



**PLANNING & DEVELOPMENT**  
CITY OF NEWARK

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January 18, 2018

Mr. Michael J. Kaszyski, Jr., P.E.  
Senior Project Manager  
Duffield Associates  
5400 Limestone Road  
Wilmington, DE 19808

Dear Mr. Kaszyski:

The City of Newark's Subdivision Advisory Committee has reviewed the Comprehensive Plan Amendment Major Subdivision Plan you submitted on November 28, 2017 for 1501 Casho Mill Road, Tax Parcel 18-030.00-127.

We have the following comments:

Electric Department

1. Electric service is available from existing pole line from Elkton Road.
2. A suitable location approved by the City for one or more padmount transformers must be shown on the prints.
3. Developer must pay for all costs for onsite material including transformers, cables, and labor to supply electric service. Cost to be determined.
4. Meters must be grouped in one location.
5. An open utility easement is required and should be listed on prints.
6. Developer must pay for any modifications to the smart meter system if the buildings interfere with the smart meter system

### Parks and Recreation Department

1. Developer will be required to pay \$450 per apartment unit for a total of \$27,000 for cash in lieu of land as per Chapter 27, Appendix VI of the Code of the City of Newark, Delaware.
2. Please refer to chapter 32 zoning article XXV landscape screening and treatment and to Subdivisions, Appendix VI Playgrounds, Recreation Area Requirements.
3. Parks and Recreation Department will comment further once a landscape plan is submitted.

### Police Department

1. No comments at this time.

### Planning and Development Department

#### *Code Enforcement Division*

1. Comments based on 2012 IBC;
2. The proposed buildings must meet all applicable Building and Fire Code requirements. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings are required for review prior to permits. Building height and area will be determined by the type of construction. Sprinklers are required;
3. The architectural plans will need to match the architectural rendering/elevations submitted for the project. Confirmation that the elevations will match the rendering will need to be done at the time of architectural plan review. Code recommends that draft floor plans be presented to avoid issues during site plan review;
4. Plan shows 100-year floodplain on the site adjacent to the proposed building, specify on plan base flood elevation and proposed finished floor elevation;
5. Please indicate the fire hydrant locations on the site plan and provide a turning template to verify the turning radius will work for fire truck access. A water flow test for the fire pump will need to be conducted. FDC locations will be determined at the time of building plan review. The main entrance shall meet the fire lane requirements. Separate curb stoops for fire service and domestic water will be required. In addition to the 2012 IFC, please consult the 2015 Delaware Fire Protection Regulations;

6. The proposed building will need to meet the LEED standards as per 2012 IECC and as detailed in Section 7-8(7) of the City Code;
7. Site must comply with all Accessibility Standards. Accessible route not provided from right of way, provide accessible route from right of way in accordance with IBC section 1104.1 (as amended). Accessible dwelling units shall be provided in accordance with IBC Section 1107. Plan proposes 10 handicap parking spaces, a minimum of 2 handicap parking spaces shall be van accessible;
8. Demolition permits will be required for any existing buildings. An environmental survey and report will be required for any building. Any underground tanks will need to be removed by a certified contractor;
9. Pre-construction meeting will be required. Proper protection of site and public required during construction. The sequence of construction to be prepared and submitted by a licensed professional engineer.

#### *Fire Safety*

1. Location of fire hydrants must be shown.
2. Dwelling units must be fully sprinklered.
3. Fire Dept. turning radius and turn around to be reviewed.
4. Fire Lane to be marked properly.

#### *Land Use Division*

1. It should be noted that Sec. 32-16.1 allows specialty retail stores, but not retail stores. As such, the sale of items such as apparel, accessories, shoes, drugs, and hardware is not allowed, but the sale of gifts, antiques, flowers, jewelry, newspapers, books, hobbies, stationery, sporting goods, tobacco, leather goods, music, photography supplies, and art supplies is allowed. Prepared food and adult bookstore/entertainment centers are not allowed. Subdivision Agreement should clarify allowed and prohibited retail sales details.
2. The plan must indicate building height and not exceed three stories or 35 feet.
3. Applicant should be aware of Zoning Codes definition of building height. Height is not measured to top of roof, only to average height of roof.

*Height of a building:* The vertical distance from grade plane to the

average height of the highest roof surface. The average highest roof surface is further defined as the midpoint between the highest roof eave and its highest roof ridge.

4. The submitted plan's parking calculations incorrectly indicate retail requirements of 3.5 spaces required per 1,000 sf and apartment requirements of 1.25 spaces/room. Actual requirements are in Sec. 32-45
  - offices - One off-street parking space per 300 square feet of gross floor area.
  - retail stores - One off-street parking space per 200 square feet of floor area used or designed for sales on ground floor, plus one off-street parking space for each employee
  - apartment - Two off-street parking spaces per dwelling unit, plus one additional off-street parking space for each dwelling unit with more than three bedrooms.

Making general assumptions about amount of retail vs. office space and number of employees, and assuming all apartment units are 3 bedrooms or less, staff calculations show a parking requirement of 200 to 210 spaces. Assumptions, including number of bedrooms per apartment, and correct parking requirements must be including in parking calculations. Plan does not include adequate parking for the number of apartments proposed.

5. The Comprehensive Development Plan V lists this parcel as Commercial. This proposal will require a Comp Plan Amendment to change the designation to Mixed Use
6. Future submissions should refer to project number PR#17-11-05.
7. Plan title should include Major Subdivision and Comprehensive Plan Amendment.
8. Subdivision Plan needs to include landscaping plans.
9. It should be noted that while the proposed structure is located outside of the existing 1% chance flood plain, there is a preliminary flood map for this area which includes the entire structure in the 1% chance flood plain. FEMA Floodplain Management Bulletin 1-98 indicates that in the AE zone "The NFIP floodplain management criteria do not require communities to use BFE and floodway data from a draft or preliminary Flood Insurance Restudy.", so it seems this review can likely be based on the current Flood Insurance Map.

The applicant should be aware that even though we may review this project as being outside of the 1% chance flood, as soon as the new map is adopted you may be subject to higher insurance rates based on location in the flood plain. From the

FEMA Fact Sheet, "The NFIP requires the lowest floor of structures built in Special Flood Hazard Areas (SFHAs) to be at or above the BFE." As such, we recommend you consider construction to FEMA flood standards and elevating the proposed structure to have the lowest floor located at or above the BFE and even consider providing freeboard.

The City of Newark Code requires 18" freeboard with City Council being able to provide a variance to the freeboard requirement. Because this proposal will likely be reviewed with the existing Flood Insurance Map a variance from Council will likely not be required, but providing some freeboard above the inevitable map change requirement would be helpful and could potentially lower the insurance rate for the proposed structure.

10. Also, it is not currently clear how the flood map must be interpreted if the preliminary map is approved before this project is approved. While in most instances projects are reviewed based on the Code at the time applications are submitted, this may not be the case with FEMA regulations. There is a chance that we may need to consider the effective flood insurance map at the time the project is reviewed by City Council and not the effective map at the time of application. FEMA regulators and City legal counsel are being consulted for clarification.
11. It is likely 60 new apartments would warrant a TIS per DeIDOT with peak hour trips likely over 50 vehicles per hour or an average daily count of more than 500 vehicles per day. (Chapter 27, Appendix XV) Please confirm with DeIDOT.

#### Public Works and Water Resources Department

##### GENERAL SITE:

1. The SAS checklist and SAR have not been submitted for review. The Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the City's Planning and Design Engineer (Ethan Robinson, Phone: (302)366-7000 Ext. 2108).
2. The age and condition of the existing on-site stormwater facility will need to be evaluated to determine whether the project will need require additional stormwater improvements.
3. Is the topography and existing site features provided on the existing conditions drawing based on actual survey or LiDAR. Include a survey note on the plans that specifies when the survey was completed and who completed the survey.

4. Due to the change in use and anticipated increase in trips in and out of the site. A Traffic Impact Study (TIS) should be conducted for the subject site.
5. Proposed bike racks and bike parking counts will need to be added to the plans in any future Subdivision Plan submission.
6. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and DelDOT standard detail M-4.
7. It is highly recommended that the developer submit for a Letter of No Objection to Recordation (LONO) from DelDOT 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.
8. A list of all utility owners shall be added to the Cover Sheet as part of the Subdivision Plan submission.
9. Provide adjacent property owner and zoning information for all properties within 200 feet of the proposed project.
10. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site including existing parking areas. The existing handicap parking and ramps will likely need to be improved to allow for an accessible aisle adjacent to the parking spaces.
11. Add a general note stating "All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have "Newark" anywhere on the lid."
12. Confirm the total site area. The area provided on the plan is inconsistent with New Castle County records for the parcel. It also appears that an adjacent parcel to the south has been acquired and may be included in this project. Please clarify whether the adjacent lot will be a part of this project.
13. Show all existing and proposed utilities (including service lines) along Casho Mill Road, Elkton Road, and inside the subject site.
14. Show existing and proposed contours.
15. Provide a Landscape Plan for review during the Subdivision Plan phase.

#### WATER & SEWER:

1. Plans will be required to be submitted to the Office of Drinking Water for approval and a DNREC Wastewater Construction Permit will be required.

2. An Approval to Construct will be required from the Office of Drinking Water. A copy of the approved permit shall be provided to the City prior to CIP approval.
3. Individual water meters will be provided for each commercial and residential unit in the new mixed use building. 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.
4. Add a note to the plans stating, "Water meters will be required for each retail and apartment 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 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."
5. Add a note stating, "The Developer will be responsible for the installation of additional transmission equipment should the proposed building negatively affect the performance of the City's wireless meter reading system."
6. All fire and domestic water services shall have individual valves located at the edge of the right of way or back of sidewalks on private drives.
7. The developer shall paint all existing and proposed fire hydrants associated with this project to reflect the flow capacity and apply 2 inch reflective tape in accordance with the State Fire Code.
8. The required sprinkler flow rate for the building will need to be provided on the Subdivision Plan submission.
9. A hydrant flow test will be required to verify the flow rate and system pressure are consistent with the basis of design. Please submit a fire flow test request to PWWR.
10. Add a note to the plan stating the required fire protection flow rate.
11. Provide a wastewater flow generation summary on the future Subdivision Plans to show existing and proposed average and peak wastewater flows using New Castle County Department of Special Services flow generation standards.
12. Projects that generate more than 2,000 gallons per day average sewer flow require a DNREC "Construction of Wastewater Collection and Conveyance Systems" permit.
13. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision plans.
14. Add a note stating, "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."

15. A Sewer Treatment Plant (STP) fee will be required. A credit will be available for the existing building that is to be removed. STP fee shall be paid prior to receiving any building permit.
16. Add a note to the plan stating, "The Developer shall pay the Sewer Treatment Plant (STP) fee for the project prior to issuance of a building permit".
17. Add a note to the plan stating, "The Developer shall pay fees associated with the new water meters prior to issuance of a building permit".
18. Add a note to the plan stating, "Any damage to the City storm sewer, water, or sanitary sewer infrastructure shall be

STORMWATER:

1. There are currently no stormwater management facilities shown on the Sketch Plan. Stormwater management will be required for the subject site. The approach to stormwater management for the site will be further discussed during the SAS Project Application Meeting.
2. Show the existing stormwater infrastructure and facilities on the plans.
3. Redevelopment projects that require a detailed Sediment and Stormwater Management Plan or exceed 1 acre in disturbance also require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required.
4. Provide an overall Limit of Disturbance (LOD) delineation on the plans.
5. 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 wetland are present will need to be submitted by a wetland scientist or the professional engineer of record.

This Subdivision Plan review is solely based upon the information and details provided in the submitted documents. 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  
Planning and Development Director

MEG/tf