

**AN ORDINANCE TO ADOPT THE SUBDIVISION PLAN KNOWN AS “WALNUT PLACE” AND TO ACCEPT THE DEDICATION OF A NEW CITY ALLEYWAY TO BE NAMED “VICTORY LANE”**

#4019

Sponsor:

Council  
Member  
D. Brown

**WHEREAS**, the proposed plan to subdivide one (1) parcel into nine (9) parcels, eight (8) of which are for residential development known as “Walnut Place” (“Proposed Subdivision”), and to dedicate and add to the Official City Street Map a proposed public alleyway to be named “Victory Lane” (“Proposed Alleyway”), is described and illustrated on Exhibit “A” attached hereto and made a part hereof; and

**WHEREAS**, at its regular meeting on December 16, 2014, the City Planning Commission adopted the Planning Commission Resolution 12-14, a copy of which is attached hereto and made a part hereof as Exhibit “B,” which recommended approval of the subdivision plan entitled “Walnut Place” and the dedication of the alleyway to be known as “Victory Lane”; and

**WHEREAS**, the Proposed Subdivision is generally located within the block bounded by 14<sup>th</sup>, 15<sup>th</sup> and Walnut Streets and Clifford Brown Walk and the Proposed Alleyway is located east of, and parallel to, Walnut Street between the northeasterly side of East 14<sup>th</sup> Street and southwesterly side of East 15<sup>th</sup> Street; and

**WHEREAS**, the City of Wilmington Council deems it necessary and appropriate to approve the Final Plat known as “Walnut Place”; and

**WHEREAS**, this Ordinance, upon approval by the Mayor, will constitute approval of the Final Plat known as “Walnut Place”.

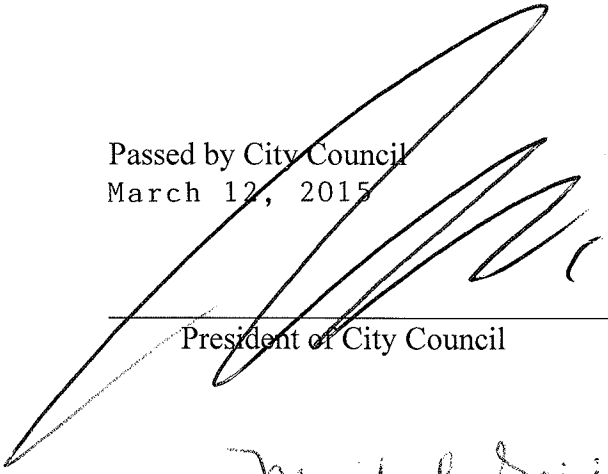
**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** The proposed Subdivision Plan known as “Walnut Place,” which includes the addition to the Official City Map of certain lands as a new public alleyway to be named “Victory Lane”, is hereby approved in the form of the Final Plat as depicted on Exhibit “A” attached hereto and made a part hereof, subject to the conditions set forth in the Planning Commission’s Resolution 12-14, dated December 16, 2014, a copy of which is also attached hereto and made part hereof as Exhibit “B”.

**SECTION 2.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... February 19, 2015  
Second Reading....February 19, 2015  
Third Reading..... March 12, 2015

Passed by City Council  
March 12, 2015



\_\_\_\_\_  
President of City Council

ATTEST: Maribel Seijo  
City Clerk

Approved as to form this 18<sup>th</sup> day of  
February, 2015

Danyel Shatan  
Assistant City Solicitor

Approved this 18 day of  
March, 2015

Dennis P. Willer  
Mayor

**SYNOPSIS:** This Ordinance approves the subdivision known as “Walnut Place” and accepts the dedication of a new public alleyway to be named “Victory Lane.”

# Exhibit A



# VANDEMARK & LYNCH, INC.

ENGINEERS • PLANNERS • SURVEYORS

4305 MILLER ROAD  
WILMINGTON, DE 19802-1901  
(302) 764-7635 FAX (302) 764-4170  
www.vandemarklynch.com

November 5, 2014

Description of a 20' wide Alley, east of Walnut Street between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, City of Wilmington, New Castle County, Delaware (part of Tax Parcel No. 26-029.30-129).

All that certain 20' wide Alley near Walnut Street between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, in the City of Wilmington, New Castle County, Delaware, as shown on a plan prepared by VanDemark & Lynch, Inc., Engineers, Planners and Surveyors, Wilmington, Delaware, File Name 22601.10-FINAL-01, entitled "Subdivision Plan, Walnut Street Townhomes", to be recorded among the Land Records in and for New Castle County, and being more particularly described as follows, to wit:

BEGINNING at a point on the southwesterly line for land now or formerly of Walnut Street Associates, LLC (Deed Record 20130620-0039793), the northeasterly side of East 14<sup>th</sup> Street (a 50 foot wide public street), said side of East 14<sup>th</sup> Street being distant, measured at right angles from the monumented centerline, northeasterly 25 feet, said point being measured along the said northeasterly side of East 14<sup>th</sup> Street, South 62°01'10" East, 80.00 feet from an iron pin found at the intersection of southeasterly side of Walnut Street (a 65.5 foot wide public street), being distant, measured at right angles from the monumented centerline, southeasterly 32.75 feet, with the said northeasterly side of East 14<sup>th</sup> Street;

THENCE from said point of Beginning, through the said land now or formerly of Walnut Street Associates, LLC, North 27°44'40" East, 185.32 feet to a point on the southwesterly side of East 15<sup>th</sup> Street (a 33' wide public street), said side of East 15<sup>th</sup> Street being distant, measured at right angles from the monumented centerline, southwesterly 16.5 feet;

THENCE along the said southwesterly side of East 15<sup>th</sup> Street, South 62°01'00" East, 20.00 feet to a point;

THENCE through the said land now or formerly of Walnut Street Associates, LLC, South 27°44'40" West, 185.32 feet to a point on the said northeasterly side of East 14<sup>th</sup> Street;

THENCE along the said northeasterly side of East 14<sup>th</sup> Street, North 62°01'10" West, 20.00 feet to the point and place of Beginning.

Containing within said metes and bounds, 3,706 square feet (0.084 acres) of land, being the same, more or less...

KG Checked By: SK

**LEGEND**

	10' WIDE FLOOR PLAN		10' WIDE FLOOR PLAN		10' WIDE FLOOR PLAN
	10' WIDE FLOOR PLAN		10' WIDE FLOOR PLAN		10' WIDE FLOOR PLAN
	10' WIDE FLOOR PLAN		10' WIDE FLOOR PLAN		10' WIDE FLOOR PLAN

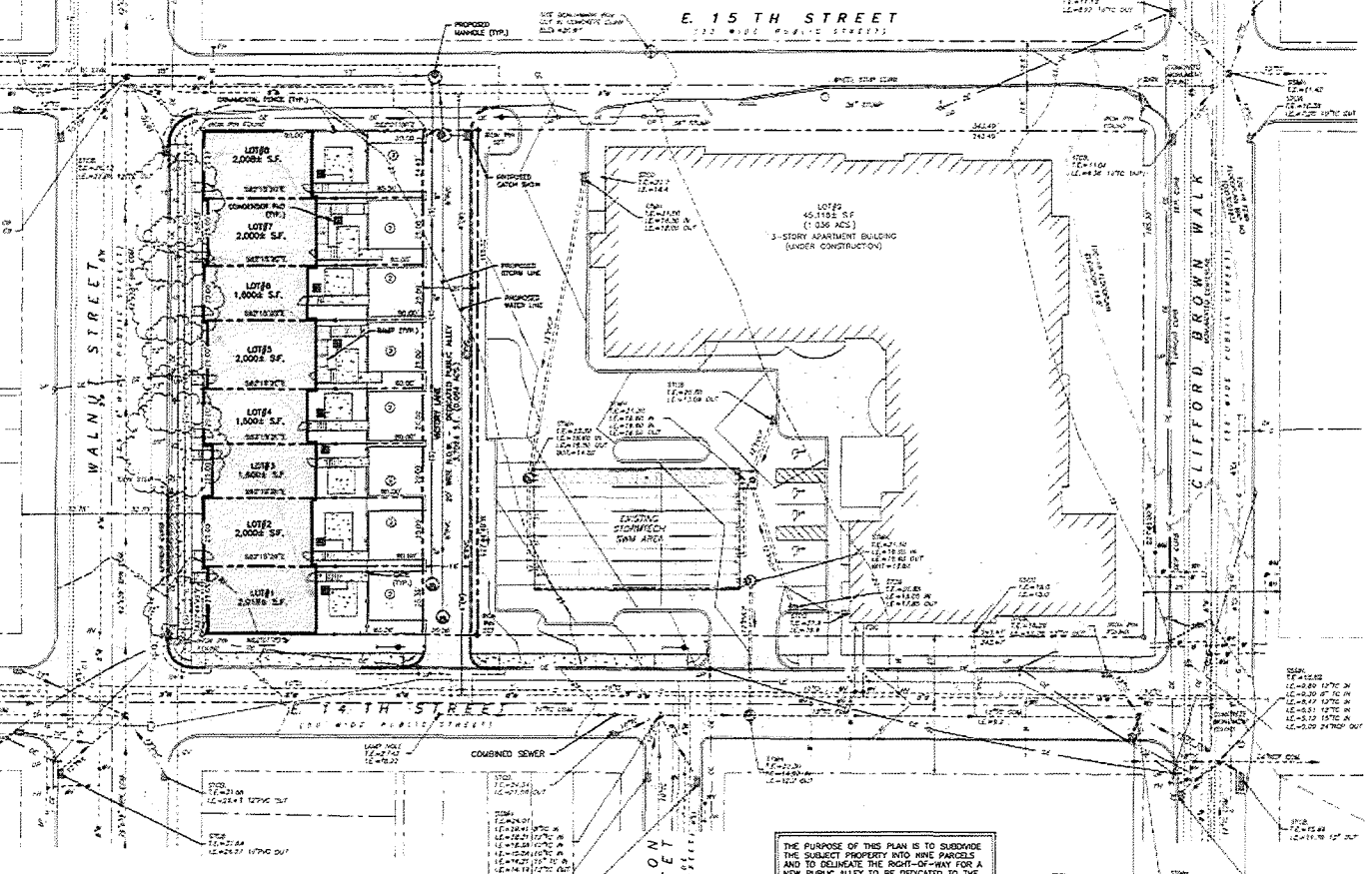


**LOCATION PLAN**

- GENERAL DATA**
- OWNER: WALNUT STREET ASSOCIATED, LLC  
3 EAST 20TH STREET  
WILMINGTON, DE 19803
  - APPLICANT: WILMA AN OVERSIGHT FUNDATION  
1000 FRENCH STREET  
WILMINGTON, DE 19801
  - PROPOSED ADDRESS: 213 E FOURTEENTH STREET  
19102A
  - PROPOSED ZONING: RS-2000-123
  - SOURCE OF TITLE: DEED RECORDS 364383-167474
  - WILMINGTON ZONING: 8-16 WILMINGTON METROPOLITAN COMMUNITY DEVELOPMENT CODE SECTION 123.0100  
BUILDING SETBACKS: 30' MIN. FRONT, 10' MIN. SIDE, 10' MIN. REAR  
BUILDING HEIGHT: MAX. 40' (SEE ZONING CODE SECTION 123.0100)  
FLOOR AREA: 100,000 SQ. FT. (SEE ZONING CODE SECTION 123.0100)  
FLOOR COVERING: 100% PERMITTED (SEE ZONING CODE SECTION 123.0100)
  - AREA: 100% ADJ. (SEE LOT AREA TABLE)  
LOT AREA: 100,000 SQ. FT.  
TOTAL AREA: 100,000 SQ. FT.
  - OWNER'S CONTACT: 213 E FOURTEENTH STREET, WILMINGTON, DE 19102A  
PHONE: 302.441.1234  
FAX: 302.441.1234
  - SOURCE OF TOPOGRAPHY: 2010 MAPS BY WILMINGTON 2 ENGINEERS, INC.  
DATE: 12/15/2010
  - GENERAL NOTES: NORTH AMERICAN DATUM 1983 (NAD 83)  
DELAWARE STATE PLUMB (DASH 83)  
SEE PLAN FOR CONCRETE CURBS LOCATED ON THE NORTH SIDE OF 14TH STREET (SECTION 20.07)
  - AS SHOWN FROM THE WILMINGTON FLOOD HAZARD INVENTORY MAP WITH NUMBER 1000000000, AN EFFECTIVE DATE OF JANUARY 13, 2009, THE PROPERTY PARTIALLY LIES WITHIN THE "F" ELEVATION AND IS NOT REQUIRED TO BE WITHIN THE 10' MIN. FLOOD HAZARD FLOODPLAIN.
  - ASHT: CITY OF WILMINGTON
  - SEWER: CITY OF WILMINGTON
  - EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLIANCE OF CONTRACTOR WITH ALL UTILITIES IS THE CONTRACTOR'S SOLE RESPONSIBILITY. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS TO EXCAVE THE MOST ADVANCED UTILITY LOCATIONS AND SHALL MAINTAIN ALL UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS TO EXCAVE THE MOST ADVANCED UTILITY LOCATIONS AND SHALL MAINTAIN ALL UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS TO EXCAVE THE MOST ADVANCED UTILITY LOCATIONS AND SHALL MAINTAIN ALL UTILITIES AT ALL TIMES.
  - STREETS DEDICATED FOR PUBLIC USE SHALL BE DEDICATED TO CITY SUPERVISORS FOR ACCEPTANCE BY THE DEPARTMENT OF PUBLIC WORKS.
  - THE PROJECT AND "AS SHOWN" SHALL BE POSTED ALONG THE ALLEY ON 14TH STREET AND ON 14TH STREET AS SHOWN BY AND SUBJECT TO THE SUPERVISOR OF THE DEPARTMENT OF PUBLIC WORKS THROUGH AN ORDER OF THE DEPARTMENT OF PUBLIC WORKS.
  - THIS PLAN IS IN ACCORDANCE WITH ATTEMPT TITLE QUANTITY SURVEY TITLE COMMITMENT #14-0000 (NOTIFIED) WITH AN EFFECTIVE DATE OF JUNE 23, 2013. LAST REVISED: JULY 19, 2013. PER THE TITLE COMMITMENT THIS PROPERTY IS SUBJECT TO:

**SUMMARY: LOT AREA TABLE**

LOT	Lot Area (sq. ft.)	Building Area (sq. ft.)	Plot Area (sq. ft.)	Building Area Ratio	Plot Area Ratio
1	2,000	1,000	2,000	0.50	1.00
2	2,000	1,000	2,000	0.50	1.00
3	2,000	1,000	2,000	0.50	1.00
4	2,000	1,000	2,000	0.50	1.00
5	2,000	1,000	2,000	0.50	1.00
6	2,000	1,000	2,000	0.50	1.00
7	2,000	1,000	2,000	0.50	1.00
8	2,000	1,000	2,000	0.50	1.00
9	2,000	1,000	2,000	0.50	1.00
10	2,000	1,000	2,000	0.50	1.00



THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE SUBJECT PROPERTY INTO NINE PARCELS AND TO DEDICATE THE RIGHT-OF-WAY FOR A NEW PUBLIC ALLEY TO BE DEDICATED TO THE CITY OF WILMINGTON.

**SUBDIVISION PLAN  
WALNUT PLACE  
WALNUT STREET AND 14TH STREET  
CITY OF WILMINGTON  
DELAWARE**

SCALE: 1"=20'  
JANUARY 22, 2015

GRAPHIC SCALE (FEET)

**CERTIFICATE OF OWNERSHIP**

I, the owner of the foregoing property, hereby certify that I am a resident individual, and I am the owner of the foregoing property, and I have caused this subdivision plan to be prepared and recorded in accordance with the laws and ordinances of the City of Wilmington, Delaware, and I have caused this subdivision plan to be recorded in accordance with the laws and ordinances of the City of Wilmington, Delaware.

**APPROVAL BLOCK**

DATE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
OFFICE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

**CERTIFICATION OF ACCURACY**

I, a duly qualified surveyor, certify that I am a resident individual, and I am the owner of the foregoing property, and I have caused this subdivision plan to be prepared and recorded in accordance with the laws and ordinances of the City of Wilmington, Delaware, and I have caused this subdivision plan to be recorded in accordance with the laws and ordinances of the City of Wilmington, Delaware.

DATE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
OFFICE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

DATE	REVISION	BY	APPROVED

**LANDMARK & LYNCH, INC.**  
SURVEYORS & ENGINEERS

DATE: 01/22/2015  
PROJECT: WALNUT PLACE  
JOB NO: 14-0000

2025-19-RECORD-01

DATE: 01/22/2015  
PROJECT: WALNUT PLACE  
JOB NO: 14-0000

LANDMARK & LYNCH, INC. IS NOT RESPONSIBLE FOR ANY MODIFICATION MADE TO THIS PLAN AND/OR CAD FILE WITHOUT THE WRITTEN AUTHORIZATION OF LANDMARK & LYNCH, INC.

# Exhibit B

**CITY PLANNING COMMISSION  
OF THE PLANNING DEPARTMENT  
CITY OF WILMINGTON  
RESOLUTION 12-14**

**WHEREAS**, the City Planning Commission, under regulations adopted by City Council, is authorized to review all major subdivision plans submitted to the Department of Planning of the City of Wilmington; and

**WHEREAS**, the Department of Planning has received a request from Inter-Neighborhood Foundation ("INF") for the approval of a major subdivision plan known as "Walnut Street Townhomes", located within the block bounded by 14<sup>th</sup>, 15<sup>th</sup>, and Walnut Streets and Clifford Brown Walk in a W-4 waterfront residential/commercial zoning district; and

**WHEREAS**, the property in question involves a single parcel (260-293-0129) currently owned by Walnut Street LLC (Michael's Development Company); and

**WHEREAS**, the subdivision plan proposes to: 1) subdivide one parcel into nine parcels, one of which will include an apartment building which is currently under development by Walnut Street LLC on the eastern end of the parcel and will be retained by Walnut Street LLC; and eight of which are to be sold to INF for the development of townhomes; and 2) delineate the right-of-way for a new public alleyway which is to be dedicated to the City of Wilmington; and

**WHEREAS**, all of the newly created parcels will remain under Walnut Street LLC's ownership until the construction of the apartment building has been completed, the tentative date being February 2015, at which point eight parcels slated for townhome development will be sold to INF; and

**WHEREAS**, the proposal is considered a major subdivision and is subject to the review by the Planning Commission because it involves the dedication of public right-of-way to the City of Wilmington, and the land is also partially located within the floodplain; and

**WHEREAS**, the proposed name of the planned public alley, "Victory Lane", was reviewed in accordance with the "Guidelines for the Naming and Renaming of Streets", which was adopted by the Planning Commission by Resolution 8-92 in May 1992, and was found to be consistent with these guidelines; and

**WHEREAS**, the Planning Department requested comments from City Departments regarding the proposed major subdivision plan; and

**WHEREAS**, the Department of Licenses and Inspections indicated that INF received the necessary zoning variances from the Zoning Board of Adjustment on December 10, 2014 and noted that there are no other issues with the subdivision plan; and

**WHEREAS**, the Fire Marshal's Office has reviewed the plans and did not raise any concerns; and



**CPC Resolution 12-14**

**Page Two**

**WHEREAS**, the Department of Public Works provided comments as follows:

1. Site plans with elevations for the sewer and other utilities will need to be submitted to Public Works for review and approval;
2. A copy of the DNREC approved and stamped plans along with Stormwater Management Report will need to be submitted to the City of Wilmington for review and approval;
3. One-way signs should be added opposite of the alley's ingress/egress on 14<sup>th</sup> and 15<sup>th</sup> Streets;
4. Plans should be evaluated by Operations for consideration of ease of ingress/egress by sanitation trucks and also by the Wilmington Police and Fire Departments for emergency vehicle access;
5. Limitations for on-street parking along the north side of 14<sup>th</sup> Street and the south side of 15<sup>th</sup> Street also should be considered at points of ingress/egress to address access issues, and sight distance must be provided for vehicles existing the driveway;
6. "No Parking" signs should be posted along the new alley;
7. With respect to Walnut Street:
  - a. The plan indicates "existing vertical curb"; however, there appears to be a curb cut or lowered curb in questionable condition where the existing driveway entrance to the construction site is located. Vertical curb replacement should be considered; and
  - b. There are considerable specimen trees along the street with canopies that extend into the vicinity of the proposed townhomes, and the applicant should coordinate with the City's Urban Forester; and

**WHEREAS**, the Department of Planning recommends that the preliminary subdivision plan known as "Walnut Street Townhomes" be approved and that the final subdivision plan be prepared subject to the conditions stipulated by the City Departments of Public Works, Licenses and Inspections and Fire; and also recommends that the final plan also incorporate the following comments:

1. Streets dedicated for public uses shall be built by the developer to City specifications for acceptance by the Department of Public Works;
2. The final subdivision plan should include the following information:
  - a. Purpose Statement;
  - b. A "Certification of Ownership" block, in which the applicant certifies that it is the legal owner of the land being subdivided;
  - c. An "Approved for Recordation" block with a signature line labeled "Director of Planning"; an line for the date of approval, and the legend "Return to City of Wilmington, Planning Department, 7<sup>th</sup> Floor, City/County Building; and

**WHEREAS**, these Department recommendations are included in the Subdivision Review Report attached and made a part of the record; and

**WHEREAS**, City Council must review and approve the subdivision plan and accept the dedication of the public alley prior to its recordation with New Castle County and to that end, legislation proposed to be sponsored by Council Member Darius Brown will be prepared for consideration at City Council in January 2015; and

**CPC Resolution 12-14**  
**Page Three**

**WHEREAS**, on Monday, December 10, 2014 a public notice of the Planning Commission's meeting agenda was posted in the lobby of the Louis L. Redding City/County Building and on the City's website, and was sent to the recipients of the standard Commission mailing list; and

**WHEREAS**, the Commission has considered the analysis prepared by the Planning Department along with other evidence presented at the December 16, 2014 Planning Commission meeting, in making its determination.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Planning Commission recommends to City Council the approval of the major subdivision plan titled "Walnut Street Townhomes" and the acceptance of the public alley dedication of "Victory Lane", subject to conditions stipulated by the Departments of Planning, Public Works, Licenses and Inspections, and Fire, which are attached and made part of this resolution.



Polly Weir, Chairperson  
City Planning Commission

*Annabeth Kaminsky* Planning Manager  
for Leonard Sophrin, Director  
Department of Planning

Date: December 16, 2014

attachments