

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

**TUESDAY, JUNE 4, 2013
7:00 P.M.**

**NEWARK MUNICIPAL BUILDING
220 SOUTH MAIN STREET**

COUNCIL CHAMBER

**AGENDA
[REVISED]**

1. The minutes of the May 7, 2013 Planning Commission meeting.
2. Review and consideration of a major subdivision approval to construct a four story building with ground and second level parking and 12 upper floor two and three bedroom apartments on .88 acres at the location of the existing surface parking lot and attached to the Trader's Alley building at 147-163 E. Main Street. In addition, the required BB zoning special use permit for the upper floor apartments is being requested. [Tabled August 2, 2011]

The highlighted agenda item above was withdrawn and will not be reviewed.

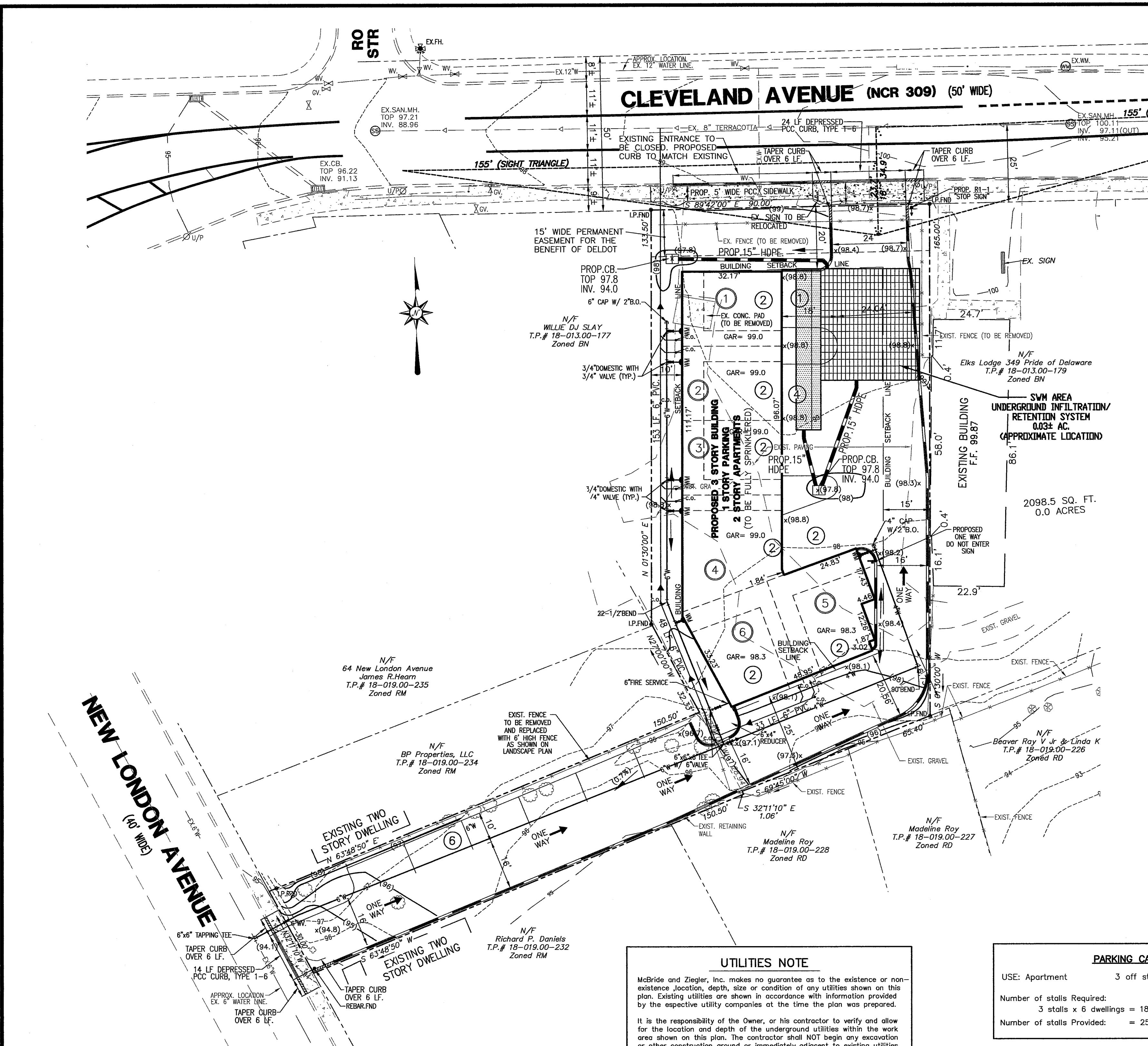
3. Review and consideration of a rezoning and major subdivision for .457 +/- acres at 63 W. Cleveland Avenue and 60 New London Road. The applicants are requesting rezoning from BN (business neighborhood) for the West Cleveland Avenue parcel and RM (residential multi-family) for the New London Avenue parcel to BLR (business, limited residential), and subdivision approval to create one tax parcel to construct six (6) townhouse style apartments with associated parking and access ways. A Comprehensive Development Plan amendment is also requested to accommodate the proposed development.
4. Review and consideration of a rezoning from BL (limited business) to BB (central business district) and major subdivision to construct a five story above grade mixed use building with 11,000 sq. ft. of commercial space and 15 upper floor apartments on .335 acres located at 7-15 South Main Street to be known as One South Main. In addition, the required BB zoning Special Use Permit for the upper floor apartments.

The highlighted agenda item above was withdrawn and will not be reviewed.

5. Consideration of a Zoning Code Amendment: Definition of Height of a Building.
6. Comprehensive Development Plan update discussion.

The Planning Commission may modify the above agenda items.

Advertised on Tuesday, May 21, 2013



- LEGEND**
- EXISTING 1 FOOT CONTOUR
 - PROPOSED CONTOUR LINE
 - EXISTING SANITARY SEWER AND MANHOLE
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - EXISTING STORM DRAINAGE
 - EXISTING FIRE HYDRANT
 - EXISTING FENCE LINE
 - EXISTING P.C.C. SIDEWALK
 - PROPOSED P.C.C. SIDEWALK
 - EXISTING UTILITY POLE
 - EXISTING CURB
 - EXISTING PAVEMENT
 - PROPOSED P.C.C. CURB TYPE 1, MOD.
 - PROPOSED DEPRESSED P.C.C. CURB
 - EXISTING WATER LINE
 - PROPOSED PARKING COUNT
 - PROPOSED BUILDING UNIT
 - PROPOSED SPOT ELEVATION
 - EXISTING SPOT ELEVATION

CERTIFICATION OF OWNERSHIP

I, Kevin Heitzenroder, hereby certify that Cleveland Holdings, LLC is the owner of the property shown on this plan, and the subdivision plan thereof was made at our direction, that we acknowledge the same to be our act and plan and desire the same to be recorded as such according to law, and in accordance with the subdivision and development regulations of the City of Newark.

Date: Kevin Heitzenroder-Cleveland Holdings, LLC

CERTIFICATION OF ACCURACY

I, Mark Ziegler, hereby certify that I am a Registered Professional Engineer with a background in civil engineering in the State of Delaware and that all the information on this plan is true and correct to the accuracy required by accepted surveying standards and practices and by the City of Newark Subdivision and Zoning Code.

Date: Mark Ziegler, P.E., Reg. #7502

UTILITIES NOTE

McBride and Ziegler, Inc. makes no guarantee as to the existence or non-existence location, depth, size or condition of any utilities shown on this plan. Existing utilities are shown in accordance with information provided by the respective utility companies at the time the plan was prepared.

It is the responsibility of the Owner, or his contractor to verify and allow for the location and depth of the underground utilities within the work area shown on this plan. The contractor shall NOT begin any excavation or other construction around or immediately adjacent to existing utilities without notifying the utility owner(s) at least seventy-two (72) hours in advance of the start of excavation or construction. Call "Miss Utility" at 1-800-282-8555.

Prior to any construction, the contractor shall excavate in the area of any potential utility crossing to verify that the utility will not interfere with construction. If, after uncovering the utility, there is any question concerning a possible conflict, the Contractor shall immediately contact the Engineer. The Contractor shall take all necessary precautions to protect all existing utilities and maintain uninterrupted service. Any damage done to them due to his negligence shall be immediately and competently repaired at his expense.

PARKING CALCULATIONS:

USE: Apartment 3 off street parking spaces per apt.

Number of stalls Required: 3 stalls x 6 dwellings = 18 stalls

Number of stalls Provided: = 25 stalls

SOILS:

MuB: MATTAPEX - URBAN LAND COMPLEX SERIES, 0-5% SLOPES

CERTIFICATION OF PLAN APPROVAL

Approved _____ Date _____ By: _____ NEWARK CITY MANAGER

Approved _____ Date _____ By: _____ NEWARK CITY PLANNING DIRECTOR

Approved _____ Date _____ By: _____ NEWARK CITY SECRETARY

It is here by certified that this Subdivision Plot Plan was granted "APPROVAL" by the council of the City of Newark, Delaware on _____, 20____, by Resolution No. _____ and accordingly, is eligible for recording in the Office of the Recorder of Deeds in and for New Castle County, Delaware.

Approved _____ Date _____ By: _____ NEWARK CITY SECRETARY

Recorded _____ in the office of the Recorder of Deeds in and for New Castle County, State of Delaware at Instrument No. _____.

SUMMARY OF ADJACENT PROPERTY OWNERS WITHIN 200 FEET

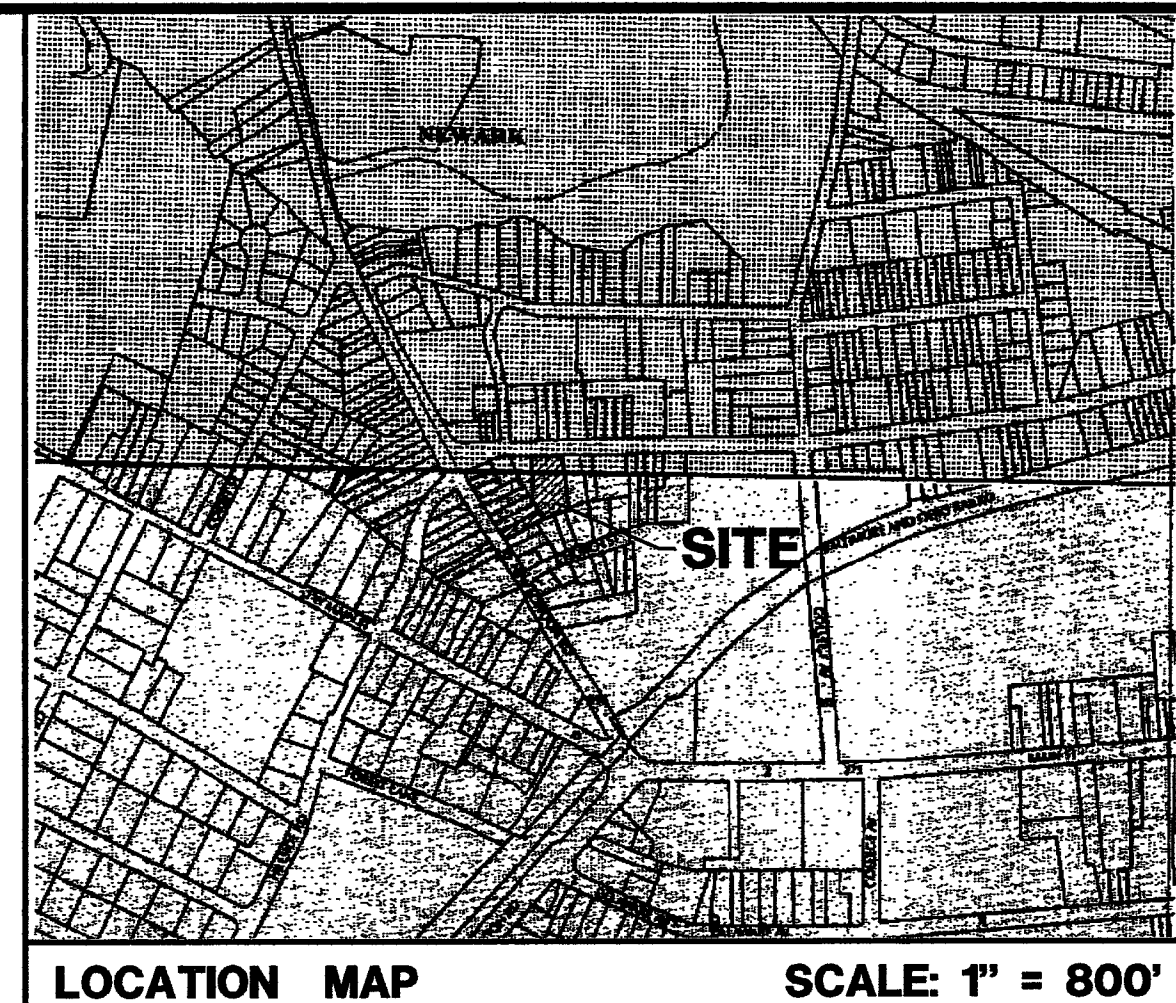
TAX PARCEL NO.	OWNER	PROPERTY ADDRESS	TAX PARCEL NO.	OWNER	PROPERTY ADDRESS
18-019.00-283	GRACE S. WOODFORD TRUSTEE 10 JACKSON AVENUE BRENTWOOD, NY 11717	71 NEW LONDON AVENUE	18-019.00-234	BP PROPERTIES LLC P.O. BOX 319 DELAWARE CITY, DE 19708	62 NEW LONDON AVENUE
18-019.00-282	CLISTITA E. & MARY A. PATRICK & MARK R. MOSELEY 89 NEW LONDON ROAD NEWARK, DE 19711	6769 NEW LONDON AVENUE	18-019.00-235	JAMES R. HEARN 1509 WEST 14TH STREET WILMINGTON, DE 19808	64 NEW LONDON AVENUE
18-019.00-261	GRAN WIDOWSON & ASSOCIATES BEAR, DE 19701	65 NEW LONDON AVENUE	18-019.00-236	CHRISTIANA INVESTORS LLC 323 W. CHESTNUT HILL ROAD NEWARK, DE 19713	66 NEW LONDON AVENUE
18-019.00-260	JONATHAN R. BECK 2 WARD LANE NEWARK VALLEY, NY 13811	63 NEW LONDON AVENUE	18-019.00-237	CHRISTIANA INVESTORS LLC 323 W. CHESTNUT HILL ROAD NEWARK, DE 19713	70 NEW LONDON AVENUE
18-019.00-259	ANNETTE R. MATTHEWS 61 NEW LONDON ROAD NEWARK, DE 19711	5861 NEW LONDON AVENUE	18-019.00-238	PEDERGO & LILIANA COCCOTTI 13 WAY'S RUN LANDENBERG, PA 19350	72 NEW LONDON AVENUE
18-019.00-258	JASPER S. GARDUNA TRUSTEE 279 NORTH STAR ROAD NEWARK, DE 19711	57 NEW LONDON AVENUE	18-019.00-239	JONATHAN R. & PATRICIA J. FLINT-BECK 2 WARD LANE NEWARK VALLEY, NY 13811	74 NEW LONDON AVENUE
18-019.00-340	DAVID M. REISE 50 OLIVER COURT NEWARK, DE 19711	56 NEW LONDON AVENUE	18-019.00-174	CITY OF NEWARK 111 W. CLEVELAND AVENUE NEWARK, DE 19713	111 W. CLEVELAND AVENUE
18-019.00-256	PRAYER TEMPLE MINISTRIES INC P.O. BOX 8315 NEWARK, DE 19714	49 NEW LONDON AVENUE	18-019.00-178	NEW LONDON AVENUE ASSOCIATES LLC 103 SANDY DRIVE, #100 NEWARK, DE 19713	73 W. CLEVELAND AVENUE
18-019.00-255	PATRIK & THERESA MANCARI 45 NEW LONDON AVENUE NEWARK, DE 19711	45 NEW LONDON AVENUE	18-019.00-177	WILLIE DU SLAY 185 BUTLER BRIDGE CIRCLE COVINGTON, GA 30016	67 W. CLEVELAND AVENUE
18-019.00-265	RONALD R. & PATRICI WILKINSON 166 W. MAIN STREET NEWARK, DE 19711	166 W. MAIN STREET	18-019.00-179	ELKS LODGE 349 PRIDE OF DELAWARE 57 W. CLEVELAND AVENUE NEWARK, DE 19713	57 W. CLEVELAND AVENUE
18-019.00-266	JERI SHAUNE PETERS 2740 TURKEY POINT ROAD NORTH EAST, MD 21061	164 W. MAIN STREET	18-019.00-180	PRIDE OF DELAWARE LODGE NO 349 57 W. CLEVELAND AVENUE NEWARK, DE 19711	53 W. CLEVELAND AVENUE
18-019.00-267	MATTHEWS S. & SUSAN W. DUTT 54 MCCORMICK WAY LINCOLN UNIVERSITY, PA 19352	162 W. MAIN STREET	18-019.00-181	HAROLD B. PRETTYMAN 185 ELKTON ROAD, A-11 NEWARK, DE 19711	47 W. CLEVELAND AVENUE
18-019.00-268	MATTHEWS S. & SUSAN W. DUTT 54 MCCORMICK WAY LINCOLN UNIVERSITY, PA 19352	160 W. MAIN STREET	18-019.00-182	NEWARK HOUSING AUTHORITY 302 B DELAWARE CIRCLE NEWARK, DE 19713	39 W. CLEVELAND AVENUE
18-019.00-269	WILLIAM R. JR. & LISA K. LUCAS 166 W. MAIN STREET NEWARK, DE 19711	156 W. MAIN STREET	18-019.00-200	NEW LONDON AVENUE ASSOCIATES LLC 103 SANDY DRIVE, #100 NEWARK, DE 19713	82 W. CLEVELAND AVENUE
18-019.00-270	GERALD D. & GANDHI M. HURWITZ 152 W. MAIN STREET NEWARK, DE 19711	152 W. MAIN STREET	18-019.00-128	MARK & SUSAN ZIEGLER 7 MONTAGUE ROAD NEWARK, DE 19713	93 ROSE STREET
18-019.00-249	HAROLD B. PRETTYMAN 185 ELKTON ROAD, A-11 NEWARK, DE 19711	46 NEW LONDON AVENUE	18-019.00-125	MT ZION U A M E CHURCH 113 NEW LONDON AVENUE NEWARK, DE 19711	100 NEW LONDON ROAD
18-019.00-248	HAROLD B. PRETTYMAN 185 ELKTON ROAD, A-11 NEWARK, DE 19711	40 CHURCH STREET	18-019.00-135	STEPHEN L. ROSS P.O. BOX 5965 NEWARK, DE 19714	78 W. CLEVELAND AVENUE
18-019.00-245	JOSEPH L. WORD 55 CHURCH STREET NEWARK, DE 19711	55 CHURCH STREET	18-019.00-134	STEPHEN L. ROSS P.O. BOX 5965 NEWARK, DE 19714	78 W. CLEVELAND AVENUE
18-019.00-243	JAMES R. BARBOUR 9812 CROSSPONT DRIVE FAIRFAX STATION, VA 22039	12 CHURCH STREET	18-019.00-133	WILMA JONES 80 W. CLEVELAND AVENUE NEWARK, DE 19713	80 W. CLEVELAND AVENUE
18-019.00-242	VERLIE M. & PAMELA A. WORD 3 ADRIAN COURT NEWARK, DE 19713	47 CHURCH STREET	18-019.00-162	ADC 1 INC 1016 CENTRE ROAD WILMINGTON, DE 19805	86 W. CLEVELAND AVENUE
18-019.00-241	AMELIA P. GUTIERREZ 51 CHURCH STREET NEWARK, DE 19711	51 CHURCH STREET	18-019.00-160	MILDRED L. WALLS 94 ROSE STREET NEWARK, DE 19713	94/96 ROSE STREET
18-019.00-240	CURTIS L. & CHARLENE E. TUCKER 43 CHURCH STREET NEWARK, DE 19711	43 CHURCH STREET	18-019.00-163	UNIVERSITY OF DELAWARE C/O TREASURERS OFFICE NEWARK, DE 19716	64 W. CLEVELAND AVENUE 50 ROSE STREET
18-019.00-252	UNIVERSITY OF DELAWARE HULLIEN HALL NEWARK, DE 19713	1228/30 NEW LONDON AVENUE 19 CLEVELAND AVENUE 6105 N. COLLEGE AVENUE	18-019.00-164	UNIVERSITY OF DELAWARE C/O TREASURERS OFFICE NEWARK, DE 19716	62 W. CLEVELAND AVENUE
18-019.00-223	TRISTINA M. JACKSON 46 CHURCH STREET NEWARK, DE 19702	46 CHURCH STREET	18-019.00-165	UNIVERSITY OF DELAWARE 60 W. CLEVELAND AVENUE NEWARK, DE 19711	60 W. CLEVELAND AVENUE
18-019.00-224	DANNY RAY BEAVER 720 WOLLASTON AVENUE NEWARK, DE 19711	52 CHURCH STREET	18-019.00-166	UNIVERSITY OF DELAWARE OFFICE OF THE TREASURER NEWARK, DE 19716	58 W. CLEVELAND AVENUE
18-019.00-226	RAY V. JR. & LINDA K. BEAVER 107 RANDOLPH STREET MINERAL, VA 23117	54 CHURCH STREET	18-019.00-167	UNIVERSITY OF DELAWARE C/O TREASURERS OFFICE NEWARK, DE 19716	50 W. CLEVELAND AVENUE
18-019.00-227	MADLINE ROY 58 CHURCH STREET NEWARK, DE 19711	58 CHURCH STREET	18-019.00-168	UNIVERSITY OF DELAWARE C/O REAL ESTATE DEPARTMENT NEWARK, DE 19716	48 W. CLEVELAND AVENUE
18-019.00-228	MADLINE ROY 58 CHURCH STREET NEWARK, DE 19711	CHURCH STREET	18-019.00-169	PHYLLIS M. LORD 48 W. CLEVELAND AVENUE NEWARK, DE 19711	46 W. CLEVELAND AVENUE
18-019.00-229	CLARA PATRICK 299 HIGHLAND AVENUE SOMERSET, NJ 08873	CHURCH STREET	18-019.00-170	UNIVERSITY OF DELAWARE OFFICE OF THE TREASURER NEWARK, DE 19716	44 W. CLEVELAND AVENUE
18-019.00-230	CLARA HARRIS 52 NEW LONDON ROAD NEWARK, DE 19711	52 NEW LONDON AVENUE	18-019.00-171	UNIVERSITY OF DELAWARE C/O TREASURERS OFFICE NEWARK, DE 19716	42 W. CLEVELAND AVENUE
18-019.00-231	HAROLD B. PRETTYMAN 185 ELKTON ROAD, A-11 NEWARK, DE 19711	54 NEW LONDON AVENUE	18-019.00-172	UNIVERSITY OF DELAWARE 2800 PENNSYLVANIA AVENUE WILMINGTON, DE 19807	36 W. CLEVELAND AVENUE
18-019.00-232	RICHARD P. DANIELS 4 WHITE CLAY LANE WEST GROVE, PA 19380	58 NEW LONDON AVENUE			

17. A LANDSCAPE PLAN PREPARED BY BURCHAM AND ASSOCIATES, LAST DATED DECEMBER 11, 2012, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE CITY OF NEWARK IS HEREBY CONSIDERED TO BE A PART OF THIS PLAN.
18. PROPERTY ADDRESS:
T.P.# 18-013.00-178 - 63 W. CLEVELAND AVE. NEWARK, DE 19711
T.P.# 18-019.00-233 - 60 NEW LONDON AVE. NEWARK, DE 19711
19. VARIANCES: THE FOLLOWING VARIANCES HAVE BEEN APPLIED FOR AND GRANTED BY THE BOARD OF ADJUSTMENT ON DECEMBER 20, 2012 AS NOTED IN THE DECISION LETTER DATED DECEMBER 26, 2012.
- a) SEC. 32-16(d)(1) - REQUIRES A MINIMUM LOT AREA OF ONE-HALF ACRE. PLAN SHOWS .457± ACRE, REQUIRING A 0.43 ACRE VARIANCE.
- b) SEC. 32-16.1(d)(2) - REQUIRES A MAXIMUM LOT COVERAGE OF 25%. PLAN SHOWS 28%. REQUIRING A 3% VARIANCE.
- c) SEC. 32-16.1(d)(4) - HEIGHT OF BUILDING OR STRUCTURE SHALL NOT EXCEED THREE STORIES OR 35 FEET. PLAN SHOWS FORTY FEET, REQUIRING A FIVE FOOT VARIANCE.
20. TOWNHOUSE APARTMENT UNITS WILL BE SEPARATED BY A TWO (2) HOUR RATED CLASS C FIRE BARRIER WALL, CLASSIFYING EACH UNIT AS A RESIDENTIALTOWNHOUSE/SINGLE FAMILY/APARTMENT.

PURPOSE OF PLAN:

The purpose of this plan is to;
1. Combine T.P.# 18-013.00-178 and T.P.# 18-019.00-233 to create one tax parcel equal to 0.458± acres
2. Rezone the total combined parcel from BN and RM to BLR
3. Construct six (6) townhouse apartments with 1st floor parking and 2nd and 3rd floor apartments along with its associated parking and accessways.

REV. NO.	DATE	REVISION
5.	3-18-13	REV. LANE LOCATION FROM NEW LONDON ROAD AND BUILDING PER OWNER COMMENTS
4.	3-15-13	REV. LANE FROM NEW LONDON ROAD TO 16 FEET WIDE PER CITY OF NEWARK COMMENTS DATED 2-27-13
3.	2-19-13	REV. PER CITY OF NEWARK COMMENTS DATED 2-5-13
2.	1-17-13	ADD SWM AND VARIANCE DECISION DATA
1.	11-30-12	REV. PLAN DATA PER CITY OF NEWARK COMMENTS



LOCATION MAP SCALE: 1" = 800'

PLAN DATA

1. TAX PARCEL NUMBER: 18-013.00-178 & 18-019.00-233
2. SOURCE OF TITLE: T.P. 18-013.00-178 - INST. NO. 20080516 0034035
T.P. 18-019.00-233 - INST. NO. 20080701 0045609
3. EXISTING ZONING: T.P. 18-013.00-178 - BN
T.P. 18-019.00-233 - RM
- PROPOSED ZONING: BLR (LIMITED BUSINESS - RESIDENTIAL)
- BULK AREA RESTRICTIONS (BLR ZONING-APARTMENTS):
- STREET YARD SETBACK: 20'
SIDE YARD: 25' AGGREGATE (10' MINIMUM)
REAR YARD: 25'
LOT AREA: 0.5 ACRES (16 UNITS PER GROSS ACRE)
LOT WIDTH: 75 FT.
MAXIMUM BUILDING COVERAGE: 25%
MAXIMUM BUILDING HEIGHT: 35/3 STORIES (REQUESTING 40 FEET)
4. GROSS AREA: T.P.# 18-013.00-178 - 0.354± ACRES
T.P.# 18-019.00-233 - 0.103± ACRES
TOTAL - 0.457± ACRES
5. WATER SUPPLY: CITY OF NEWARK
6. SANITARY SEWER: CITY OF NEWARK
7. DEBRIS DISPOSAL: NO DEBRIS WILL BE BURIED OR DISPOSED OF ON THIS SITE.
8. WATER RESOURCE PROTECTION: NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A WATER RESOURCE PROTECTION AREA (WRPA). SEE WRPA MAP FOR WILMINGTON-NEWARK AREA, SHEET 1 OF 3, DATED FEBRUARY, 2006.
9. NO 100-YEAR FLOOD PLAIN EXISTS ON THIS PARCEL. IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP, PANEL 120 OF 475, DATED JANUARY 17, 2007.
10. CRITICAL NATURAL AREAS: THE STATE INVENTORY OF CRITICAL NATURAL AREAS HAS BEEN EXAMINED AND NONE WERE FOUND TO EXIST ON THIS SITE.
11. TOPOGRAPHY NOTE: TOPOGRAPHIC INFORMATION WAS FIELD SURVEYED BY McBRIDE AND ZIEGLER, INC., IN MARCH, 2009.
12. WETLANDS: A SITE INSPECTION BY ATLANTIC HYDROLOGIC, INC. HAS REVEALED THAT NO WETLANDS EXIST ON THIS SITE.
13. LAND DEVELOPMENT DATA:
- | | EXISTING | PROPOSED |
|----------------------------------|-----------------|------------------|
| BUILDING AREA: | 0.000± AC. 0% | 0.119± AC. 26.0% |
| PAVED & SIDEWALK AREAS: | 0.252± AC. 55% | 0.237± AC. 51.9% |
| PROPOSED LANDSCAPE SURFACE AREA: | 0.205± AC. 45% | 0.101± AC. 22.1% |
| TOTAL: | 0.457± AC. 100% | 0.457± AC. 100% |
- LANDSCAPE SURFACE AREA REQUIRED: 0.183± AC. 40%
LANDSCAPE SURFACE AREA PROVIDED: 0.101± AC. 22.1%
14. FIRE PROTECTION: ALL FIRE LANES, FIRE HYDRANTS, SPRINKLERS, STANDPIPE CONNECTIONS AND FIRE EXITS SHALL BE MARKED AND PROTECTED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE REGULATIONS. SEE THE FIRE MARSHALL RECORD-TYPE PLAN FOR THE SPECIFIC FIRE PROTECTION REQUIREMENTS ON THIS SITE.
- FIRE HYDRANTS
F.H. (0) EXISTING
F.H. (0) PROPOSED

**REZONING AND
RECORD MAJOR SUBDIVISION PLAN**
of
CAMPUS VILLAGE

T.P. 18-013.00-178 & T.P. 18-019.00-233
CITY OF NEWARK, NEW CASTLE COUNTY, DELAWARE

OWNER
CLEVELAND HOLDINGS, LLC
103 SANDY DRIVE, SUITE 100
NEWARK, DE 19713
PHONE: (302) 455-9892



McBRIDE & ZIEGLER, INC.
LAND SURVEYORS • PLANNERS • ENGINEERS
2807 EASTERN CENTER, NEWARK, DELAWARE 19711
PHONE (302) 737-9138 • FAX (302) 737-2610

APPROVED BY: _____ PROFESSIONAL ENGINEER

SURVEY BY: M&Z CHECKED BY: M.Z.
DESIGN BY: TWZ SCALE: 1" = 20'
DRAWN BY: TWZ, L.M. DATE: APRIL 9, 2009
DWG. NO.: 20074349-9193 SHEET 1 of 1