW.LANDMARKUCM.COM

GRAPHIC SCALE
0 10 20 40

DRAWN BY: JRB
DESIGNED BY: JRB
CHECKED BY: JGC
COMM. NO.: C2042-3
DRAWING NAME: REC.DWG
SCALE: 1" = 20'
DATE: 7-22-11
LAST MODIFIED: 9/7/11
FILE NO.: 002
SHEET NO.: CR-02 of 2

SUMMARY OF ADJACENT PROPERTY OWNERS WITHIN 200 FEET

TAX PARCEL #	OWNER	ZONE
18-020.00-109	WASHINGTON HOUSE PARTNERS LLC	BB
18-020.00-107	129 EAST MAIN ASSOCIATES LLC	BB
18-020.00-098	DELAWARE LEAGUE FOR PLANNED	BL
18-020.00-100	BJFK PROPERTIES LLC	BLR
18-020.00-101	KAM LLC	BB
18-020.00-102	JAMES W. TUNIS	BB
18-020.00-103	PARAGON DESIGN INC.	BB
18-020.00-266	JOHN E. LEWIS ESTATE	BB
18-020.00-106	J. TODD & CYNTHIA H. LADUTKO	BB
18-020.00-105	J. TODD & CYNTHIA H. LADUTKO	BB
18-020.00-104	TSIONAS PROPERTIES LLC	BB
18-020.00-188	HESSLER PROPERTIES INC	BB
18-020.00-189	HESSLER PROPERTIES INC	BB
18-020.00-037	U.S. OF AMERICA	BB
18-020.00-125	CENTER STREET ASSOCIATES LLC	BB
18-020.00-126	DANNEMANN & DANNEMAN LLC	BB
18-020.00-127	DANNEMANN & DANNEMAN LLC	BB
18-020.00-128	DOVER REALTY II	BB
18-020.00-129	INDEPENDENT INVESTORS LLC	BB

LEGEND

+116.0	PROPOSED SPOT ELEVATION	W	EXISTING WATER MAIN & WATER VALVE
116	PROPOSED CONTOUR	15	EXISTING PARKING COUNT
-130	EXISTING CONTOUR	15	PROPOSED PARKING COUNT
X 116.0	EXISTING SPOT ELEVATION	→	PROPOSED DRAINAGE FLOW PATH
Ø UP	EXISTING UTILITY POLE	---	PROPOSED CURB (NORMAL CURB)
—○—	EXISTING SANITARY SEWER AND MANHOLE	---	PROPOSED CURB (FLUSH OR DEPRESSED)
==□==	EXISTING STORM DRAIN & CATCH BASIN	⊙	PROPOSED BIKE RACK
—●—	PROPOSED SANITARY SEWER AND MANHOLE	☆	EXISTING LIGHT POLE
==■==	PROPOSED STORM DRAIN & CATCH BASIN	↑ FL	PROPOSED FIRE LANE SIGN
---	EXISTING CURB	▼ FDC	PROPOSED FIRE DEPARTMENT CONNECTION
G	EXISTING GAS MAIN & GAS VALVE	HR	PROPOSED HANDICAP RAMP
⊕ FH	EXISTING FIRE HYDRANT	---	PROPOSED YELLOW DEMARCATION LINE
⊕ FH	PROPOSED FIRE HYDRANT		PROPOSED CROSSWALK

LOCATION MAP

1" = 800'

1. REV. PER 8-22-11 SAC COMMENTS.

REZONING, SPECIAL USE PERMIT,
PARKING WAY, AND
RECORD MAJOR SUBDIVISION PLAN
132 EAST DELAWARE AVENUE
CITY OF NEWARK - NEW CASTLE COUNTY, DELAWARE

NEW CASTLE, DE (302) 333-9377
DOVER, DE (302) 734-9597
GEORGETOWN, DE (302) 854-9438
WAYNE, PA (610) 857-1976
HAYESVILLE, NC (704) 939-2144
INFO @ LANDMARKICM.COM • WWW.LANDMARKICM.COM

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Science and Engineering

GRAPHIC SCALE

DRAWN BY: JRB SCALE: 1" = 20'

DESIGNED BY: JRB DATE: 7-22-11

CHECKED BY: JCC LAST MODIFIED: 9/7/11

COMM. C2042-3 FILE NO. 001

DRAWING NAME: REC'DWG

SHEET NO. CR-01 of 2



Know what's below.
Call before you dig.

MISS UTILITY PHONE 1-800-257-7777
PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE

THE PURPOSE OF THIS PLAN IS TO:

1. REZONE 0.345 ACRES FROM 'BL' TO 'BB' (TAX PARCELS 18-020.00-096 AND -097).
2. EXTINGUISH TAX PARCELS 18-020.00-097 AND -259.
3. DEMOLISH THE EXISTING STRUCTURES ON PARCELS 18-020.00-096, -097 AND -259.
4. RE-APPORTION PARCELS 18-020.00-096 AND -108 TO PROVIDE FOR NEW CONSTRUCTION OF 4,000 GSF OF 1st FLOOR OFFICE SPACE AND 28 UPPER FLOOR 'TOWNHOUSE-STYLE' APARTMENTS ON PARCEL -096.

CERTIFICATION OF PERIMETER

I, TROY W. REES, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT THE PERIMETER BOUNDARY TOPOGRAPHIC SURVEY PLAN, CONSISTING OF TWO (2) SHEETS, REPRESENTS A SURVEY MADE BY LANDMARKICM AND IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES, AND THAT ALL OF THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THAT THEIR POSITIONS ARE CORRECTLY SHOWN.

TROY W. REES, PLS

DATE

CERTIFICATION OF OWNERSHIP
TAX PARCEL No. 18-020.00-108

I, JEFFREY E. LANG, HEREBY CERTIFY THAT 123 EAST MAIN LLC IS THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN AND THAT THE SUBDIVISION PLAN THEREOF WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW, AND IN ACCORDANCE WITH THE SUBDIVISION AND LAND REGULATIONS OF THE CITY OF NEWARK, AND THAT ALL STREETS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC USE.

JEFFREY E. LANG (MANAGING MEMBER)

DATE

CERTIFICATION OF OWNERSHIP
TAX PARCEL Nos. 18-020.00-096, -097 & -259

I, JEFFREY E. LANG, HEREBY CERTIFY THAT 132 EAST DELAWARE AVENUE ASSOCIATES LLC IS THE OWNER OF THE PROPERTIES SHOWN ON THIS PLAN AND THAT THE SUBDIVISION PLAN THEREOF WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW, AND IN ACCORDANCE WITH THE SUBDIVISION AND LAND REGULATIONS OF THE CITY OF NEWARK, AND THAT ALL STREETS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC USE.

JEFFREY E. LANG (MANAGING MEMBER)

DATE

CERTIFICATION OF ACCURACY & SUBDIVISION PLAN APPROVAL

IT IS HEREBY CERTIFIED THAT THIS SUBDIVISION PLOT PLAN WAS GRANTED 'APPROVAL' BY THE COUNCIL OF THE CITY OF NEWARK, DELAWARE ON _____ AND ACCORDINGLY IS ELIGIBLE FOR RECORDING IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE.

APPROVED: _____ BY: _____ CITY MANAGER

APPROVED: _____ BY: _____ PLANNING DIRECTOR

APPROVED: _____ BY: _____ CITY SECRETARY