

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

TUESDAY, FEBRUARY 4, 2014

7:00 P.M.

**NEWARK MUNICIPAL BUILDING
220 SOUTH MAIN STREET**

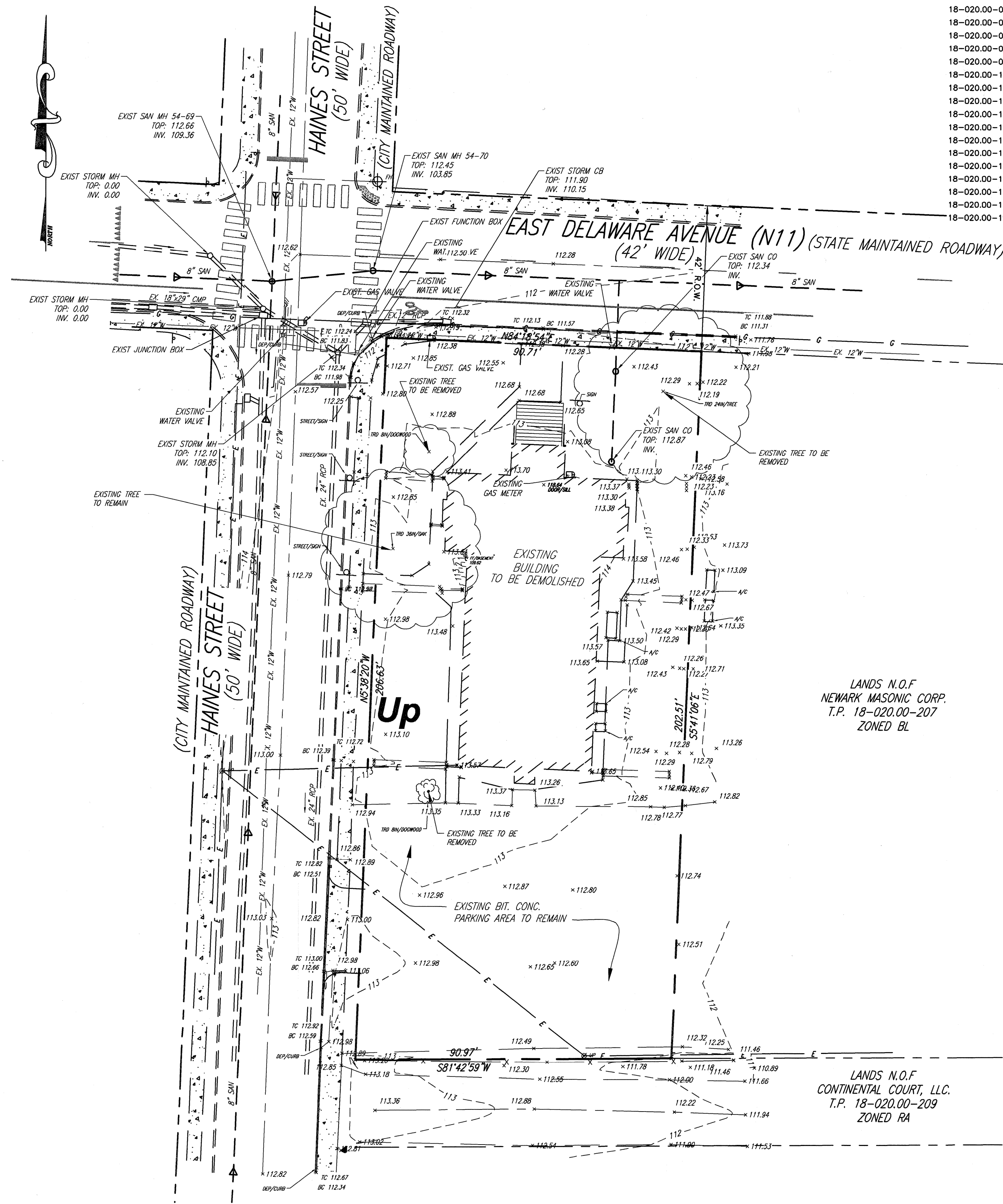
COUNCIL CHAMBER

AGENDA

1. The minutes of the January 7, 2014 Planning Commission meeting.
2. Review and consideration of a Comprehensive Development Plan amendment and a rezoning from the existing RS (single family detached) to BLR (business limited residential) zoning in order to operate a home based embroidery business out of the home located at 101 Dallam Road.
3. Review and consideration of a rezoning from the current BL (business limited) to BB (central business) zoning, major subdivision and special use permit approval to demolish the existing building and build one three-story mixed use building with office space and parking on the first floor and 12 upper floor apartments at 201 East Delaware Avenue.
4. Review and consideration of a parking waiver, a special use permit and lifting of a deed restriction for a restaurant serving alcohol at 168 E. Main Street.
5. A Comprehensive Development Plan update discussion.

The Planning Commission may modify the above agenda items.

Advertised on Tuesday, January 21, 2014



CERTIFICATION OF OWNERSHIP

I, ANGELA TSONAS-MATULAS, HEREBY CERTIFY THAT DELAWARE AVENUE ASSOCIATES, LLC, IS THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN, AND THAT THE SUBDIVISION PLAN THEREOF WAS MADE AT MY DIRECTION, AND 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.

SIGNATURE (MANAGING MEMBER) DATE

CERTIFICATION OF PERIMETER

I, READE R. LONG, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, AND THAT THE PERIMETER BOUNDARY TOPOGRAPHIC SURVEY PLAN CONSISTING OF ONE (1) SHEET, REPRESENTS A SURVEY MADE BY DIXIE LINE SURVEYS, INC., 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.

READE R. LONG, PLS
DIXIE LINE SURVEYS, INC.
2588 MCCOY ROAD
BEAR, DE 18701
(302) 832-5520

DATE

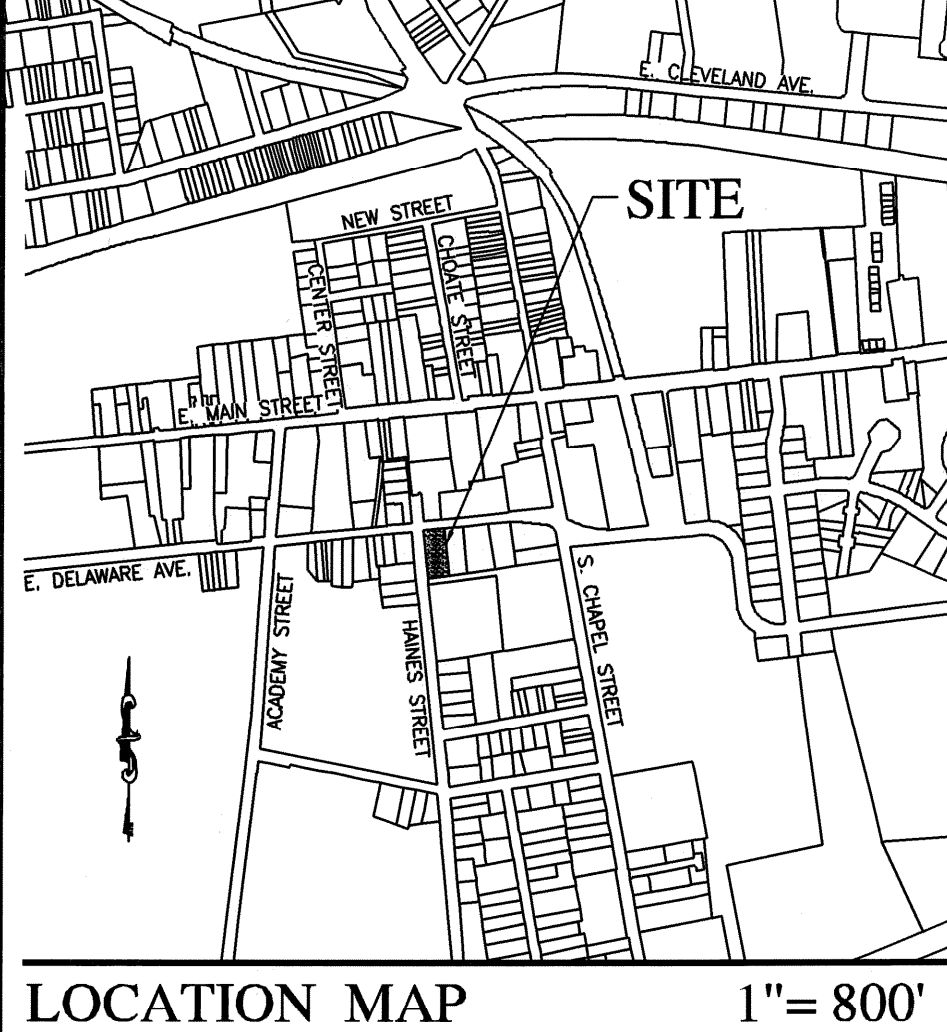
CERTIFICATION OF ACCURACY AND SUBDIVISION PLAN APPROVAL

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

APPROVED: _____ BY: _____
PLANNING DIRECTOR
APPROVED: _____ BY: _____
CITY MANAGER
APPROVED: _____ BY: _____
CITY SECRETARY

SUMMARY OF ADJACENT PROPERTIES WITHIN 300' OF SITE

TAX PARCEL NO.	OWNER	ZONING
10-020.00-203	CONTINENTAL COURT LLC.	BC
18-020.00-204	ZC DELAWARE AVENUE LLC.	BC
18-020.00-205	CALVARY BAPTIST CHURCH	BL
18-020.00-206	CALVARY BAPTIST CHURCH	BL
18-020.00-207	NEWARK MASONIC CORP.	BL
18-020.00-209	CONTINENTAL COURT LLC.	RA
18-020.00-261	UNIVERSITY COMMONS LLC.	RM
18-020.00-078	UNIVERSITY OF DELAWARE	UN
18-020.00-079	124 HAINES LLC.	BL
18-020.00-080	HAINES 1024 LLC.	BL
18-020.00-081	HAINES 1024 LLC.	BL
18-020.00-082	HOESCHEL F. ANDREAS & YASIK JOHN S.	BL
18-020.00-083	UNIVERSITY OF DELAWARE	UN
18-020.00-084	UNIVERSITY OF DELAWARE	UN
18-020.00-085	COZAMANIS STEVE C.	BL
18-020.00-086	UNIVERSITY OF DELAWARE	UN
18-020.00-087	UNIVERSITY OF DELAWARE	UN
18-020.00-096	132 EAST DELAWARE AVENUE ASSOC. LLC.	BB
18-020.00-098	DELAWARE LEAGUE FOR PLANNED	BB
18-020.00-100	BFJK PROPERTIES LLC.	BLR
18-020.00-101	KAM LLC.	BB
18-020.00-102	TUNIS JAMES W.	BB
18-020.00-103	PARAGON DESIGN INC.	BB
18-020.00-108	123 EAST MAIN LLC.	BB
18-020.00-109	WASHINGTON HOUSE CONDO	BB
18-020.00-185	SCHLOSSER AND DENNIS LLC.	BB
18-020.00-187	TRADERS ALLEY LLC.	BB
18-020.00-188	HESSLER PROPERTIES INC.	BB
18-020.00-189	HESSLER PROPERTIES INC.	BB
18-020.00-195	CAMPUSEGE LLC.	BB
18-020.00-196	TD BANK NA	BB



PROJECT NO. 13-11-01
REZONING, SPECIAL USE PERMIT, AND
RECORD MAJOR SUBDIVISION PLAN
FOR
201 EAST DELAWARE AVENUE
CITY OF NEWARK - NEW CASTLE COUNTY, DELAWARE
OWNER/DEVELOPER:
DELAWARE AVENUE ASSOCIATES, LLC
65 S. CHAPEL ST.
NEWARK, DE 19111

NEW CASTLE, DE
(800) 325-5977
DOVER, DE
(302) 734-5997
HARRISBURG, PA
(717) 999-2144

Landmark
Science & Engineering
100 WEST COMMONS BOULEVARD, SUITE 301
NEW CASTLE, DELAWARE 19720
PHONE: (800) 325-5977 • FAX: (302) 325-5966
INFO@LANDMARK-SCIENCE.COM • WWW.LANDMARK-SCIENCE.COM

DRAWN BY:	BES	SCALE:	1"=20'
DESIGNED BY:	JGC	DATE:	10/15/13
CHECKED BY:	JGC	LAST MODIFIED:	12/20/13
DATE:	01/01/14	FILE NO.:	001
DRAWING NAME:	RECORD DWG		
SHEET NO.:	CR-01 of 02		

THIS DRAWING DOES NOT INCLUDE NECESSARY NOTES. ALL CONSTRUCTION MUST BE DONE IN ACCORDANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS AND REGULATIONS THEREOF APPLICABLE TO THE PROJECT.

DATA COLUMN

- TAX PARCEL NUMBER: 18-020.00-208
- SITE AREA: 0.426± ACRES
- EXISTING ZONING: BL (BUSINESS LIMITED) PROPOSED ZONING: BB (CENTRAL BUSINESS)
- SOURCE OF TITLE: INST. #20131106-0070417
- PROPOSED BUILDING GROSS FLOOR AREA: 18,050 GSF
- LAND USE BREAKDOWN:

PROPOSED BUILDING (7,752 SF FOOTPRINT):	0.178± ACRES	41.8%
PROPOSED PARKING AND ACCESSWAYS:	0.138± ACRES	32.4%
GREEN AREA:	0.110± ACRES	25.8%
TOTAL	0.426± ACRES	100%
- GROSS DENSITY: 12 D.U./0.426± ACS. = 28.17 D.U./AC.
EIGHT (8) 3-BEDROOM UNITS AND FOUR (4) 2-BEDROOM UNITS PROPOSED
- VERTICAL DATUM: NAVD 1988
- BULK AREA RESTRICTIONS: BB ZONING
MIN. LOT AREA: 3,000 S.F.
MIN. LOT WIDTH: 20'
MIN. FRONT YARD SETBACK: 0' FOR BLDGS. ≤ 3 STORIES OR 35' HIGH; 20' FOR BLDGS. > 3 STORIES
MIN. REAR YARD SETBACK: 15'
MIN. SIDE YARD SETBACK: 0'; 8' FOR BLDGS. > 3 STORIES
MAX. BUILDING HEIGHT: 3 STORIES (35'); 78' MAX. UNDER BONUS HEIGHT PROVISIONS
- PARKING ANALYSIS:

OFFICE: 1,751 SF x 1 SPACE/300 SF	=	6 SPACES
APARTMENTS: 12(2 BR) x 2 SPACES/UNIT	=	24 SPACES
TOTAL REQUIRED:		30 SPACES
TOTAL PROVIDED:		31 SPACES (INCLUDING 2 HANDICAP SPACES)
- POSTAL ADDRESSES: 201 EAST DELAWARE AVENUE, NEWARK, DE 19711

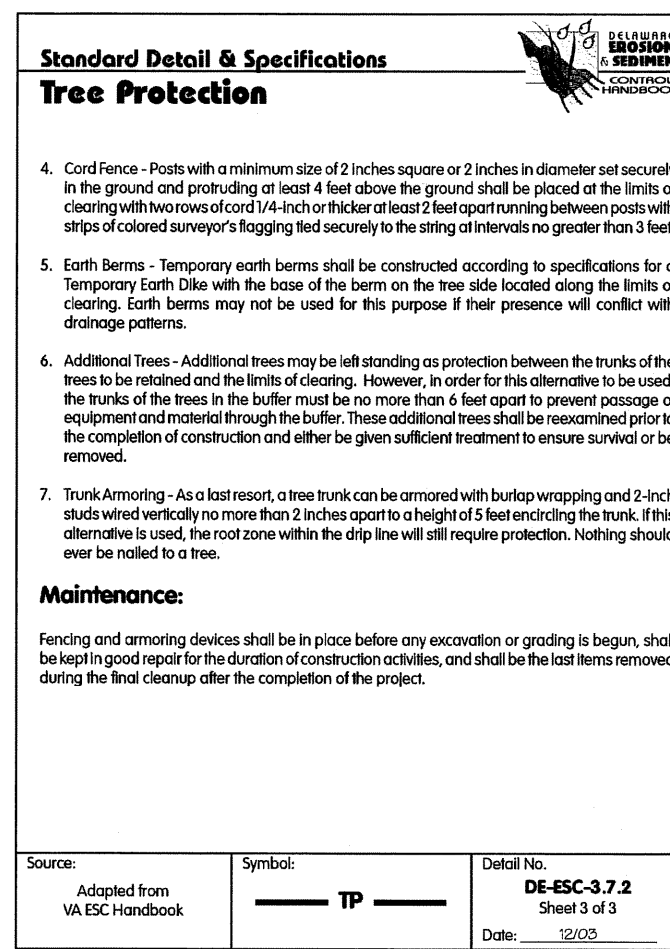
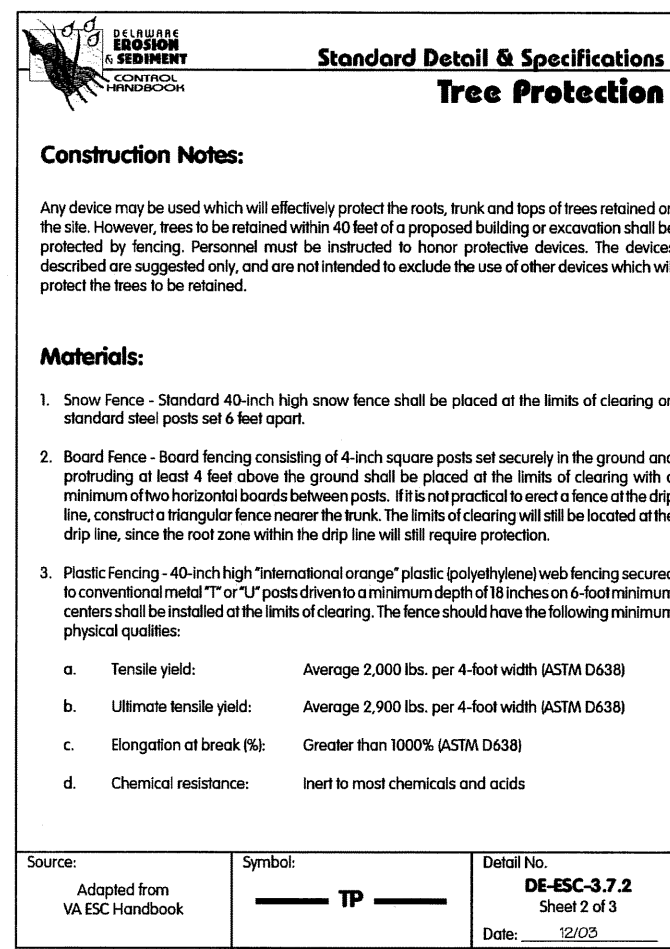
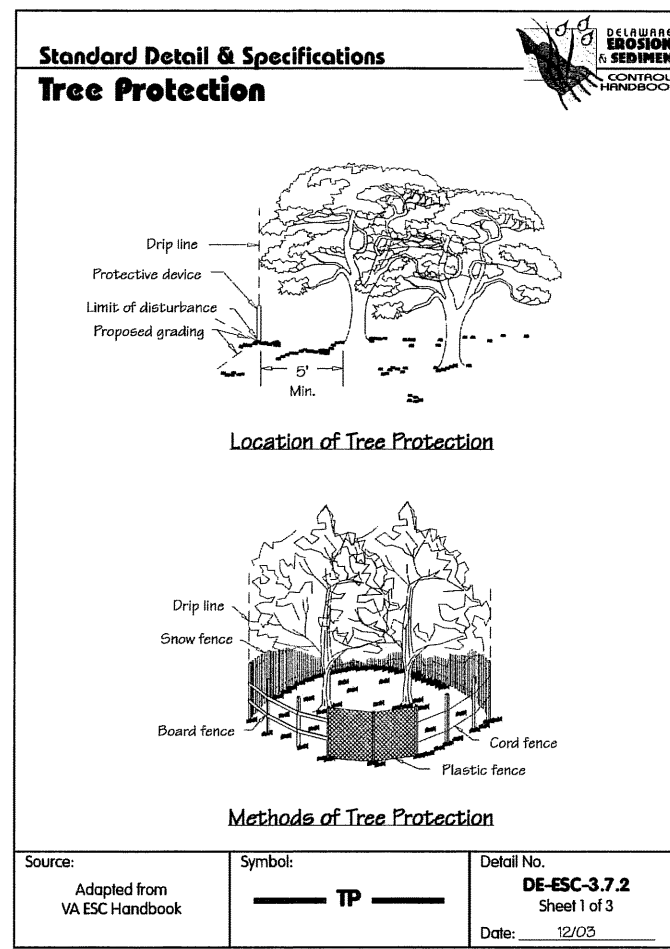
GENERAL NOTES

- PROPOSED SANITARY SEWER: CITY OF NEWARK
SANITARY SEWERAGE IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK
PUBLIC WORKS AND WATER RESOURCES DEPARTMENT. UNUSED EXISTING SEWER
LATERALS WILL BE TERMINATED AT THE PROPERTY LINE.
EXISTING FLOW
AVG. DAILY = 1,680 GPD, PEAK = 6,720 GPD
PROPOSED FLOW
AVG. DAILY = 2,975 GPD, PEAK = 11,900 GPD
- PROPOSED WATER SUPPLY: CITY OF NEWARK
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE CITY OF NEWARK
NEWARK PUBLIC WORKS AND WATER RESOURCES DEPARTMENT. UNUSED
EXISTING WATER SERVICES WILL BE TERMINATED AT THE PROPERTY LINE.
- ALL FIRE LANES, FIRE HYDRANTS, STANDPIPES, SPRINKLER CONNECTIONS, ETC., SHALL BE MARKED AND/OR
PROTECTED IN ACCORDANCE WITH THE 2012 STATE FIRE PREVENTION REGULATIONS (DSFPR REGULATION 705,
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 A FIELD SURVEY BY **DIXIE LINE SURVEYS, INC.**
DATED NOVEMBER, 2013.
HORIZONTAL DATUM: DELAWARE STATE PLANE NAD 83
VERTICAL DATUM: NAVD 88
PROJECT BENCHMARK: RIM OF EXISTING SANITARY SEWER MANHOLE 54-70 IN EAST DELAWARE AVENUE
ELEVATION: 112.45
- DEVELOPER WILL RESTORE ANY EXISTING SIDEWALKS IN ACCORDANCE WITH THE CITY OF NEWARK AND/OR
DELDOT STANDARDS.
- ALL CONSTRUCTION IMPROVEMENTS SHALL BE IN ACCORDANCE WITH CITY OF NEWARK STANDARDS OR DELDOT
STANDARDS, AS APPLICABLE.
- SITE SOILS CONSIST OF URBAN LAND (Up) MAPPED IN ACCORDANCE WITH THE SOIL MAP FOR NEW CASTLE
COUNTY, DELAWARE FROM THE NATURAL RESOURCES CONSERVATION SERVICE. (WEB SOIL SURVEY)
- THERE ARE NO FEMA MAPPED FLOODPLANS ON THIS SITE. (PANEL 120 OF 475 MAP NO. 10003C0120 J,
DATED JANUARY 17, 2007)
- THERE ARE NO WETLAND AREAS ON THE EXISTING DEVELOPED PARCEL SHOWN ON THIS PLAN.
- 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.
- THE OWNER AGREES TO PROVIDE AN OPEN EASEMENT THROUGHOUT THE PROPERTY FOR THE INSTALLATION
AND MAINTENANCE OF THE ELECTRICAL DISTRIBUTION SYSTEM.
- ALL BUILDINGS SHALL BE FULLY PROTECTED BY APPROVED AUTOMATIC SPRINKLER SYSTEMS.
- 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.
- NO TREES OVER 18' IN HEIGHT WILL BE PLANTED UNDER EXISTING OR PROPOSED OVERHEAD UTILITY LINES.
- IT SHALL BE THE OWNER'S RESPONSIBILITY TO ARRANGE FOR A PRIVATE TRASH HAULER. TRASH AND
RECYCLABLE MATERIALS SHALL BE PLACED IN SEPARATE DUMPSTERS OR BINS IN ACCORDANCE WITH STATE OF
DELAWARE SOLID WASTE DISPOSAL REGULATIONS.
- STORMWATER MANAGEMENT FACILITIES ASSOCIATED WITH THE APPROVAL OF THIS PROJECT WILL BE PRIVATELY
MAINTAINED BY THE DEVELOPER.
- INDIVIDUAL WATER METERS WILL BE PROVIDED, AT THE DEVELOPER'S EXPENSE, FOR EACH UNIT.
- WATER METERS WILL BE LOCATED IN ONE OR MORE CENTRAL MECHANICAL ROOMS.
- THE DEVELOPER WILL PAY THE SEWER TREATMENT PLANT (STP) CHARGES PRIOR TO RECEIVING A
CERTIFICATE OF OCCUPANCY FOR A UNIT OF A GROUP OF UNITS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF NEWARK AND STATE
OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- AT THE DISCRETION OF THE DELDOT PUBLIC WORKS INSPECTOR, ANY DAMAGED OR MISSING CURB AND/OR
SIDEWALK FOUND ALONG THE PROPERTY FRONTAGE WITHIN THE STATE RIGHT-OF-WAY SHALL BE REPAIRED
OR REPLACED TO MEET CURRENT DELDOT STANDARDS.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ON THE
EXISTING RIGHT-OF-WAY CORNERS IN ACCORDANCE WITH DELDOT'S STANDARDS AND REGULATIONS FOR
SUBDIVISION STREETS AND STATE HIGHWAY ACCESS, AND THE REQUIREMENTS OF THE LAND USE AGENCY.



Know what's below.
Call before you dig.

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



PLANTING SCHEDULE

TYPE	KEY	#	BOTANICAL AND COMMON NAME	MINIMUM SIZE
ST	ARC	1	ACER RUBRUM 'ARMSTRONG' - COLUMNAR RED MAPLE	2 1/2" CAL. BB
ST	TC	5	TELA CORDATA 'REDMOND' - REDMOND LINEN	2 1/2" CAL. BB
ST	OPHT	1	QUERCUS PHellos QP51A15671 HIGHTOWER - WILLOW OAK	2 1/2" CAL. BB
ST	AC	1	AMELANCHIER CANADENSIS 'HORNILL PINK' - SERVICEBERRY	8'-10' CLUMP 1 1/2" CAL. BB
E	INVR	6	JUNIPERUS VIRGINIANA SKY PENCIL - SKY PENCIL JUNIFER	4' - 4 1/2' CONT.
E	CON	5	CHAMAECYPARIS OBTUSA NANA GRACILIS	18" - 21" CONT.
S	KAL	18	ILEX GLABRA 'GREEN LISTER' - GREEN LISTER HOLLY	18" - 21" CONT.
S	KO	9	ILEX GLABRA PENSA - PENSA HOLLY	5 GAL. CONT.
S	IT	7	ITEA VIRGINICA 'LITTLE HENRY' - ITEA	18" - 21" CONT.
S	JGS	5	JUNIPERUS CHINENSIS GOLD STAR JUNIFER	5 GAL. CONT.
S	JHP	9	JUNIPERUS HORIZONTALIS PLUMOSA - ANDORRA JUNIFER	3 GAL. CONT.
S	RO	6	ROSA KNOCKOUT 'RADRAZZ' - STANDARD KNOCKOUT SHRUB ROSE	18" - 21" CONT.
S	SBG	5	SPIREA BUNALDA GOLDEN PRINCESS - DWARF GOLDEN SPIREA	2 GAL. CONT.
P/CC	LWS	24	LIRIOPE MUSECARI 'SILVER SUNSHINE' - VARGATED LILY TURF	ONE CT. CONTAINERS

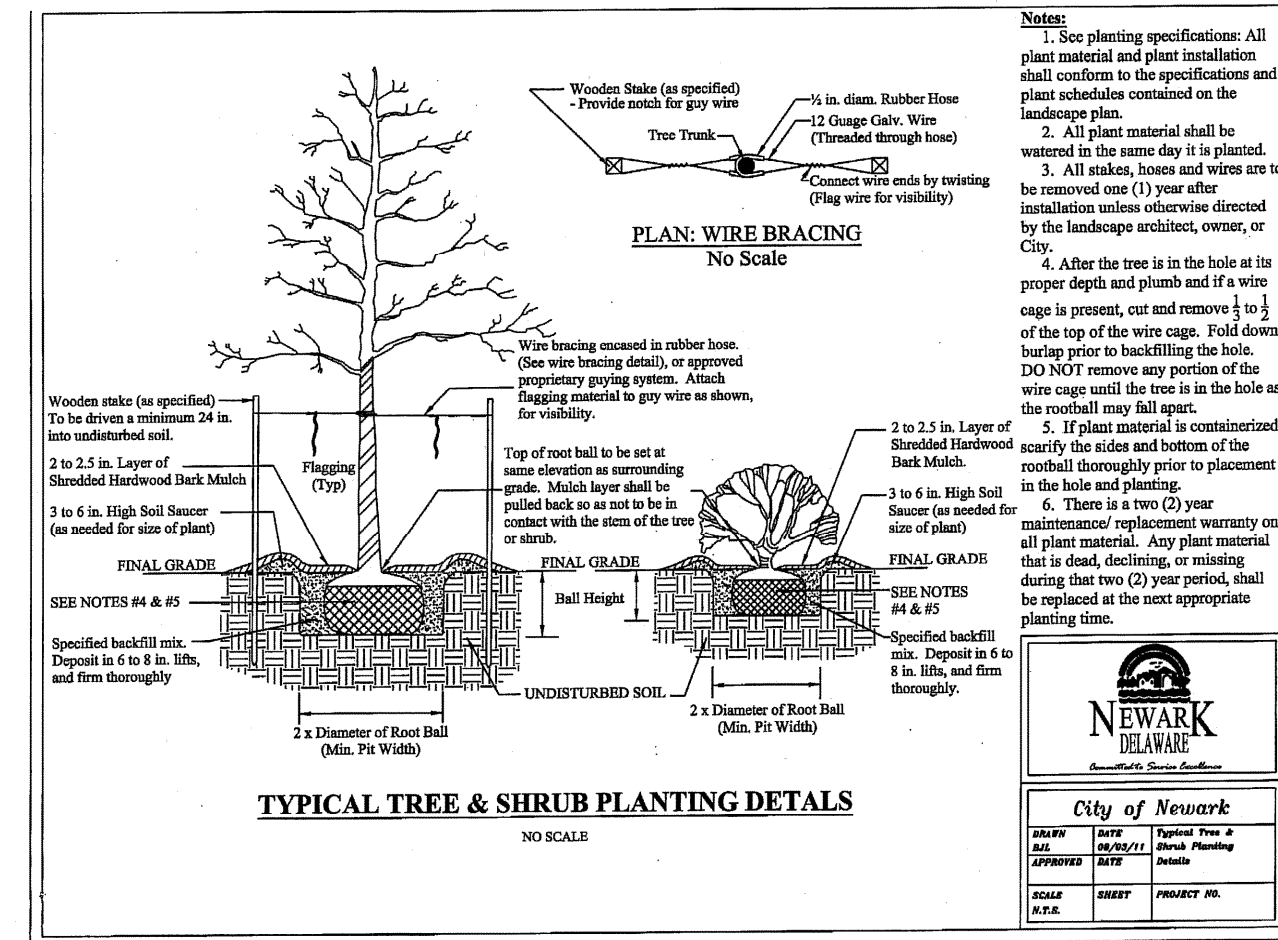
KEY - T = TREE, E = EVERGREEN TREE ST = STREET TREE O = UNDERSTORY TREE S = SHRUB P = PERENNIAL
G = GRASSES, GC = GROUND COVER H = HERBACEOUS BF = REFORESTATION B = BULBS V = VINES

LEGEND

+ 113.0	PROPOSED SPOT ELEVATION	W	EXISTING WATER MAIN & WATER VALVE
113	PROPOSED CONTOUR	15	PROPOSED PARKING COUNT
- 112	EXISTING CONTOUR		PROPOSED DRAINAGE FLOW PATH
+ 112.0	EXISTING SPOT ELEVATION		PROPOSED CURB
UT	EXISTING UTILITY POLE		PROPOSED FLUSH CURB
	EXISTING SANITARY SEWER AND MANHOLE		EXISTING P.C.C. WALK
	EXISTING STORM DRAINAGE & CATCH BASIN		PROPOSED BUMPER BLOCK
	PROPOSED SANITARY SEWER AND MANHOLE	FD	PROPOSED FIRE DEPARTMENT CONNECTION
	PROPOSED STORM DRAINAGE & CATCH BASIN		PROPOSED P.C.C. SIDEWALK
	EXISTING CURB		
G	EXISTING GAS MAIN & GAS VALVE		

PLANTING NOTES:

- PLANT IN ACCORDANCE WITH THE STANDARDS AS SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERYMEN, AND THE AMERICAN STANDARD FOR NURSERY STOCK.
- LOCATE ALL UTILITIES PRIOR TO DIGGING, PROTECT FROM DAMAGE DURING CONSTRUCTION.
- FIELD LOCATION PLANTS TO AVOID CONFLICT WITH SWALES, DRAINAGE AND UTILITIES ABOVE AND BELOW GROUND, EXISTING VEGETATION ETC.
- PLANTING BACKFILL: MIX ONE PART PEAT HUMUS, TO ONE PART TOPSOIL TO ONE PART EXISTING SOIL. AMENDMENTS: MIX INTO SOIL PRIOR TO BACKFILLING, 25 LBS ORGANIC FERTILIZER 5-10-5 PLANT TONE OR EQUAL, 75 LBS OF BONE MEAL, AND 1 LB OF ORGANIC DECOMPOSED COW MANURE PER CUBIC FOOT OF BACKFILL. SET BALL OR CONTAINER SOIL TOP EVEN WITH FINISHED GRADE.
- THE QUANTITIES OF PLANTS ON THE PLAN DRAWING FOR CODE REQUIRED AREAS SHALL REMAIN WITH THE SPECIFIC AREA (IE: BUFFERYARDS, PARKING AREAS ETC) BUT SHALL BE FIELD LOCATED TO AVOID UTILITIES OR OBSTRUCTIONS.



NOTE:
PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY, A SURETY GUARANTEE BOND OR OTHER SURETY INSTRUMENT ACCEPTABLE TO AND APPROVED BY THE CITY SOLICITOR SHALL BE POSTED IN THE AMOUNT OF 120% OF THE COST OF REQUIRED LANDSCAPING TO INSURE PROPER MAINTENANCE OF THE LANDSCAPING FOR A PERIOD OF TWO YEARS FROM THE DATE OF INSPECTION. DURING THE TWO YEAR PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR REPLACING ALL PLANTS THAT DIE OR ARE DISEASED, FOLLOWING THE TWO YEAR PERIOD AND AFTER INSPECTION OF THE LANDSCAPING BY THE CITY OF NEWARK PARKS DEPARTMENT, WITH THE ASSISTANCE OF THE PLANNING DEPARTMENT, THE CITY MANAGER SHALL AUTHORIZE THE RELEASE OF BONDS REQUIRED IN THE CODE, LESS ANY FUNDS NEEDED AND USED BY THE CITY TO REPLACE DYING OR DISEASED PLANTS.

Designs
1901 Hickory Hill Road
Chadds Ford PA 19317
610-388-7758



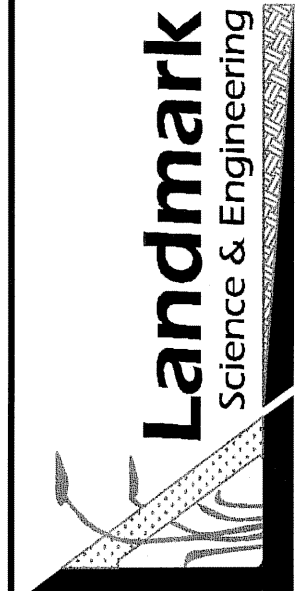
ellentraceyDESIGNSet@gmail.com

PROJECT NO. 13-11-01
REZONING, SPECIAL USE PERMIT, AND
RECORD MAJOR SUBMISSION PLAN
FOR

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

OWNER/DEVELOPER
JAMES J. DELLORE
65 S. CHAPEL ST.
NEWARK, DE 19711

NEW CASTLE CO. DE
(410) 323-9377
DOVER, DE
(302) 734-5997
HAYWARD DE GRACE, MD
(410) 999-2144



100 WEST COMMONS BOULEVARD, SUITE 301
NEW CASTLE, DELAWARE 19720
(302) 366-4466
JEN@LANDMARK-SC.COM • WWW.LANDMARK-SC.COM

DRAWN BY:	BES	SCALE:	1"=20'
DESIGNED BY:	JGC	DATE:	11/14/13
CHECKED BY:	JGC	LAST MODIFIED:	12/20/13
DATE:	12/20/13	FILE NO.	002
DRAWING NAME:	RECORDING	SHEET NO.	CR-02
CR-02		CR-02 of 02	

© 2013 LANDMARK SCIENCE & ENGINEERING