

RESOLUTION NO. 2026-28

**A Resolution to reaffirm the approval of the Site Plan of The Battery, 427
W.7th Street as approved by Resolution 2026-16
NCCo. Tax Parcel No. 21-014.00-400
(427 W. Seventh Street, “The Battery”)**

WHEREAS, JAKSN LLC has applied to the City of New Castle for Site Plan approval for the property located at 427 W. Seventh Street, known as New Castle County Tax Parcel Number 21-014.00-400, and known further as “The Battery”; and

WHEREAS, the purpose of this Site Plan is to develop a multifamily use including 152 apartment units and 2,085 square feet of retail space and other associated amenities, as shown on that certain plan set prepared by MidAtlantic Engineering Partners, LLC last dated January 22, 2026, which is attached here as “Exhibit A” (the “Project”); and

WHEREAS, the Planning Commission has reviewed the application and determined that it is in conformity with the Zoning Code of the City of New Castle as well as with all other federal, state, county, and City regulations and recommends to City Council that the Site Plan be approved.

WHEREAS, City Council approved A Resolution Approving a Site Plan for The Battery on March 10, 2026, but the associated Site and Subdivision Plans were not recorded within the noted 45-day period, thereby requiring this reconfirmation of approval.

NOW, THEREFORE BE IT RESOLVED that the application of JAKSN LLC for Site Plan approval for the property located within the municipal limits of the City of New Castle at 427 W. Seventh Street, known as New Castle County Tax Parcel Numbers 21-014.400, as shown on that certain plan set prepared by MidAtlantic Engineering Partners, LLC, last dated January 22, 2026, said plan set being attached here as “Exhibit A” reflecting such Site Plan, is approved and such plan shall be entitled to be recorded in the Office of the Recorder of Deeds, in and for New Castle County, State of Delaware. The applicant shall record the Site Plan

within 45 days of the date of this Resolution and inform the Building Official of recordation. Failure to record the Site Plan within the aforementioned time frame shall render this Resolution null and void.

BE IT FURTHER RESOLVED that said approval is granted upon the following conditions:

a) The property owner, its successors and assigns, agrees to comply with applicable subdivision and zoning code regulations of the City of New Castle should it elect to build or alter improvements on any lot. Recording of this Site Plan does not ensure or guarantee constructability. Complete building permit applications meeting all applicable City, State and Federal regulations must be submitted to and approved by the City prior to obtaining building permits.

b) As required under the City of New Castle's Zoning Code, upon satisfactory completion of the required improvements as shown on the approved Site Plan, the developer shall submit to the Building Official four copies of the as-built site plan, certified by the engineer, before occupancy of any building, for the review and approval for conformity with the approved Site Plan. The as-built Site Plan shall indicate any deviations from the site improvements shown on the final approved Site Plan.

c) The developer shall construct the driveway improvements addressed in the First Amended and Restated Cross Access and Maintenance Easement Agreement to New Castle County's satisfaction, which shall be memorialized via written confirmation from New Castle County to the City, before obtaining any certificate of occupancy for the Project from the City, unless New Castle County requires some other condition, such as before obtaining a building permit, and the associated language in the First Amended and Restated Cross Access and Maintenance Easement will be amended accordingly.

PASSED this 12th day of May, 2026

Suzanne Souder, City Council President

Nermin Zubaca, Councilperson

Joseph F. Day, III, Councilperson

Brian Mattaway, Councilperson

Andrew H. Zeltt, Councilperson

Attest:

Diane Delgado, City Clerk