

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

TUESDAY, NOVEMBER 1, 2011

7:00 P.M.

**NEWARK MUNICIPAL BUILDING
220 ELKTON ROAD**

COUNCIL CHAMBER

AGENDA

1. The minutes of the October 4, 2011 Planning Commission meeting.
2. Review and consideration of the rezoning from BL (business limited) to BB (central business district) of the .345 acre 132 E. Delaware Avenue property with major subdivision, a parking waiver and special use permit for a four story building with 6,000 sq. ft. of commercial space and 14 upper floor apartments. [Tabled at the October 4, 2011 meeting].

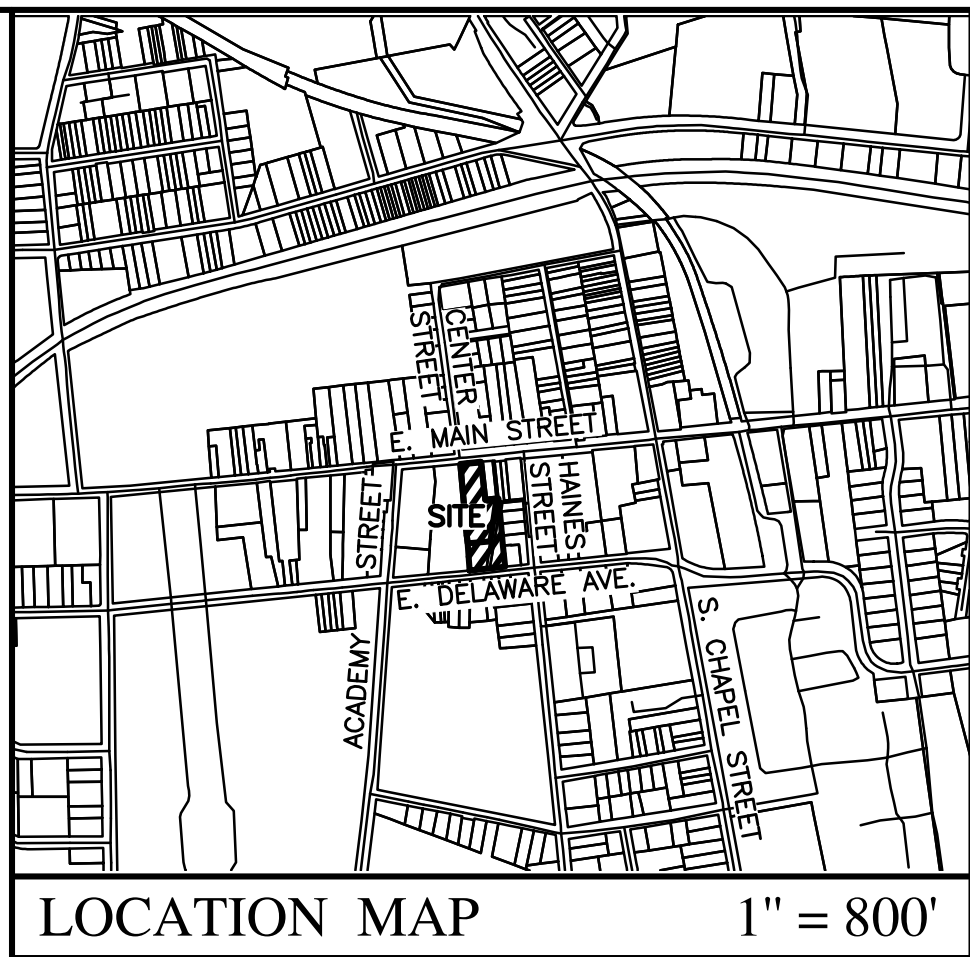
The Planning Commission may modify the above agenda items.

Advertised on Tuesday, October 18, 2011

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	PROPOSED FIRE LANE SIGN
—	EXISTING CURB	PROPOSED FIRE DEPARTMENT CONNECTION
G — G	EXISTING GAS MAIN & GAS VALVE	PROPOSED HANDICAP RAMP
⊕ FH	EXISTING FIRE HYDRANT	PROPOSED YELLOW DEMARCATION LINE
⊕ FH	PROPOSED FIRE HYDRANT	PROPOSED CROSSWALK



REVISIONS	DATE	BY
1. REV. PER 8-22-11 SAC COMMENTS.	8-22-11	

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 (410) 939-2144



0	10	20	40
GRAPHIC SCALE			

DRAWN BY: JRB	SCALE: 1" = 20'	DATE: 7-22-11	DRAWING NAME: REC'DWG	SHEET NO. CR-01 of 2
DESIGNED BY: JRB	LAST MODIFIED: 10/11/11			
CHECKED BY: JCC	FILE NO. 001			
COMM. BY: C2042-3				

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 6,000 GSF OF 1st FLOOR OFFICE SPACE AND 14 UPPER FLOOR 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 LANDMARK ICM 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: _____	DATE _____	BY: _____	CITY MANAGER
APPROVED: _____	DATE _____	BY: _____	PLANNING DIRECTOR
APPROVED: _____	DATE _____	BY: _____	CITY SECRETARY



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GENERAL NOTES

- PROPOSED SANITARY SEWER: CITY OF NEWARK - SANITARY SEWERAGE IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK WATER AND WASTEWATER DEPARTMENT.
- PROPOSED WATER SUPPLY: CITY OF NEWARK - WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK WATER AND WASTEWATER DEPARTMENT.
- 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.
- 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.
- NO DEBRIS SHALL BE BURIED ON THIS SITE.
- 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 (JU 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 METAPEAKE-SASSAFRAS-URBAN LAND COMPLEX (M8B) 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.

12. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND ALLOW FOR THEIR LOCATIONS.

13. THE OWNER AGREES TO PROVIDE AN OPEN EASEMENT THROUGHOUT THE PROPERTY FOR THE INSTALLATION AND MAINTENANCE OF THE ELECTRICAL DISTRIBUTION SYSTEM.

14. ALL ROOF DRAINS FROM THE PROPOSED BUILDING SHALL BE CONNECTED DIRECTLY TO THE STORM DRAINAGE SYSTEM.

15. BUILDING SHALL BE FULLY PROTECTED BY AN APPROVED AUTOMATIC SPRINKLER SYSTEM.

16. DEVELOPER SHALL PRESERVE ALL TREES ON THIS SITE EXCEPT WHERE NECESSARY TO CONSTRUCT BUILDINGS, PARKING ACCESSWAYS, ROADWAYS, RECREATIONAL FACILITIES AND UTILITIES, AND FOR SELECTIVE THINNING OF EXISTING TREES. SPECIFIC SPECIES OF PLANT MATERIALS AS DESIGNATED ON THIS PLAN OR THE LANDSCAPE PLAN (IF SUCH A PLAN IS AN INTEGRAL PART OF THIS PLAN) SHALL BE PRESERVED AND PROPERLY PROTECTED DURING CONSTRUCTION. IN THE CASE OF UTILITY RIGHTS-OF-WAY AND EASEMENTS, ANY DISTURBED AREA SHALL BE REPLANTED SO AS TO ACHIEVE A RECURRENCE OF NATURAL VEGETATION.

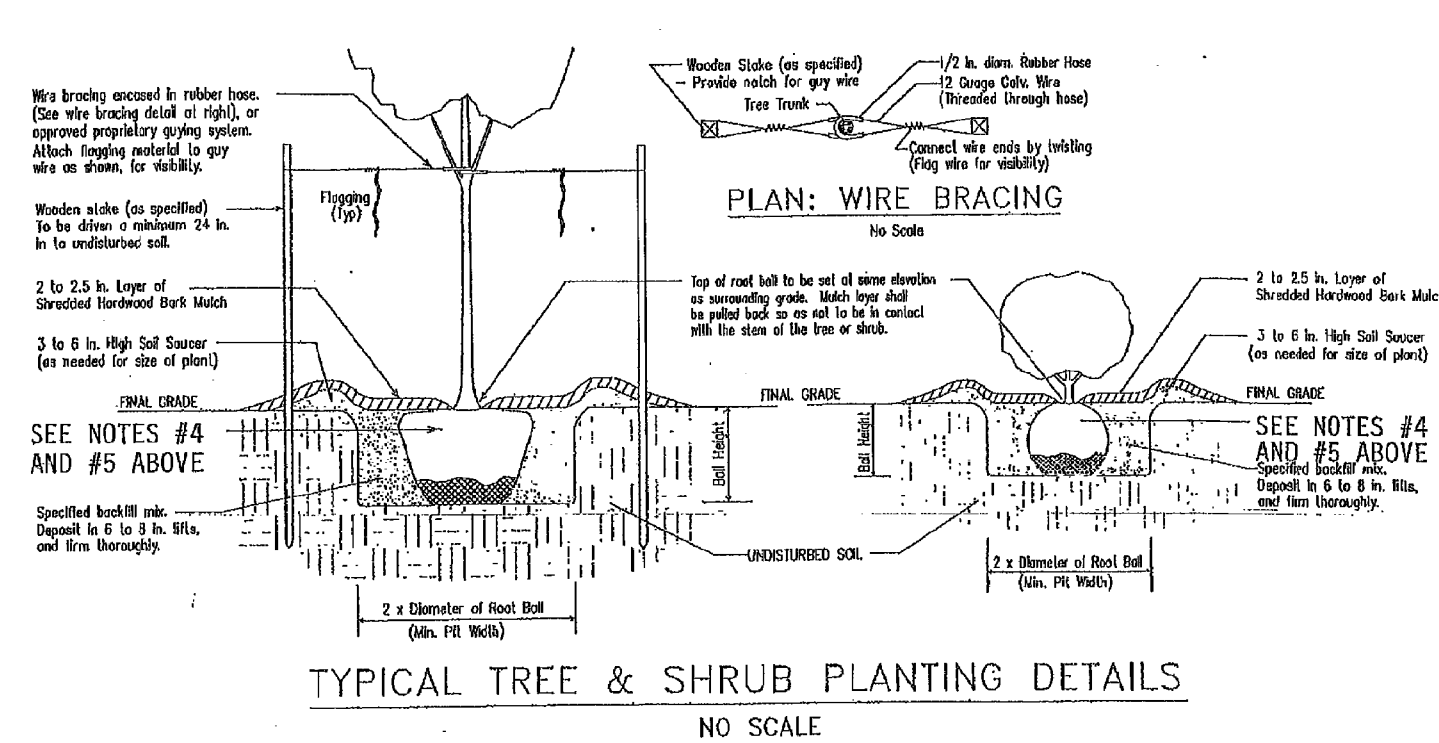
17. NO TREES OVER 18" IN HEIGHT WILL BE PLANTED UNDER EXISTING OR PROPOSED OVERHEAD UTILITY LINES.

18. FOR VEHICULAR/PEDESTRIAN CROSS-ACCESS EASEMENTS, PARKING ACCESS EASEMENTS, DRAINAGE EASEMENTS, AND GENERAL AND STORMWATER MAINTENANCE RESPONSIBILITIES, SEE AGREEMENT DATED _____ AND RECORDED ON _____ BY INSTRUMENT NUMBER _____ IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE.

CITY OF NEWARK TREE AND SHRUB PLANTING DETAIL

NOTES:

- See planting specifications: All plant material and plant installation shall conform to the specifications and plant schedules contained on the landscape plan.
- All plant material shall be watered in the same day it is planted.
- All stakes, hoses and wires are to be removed one (1) year after installation unless otherwise directed by the landscape architect, owner or City.
- After the tree is in the hole at its proper depth and plumb and if a wire cage is present, cut and remove 1/8 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.
- If plant material is containerized, scarify the sides and bottom of the rootball thoroughly prior to placement in the hole and planting.
- 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 Velor 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' - Steeds 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 Leucototho fontanesiana 'Rainbow' - Rainbow Leucototho	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 alpeurides Hamlen - Dwarf Fountain Grass	1 gal. cont.
GC	LS	165 Linope spicata - Fine-leaved Lily Turf	1 qt. cont.
GC	LM	130 Linope muscari 'Silver Sunproof' - Silver Sunproof Lily Turf	1 qt. cont.
P	HC	17 Hemmerocallis 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

DATA COLUMN

- TAX PARCEL NUMBERS: 18-020.00-096, -097, & -259
- SITE AREA: 0.448± ACRES
- EXISTING ZONING: BB (CENTRAL BUSINESS)
- SOURCE OF TITLE: INST. #20010709-0054671 (PARCELS -096 AND -259) INST. #20071220-0107782 (PARCEL -097)
- PROPOSED BUILDING GROSS FLOOR AREA: 23,200± SF
- LAND USE BREAKDOWN:

	EXISTING	PROPOSED
EXISTING BUILDING(S):	0.060± AC. 13.4%	0.000± AC. 0.0%
PROPOSED BUILDING(S): (6,000 SF FOOTPRINT)	0.000± AC. 0.0%	0.138± AC. 30.8%
PARKING AND ACCESSWAYS:	0.216± AC. 48.2%	0.227± AC. 50.7%
GREEN AREA:	0.172± AC. 38.4%	0.083± AC. 18.6%
TOTALS:	0.448± AC. 100%	0.448± AC. 100%
- VERTICAL DATUM: NAVD 1988
- 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)
- PARKING REQUIREMENTS:

PROPOSED USES (THIS PLAN)	SPACES
COMMERCIAL: 1,000 SF x 1 SPACE/300 SF	3 SPACES
APARTMENTS: 14 UNITS x 2 SPACES/UNIT	28 SPACES
NEW SPACES REQUIRED	31 SPACES

* NET GFA INCREASE BEYOND GRANDFATHERED GFA (5,000 SF NEW NET COMMERCIAL GFA - 4,000 SF EXISTING GFA)

	SPACES
NEW SPACES REQUIRED	31 SPACES
NEW SPACES PROVIDED	-12 SPACES
PARKING SPACE DEFICIT	19 SPACES

** WAIVER OF PARKING REQUIREMENTS PER SECTION 32-45(B) OF NEWARK MUNICIPAL CODE FOR 19 PARKING SPACES HAS BEEN APPLIED FOR AND APPROVED BY THE CITY OF NEWARK PLANNING COMMISSION AT ITS _____ MEETING.
- POSTAL ADDRESS: 132 EAST DELAWARE AVENUE, NEWARK, DE 19711

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 DEPRESSION)
	EXISTING STORM DRAIN & CATCH BASIN	BR	PROPOSED BIKE RACK
	PROPOSED SANITARY SEWER AND MANHOLE	FL	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
PH	EXISTING FIRE HYDRANT	HR	PROPOSED HANDICAP PARKING
PH	PROPOSED FIRE HYDRANT		PROPOSED YELLOW DEMARCATION LINE
	PROPOSED BUMPER BLOCK		PROPOSED CROSSWALK

PROPOSED CONDITIONS VIEW

SCALE: 1" = 20'

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

OWNER _____ DATE _____



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

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

LandmarkCM
 Science and Engineering

100 WEST COMMONS BOULEVARD, SUITE 301
 NEW CASTLE, DELAWARE 19720
 PHONE: (800) 323-9877 • FAX: (302) 323-9661
 INFO @ LANDMARKCM.COM • WWW.LANDMARKCM.COM

GRAPHIC SCALE
 0 10 20 40

DRAWN BY: JRB SCALE: 1" = 20' DATE: 7-22-11
 DESIGNED BY: JRB LAST MODIFIED: 10/11/11
 CHECKED BY: JOC FILE NO. 002
 DRAWING NAME: REC.DWG
 SHEET NO. CR-02 of 2

CR-02

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