

# **APEX ENGINEERING INCORPORATED**

27 WEST MARKET STREET  
(302) 994-1900

NEWPORT, DE 19804  
(302) 994-9099 FAX

[www.apexengineeringinc.com](http://www.apexengineeringinc.com)

March 24, 2011

Apex Project #96186.023

New Castle County  
Department of Land Use  
87 Reads Way  
New Castle, DE 19720

**Re: 20 Montchanin Road**

Dear Planner:

We hereby submit an application for the property located at 20 Montchanin Road. You may recall that the an application had previously been submitted to the Department (Application No. 2008-0273(S)), however, that Application expired. This new Application is being submitted as part of the Compromise Agreement executed by the Stoltz organization and Citizens for Responsible Growth of New Castle County, Inc. dated as of December 31, 2010. Per that Agreement, certain changes have been made to the plan to address the concerns of the community while at the same time accommodating the needs of the Applicant to develop the property. This Application also includes a Deed Restriction Amendment.

Highlights of the Agreement between Stoltz and CRG pertaining to this Application include:

- Reduction of square footage of new building proposed from 36,500 square feet to 6,000 square feet
- Propose to rezone approximately 2 acres of the approximately 19.9 acre site as shown on the plan, from "OR" to "CN" to accommodate the proposed 6,000 square foot building.
- Total building footprint not to exceed 1.792 acres.
- Height of proposed 6,000 square foot building not to exceed 25 feet, plus rooftop mechanical equipment not to exceed 10 additional feet.

New Castle County  
March 24, 2011

20 Montchanin Road  
Exploratory Plan Submission

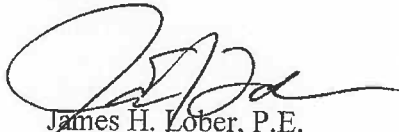
- Height of any future expansion to existing 138,193 square foot building shall not materially exceed the present height of that portion of the building being expanded.
- Height of any future building not to exceed either two stories or 40 feet, exclusive of basement, plus rooftop mechanical equipment not exceeding an additional 10 feet in height.
- New 6,000 square foot building to be set back 90 feet from right of way line for Montchanin Road.
- No new access points to the property off of Montchanin Road.

In addition to the plan, the following documents are also enclosed:

1. A completed New Castle County Department of Land Use Application for Plan Review;
2. 20 Montchanin Assoc. LLC check #100001553 for \$1,500.00 for the Planning and Engineering Land Development Review and Processing Fee;
3. Fifteen (15) Folded paper prints of the Exploratory Sketch Plan;
4. One (1) copy of the deed restrictions on the property;
5. One (1) copy of the wetlands report;
6. One (1) copy of the previous recorded land development plan;
7. One (1) copy of the site capacity calculations; and,
8. One (1) copy of the Engineering Section Exploratory Plan Checklist.

Thank you for your assistance with this project. If you have any questions or need anything further please let me know.

Regards,



James H. Lober, P.E.  
Project Engineer

Enclosures

Cc: Keith Stoltz                      Stoltz Management  
Pamela Scott                      Saul Ewing

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**NEW CASTLE COUNTY DEPARTMENT OF LAND USE**  
**SLD-1 Form**  
**(Application for Plan Review)**

|   |   |                                       |
|---|---|---------------------------------------|
| <b>Level of Plan Submission</b>                                 | <b>Plan Type</b>  | <b>For New Castle County Use Only</b> |
| <input checked="" type="checkbox"/> Pre-App. / Exp. Sketch Plan | <input type="checkbox"/> Major Land Development Plan            | Date Received _____                   |
| <input type="checkbox"/> Preliminary Plan                       | <input checked="" type="checkbox"/> Minor Land Development Plan | Application Number _____              |
| <input type="checkbox"/> Check Print                            | <input type="checkbox"/> Resubdivision                          | Assigned Planner _____                |
| <input type="checkbox"/> Record Plan                            | <input type="checkbox"/> Site                                   | Assigned Engineer _____               |
| <input type="checkbox"/> Revised Plan                           | <input type="checkbox"/> Utility                                |                                       |
|   | <input type="checkbox"/> Parking                                |                                       |
| <input type="checkbox"/> Engineering Section Submission Only    | <input type="checkbox"/> Sanitary Sewer                         |                                       |
|   | <input type="checkbox"/> Grading/E&S/Stormwater                 |                                       |
|   | <input type="checkbox"/> Floodplain                             |                                       |
|   | <input type="checkbox"/> General Permit                         |                                       |

- 1) Name of Plan 20 Montchanin ROAD  
 Former Plan Name or Alias n/a  
 Tax Parcel Number(s) 07-030.10-015
- 2) Name of Legal Property Owner(s) 20 Montchanin Associates L.L.C. c/o Stoltz Real Estate Partners  
 Address 725 Conshohocken State Road  
 City Bala Cynwyd State PA Zip 19004  
 Phone Number (610) 667-5800 Fax (610) 664-1976  
 Contact Person Steve Lewis
- 3) Name of Applicant(s) 20 Montchanin Associates L.L.C. c/o Stoltz Real Estate Partners  
 Address 725 Conshohocken State Road  
 City Bala Cynwyd State PA Zip 19004  
 Phone Number (610) 667-5800 Fax (610) 664-1976  
 Contact Person Steve Lewis
- 4) Firm Responsible for Plan Prep. Apex Engineering Incorporated  
 Address 27 West Market Street  
 City Newport State Delaware Zip 19804  
 Phone Number (302) 994-1900 Fax (302) 994-9099  
 Contact Person Stephen G. Davies  
 E-Mail sdavies@apexengineeringinc.com
- 5) Existing Zoning OR Proposed Zoning (if applicable) n/a

6) Also submitted are the following applicable fees as indicated: (See Appendix 2 for Details)

| Exploratory Sketch Plan Submission  | Amount   |
|---|----------|
| <input checked="" type="checkbox"/> Planning Land Development &/or Rezoning Review and Processing Fee | \$750.00 |
| <input checked="" type="checkbox"/> Engineering Review and Processing Fee                             | \$750.00 |
| <b>Preliminary Plan Submission</b>  |          |
| <input type="checkbox"/> Planning Land Development &/or Rezoning Review and Processing Fee            |          |
| <input type="checkbox"/> Engineering Review and Processing Fee  |          |
| <b>Record Plan Submission</b>   |          |
| <input type="checkbox"/> Planning Check Print Filing Fee  |          |
| <input type="checkbox"/> Planning Land Development &/or Rezoning Review and Processing Fee            |          |
| <input type="checkbox"/> Engineering Review and Processing Fee  |          |
| <input type="checkbox"/> Recorder of Deeds Fee  |          |
| <input type="checkbox"/> Delaware Document Account Fee  |          |

7) Other Items: (See Appendix 1 for Details)

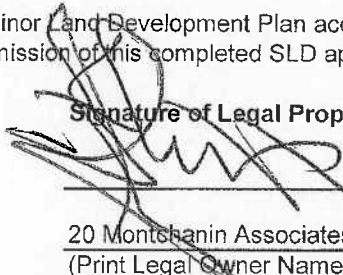
8) It is required that the applicant notify the Federal Aviation Administration on their Form 7460-1, available at the New Castle County Airport Manager's Office if proposed construction, or crane operation will exceed 200 feet above ground level, or will penetrate a slope of 100:1 outward and upward from the nearest point of the nearest runway for a distance of 20,000 feet. For construction, or crane operations in closer proximity to any other airport or heliport in New Castle County, the obstruction/height criteria may vary. Clarification should be made by contacting the New Castle County Airport Manager's Office.

I certify that, to the best of my knowledge, all information listed above and all information and statements contained in any documents or plans submitted with this application are true, correct and complete and the legal owner of the land agrees with the filing of this application. I understand that any person who falsifies any information on any application made with the Department shall be subject to criminal proceedings under Title 11 of the Delaware Code.

I certify that I will post an application notice for this Major / Minor Land Development Plan according to New Castle County Code Chapter 40 (UDC) 31.320(F)(2) within 10 days of submission of this completed SLD application.

| MANDATORY<br>PLAN SUBMISSION DATA        |   |
|--|---|
| <input type="checkbox"/> Residential     | <input checked="" type="checkbox"/> Non-Residential |
| Site Acreage: <u>19.857</u>              |   |
| Disturbed Acreage: <u>1</u>              |   |
| Number of Lots: <u>1</u>                 |   |
| Est. Number of Pumps: <u>0</u>           |   |
| Est. Sanitary Sewer Flow: <u>600 gpd</u> |   |
| Proposed GFA: <u>6,000 s.f.</u>          |   |
| Building Footprint: <u>6,000 s.f.</u>    |   |
| Sewer: <u>New Castle County</u>          |   |
| Water: <u>City of Wilmington</u>         |   |

Signature of Legal Property Owner



3/22/11  
Date

20 Montchanin Associates L.L.C. - Steve Lewis  
(Print Legal Owner Name)

*Authorized Person*

Signature of Legal Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Print Legal Owner Name)

Signature of Legal Property Owner

\_\_\_\_\_  
Date

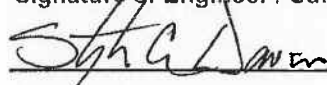
\_\_\_\_\_  
(Print Legal Owner Name)

Signature of Applicant

\_\_\_\_\_  
Date

Same as Owner  
(Print Applicant Name)

Signature of Engineer / Surveyor



3-24-11  
Date

Stephen G. Davies  
(Print Engineer / Surveyor Name)

| Ent   | Name                         | Acct No | Invoice       | Date      | Reference                  | Amount   |
|-------|------------------------------|---------|---------------|-----------|----------------------------|----------|
| 08015 | 20 Montchanin Associates, LL | 1334-00 | 07-030.10-015 | 3/22/2011 | Engineering Rev & Proc Fee | 1,500.00 |

Vendor: **New Castle County** MO0598 Date **3/22/2011** Check No. **100001553** Check Amount **1,500.00**  
 NEWCOU PO Box 15359 Wilmington DE 198865359

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND-NOT A WHITE BACKGROUND

**20 Montchanin Associates, LLC**  
**c/o Stoltz Management of DE, Inc**  
**725 Conshohocken State Road**  
**Bala Cynwyd, PA 19004**

Firsttrust Bank  
 555 City Line Avenue  
 Bala Cynwyd, PA 19004

Date **3/22/2011** Check No. **100001553** Check Amount **1,500.00**

**One Thousand Five Hundred AND 00/100 Dollars**

Pay to the order of:

**New Castle County**

**PO Box 15359**  
**Wilmington, DE 19886-5359**

VOID IF NOT CASHED WITHIN DAYS WITHIN DATE OF ISSUE



AUTHORIZED SIGNATURE

Details on back  
 Security Features Included

THIS DOCUMENT CONTAINS A WATERMARK THAT IS VISIBLE WHEN HELD TO THE LIGHT

⑈ 100001553 ⑈ ⑆031975984⑆ 701910598 ⑈

REV-81 JUN 1988

NOW, THEREFORE, in consideration of one (\$1.00) dollar and for other good and valuable consideration in hand paid by parties of the first part to party of the second part, receipt of which is hereby acknowledged, and for the mutual covenants and undertakings herein expressed, it is agreed as follows:

1. These restrictions shall become effective upon their filing in the Office of the Recorder of Deeds of New Castle County. These restrictions shall remain in effect as long as the land is zoned O-2 or its equivalent as the same may be constituted from time to time in the Zoning Code of New Castle County and as long as there shall be no additional restraint imposed upon such O-2 use except as provided herein.
2. The terms hereinafter referred to in these restrictions shall be the same as defined in the Code as of the effective date of these restrictions.
3. Notwithstanding any provision in the Code, no use shall be permitted on the land except an office building and accessory uses thereto; provided, however, nothing contained herein shall prohibit temporary buildings and temporary storage of materials during construction and vending machines inside the enclosed building for the convenience of the occupants thereof.
4. In addition to other restrictions and limitations imposed by the Code, the following restrictions shall be applied to the land:
  - (a) The minimum lot size shall be the entire acreage of the land (less any portion thereof which may at any time be condemned or acquired by public authority).
  - (b) The total ground floor area of the building shall not exceed 1.7 acres.
  - (c) The height of the building shall not exceed (exclusive of basement) either two stories or forty feet.

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5. These restrictions shall be covenants running with the land, they are for the benefit of New Castle County, The Kennett Pike Association, Inc., a Delaware Corporation, and the lands and tenements of Elizabeth Mills-Hogley Foundation, Inc., a Delaware Corporation, adjacent to the lands to which these restrictions apply. Such restrictions may be enforced by any one of the foregoing. No modification, revision or amendment of any of the foregoing restrictions may be made except with the approval of the beneficial owner of the land and the New Castle County Council after public notice and public hearing; provided, however, nothing contained herein shall be construed to require the approval of any other party for such modification, revision or amendment. Nothing contained herein shall preclude a rezoning of the land to another zoning classification in accordance with the then prevailing procedures for such rezoning, and in the event of any such rezoning these restrictions shall become void and of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 17<sup>th</sup> day of January, 1969.

Signed, Sealed and Delivered in the presence of

*[Signature]*  
\_\_\_\_\_  
*[Signature]*

*[Signature]* (SEAL)  
Dorcas Van Dyke Farquhar

*[Signature]* (SEAL)  
Donald K. Farquhar

*[Signature]*  
\_\_\_\_\_  
*[Signature]*

COLUMBIA GAS SYSTEM SERVICE CORPORATION

By: *[Signature]*  
President

Attest: *[Signature]*  
Secretary

