




**CITY OF NEWARK
DELAWARE**

9A

December 6, 2021

TO: Mayor and Members of Council

VIA: Tom Coleman, Acting City Manager 
Mary Ellen Gray, Director of Planning and Development Department 

FROM: Tom Fruehstorfer, Planner 

RE: **SPECIAL USE PERMIT: OMG STAR, LLC / THE GRAIN EXCHANGE, 591 COLLABORATION WAY, PR#21-11-01**

On November 1, 2021, the Planning and Development Department received a Special Use Permit application and supporting materials from P. Lee Mickles, Jr. for the sale of alcoholic beverages at the proposed restaurant, The Grain Exchange, to be located at 591 Collaboration Way, which is zoned STC (Science and Technology Campus). Zoning Code Section 32-56.4(f) stipulates that a special use permit is required for restaurants serving alcoholic beverages for consumption on the premises. The applicant has submitted the attached site plan, seating plan and supporting information.

The Planning and Development Department report on this Special Use Permit application follows.

ZONING

The application was reviewed for all applicable zoning requirements.

Zoning Code Section 32-23.1(b)(2) requires a special use permit in the science and technology zoning district for restaurant with alcoholic beverages stipulating that it must be located at least 100 feet from perimeter streets. The proposed restaurant is over 1,000 feet from any perimeter road and meets the requirements.

Zoning Code Section 32-56.4 Facilities selling alcoholic beverages for consumption on premises and restaurant patios has two requirements which the proposal did not meet. The Code does not allow bars (Sec. 32-56.4(d)(3)) or electronically amplified sound (Sec. 32-4(d)(4)) on patios and the initial application was denied. The applicant appealed the denial to the Board of Adjustment on October 21, 2021 and was granted variances for both the bar located outside on a patio and for the electronically amplified sound on the patio. A copy of the Board of Adjustment approval letter is attached. With these variances the application now meets all the requirements of Section

32-56.4. Other Zoning Code alcoholic beverage regulations are specified in Section 32-56.4, which, among other requirements, limits entertainment and happy hours, delineates rules for outdoor seating, prohibits carry-out liquor service, and prohibits the sale of alcoholic beverages after midnight.

Zoning Code Section 32-78 - Special Use Permit stipulates that Council may issue a special use permit provided that the applicants demonstrate that the proposed use will not:

- a. Affect adversely the health or safety of person(s) residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware;
- b. Be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; and
- c. Be in conflict with the purposes of the comprehensive development plan of the city.

As the proposed restaurant is located in the middle of the STAR Campus, serving alcohol at The Grain Exchange at 591 Collaboration Way will not adversely affect health and safety, be detrimental to public welfare, or be injurious to property or improvements. The application also conforms to the land use recommendations in the Newark Comprehensive Development Plan V, which call for mixed urban use at the site.

DEPARTMENTAL COMMENTS

The Planning and operating departments have reviewed the plan and have the following comments:

1. The Planning and Development Department notes that with the variances granted by the Board of Adjustment the application conforms to all zoning requirements and the application is in conformance with the comprehensive development plan of the City.
2. The Building Code Division has indicated the application conforms to all building codes.
3. The Police Department states that it does not have concerns with the sale of alcoholic beverages for consumption on premise at the restaurant with meals. Additionally, the University of Delaware Police would be the department responsible for calls to this location.
4. The Board of Adjustment did stipulate that the variances they granted would only be for The Grain Exchange. The variances would not extend to any new establishments at this location.

RECOMMENDATION

Because the proposed use does not conflict with the land use guidelines in Comprehensive Development Plan V; because the proposed use is compatible with the Zoning Code Special Use Permit criteria; and because the relevant City departments have no objection to the proposal, the Department recommends that City Council approve the Special Use Permit for the sale of alcoholic beverages for The Grain Exchange at 591 Collaboration Way.

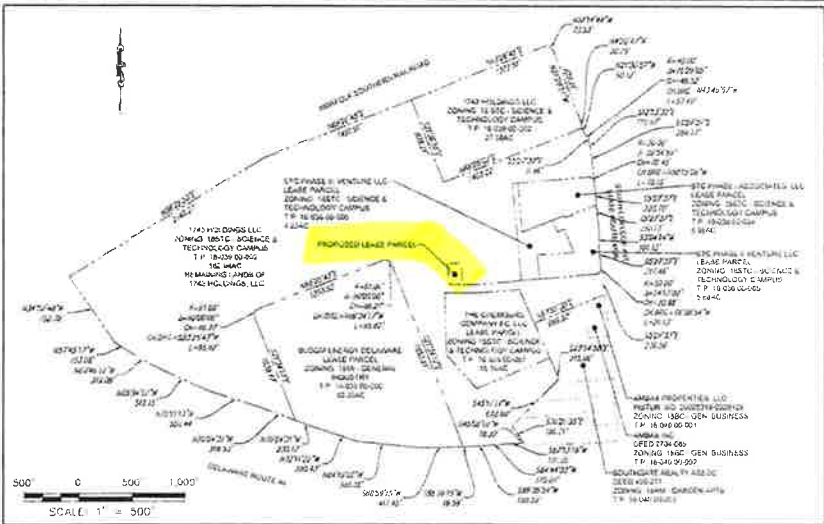
RECOMMENDED MOTION

I move that City Council approve the Special Use Permit for the sale of alcoholic beverages for The Grain Exchange at 591 Collaboration Way because the proposed use does not conflict with the land use guidelines in Comprehensive Development Plan V; because the proposed use is compatible with the Zoning Code Special Use Permit criteria; and because the relevant City departments have no objection to the proposal.

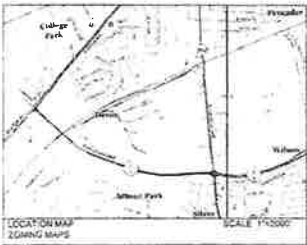
Attachments:

- Site plan
- Floor plan
- Menu
- Renderings
- BOA Approval Letter

ADJACENT PROPERTIES	
OWNER/LESSEE	ADDRESS
1743 HOLDINGS LLC FORMER SOWPA SITE	1 SOWPA DR. NEWARK, DE 19713
1743 HOLDINGS LLC SCIENCE & TECHNOLOGY CAMPUS	639 B COLLEGE AVE. NEWARK, DE 19713
NLOOM ENERGY DELAWARE	295 CHRISTIAN PKWY. NEWARK, DE 19713
SOUTHGATE REALTY ASSOC.	17 BAYVIEW DR. NEWARK, DE 19713
JANMAR INC.	876 B COLLEGE AVE. NEWARK, DE 19713
AMBAK PROPERTIES LLC	473 B COLLEGE AVE. NEWARK, DE 19713
COLLEGE OF HEALTH AND SCIENCE PHASE 1	340 E COLLEGE AVE. NEWARK, DE 19713
STC PHASE II VENTURE LLC	899 B COLLEGE AVE. NEWARK, DE 19713
STC PHASE III VENTURE LLC	126 DISCOVERY BLVD. NEWARK, DE 19713
UNIVERSITY OF DELAWARE	302 B COLLEGE AVE. NEWARK, DE 19713
WALCH OF PENNSYLVANIA LINE, LLC	3 COMMERCIAL PLAZA, NORFOLK, VA 23504
THE CHELSEA COMPANY PC, LLC	261 DISCOVERY BLVD. NEWARK, DE 19713



PLOT PLAN
SCALE 1" = 500'



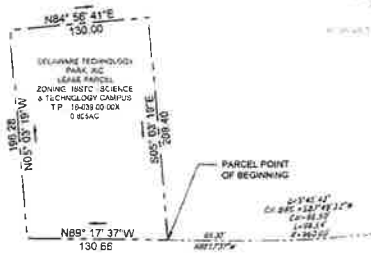
NOTES

1. TRACT/LOT NO. 18-039-00-003, 18-039-00-004, 18-039-00-005, 18-039-00-006, 18-039-00-007, 18-039-00-008, 18-039-00-009, 18-039-00-010, 18-039-00-011, 18-039-00-012, 18-039-00-013, 18-039-00-014, 18-039-00-015, 18-039-00-016, 18-039-00-017, 18-039-00-018, 18-039-00-019, 18-039-00-020, 18-039-00-021, 18-039-00-022, 18-039-00-023, 18-039-00-024, 18-039-00-025, 18-039-00-026, 18-039-00-027, 18-039-00-028, 18-039-00-029, 18-039-00-030, 18-039-00-031, 18-039-00-032, 18-039-00-033, 18-039-00-034, 18-039-00-035, 18-039-00-036, 18-039-00-037, 18-039-00-038, 18-039-00-039, 18-039-00-040, 18-039-00-041, 18-039-00-042, 18-039-00-043, 18-039-00-044, 18-039-00-045, 18-039-00-046, 18-039-00-047, 18-039-00-048, 18-039-00-049, 18-039-00-050, 18-039-00-051, 18-039-00-052, 18-039-00-053, 18-039-00-054, 18-039-00-055, 18-039-00-056, 18-039-00-057, 18-039-00-058, 18-039-00-059, 18-039-00-060, 18-039-00-061, 18-039-00-062, 18-039-00-063, 18-039-00-064, 18-039-00-065, 18-039-00-066, 18-039-00-067, 18-039-00-068, 18-039-00-069, 18-039-00-070, 18-039-00-071, 18-039-00-072, 18-039-00-073, 18-039-00-074, 18-039-00-075, 18-039-00-076, 18-039-00-077, 18-039-00-078, 18-039-00-079, 18-039-00-080, 18-039-00-081, 18-039-00-082, 18-039-00-083, 18-039-00-084, 18-039-00-085, 18-039-00-086, 18-039-00-087, 18-039-00-088, 18-039-00-089, 18-039-00-090, 18-039-00-091, 18-039-00-092, 18-039-00-093, 18-039-00-094, 18-039-00-095, 18-039-00-096, 18-039-00-097, 18-039-00-098, 18-039-00-099, 18-039-00-100, 18-039-00-101, 18-039-00-102, 18-039-00-103, 18-039-00-104, 18-039-00-105, 18-039-00-106, 18-039-00-107, 18-039-00-108, 18-039-00-109, 18-039-00-110, 18-039-00-111, 18-039-00-112, 18-039-00-113, 18-039-00-114, 18-039-00-115, 18-039-00-116, 18-039-00-117, 18-039-00-118, 18-039-00-119, 18-039-00-120, 18-039-00-121, 18-039-00-122, 18-039-00-123, 18-039-00-124, 18-039-00-125, 18-039-00-126, 18-039-00-127, 18-039-00-128, 18-039-00-129, 18-039-00-130, 18-039-00-131, 18-039-00-132, 18-039-00-133, 18-039-00-134, 18-039-00-135, 18-039-00-136, 18-039-00-137, 18-039-00-138, 18-039-00-139, 18-039-00-140, 18-039-00-141, 18-039-00-142, 18-039-00-143, 18-039-00-144, 18-039-00-145, 18-039-00-146, 18-039-00-147, 18-039-00-148, 18-039-00-149, 18-039-00-150, 18-039-00-151, 18-039-00-152, 18-039-00-153, 18-039-00-154, 18-039-00-155, 18-039-00-156, 18-039-00-157, 18-039-00-158, 18-039-00-159, 18-039-00-160, 18-039-00-161, 18-039-00-162, 18-039-00-163, 18-039-00-164, 18-039-00-165, 18-039-00-166, 18-039-00-167, 18-039-00-168, 18-039-00-169, 18-039-00-170, 18-039-00-171, 18-039-00-172, 18-039-00-173, 18-039-00-174, 18-039-00-175, 18-039-00-176, 18-039-00-177, 18-039-00-178, 18-039-00-179, 18-039-00-180, 18-039-00-181, 18-039-00-182, 18-039-00-183, 18-039-00-184, 18-039-00-185, 18-039-00-186, 18-039-00-187, 18-039-00-188, 18-039-00-189, 18-039-00-190, 18-039-00-191, 18-039-00-192, 18-039-00-193, 18-039-00-194, 18-039-00-195, 18-039-00-196, 18-039-00-197, 18-039-00-198, 18-039-00-199, 18-039-00-200.
2. APPROX. 271,300 ACRES
3. HIGHWAY CORNER 1743 HOLDINGS LLC ATTN: JOHN LONG 122 FULLERTON HALL NEWARK, DE 19718 PHONE: 302-831-2200
4. SOURCE ON TITLE 1687 2001173-00743-6
5. ZONING DISTRICTS 168 STC (SCIENCE & TECHNOLOGY CAMPUS) 168 M (GENERAL INDUSTRIAL)

PLANNING

This plan is intended to:

1. SUBDIVIDE PARCELS 18-039-00-102 INTO TWO PARCELS AND PROVIDE THE UNDIVIDED 168 M ZONING PLANNED THERE TO
2. MEET THE CITY OF NEWARK REQUIREMENTS FOR APPROVAL BY THE CITY ENGINEER



LEASE PARCEL PLAN
SCALE 1" = 50'

OWNER CERTIFICATION

I, THE UNDERSIGNED, CERTIFY THAT 1743 HOLDINGS, LLC IS THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN AND THE SUBDIVISION PLAN THEREOF WAS MADE AT HIS DIRECTION. THAT I HAVE APPROVED THE SAME TO BE ITS ACT AND PLAN AND DELINE 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: 2/7/2020
 Signature: [Signature]
 NAME: JOHN LONG
 TITLE: OWNER, 1743 HOLDINGS, LLC

PROFESSIONAL ENGINEER CERTIFICATION

I, ELIZABETH PRINZ, P.E. HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE WITHIN MY JURISDICTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF I CERTIFY THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES.

DATE: Feb 16, 2020
 Signature: [Signature]
 NAME: Elizabeth Prinz
 TITLE: P.E. No. 3200

CITY OF NEWARK ENGINEER APPROVAL

APPROVED: [Signature] DATE: 2/16/20 BY: [Signature] NEWARK CITY ENGINEER

APPROVED: [Signature] DATE: 2/16/20 BY: [Signature] NEWARK CITY PLANNING DIRECTOR

APPROVED: [Signature] DATE: 2/16/20 BY: [Signature] NEWARK CITY SOCCER PARK

IT IS HEREBY CERTIFIED THAT THIS SUBDIVISION PLAN WAS GRANTED APPROVAL BY THE COUNCIL OF THE CITY OF NEWARK, DELAWARE, ON 2/16/20, BY RESOLUTION NO. 168-20 AND ACCORDINGLY IS ELIGIBLE FOR RECORDATION IN THE OFFICE OF THE RECORDER OF DEEDS AND FOR NEW CASTLE COUNTY, DELAWARE.

APPROVED: [Signature] DATE: 2/16/20 BY: [Signature] NEWARK CITY RECORDER

RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY STATE OF DELAWARE AT INSTANT TIME.

TETRA TECH
 200 W. MARKET ST., SUITE 400
 NEWARK, DE 19710
 PHONE: 302-338-1111 FAX: 302-434-1199

PROJECT NO: 168-20
 DRAWN BY: JEC
 CHECKED BY: JEC
 DATE: AS NOTED
 REVISIONS BY:
 DATE: FEBRUARY 26, 2020

UNIVERSITY OF DELAWARE
 1743 HOLDINGS, LLC
 STAR CAMPUS

ADMINISTRATIVE SUBDIVISION PLAN FOR LEASING PURPOSES

CITY OF NEWARK
 NEW CASTLE COUNTY - DELAWARE

DRAWING TITLE: SUBDIVISION PLAN
 DRAWING NUMBER: C1.00

Oct 29, 2021

Mayor and Members of Council
Newark Municipal Building
220 S Main Street
Newark, DE 19711

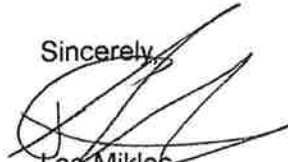
RE: Special Use Permit Request for Grain Exchange at STAR Campus

We are pleased to be submitting this request to add our second Grain location in Newark, called The Grain Exchange (OMG STAR, LLC). This location will be in the heart of the STAR Campus, offering a much needed dining and gathering destination for tenants of the campus and surrounding areas.

The office park is bounded by rail and highways, with no residential properties in close proximity. Our intent is to bring a relaxed and pleasant environment to the area's constituents consistent with what we have done with our Main Street location over the past six years.

We appreciate your consideration of our request for a Special Use Permit.

Sincerely,

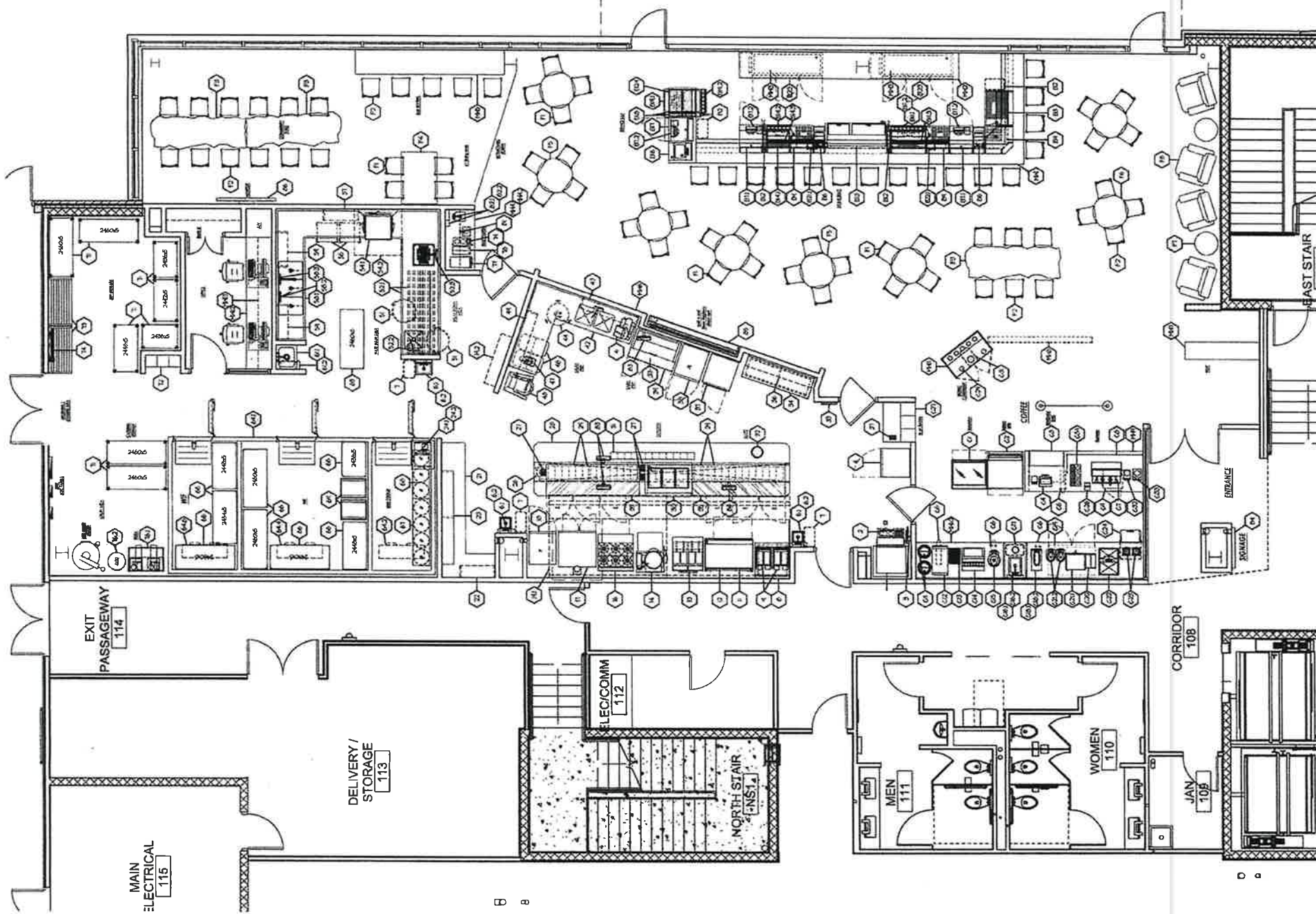


Lee Mikles
Co-owner



Jim O'Donoghue
Co-owner

Proposed Plan - The Grain Exchange



B B

C C

GRAIN EXCHANGE

STAR CAMPUS - NEWARK, DEL

BREAKFAST

Assorted Pastries 3

Muffin 3

(Blueberry, Banana, Chocolate)

Bagel 3

w/Butter 4

w/Cream Cheese 4.5

Breakfast Sandwich 6

(Egg, Cheese, Choice of Meat, Choice of Toast, Bagel or Roll)

{HOT}

Fresh Roast (Columbian or

Decaf) 2 -2.75

Espresso 2.75

Cappuccino 3.5-4

Latte 3.5-4

Mocha Latte 4-4.5

Chai Latte 3.75-4.25

Breve Latte 4-4.5

Americano 2.75-3.25

Cortado 2.75

Hot Chocolate 4

Box of Coffee 18

{COLD}

Iced Coffee 2.5-3.25

Nitro Coffee 4.5

Fruit Smoothie 4-4.5

(mango, strawberry,
pineapple, and four berry)

Coffee Frappe 3.5-4

Frozen Hot Chocolate 3.5-4

LUNCH/DINNER

APPETIZERS

- Fried Pickles 8.5
- Mozzarella Chips 11
- Wings - Traditional or Boneless
11.5
- Grillin-Grain, Sriacha Honey,
BBQ, Buffalo, Old Bay, and Zesty
Cold Brew
OMG Pretzel 10.5

SOUPS

- Cream of Chesapeake 6.5
- Soup of the Day 6.5

SANDWICHES

- (All come with house-made chips)
- Crab Cake 17
- Chicken Salad 16
- Salmon BLT 16.5
- Portabella Mushroom 17
- Fried Chicken 16.5
- Chicago Italian Beef Sandwich 17

TACOS

- (Three per order)
- Tuna Poke 16
- Veggie Taco 14
- Shredded Chicken Taco 14

SALADS

- (All can be made as a wrap)
- Citrus Avocado 14.5
- Cobb Salad 14.5
- Chicken Ceasar 14.5

BOWLS

- Hula Bowl 18
- Veggie Bowl 16

PANINIS

- (All come with house-made chips)
- Caprese 14
- California Turkey 15
- Fajita Chicken 15
- French Dip 15

BURGERS

- (All come with house-made chips)
- Grain Burger 14
- Plain Cheese 12









CITY SECRETARY'S OFFICE
CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711
302.366.7000 · Fax 302.366.7067 · www.newarkde.gov

October 27, 2021

Lee Mikles and Jim O'Donoghue
OMG STAR, LLC
The Grain Exchange
295 E. Main Street
Newark, DE 19711

RE: Board of Adjustment Case – 591 Collaboration Way – 21-BA-5

Dear Mr. Mikles and Mr. O'Donoghue:

This letter is to officially advise you that on October 21, 2021, the Board of Adjustment granted the following variances with the conditions that they remain with the current lessee and be limited to the area shown for the exterior bar:

- **Sec. 32-56.4(d)(3) – Facilities selling alcoholic beverages for consumption on premises and restaurant patios** – No bar or similar structure used for sale of dispensing of liquor shall be permitted on a patio. The plan shows a bar at the structure wall opening; a variance to allow a bar to be located on a patio is requested.
- **Sec. 32-56.4(d)(4) - Facilities selling alcoholic beverages for consumption on premises and restaurant patios** - No electronically amplified sound shall be permitted on a patio; a variance is requested to allow electronically amplified sound on the patio.

A copy of the minutes from the meeting will be sent under separate cover. If you have any questions, please contact Brian Daring, Michael Fortner or Tom Fruehstorfer at 366-7000.

Sincerely,

Nichol Scheld
Administrative Professional I

/ns

cc: Brian Daring, Code Enforcement Officer
Michael Fortner, Planner II
Tom Fruehstorfer, Planner II
Stephanie Peterson, Code Enforcement Manager
Angela Conrad, Administrative Professional I