

# BARNES & THORNBURG LLP

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www.btlaw.com

Shawn P. Tucker  
Partner  
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Shawn.Tucker@btlaw.com

Date: April 29, 2022

## VIA HAND DELIVERY

The Honorable Michael Platt  
City of New Castle Council President  
220 Delaware Street  
New Castle, DE 19720

Mrs. Gail Seitz, Chairperson  
City of New Castle Planning Commission  
220 Delaware Street  
New Castle, DE 19720

Mr. Bill Barthel  
City of New Castle Administrator  
220 Delaware Street  
New Castle, DE 19720

Re: **THE FLATS AT RIVEREDGE** (Mixed-Use Concept Plan & Rezoning)

*(1) Rezoning Petition Submitted Pursuant to Section 230-61 of the City of New Castle Code.*

*(2) Concept Plan Application Submitted Pursuant to Section 230-46 of the City of New Castle Code.*

Dear Council President Platt, Chairperson Seitz & Mr. Barthel:

Please be advised that we represent Parkway Gravel, Inc., the Petitioner/Applicant in connection with the attached mixed-use land development application proposal our client would like to name "The Flats at Riveredge". Please accept this letter as our client's Rezoning Petition (pursuant to Section 230-61) and Concept Plan application (pursuant to 230-46), along with the additional code required materials and documents that will be delivered to the City today by the Applicant's engineer, CDA Engineering.

As you may know, the Applicant owns two pieces and parcels of land located at 130 & 150 Lukens Drive, New Castle, DE 19720 being New Castle County Tax Parcel Nos. 21-022.00-001 ("Parcel 1") and 21-022.00-002 ("Parcel 2" and together with Parcel 1, the "Property"). The Property is approximately 168.76 acres as more specifically shown on the Concept Plan enclosed herein and incorporated herein by reference (the "Plan").

The Property is currently zoned IOP, Industrial Office Park. The Applicant currently desires to rezone approximately 149.08 acres of the Property to R-3, and utilize the City Code's Planning Development option. In addition, approximately 13.96 acres of the Property is proposed herein to be rezoned to GC (General Commercial). Lastly, the Applicant proposes to subdivide and retain the remaining portion of the existing IOP land (i.e., 5.72 acres).

If approved, the Plan will create 2 parcels of land for the purpose of developing a 451 unit mixed-use development project zoned, in part, R-3 while utilizing the Planned Development option in the City's Code. Proposed are 46 single family detached units, 26 twin units, 107 townhomes and 11 apartment buildings with a total of 272 apartment units. Second, as part of the same mixed-use project, the Applicant also seeks to rezone the Property, in part, GC in order to construct 12,000 square feet of retail development on the ground floor of two (2) of the proposed apartment buildings, and a community clubhouse with a restaurant open to the public. The remaining IOP zoned parcel is proposed to remain unimproved as part of the Concept Plan, but may be developed in the future as part of a separate land development submission. The Concept Plan will necessitate an area variance from the City of New Castle Board of Adjustment for partial relief from the applicable parking standards (as more specifically set forth in Note 11 of the Concept Plan), and a special exception to permit mixed-use in the proposed GC zoning district. It is worth noting that if the Property were zoned Downtown Gateway (DG), the project would be over-parked under the City's more updated mixed-use parking standards applicable to the DG zoning district.<sup>1</sup>

Accordingly, the Petitioner hereby officially requests City Council to hear its petition at its earliest convenience, and to refer its petition to the Planning Commission for a report and recommendation pursuant to Chapter 230, Section 230-61. As discussed above in this letter, the Petitioner seeks to rezone the Property, in part, R-3, and, in part, GC, as more specifically depicted upon the Concept Plan (8 ½ by 11 attached). Please note that CDA Engineering will be hand delivering a *full size* copies of the Concept Plan to you as well as all of those copied below today.

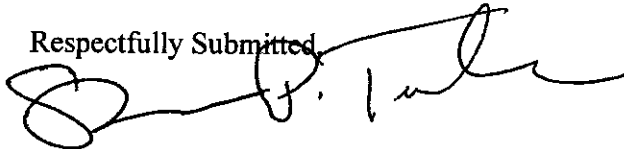
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<sup>1</sup> The Applicant is not seeking to rezone to the Downtown Gateway district because of the location of the Property.

Of course, if you should have any questions or concerns or otherwise require any additional information, please do not hesitate to contact me. Thank you in advance for your attention to our client's applications described herein.

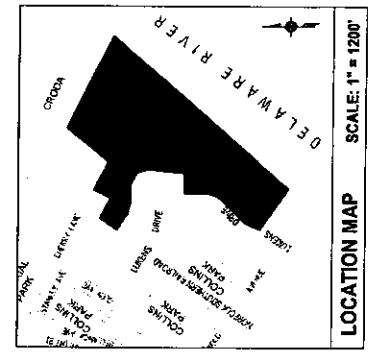
Respectfully Submitted,

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Shawn P. Tucker

Enclosure

cc: The Honorable Michael J. Quaranta, Mayor, w/enclosures  
Daniel Losco, Esquire, City Solicitor, w/enclosures  
Jeffrey Bergstorm, City Building Official, w/enclosures  
Parkway Gravel, Inc., w/enclosures  
Colm Deascanis, P.E., CDA Engineering, w/enclosures



**LOCATION MAP**  
SCALE: 1" = 1200'

**CDA** ENGINEERING AND LAND PLANNING  
 CIVIL SITE ENGINEERING AND LAND PLANNING  
 11400 W. 114TH AVENUE  
 SUITE 201  
 WILMINGTON, DE 19804  
 TEL: 302 993 8000  
 FAX: 302 991 1714  
 WWW.CDAENGINEERING.COM

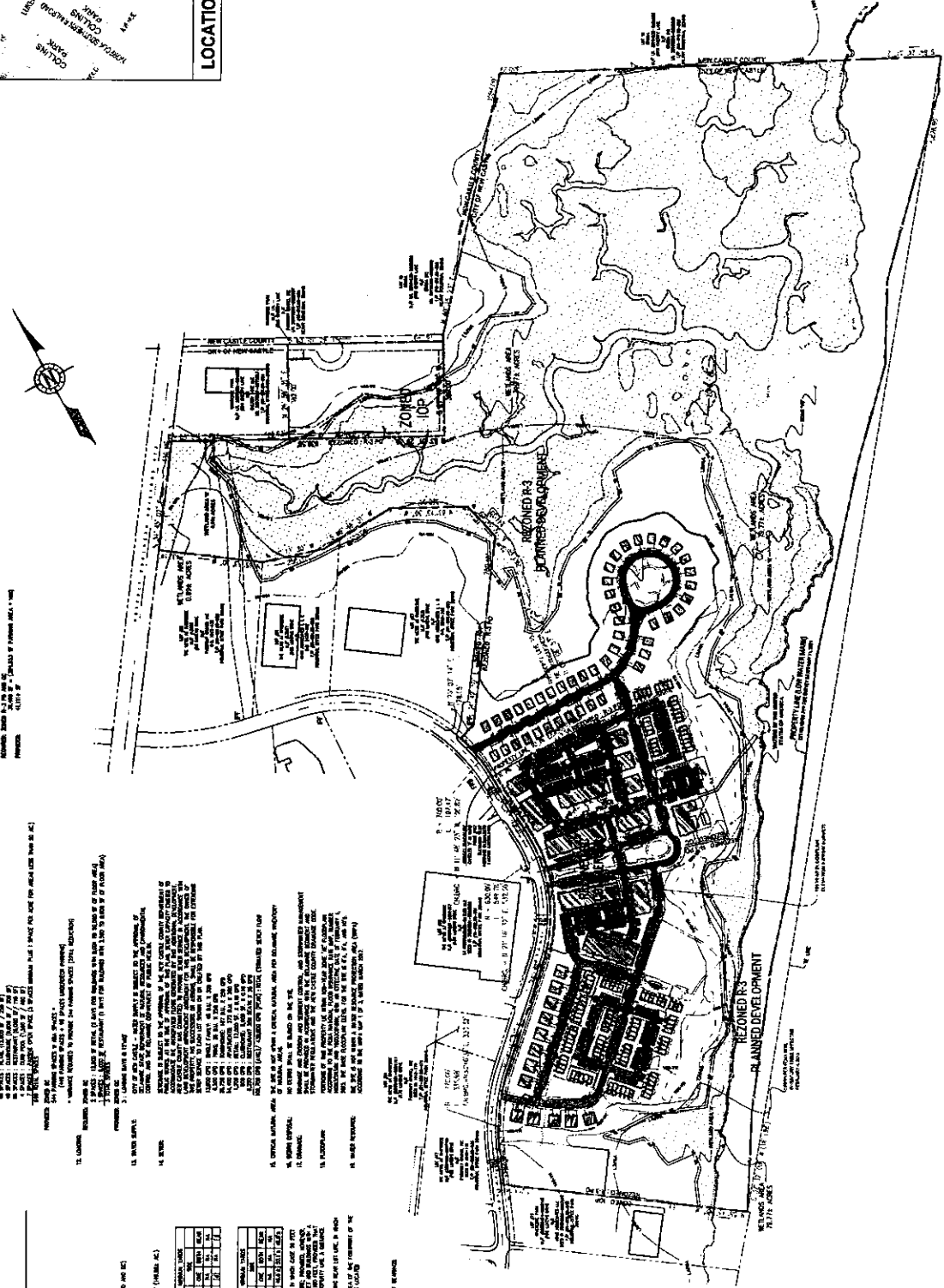
DATE: APRIL 26, 2012  
 PROJECT: PLANNED DEVELOPMENT

**CONCEPT PLAN**  
 THE FLATS AT RIVEREDGE

CITY OF NEW CASTLE, NEW CASTLE COUNTY, DE  
 CONCEPT PLAN  
 SHEET 1 OF 1  
 DATE: 4/26/12

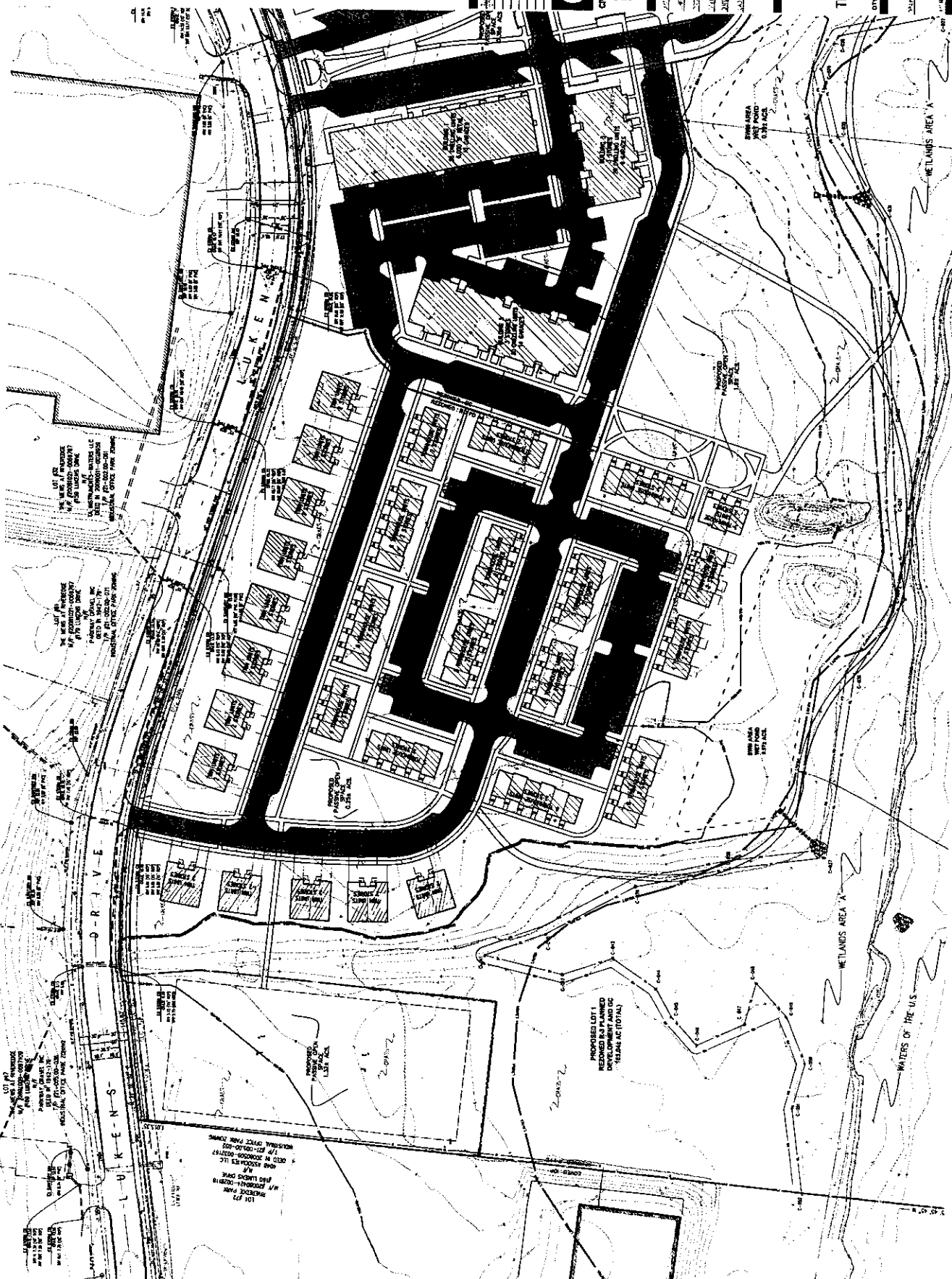
**GENERAL NOTES:**  
 1. THE PLANNED DEVELOPMENT IS SUBMITTED FOR THE CITY OF NEW CASTLE AND IS SUBJECT TO THE CITY'S ZONING REGULATIONS AND THE CITY'S SUBDIVISION REGULATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.  
 2. THE PLANNED DEVELOPMENT IS SUBJECT TO THE CITY'S ZONING REGULATIONS AND THE CITY'S SUBDIVISION REGULATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.  
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**CERTIFICATION OF PLAN ACCURACY**  
 I, THE ENGINEER, HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAN WAS OBTAINED FROM A REASONABLE INVESTIGATION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**CP-01**



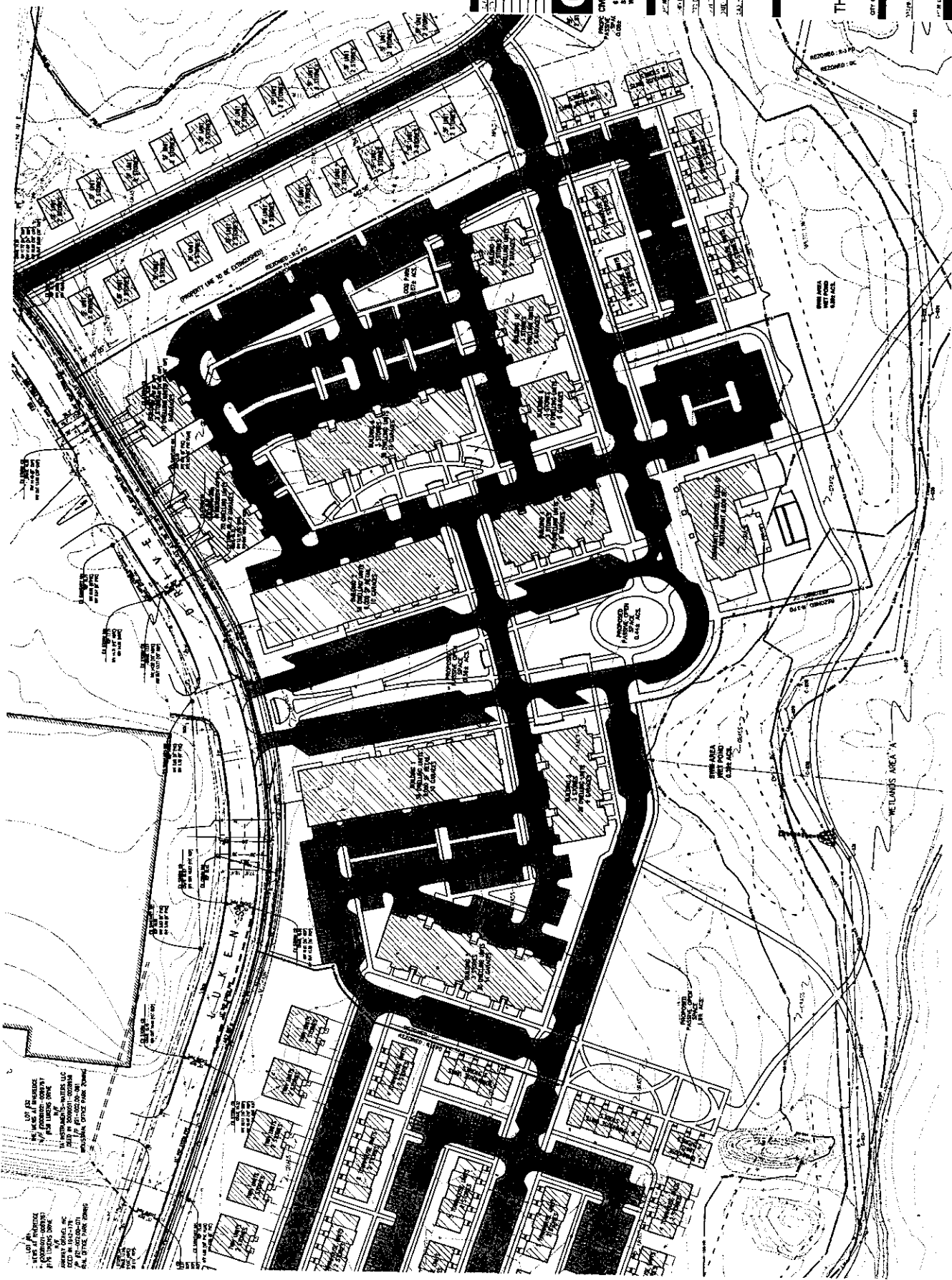
DATE	11/14/2022
BY	J. J. JONES
APP. BY	J. J. JONES
CHECKED BY	J. J. JONES
DATE	11/14/2022
BY	J. J. JONES
APP. BY	J. J. JONES
CHECKED BY	J. J. JONES

**CDA ENGINEERS, INC.**  
 CIVIL/ARTE ENGINEERING AND LAND PLANNING  
 1000 WEST AVENUE  
 SUITE 100  
 THE BRICKS, DE 19094  
 PH: 302.441.1000  
 FAX: 302.441.1001  
 WWW.CDAENGINEERS.COM

PROJECT NO.	2022-001
CLIENT	CD
DATE	APRIL 28, 2022
SCALE	AS SHOWN



**CONCEPT PLAN**  
**THE FLATS AT RIVEREDGE**  
 CITY OF NEW CASTLE, NEW CASTLE COUNTY, DELAWARE  
 DRAWN BY: J. J. JONES  
 PROJECT NO.: CP-02  
 DATE: 11/14/2022

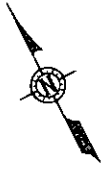


**CDA** ENGINEERS, P.C.  
 PROFESSIONAL ENGINEERS AND LAND PLANNERS  
 1500 W. 10TH STREET, SUITE 400  
 WASHINGTON, DC 20004  
 TEL: 202-331-1111  
 FAX: 202-331-1112  
 WWW.CDAENGINEERS.COM

PROJECT: THE FLATS AT RIVERIDGE  
 DATE: APRIL 28, 2022  
 DRAWING NO.: CP-03  
 SCALE: 1" = 30'-0"

**CONCEPT PLAN**  
**THE FLATS AT RIVERIDGE**

CITY OF NEW GATEL, NEW GATEL COUNTY, OKLAHOMA  
 SHEET NO. CP-03  
 CONCEPT PLAN  
 SCALE: AS SHOWN

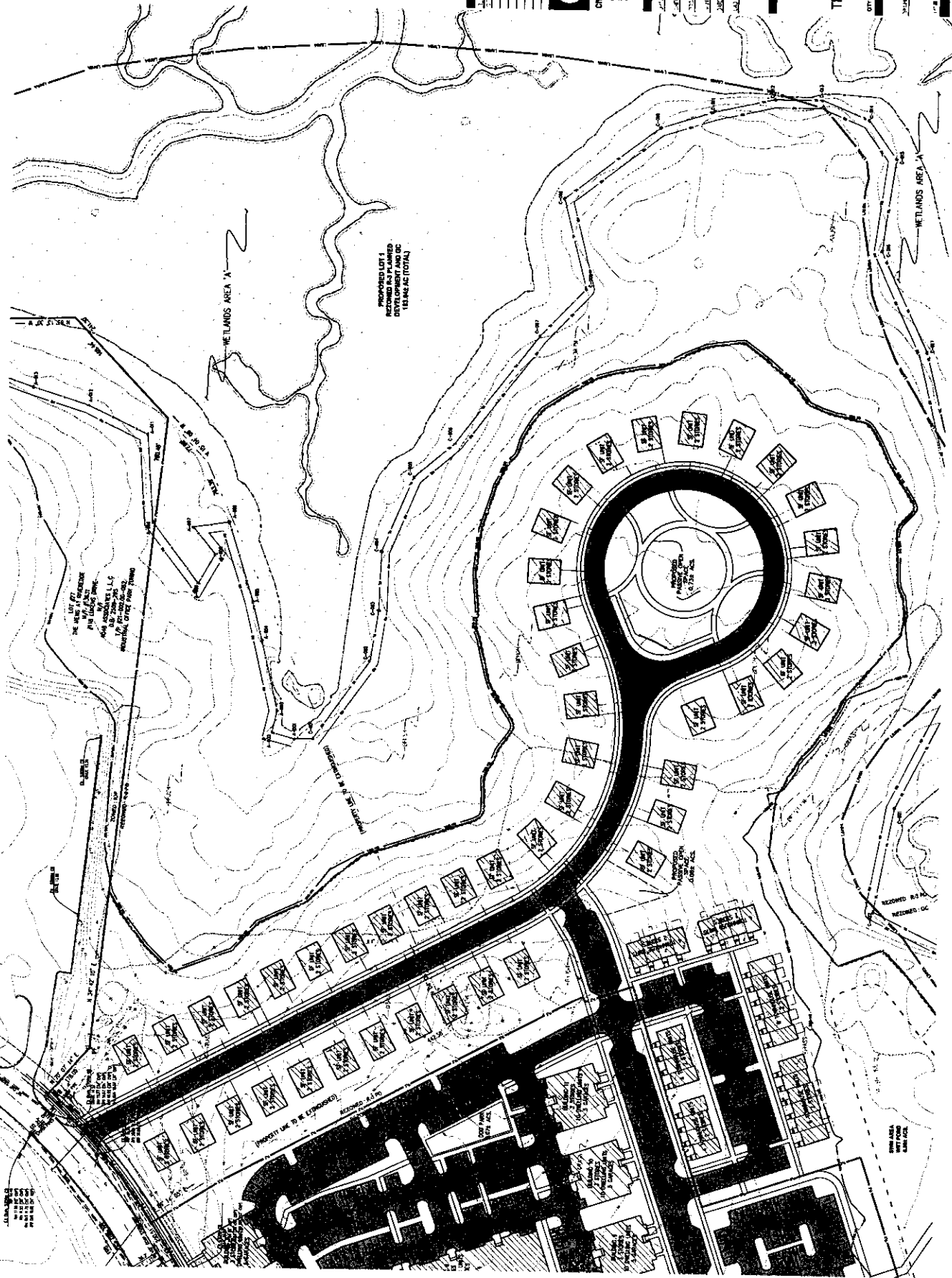


DATE	04/27/2022
PROJECT	THE FLATS AT RIVEREDGE
CLIENT	CITY OF NEW CASTLE
SCALE	1" = 50'
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

**CDA** ENGINEERING, INC.  
 CHARLITE ENGINEERING AND LAND PLANNING  
 1000 W. BROADWAY  
 SUITE 200  
 NEW CASTLE, DE 19380  
 TEL: 302.441.1100  
 FAX: 302.441.1101  
 WWW.CDAENGINEERING.COM

DATE	04/27/2022
PROJECT	THE FLATS AT RIVEREDGE
CLIENT	CITY OF NEW CASTLE
SCALE	1" = 50'
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

**CONCEPT PLAN**  
**THE FLATS AT RIVEREDGE**  
 CITY OF NEW CASTLE, DELAWARE  
 SHEET NO. CP-04  
 DATE: APRIL 28, 2022  
 SCALE: 1" = 50'  
 PROJECT: THE FLATS AT RIVEREDGE  
 CLIENT: CITY OF NEW CASTLE, DE  
 DRAWN BY: ...  
 CHECKED BY: ...  
 APPROVED BY: ...



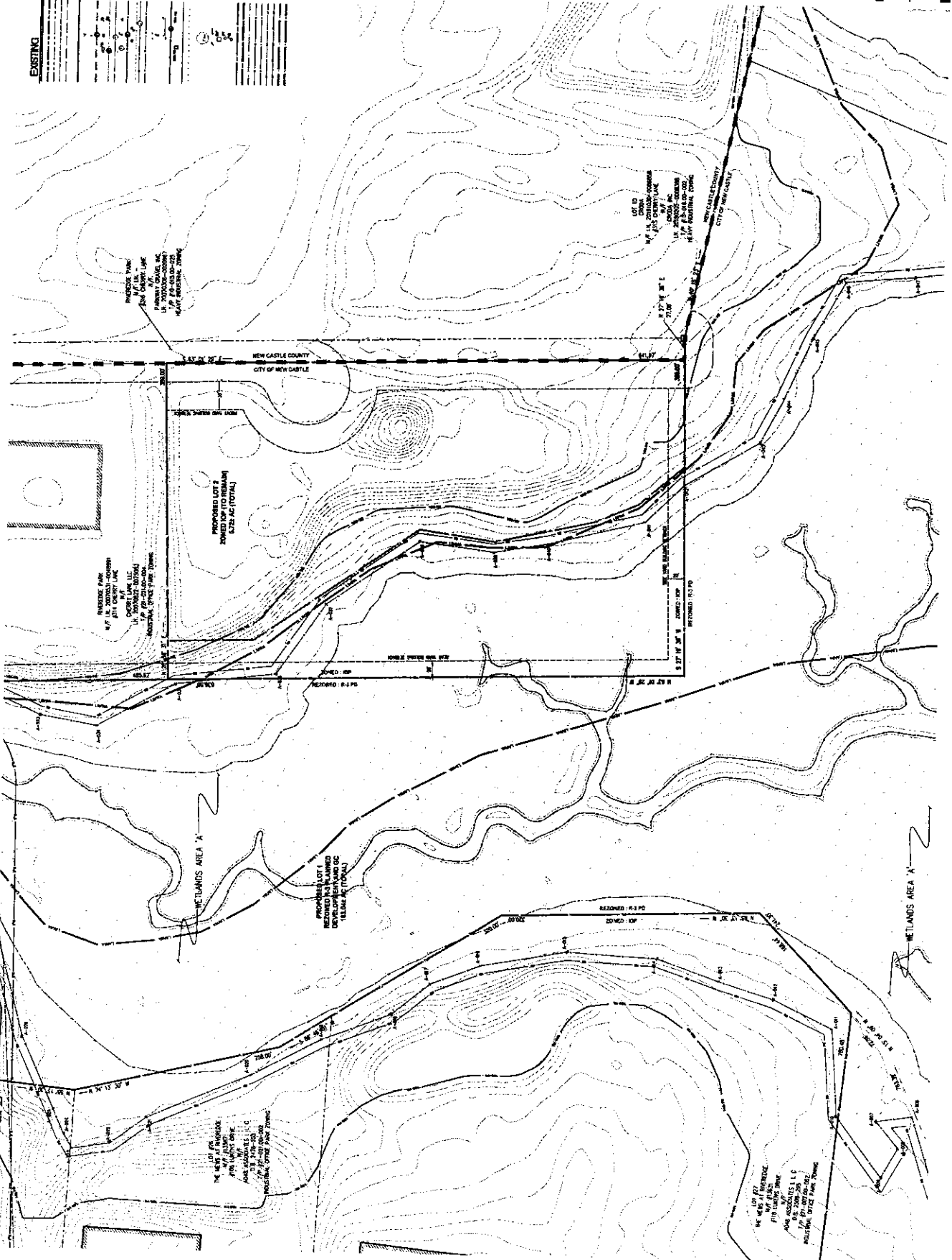
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3. EXISTING ROADWAYS	3. EXISTING ROADWAYS	3. PROPOSED ROADWAYS
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5. EXISTING BUILDINGS	5. EXISTING BUILDINGS	5. PROPOSED BUILDINGS
6. EXISTING TREES	6. EXISTING TREES	6. PROPOSED TREES
7. EXISTING FENCES	7. EXISTING FENCES	7. PROPOSED FENCES
8. EXISTING SETBACKS	8. EXISTING SETBACKS	8. PROPOSED SETBACKS
9. EXISTING EASEMENTS	9. EXISTING EASEMENTS	9. PROPOSED EASEMENTS
10. EXISTING ZONING	10. EXISTING ZONING	10. PROPOSED ZONING
11. EXISTING PROPERTY LINES	11. EXISTING PROPERTY LINES	11. PROPOSED PROPERTY LINES
12. EXISTING SURVEY DATA	12. EXISTING SURVEY DATA	12. PROPOSED SURVEY DATA
13. EXISTING ADJACENT PROPERTIES	13. EXISTING ADJACENT PROPERTIES	13. PROPOSED ADJACENT PROPERTIES
14. EXISTING NEIGHBORHOOD CHARACTERISTICS	14. EXISTING NEIGHBORHOOD CHARACTERISTICS	14. PROPOSED NEIGHBORHOOD CHARACTERISTICS
15. EXISTING ENVIRONMENTAL CONSTRAINTS	15. EXISTING ENVIRONMENTAL CONSTRAINTS	15. PROPOSED ENVIRONMENTAL CONSTRAINTS
16. EXISTING REGULATORY REQUIREMENTS	16. EXISTING REGULATORY REQUIREMENTS	16. PROPOSED REGULATORY REQUIREMENTS
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18. EXISTING ECONOMIC ACTIVITY	18. EXISTING ECONOMIC ACTIVITY	18. PROPOSED ECONOMIC ACTIVITY
19. EXISTING SOCIAL SERVICES	19. EXISTING SOCIAL SERVICES	19. PROPOSED SOCIAL SERVICES
20. EXISTING CULTURAL HERITAGE	20. EXISTING CULTURAL HERITAGE	20. PROPOSED CULTURAL HERITAGE
21. EXISTING HISTORIC LANDMARKS	21. EXISTING HISTORIC LANDMARKS	21. PROPOSED HISTORIC LANDMARKS
22. EXISTING ARCHITECTURAL FEATURES	22. EXISTING ARCHITECTURAL FEATURES	22. PROPOSED ARCHITECTURAL FEATURES
23. EXISTING LANDSCAPE ARCHITECTURE	23. EXISTING LANDSCAPE ARCHITECTURE	23. PROPOSED LANDSCAPE ARCHITECTURE
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39. EXISTING ALTERATIONS	39. EXISTING ALTERATIONS	39. PROPOSED ALTERATIONS
40. EXISTING RECONSTRUCTIONS	40. EXISTING RECONSTRUCTIONS	39. PROPOSED RECONSTRUCTIONS



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 CHARLITE ENGINEERING AND LAND PLANNING  
 1400 MARKET AVENUE, SUITE 200  
 WASHINGTON, DC 20004  
 (202) 462-1111  
 www.cdaengineers.com

DATE:	APRIL 26, 2012
PROJECT:	THE FLATS AT RIVEREDGE
CLIENT:	NEW CASTLE COUNTY
SCALE:	1" = 50'
DRAWN BY:	[Signature]
CHECKED BY:	[Signature]
APPROVED BY:	[Signature]

**CONCEPT PLAN**  
 THE FLATS AT RIVEREDGE  
 CITY OF NEW CASTLE, NEW CASTLE COUNTY, DELAWARE  
 SHEET NO. 2  
 CONCEPT PLAN  
 CP-05





# BARNES & THORNBURG LLP

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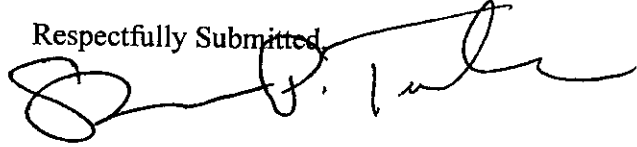
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