



PLANNING & DEVELOPMENT
CITY OF NEWARK

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June 10, 2019

Mr. Christopher R. Locke, Esq.
Lang Development Group
100 Dean Drive
Newark, DE 19711

Dear Mr. Locke:

The City of Newark's Subdivision Advisory Committee has reviewed the land use plan for the property located at 287 East Main Street (Project #19-01-01) for Site Plan Approval, Rezoning, Parking Waiver, Special Use Permit, and Major Subdivision submitted by Lang Development Group on January 7, 2019. We have the following comments:

Electric Department

1. Electric Service is available.
2. The building can be no closer than 12.5 feet to the City electric power line on East Main Street.
3. Aerial lines along the East Main Street cannot be de-energized during construction. The developer must pay for any line covering.
4. Pole 21A22 at the front left side (looking at the building from East Main Street) of the property must be relocated. The Developer must pay for the relocation and mark where it can go. The Developer must pay Delmarva, Comcast and Verizon to relocate their lines. Developer must contact other utilities to relocate/rearrange their cables.
5. An open utility easement is required and must be listed on the prints.
6. A suitable location approved by the Electric Department will be required for a padmounted transformers and shown on the developers drawing to ensure no conflict with water and sewer lines. Electric utility equipment must be located behind the sidewalk.

7. Someone must contact the Electric Department with information on transformer location and electric service needs before any costs can be calculated. Developer must pay all costs for electric service infrastructure. The price is subject to a yearly CPI escalation from the date of council approval.
8. No trees growing over 18 feet at maturity can be planted near the electric service pole.
9. The Developer installs all underground conduits for high voltage and low voltage cables to City standards.
10. The Developer installs all underground high and low voltage cables to City standards.
11. Individual electric meters will be required for each commercial unit. The developer will be responsible for the cost of the electric meters.
12. All residential metering shall be grouped together and be arranged so that the service for each unit can be properly and independently controlled from a point readily accessible to the City. Additionally, each meter shall be permanently marked with the address served by that equipment. The interior of meter boxes shall also be marked appropriately. All meters shall be mounted outside of each unit.
13. A single line diagram showing metering and switchgear must be approved by Electric Department.
14. Developer is required to perform a study to check Smart Meter System integrity.
15. Developer must pay any costs needed to repair the radio coverage if the buildings interfere with the Smart Meter System.
16. The developer must provide keys if meters are to be located inside a locked room.

Parks and Recreation Department

- 1) As per Article XXV - Landscape Screening and Treatment, Section 32-87 Required Landscape Screening; In any BB district, an evergreen landscape screen and/or fence a minimum of six feet in height shall be planted and or erected to separate any permitted use from any lot zoned residential. Four residential lots border the rear of the property and will require a landscape screening.
- 2) There are too many Bloodgood London planetrees on the plan. Suggest changing three of the of planetrees to black gum.

- 3) There are too many white velour crepe myrtles on the plan, suggest changing three to ginkgo "Princeton Sentry".

Police Department

1. Address approved by City of Newark Police Department must be included on Subdivision Plans.
2. Unit numbering for apartments must be approved by City of Newark Police Department. Plans must include unit numbering before approval of building permit.

Planning and Development Department

Code Enforcement Division

1. Comments are based on 2012 ICC Codes. All contractors shall be licensed in the City. The proposed buildings must meet all applicable Building and Fire Code requirements. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings shall be submitted with applications for permits.
2. A Demolition Permit is required for the existing structure. A hazardous materials survey shall be submitted with demolition permit application.
3. Specify proposed building area.
4. An elevator shall be provided as required. Elevator shall meet all life safety code requirements.
5. Accessible dwelling units shall be provided in accordance with 2012 International Building Code Section 1107.
6. Final elevations, floor plan, and building design shall be consistent with plans approved by City Council at time of subdivision. Significant alterations shall be reviewed and approved by City Council.
7. This project is subject to the LEED based requirements of the City of Newark amendments to the 2012 International Energy Conservation Code as detailed in Section 7-8 (7) of the Municipal Code.

Fire

1. Comments based on 2012 International Fire Code, 2015 Delaware State Fire Prevention Regulations, 2015 NFPA 101 Life Safety Code.

2. Fire Marshal Plan required for review including fire lanes, fire hydrants, emergency planning, primary entrance, elevator details, building construction type, building height, and proper use groups.
3. Fire sprinklers, standpipes, and fire pump to be required for the building. Complete fire protection plans must be submitted with application for review. Flow test must be conducted.
4. Delaware State Fire Prevention Regulations 2015 shall be reviewed as a part of the plan. Use mid-rise requirements if applicable. Fire lane access and perimeter access to be reviewed once building construction is determined. Consider alterations to entrances to parking lots for fire department access.
5. Submit sequence of construction and location of staging area for construction materials. Site must be enclosed with approved barrier during construction to ensure public safety.

Land Use Division

1. Plan shows proposed uses of commercial, financial institution, and parking. The proposed plan generally meets zoning requirements for these uses, but any specific use will be reviewed during tenant fit out building permit review process to verify it meets zoning code requirements.
2. Given the urbanizing environment of Main Street, Staff would prefer to have a walk-up teller window for the bank rather than the suburban model of a drive-thru bank teller window. However, should the applicant wish to proceed with the drive-thru, then the plan needs to comply with Section 32-4 (36) of the Code, *a drive in and curb service business* for any establishment serving customers seated in automobiles, excluding food service which requires a minimum setback from all street lines of 65 feet. The plan shows the bank drive-thru canopy set back from street 30 feet. A 35-foot setback variance is required. The 35-foot drive-thru set back variance must be added to the Site Plan Approval Data Column.

In addition, please provide some clarification of drive-thru lanes including: Will the Main Street exit be drive-thru only? Is there a lane open through to Main Street with no ATM or teller?

3. Each apartment unit must be at least 800 square feet - to be verified when floor plans are provided.
4. A 20-foot setback is required for all buildings above three stories or 35 feet in height. As per Sec. 32-4. (a) (112), a *Setback line or building setback line* is a line extending between the two side lot lines of a lot or parcel of land which is parallel to, and a stated distance

from a street line. As a corner lot, this parcel has 2 street lines, Main Street and Tyre Avenue. Site Plan Approval Data Column should indicate a 15-foot setback variance from Tyre Avenue and a 14-foot setback variance from Main Street.

5. In parking calculations, the plan indicates two employees for the bank. This does not seem like an accurate assumption of the number of employees for a bank.
6. It should be noted that given the assumptions for future commercial tenants, including the assumption as described above in #5 of only two bank employees, the plan provides adequate parking for retail, office, school, and studio uses, but does not provide adequate parking for personal service, medical office, restaurant, or commercial indoor recreation. Please note that future uses will need to meet the parking requirements.
7. Project title should include Comprehensive Plan Amendment.
8. Add PR#19-01-01 to all future plans and correspondence.
9. Identify the seasonal planter on Tyre Ave better. It's not clear what is sidewalk and what is mulch without reference of legend on other sheet of plans. Might be missing an arrow from text to planter.
10. Staff notes that navigation of parking spaces by building and dumpster could be difficult, and alternatives for the location of the dumpster might be considered.
11. A description of parking waiver rationalization per Sec. 32-45.(b) is required.
12. Given that this is in the Downtown District, this application may be reviewed by the Design Committee per Chapter 32, Appendix XIII Section (d) (3) of the Code.
13. Given that this approval is being requested based on the Site Plan Approval provision of the Code per Chapter 32 Article XXVII, the applicant must provide a rationale for distinctiveness and excellence of site arrangement and design as required in Sec. 32-97.- Purpose. Per this Code provision "*Site plan approval shall be based upon distinctiveness and excellence of site arrangement and design and including, but not limited to:*
 - (1) *Common open space;*
 - (2) *Unique treatment of parking facilities;*
 - (3) *Outstanding architectural design;*
 - (4) *Association with the natural environment including landscaping;*
 - (5) *Relationship to neighborhood and community and/or;*
 - (6) *Energy conservation defined as site and/or construction design that the building department has certified meets or exceeds the 'certified' level as stipulated in the LEED (Leadership in Energy and Environmental Design) United*

States Green Building Council Program or a comparable building department approved energy conservation program.”

Further, towards this end of meeting the above provisions, Staff recommends that the applicant elaborate on this project qualifications for Site Plan Approval. Also, more detail will be required to verify the design is in conformance with Sec. 32-98.3, particularly the proposed building materials. In addition, please provide additional architectural renderings of the buildings from all sides including perspective elevation rendering to show this proposed structure in relation to the street and neighboring buildings.

Public Works and Water Resources Department

Comments that do not need to be addressed until Construction Improvement Plans are submitted are indicated with **(CIP)**.

SITE – GENERAL COMMENTS:

1. Add the project number “19-01-01” to all plan sheets
2. Include the proposed addresses of the units on the plan.
3. Include the required and provided ADA parking count in the Parking Rationale.
4. The limit of disturbance will need to be delineated on the plan and the area added to the Cover/Index Sheet. **(CIP)**
5. A DeIDOT Letter of No Objection to Recordation (LONOR) shall be furnished to the Public Works Department prior to CIP approval. It is highly recommended that the developer submit for a LONOR from DeIDOT as soon as possible to prevent any delays in the plan review process (Subdivision Plan and CIP phases). LONOR shall be provided concurrently with any future CIP submission. **(CIP)**
6. DeIDOT’s Main Street Rehabilitation project is began in late spring of 2019. It is likely the construction of a 4-story building and parking garage in this area will be impacted by the work on Main Street. Has the Developer discussed this project with DeIDOT, and if so, does DeIDOT have any concerns with the planned development?
7. It is likely DeIDOT will have substantial road surface replacement requirements after the Main Street rehabilitation project is complete in this area. The Department recommends the developer confirm that no utility work is necessary within Main Street. If utility tie-in to Main Street is necessary, it is recommended to proactively install the anticipated

water, sanitary sewer and storm sewer infrastructure for the project in advance of the DeIDOT Main Street project.

8. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site including existing parking areas. **(CIP)**
9. Provide a separate Fire Marshal Plan for review during the Subdivision Plan phase.
10. Parking spaces are proposed immediately adjacent to the proposed building. Vehicles pulling in would likely take at least one or two extra maneuvers and would have to be very careful with your clearances on all sides. Pulling back out would be significantly more difficult than going in. In theory, you can back the car out using exactly the opposite motions that you used to get it in, but this would be much more difficult than it sounds. Consider striping one of the stalls as a no-parking space so a car can pull into the no parking stall and back into the stall directly against the wall. There is a similar issue with the parking on the south end of the parking lot near the proposed trash enclosure.
11. Consider relocating the trash enclosure to allow for a hammer head turnaround on the south end of the parking lot.

WATER & SEWER:

1. Sanitary Treatment Plant Fee has been calculated as follows. The proposed 45 apartment units (@\$666.67 each = \$30,000.15) plus 6,000 S.F. retail area (@\$0.24/S.F. = \$1440.00) minus the credit for 2,665 S.F. building (@\$0.24/S.F. = \$639.60) will require a fee of \$30,800.55. STP fee will be required prior to CIP approval. **(CIP)**
2. The following standard notes should be included on Major Subdivision Plan if they are not already:
 - a) "All construction shall be in accordance with the latest City of Newark standards and specifications, building code, and fire code."
 - b) "As-Built Plans and Checklist shall be submitted to the City of Newark prior to issuance of Certificate of Occupancy." *There is a review process for As-built submissions, so it is recommended that the submission be done in advance of expected occupancy to avoid delays.*
 - c) "All handicapped parking stalls, logos, and access aisles shall be marked with blue paint and hatched accordingly."
 - d) "An "Approval to Construct" will be required from the Department of Public Health Office of Drinking Water. A copy of the approved permit shall be furnished to the City prior to CIP approval."
 - e) "An "Approval to Operate" from the Department of Public Health shall be provided to the City prior to the use of any domestic water or issuance of any certificate of occupancy."

- f) "A DNREC "Construction of Wastewater Collection and Conveyance Systems" permit will be required and shall be furnished to the City prior to CIP approval." *Required for all projects generating more than 2,000 gallons per day average sewer flow.*
 - g) "A signed and sealed copy of the DNREC approved sanitary sewer as-built plans shall be furnished to the City within 30 days of DNREC approval."
 - h) "The Developer shall pay the Sewage Treatment Plant (STP) fee prior to the issuance of any building permit." *A credit will be given for any existing building that is to be removed.*
 - i) "Individual water meters will be required for each commercial and/or residential unit and shall be located in one or more centrally located meter room(s) as close as possible to where the domestic main enters the building. The meter room(s) shall be readily accessible to the City of Newark. A ¼ turn locking ball valve shall be located immediately on both sides of each meter in a meter bank setup. The developer will be responsible for the cost of the meters. The city will determine the size of the meters in coordination with the developer."
 - j) "The Developer shall pay all water meter fees prior to the issuance of any building permit."
 - K) "The owner will be responsible for the installation of additional transmission equipment as necessary should the proposed building negatively affect the performance of the City's wireless meter reading system."
 - l) "All water valves shall be Mueller unless otherwise approved by the City of Newark Public Works and Water Resources Department."
 - m) "All unused water and sewer services shall be terminated at the utility main or at a location determined by the Public Works and Water Resources Department."
 - n) "Any damage to the City storm sewer, water, or sanitary sewer infrastructure shall be repaired or replaced to the satisfaction of the Public Works and Water Resources Department."
 - o) "All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have "NEWARK" anywhere on the lid."
 - p) "The required fire protection flow rate(s) is/are _____." *The required flow rate(s) for each buildings sprinkler system shall be determined by the engineer/sprinkler designer and provided with Subdivision Plan submission.*
 - q) "The Developer shall televise any existing sanitary sewer laterals to be re-used and provide a copy of the video to the City for review. The condition will be evaluated to determine the suitability for reuse." *This note only applies if existing laterals are to be reused. Contact Shawn Gealy, Water and Wastewater Inspector, at (302) 229-1396 a minimum of 48 hours in advance of the CCTV work and provide a digital copy to the Public Works and Water Resources Department.*
3. A hydrant flow tests will be required to verify the flow rate and system pressure are consistent with the basis of design. Public Works and Water Resources personnel must be present during flow testing to collect flow test results. Please submit a fire flow test request to PWWR.

4. The developer shall investigate the capacity of the existing sanitary sewer system to determine if sufficient capacity exists to handle the anticipated wastewater flows and furnish the report to the city for review and approval. PWWR can provide the applicant's engineer with the diurnal curve for dry weather flows for the project area that they will need to adjust their field measurements.
5. If the proposed use of the building includes food preparation such that a grease trap is required, two (2) separate service laterals are required so that flows from kitchens or containing grease or oils flow to the grease trap and not directly to the public sewer. Grease traps should be located outside the building for ease of cleaning and inspection.
6. The condition of the existing downstream sanitary manhole being tied into will need to be verified. If the conditions are unsuitable the manhole will need to be replaced or restored accordingly.
7. The current water connection along Tyre Ave is to a 6" main. If the flow test shows insufficient capacity for the proposed building, the developer will likely have to tap the 10-inch water main located in Main St. **(CIP)**
8. Add valves to the proposed water services.
9. Indicate the location of the mechanical room on the plans. The length of the water service(s) below the building slab shall be greater than five (5) linear feet.
10. Profiles for water and sanitary sewer will be required in the CIP phase. **(CIP)**
11. The condition of the existing downstream sanitary manhole, downstream of the buildings lateral will need to be evaluated. If the conditions are unsuitable the manhole will need to be replaced or restored accordingly at the Developers expense.
12. Any fire hydrants to be salvaged and reused shall be manufactured after 2014 and shall be low lead compliant.
13. The latest version of the City of Newark Water and Wastewater Standards and Specifications is available at <https://newarkde.gov/DocumentCenter/Home/View/464>. Ensure that all water and wastewater design standards are met and all relevant details shown on the plans correspond to those in the latest release. **(CIP)**

STORMWATER:

1. An SAS checklist and SAR have been submitted. A Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the Public Works and Water Resources Deputy Director, Ethan Robinson, at (302) 366-7000 Ext. 2108.

2. Revise the fourth paragraph under R_{Pv} Performance Criteria – Water Volume Management to be consistent with the latest Sediment and Stormwater Regulations, last amended February 11, 2019.
3. Delaware Urban Runoff Management Model (DURMM v2.5) shall be used to verify R_{Pv} compliance for the site. Revise the report to include DURMM v2.5 to determine R_{Pv} storage requirements and complies with the latest DSSRs.
4. DURMM analysis indicates runoff from the entire 1.14 acre parcel is conveyed to the proposed subsurface infiltration facility. Separate DURMM analysis should be performed all the bypassed drainage areas and the net shortfall or credit should be provided on the Summary Table for all sub-areas for the site.
5. Isolation chambers shall be incorporated into the design of the proposed Stormtech facility.
6. The report includes correspondence from Geo-technology Associates that indicates field measured infiltration rates for four (4) separate test location on the subject site. A formal soil investigation report shall accompany the future submission to validate the design infiltration rate being used in the subsurface infiltration facility modeling.
7. Include appendixes dividers in any future stormwater management report submissions.
8. As a redevelopment project, runoff reduction practices shall be employed to achieve a 15% reduction in the effective imperviousness based on the existing conditions. The approach to stormwater management for the site will be further discussed during the SAS Project Application Meeting.
9. Development projects that require a detailed Sediment and Stormwater Management Plan require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required. There is no record of an NOI Project ID for this project. Add the NOI Program ID to the Plan.
10. The project is located in the White Clay Creek Watershed. Add the watershed to the Site Data column.
11. A wetlands report is required to be submitted for major subdivisions involving new and/or additional construction in accordance with Chapter 27, Section VIII of the City Code of Ordinances. If there are no wetlands, a letter certifying no wetlands are present will need to be submitted by a wetland scientist or the professional engineer of record.
12. It is not clear where the 18' x .5' long sharp crested rectangular weir is proposed. Please clarify this on the plans and in the report.
13. Show all sizes and material for the proposed storm sewer associated with the site.

14. Provide a preliminary detail for the Stormtech facility outfall structure.
15. Include pre vs post peak discharge rates and runoff volumes for the Rpv event in the Summary Table of Peak Discharge Rates and Runoff Volumes (Table 2) in the design narrative.

This Subdivision Plan review is solely based upon the information and details provided in the submitted documents. **Please submit and include a written response to all comments to this letter with your subsequent submission (*we will provide an electronic "Word" version for this purpose*).** Additional comments may be generated during any future submission or CIP phases.

I hope you find this information helpful. Should you have questions or need more information, please do not hesitate to contact me at 366-7000, extension 2040.

Sincerely,



Mary Ellen Gray, AICP
Planning and Development Director

MEG/tf