



PLANNING & DEVELOPMENT
CITY OF NEWARK

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February 22, 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 major subdivision plan for 92 and 96 East Main Street submitted by Lang Development Group on January 23, 2019. We have the following comments:

Electric Department

1. The existing pole line on the northside of the property may need to be relocated or reconfigured if it does not meet the National Electrical Safety (NESC) code requirements. Developer must pay for all the material and labor cost to relocate or reconfigured the pole line. The costs to be determined once electric service locations are finalized.
2. City will need minimum of 18' of clear access to get to the existing aerial electric lines on the northside of the property. Developer must pay all the cost to relocate the existing aerial electric lines if there is any issue with access. The cost to be determined once electrical service locations are finalized.

Parks and Recreation Department

1. A more detailed landscape plan will be required during the CIP process.
2. We would like to have a Blue Atlas Cedar and two Washington Hawthorns added to the landscape plan at the rear of the property (see attached).
3. We would like to have a low growing shrub such as Goldmound Spirea added to the landscape plan along center street at the entrance to the parking lot.

Police Department

1. The address of the new structure shall be 94 East Main Street. The new address should be referenced on the plans with next submission.
2. The police department shall be consulted to determine the numbering of the internal offices and hotel rooms. Floor plans should include police approved numbering when they are submitted with the building permit application.

Planning and Development Department

Code Enforcement Division

1. Based on the 8.2' distance from the building to the property line on the east side of the project, openings in that wall are limited to 25% of the building wall area (per floor). The parking garage will have to be designed as an enclosed parking garage or the applicant needs to secure an easement from the adjacent property owner (the City of Newark) so the existing parking lot can be classified as a "public way". Another option would be to move the proposed building to 10' minimum from the property line.
2. The zoning code only allows for 1 projecting sign with a maximum area of 20 square feet. 2 projecting signs are shown on the proposed renderings.

Fire

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

1. Fire Department Connection to be installed in current location as well as a secondary FDC to be located at the rear Stair tower.
2. Fire Command Room to be located within the front of the structure along with a secondary FACP annunciator at the rear Stairwell.
3. Sidewalk on the side closest to Handloff building to be reinforced to allow for short jacking of Aerial devices.
4. Multiple 2-hour fire separation walls shall be installed within the structure at locations determined prior to structural plan approval. Each hotel unit shall along be compartmentalized for a standing in place design.
5. High Rise requirements as per the Delaware State Fire Prevention Regulations shall remain.

6. Review with the Electric Department regarding relocation of the power pole at the Center Street Entrance.
7. Fire Sprinklers, Standpipes, Fire Command Room, Smoke Evacuation Systems, Two Way Communication, 800 MHz shall all comply with normal standards of construction, building to be constructed at a higher standard than typical.
8. Fire Hydrant shall be installed within the parking lot to the rear of 104 East Main

Land Use Division

1. By City staff calculations, the allowable building height is 7 floors and 79 feet (3 stories and 35 feet plus 4 stories at 11 feet each). Plan shows allowable building height as 78 feet and asks for 4.2 feet variance for an 82.2-foot high building. With an allowable building height of 79 feet the required variance is only 3.2 feet.
2. Site Plan Approval Data column indicates a request for a building setback variance. It is the opinion of City staff that the elevation of the building at the front of the site does not exceed 3 stories or 35 feet, so the building does not require a 20-foot setback. The Plan Data Column and Site Plan Approval Data column should be fixed to show no setback required.
3. The plan Parking Rational indicates the plan provides 244 parking spaces, while the written response (dated January 23, 2019) to the City SAC comments indicates 253 parking spaces. This should be clarified.
4. The drawings show a parking count of 201 spaces with 7 ADA spaces and 36 compact spaces. Four of the ADA spaces are compact size spaces and 3 of the ADA spaces are full size spaces. The full count of spaces should read 204 full size (9 ft x 18 ft) spaces and 40 compact spaces.
5. Assuming the provided parking space count is 244, and not 253. And assuming the hotel lobby is 6,120 sf of the 10,920 sf ground floor with only 4,800 sf of ground floor going to commercial use (as indicated by applicant's submission), the hotel and office space will require 220 parking spaces. Potential commercial uses (retail, personal service, banks, office, school, studio, medical office, restaurant, and commercial indoor recreation) range in required spaces from 239 to 283. The project only provides enough parking spaces for potential commercial uses of retail, personal service, banks, or medical offices, assuming the project receives a parking waiver for the size of 40 of the provided compact spaces. Commercial uses of office, school, studios, restaurants, or commercial indoor recreation would require additional parking waivers (ranging from 2 to 39 for different uses) for the number of spaces provided. The calculation of the required parking waiver for a restaurant is based on the assumption of half the area being used for seating and 15 sf provided per person with 10 employees. Any actual parking waiver request for a

restaurant would be based on the actual seat and employee count proposed.

6. The applicant has indicated the owner of 108 E Main Street is giving this project 10 spaces they have from a previous subdivision agreement, but the subdivision agreement that the City has located (9 December 2009) actually states "The City agrees that, if available, to provide up to ten (10) monthly parking permits for purchase at market rate in Lot #3 for the second floor commercial tenants of the building for employee parking." The owner of 108 East Main Street was not "given in perpetuity ten parking spaces" as indicated in the response letter dated January 23, 2019. As such, there are not 10 spaces available at 108 East Main Street to be used for this project. The reference to 10 spaces from 108 East Main Street should be removed from this plan.
7. The bike parking requirement is not a part of Chapter 32, so it cannot be included as a requested variance under Site Plan Approval. The bike parking variance request should be removed from the Site Plan Approval Data column.
8. Bike parking is suggested at 1 bike space/5 auto parking spaces but is subject to approval by Public Works. The Planning and Development Department expects that the Public Works Department will agree with the applicant's bike parking rational and approve the 18-bike parking count for this plan, but expect that Public Works may recommend providing some of the recommended bike parking spaces not installed at this site be placed at some other locations in the City. This Planning and Development Department feels it might be helpful for the applicant to provide some of these space throughout the City as some justification for Site Plan Approval as some "Unique Treatment of Parking Facilities."
9. In the December SAC letter the City asked the applicant to provide a shadow analysis of the proposed structure as it relates to Main Street. The applicant's response asked City to provide the Code provision that requires a shadow analysis. There is no Code provision requiring a shadow analysis. The City feels that because this is not a by right application and is in fact requesting Site Plan Approval and a Special Use Permit, and the City has received a public comment that this proposed structure is going to result in a negative impact on the City because of the shadow it may create, it might be helpful if the applicant could prove that their proposed building would not have a negative effect on the surrounding properties due to its shadow.
10. Applicant should provide an estimate for the Average Daily Trips (ADTs) for the current uses and proposed uses to document that a TIS is not necessary for this project.

Site Plan Approval

11. As approval is being requested based on the Site Plan Approval provision of the Code per Chapter 32 Article XXVII, the applicant must provide rational 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 Site Plan Approval provision, staff recommends that additional architectural features/design that reflect “distinctiveness and excellence of site arrangement and design” be applied to:

- The first three (3) floors excluding the Green Mansion portion facing Main Street
- The sides and rear of the building including the parking structure
- Landscaping plan

Also, more detail will be required to verify the design is in conformance with Sec. 32-98.3, particularly the proposed building materials.

12. In reference to the Code Enforcement comment about the projecting signs shown on the color elevation drawings, and the fact that the applicant suggested they might want a ground sign which may not be allowed in addition to a projecting sign, it should be noted that the applicant can include sign details with their submission and request deviations to sign requirements as part of the Subdivision and Site Plan Approval process.
 - a. The ground sign (If it is a shopping center sign identifying all the businesses) could be approved as part of the Subdivision process but must be identified on the drawings and include specifics such as design, dimension, and height.
 - b. As only one projecting business identification sign is allowed by code and it is limited to 20 square feet, if the applicant wants to have 2 signs as seem to be shown on the submitted elevations the variance for the number of projection signs and the exceedance of the allowed area of the projection signs should be included on the plan in the Site Plan Approval Data table. Dimensions of proposed signs must be provided.

Public Works and Water Resources Department

Comment numbering corresponds to the applicant's most recent response letter.

SITE – GENERAL COMMENTS:

7. Public Works and Water Resources does not object to the Applicant's request to reduce the number of provided bike parking stalls as the 18 proposed spaces would provide ample bicycle parking for the site considering its proposed use. The remainder of required bike racks shall be furnished to the City to be installed in other locations throughout the downtown area.

14. The Applicant seems to have been confused by the departments previous comments regarding a possible five year moratorium on Main Street after the Main Street Rehabilitation project is complete and offers the following clarification. It is not the Departments position that no development of main street will be permitted for five years after the Main Street project, rather it was our intent to inform the Applicant that DelDOT will likely require a much more extensive restoration of the road for any open trench utility installations after the Main Street project is complete. There will also likely be a work restriction on Main Street while DelDOT's project is underway.

WATER & SEWER:

9. 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 as part of the development project. Additionally, the Developer shall pay all water meter fees prior to the issuance of any building permits for the project.

STORMWATER:

1. The geotechnical engineer's soil investigation report shall be furnished to the Public Works and Water Resources Department during the CIP phase of the project to confirm infiltration practices are not a viable option to manage stormwater runoff from the site.

This Major Subdivision Plan review is solely based upon the information and detail provided in the submitted documents. **Please prepare a written response to all comments and include with your subsequent submission.** Additional comments may be generated during any successive reviews by our department.

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,

A handwritten signature in blue ink that reads "Mary Ellen Gray". The signature is written in a cursive style.

Mary Ellen Gray, AICP
Planning and Development Director

MEG/tf/mv

Attachment

