



February 3, 2023

TO: Mayor and Members of Council

FROM: Renee K. Bensley, Director of Planning and Development *RKB*
Michael Fortner, Senior Planner *MF*
Jacob Higgins, Community Planner *JBH*

VIA: Thomas Coleman, City Manager *TC*

RE: SPECIAL USE PERMIT: "ARCADE AND FUN CENTER" – 141 EAST MAIN STREET – COMMERCIAL INDOOR RECREATION

On December 13, 2022, the Planning and Development Department received a special use permit application and supporting materials from Serhat, Inc., the owners of the "arcade and fun center," to open a *commercial indoor recreation* facility. The proposed location is at 141 East Main Street (see **Exhibit "A"**) (same building as *Starbucks* and formerly the *Del-One Credit Union*) and is zoned BB (central business district). Zoning Code Section 32-18(b)(5) stipulates that a special use permit is required for *commercial indoor recreation* facilities in the BB Zoning District. The applicants have submitted the attached letter of transmittal and floorplan. (**Exhibit "B"**)

The Planning and Development Department report on this special use permit application follows:

ZONING

Commercial indoor recreation facilities are permitted in the BB (central business district) under Zoning Code Section 32-18(b)(5), except as otherwise regulated in this chapter, and subject to the requirements of *Section 32-78*.

Zoning Code Section 32-78, Special Use Permits, 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.

DEPARTMENTAL COMMENTS

Planning and the other operating departments of the City have reviewed the plan for the “arcade and fun center” and have the following comments:

1. The Planning and Development Department notes that the “arcade and fun center”, located downtown, corresponds to the land use recommendations in the Newark Comprehensive Development Plan V 2.0, which call for commercial and mixed urban uses at the site respectively.
2. The Planning and Development Department also notes that other *commercial indoor recreation* facilities located in downtown Newark, including the *Main Street Movies 5*, the *Axxiom Escape Rooms*, and the *Chapel Street Players*, all provide unique entertainment activities and experiences, as well as economic diversity. Likewise, the proposed “arcade and fun center” may also bring something “new” and unique to downtown, as well as potentially appealing to different age groups, including families with children, older cultural nostalgia seekers, college students, and well as other potential downtown Newark customers.
3. The Planning and Development Department notes that the applicant is requesting a special use permit to cover the approximately 4,530 square feet of retail space of the “Old Bike Shop” (formerly Wooden Wheels and Performance Bicycle) fronting Haines Street, as well as a potential for an additional 2,200 square feet from the former Del-One Credit Union fronting East Main Street. The applicant’s intention is to start the business in the Haines Street section and expand into the former Del-One Credit Union portion if and when the business grows. (See **Exhibit “C”**)
4. Both the Code Enforcement Division and the Police Department have reviewed the application and state that they do not have objections to the proposed *commercial indoor recreation* facility.
5. No other Departments have expressed concerns or objections to the application.

RECOMMENDATION

Because the proposed use does not conflict with the land use guidelines in Comprehensive Development Plan V 2.0; 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 Planning and Development Department recommends that City Council approve the Special Use Permit for the construction of a commercial indoor recreation facility at 141 East Main Street.

RECOMMENDED MOTION

Staff recommends Council make the following motion:

“I move that City Council approve the Special Use Permit for the construction of commercial indoor recreation facility at 141 East Main Street as outlined in the February 3, 2023 staff memo.”

When voting, if a Council member is voting “aye” on the application, they should state their vote as follows:

“I vote aye on this motion because the proposed use does not 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; will not 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 will not be in conflict with the purposes of the Comprehensive Development Plan of the city. I make this finding due to the reasons outlined in the February 3, 2023 Planning and Development Department report (or other appropriate reason).”

If a Council member is voting “no” on the application, they should state their vote as follows choosing the reason(s) as they apply to why they are voting no:

“I vote no on this motion because the application: [select appropriate reason(s)]

- *will adversely affect 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 and /or*
- *will 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/or;*
- *will be in conflict with the purposes of the Comprehensive Development Plan of the city.*

I make this finding because [insert appropriate reason].”

/jh

Attachments

Exhibit “A”: 141 E. Main Street Location Map

Exhibit “B”: Applicant Letter and Floor Plan

Exhibit “C”: Floor Plan – Total Proposed Build Out at 141 E. Main Street



141 E. Main Street - Arcade & Fun Center

Author:



New Castle County Delaware GIS: <https://gis.nccde.org>

Disclaimer: For informational purposes only - not to be used as official documentation.



Date: 12/29/2022

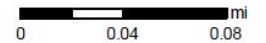


Exhibit "B"

SERHAT, INC.
2528 Dickson Road
Frederick, Maryland 21704

December 13, 2022

City of Newark
220 S Main Street
Newark, Delaware 19711
Attn: Michael Fortner

Re: 141 E. Main Street – Special Use Permit

Dear Mr. Fortner:

Please see enclosed an application for a special use permit for the retail space commonly known as the “old bike store” located at 141 E. Main Street. In addition to the old bike store location, we may also combine the space with the prior Del-One Credit Union space so that our business can have Main Street frontage. To that end, we would like to apply for a special use permit for both the “old bike store” space, and the Del-One Credit Union space - should we decide to operate therein too. You will also find enclosed a couple of as-built floor plans depicting the space as existing. We have not yet finalized our interior floor plan.

Our intended use of the space is an arcade and fun center. In a City where much of the entertainment and dining is driven by alcohol sales and consumption, simple, innocent fun would be a welcome diversion and option. The concept would include, arcade games, such as, and similar to, NBA basketball games, driving games, dart machines, and crane machines. It would also include what is considered “boardwalk games”, such as, and similar to, ice and skee ball alley rollers, air hockey tables, curling games, ring toss games, shuffleboard games, water gun and balloon games. Prizes will be awarded much like your traditional arcade and boardwalk amusements. The business may have a snack bar and likely vending machines. The future may include virtual reality games, indoor mini golf, and golf simulators. The business will have management present at all times of operation.

The hours of operation are not yet set and will largely rely upon market forces. Given this is a concept that has yet to be tested in the City of Newark, we are going to be reactive to demand. Our initial thought is that the hours would be noon to 10:00 p.m., and perhaps stay open later on the weekends depending on interest.

We do not believe that this use, especially given its rather secluded location, in a commercial district, (i) would adversely affect the health or safety of those residing or working in the City of Newark, or its immediate surroundings, (ii) be detrimental to the welfare or

injurious to property in the City of Newark, or its immediate surroundings, or (iii) be in conflict with the purposes of the comprehensive development plan of the City of Newark.

Thank you for your time and consideration.

Very truly yours,

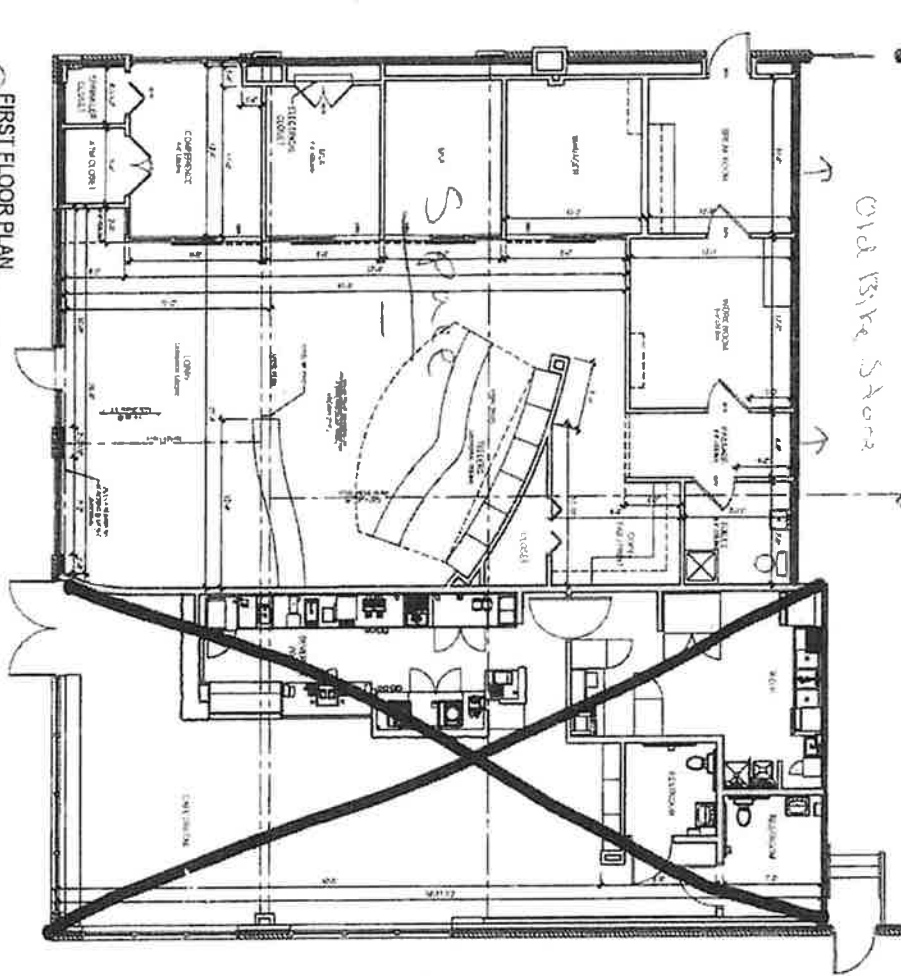
SERHAT, INC.

By: 

Servet Tosun, President

① FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

Main Street



Haines Street

Floor plan shows the portion of 141 E. Main Street that was formerly the location of the Del-One Credit Union. This portion would be included if, and when, the proposed business expands.

The portion "X"ed out is the current location of Starbucks

DATE	BY	DATE	REVISION
03-19-2009			
04-15-2009			
05-15-2009			
06-15-2009			
07-15-2009			
08-15-2009			
09-15-2009			
10-15-2009			
11-15-2009			
12-15-2009			

FIRST FLOOR PLAN
AS-BUILT TENANT SPACES
141 E. MAIN STREET
TOWN OF HERKAMP
NEW CASTLE COUNTY, DE 19711

HILLCREST
ASSOCIATES
ARCHITECTURE • INTERIORS • LAND PLANNING • SURVEYING
P.O. BOX 108
MILLSBORO, DE 19966



EXHIBIT "C": Total Proposed Build Out
at 141 E. Main Street

