



PLANNING & DEVELOPMENT
CITY OF NEWARK

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August 9, 2022

Mr. Gregory Rishel, PLA
Pennoni Associates, Inc.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713

Mr. Rishel:

The City of Newark's Subdivision Advisory Committee has reviewed the May 2, 2022 submission for the major subdivision plan for the proposed Major Subdivision, Rezoning and Site Plan Approval for The Continental apartments at 65 South Chapel Street, PR#21-03-01. We have the following comments:

Electric Department

1. The apartments to be removed feed Wrightstown Commons. The feed to Wrightstown Commons needs to be reconfigured. The developer must pay all reconfiguration costs.

Parks and Recreation Department

1. The developer has updated the landscape plan as per our comments.
2. As stated, Parks will need a detailed landscape plan to review and comment **before this project is approved to go before Council**.
3. Developer to pay fee in lieu of land per Chapter 27, Article VI. Currently calculated at \$133,000 — \$700 per unit for 190 proposed units (**to be included in the subdivision agreement**).

Police Department

1. No additional comments at this time.

Planning and Development Department

Code Enforcement Division

1. Courtyard shall comply with 2018 IBC section 1205, including air intake and drainage.

Fire Marshal

1. No additional comments at this time.

Land Use Division

1. Please update Zoning Summary density calculations, Dwelling Units per Acre, to reflect the increased number of units proposed on the site **(prior to Planning Commission)**.
 - 5.1. Maximum Density Units Per Acre allowed with 15% bonus under Site Plan Approval is 42 (36 x 1.15 = 41.4 rounded up to 42).
 - 5.2. **Sec. 32-53. Density calculation to determine compliance with comprehensive development plan and zoning code.**

When the calculation of units per acre for purposes of density results in a fractional unit, any fraction shall be rounded to the next highest whole number.

2. Revise Site Plan Approval Data to reflect the increased number of units. 190 new units X 1200sf = 228,000sf. 205,507sf provided. Variance requested = 22,493sf. **(prior to Planning Commission)**
3. Relocate Proposed Apartment Building label on page 3 of site plans so building square footage is legible **(prior to Planning Commission)**.
4. The Developer should voluntarily agree to provide deed restrictions indicating residents will not be able to receive residential parking permits or guest parking permits for parking on the street in residential parking districts from the City of Newark **(to be included in the subdivision agreement)**.
5. Note that Chapter 27, Appendix XIV. Design Review for Major Subdivisions not located Downtown (referenced in Land Use comment number 5 and attached) requires submissions to include:
 - 5.1. Color scale elevations of all proposed buildings, showing the kind, color, and texture of materials to be used for all sides of the building(s) visible from sidewalks and public areas, including parking lots; if several styles of buildings are proposed, typical examples of each type shall be provided.
 - 5.2. Color scale elevations showing all existing buildings on the site and existing public utilities visible from public ways, if applicable.
 - 5.3. Contextual color scale elevations showing front facades of all proposed buildings and **the front facades of buildings immediately adjacent to the property.**
 - 5.4. **All proposed signs, lighting, and related exterior features.**
 - 5.5. Visually prominent topographical features, including vistas, hilltops, ridges, stands of woodlands, and similar aspects of the natural landscape. An existing natural features plan or photographs showing such features may be required (see Appendix IX, Community Assets).

- 5.6. Other information may be required by the planning director to meet the purposes of this appendix.
6. Please provide color scale renderings that include the façade of the proposed building and the front façade of all buildings immediately adjacent to the property **(Prior to Planning Commission)**
 7. Please confirm that the rendering of the site from Victoria Lane reflects the proposed privacy wall.
 8. Chapter 27, Appendix XIV also indicates that in reviewing subdivisions planning commission and council shall consider, among other things:

“the general architectural character, especially scale and stylistic features, including evaluations of... **screening from public view of mechanical equipment or utility hardware on roofs or grounds, with materials harmonious with the building...** and screening from public view, including underground installation, insofar as possible and subject to the approval of the subdivision advisory committee, of public utilities and their related appurtenances, but not to include utility pad-mount transformers and above-ground pedestals.”

The Planning Commission and City Council have both expressed concern at not seeing these items on proposed renderings for recent projects. In order for the Planning Commission and City Council to consider these items the Planning and Development Director is requiring this information to be included on the renderings. If all the site mechanical equipment is located inside or out of view on the building roof, then most of these items are covered in the renderings provided. If something like a transformer, meter, or HVAC unit should end up being installed within view of public ways that is not included on these renderings the project could be subject to resubmission for a substantial change and go back to Planning Commission and City Council for their review and consideration **(prior to Planning Commission)**.

9. Please indicate height and material of fence atop retaining wall along south property line on the site plan.
10. Please indicate height and material of privacy wall along north property line on the site plan.

Public Works and Water Resources Department

GENERAL / SITE:

1. Refer to the latest Public Works and Water Resources Schedule of Fees. The following fees shall accompany any future submission:
 - 1.1. Sediment and Stormwater Management Review Fee – 4.5 Acres (\$825 plus \$275 per acre over 1.0) = \$1,787.50
 - 1.2. Water and Wastewater Review Fee – Greater than 2,000 GPD = \$1,100.00
2. Plans must be signed by all appropriate parties and sealed by the engineer of record prior to

Subdivision approval. **(Prior to Council)**

3. ADA compliance will be further verified during the CIP review process.
4. Bike racks shall be provided in a location that is accessible and visible to tenants and visitors at the point of entry. Show bike rack locations on the Subdivision Plan. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and DeIDOT Standard Construction Detail M-4 – “Bike Rack Layout Details”. Include the detail for both the rack and pad layout on the plans and ensure the pad shown on the plans conforms to the size and spacing on the detail. Add the following note to the bike rack detail, “The bike pad needs to be installed at a higher elevation than the adjacent pavement (4” min.) or separated by a curb.” **(Prior to Planning Commission)**
5. Provide addresses for all buildings and units. Ensure any new addressing has been coordinated with AETNA and NPD. **(CIP)**
6. 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 submits for a Letter of No Objection to Recordation (LONOR) from DeIDOT as soon as possible to prevent any delays in the plan review process. LONOR shall be provided concurrently with any future CIP submission. **(CIP)**

WATER & SEWER:

1. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision Plans. **(Prior to Council)**
2. Existing water lines shown to be abandoned shall be terminated at the main in S Chapel Street. This will also require DeIDOT approval and restoration as they deem necessary. It is recommended that these water lines be reused if at all possible. Revise the annotation on the Existing Conditions and Demo Plan. **(Prior to Council)**
3. 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. **(Prior to Council)**
4. 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 rehabilitated accordingly. A note will need to be added to the Major Subdivision Plan and Subdivision Agreement prior to Subdivision approval. **(Prior to Council)**
5. Show the mechanical/meter room location and confirm the proposed water line is not below the proposed building slab for more than 10-feet. **(Prior to Council)**
6. Provide the required sprinkler flow rate for the building. **(CIP)**

7. Ensure water lines have a minimum of 18” vertical separation from all other utilities. **(CIP)**
8. Specify on the plans that when tying into existing manholes that the manhole must be core drilled and link sealed. **(CIP)**
9. 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 an Application for Fire Flow Test to PWWR. **(CIP)**
10. Provide the anticipated peak water demand for all water meters required for the building. A chart or data column listing all meters and associated peak water demand is preferred. **(CIP)**
11. Provide on the plans the most recent City of Newark standard details for water and sanitary sewer improvements as applicable to the project. They can be found here: <https://newarkde.gov/DocumentCenter/Home/View/464>. **(CIP)**

STORMWATER:

1. Both digital and hard copies of the Stormwater Management Report and Preliminary Sediment and Stormwater Management Plans must be signed and dated by a Delaware Licensed Professional Engineer with every submittal. **(Prior to Council)**
2. Stormwater Management Report
 - 2.1. Rename the Stormwater Management Report to “Preliminary Stormwater Management Report”. **(prior to Planning Commission)**
 - 2.2. Per City of Newark Code Chapter 27 Appendix IV Sect. I(a)(1)a “post-development peak discharge rates for the 2, 10, and 100-year frequency storm events shall not exceed the pre-development peak discharge rates for the 2, 10, and 100-year frequency storm events.”
 - 2.2.1. Provide 2 year storm event analysis within the Stormwater Management Report. **(prior to Planning Commission)**
 - 2.3. Update the HydroCAD models to utilize the NOAA Rainfall Distribution Curves in accordance with DNREC Sediment and Stormwater Program Regulatory Guidance Memorandum 1. **(prior to Planning Commission)**
 - 2.3.1. Be aware, while the NOAA Rainfall Distribution Curves are to be used the regulatory rainfall amounts are still 2.7” for RPv, 4.8” for Cv and 8.0” for Fv.
 - 2.4. As submitted the HydroCAD model does not demonstrate compliance with RPv requirements per the Delaware Sediment and Stormwater Regulations. Neither underground facility meets the requirements of extended detention by discharging the RPv storm even over a 48 hour period. Revise the model to demonstrate RPv compliance. **(prior to Planning Commission)**

- 2.5. Clarify why there are only B-Soils shown on the Pre-Development Drainage Area Plan while the BMP Contributing Drainage Area Plan has both B and D soils. **(prior to Planning Commission)**
- 2.6. Per the submitted Drainage Area Plans there are areas within the drainage area boundaries that are not within the LOD however no OLOD areas were included within DURMM or the area charts on the Drainage Area Plans. **(prior to Planning Commission)**
3. Rename the Sediment and Stormwater Management Plans to “Preliminary Sediment and Stormwater Management Plans”. **(prior to Planning Commission)**
4. Provide details on the Preliminary Sediment and Stormwater Management Plans of the outlet structures for each of the underground extended detention basins. **(prior to Planning Commission)**
5. All existing stormwater management facilities to remain will need to be evaluated and condition verified to be in good standing. Any repairs required must be implemented as part of this project and completed prior to issuance of a certificate of occupancy **(language will be added to the Subdivision Agreement)**.
6. 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 **prior to CIP approval**.

This plan review is solely based upon the information and details provided in the submitted documents. Additional comments may be generated following any future submissions.

I hope you find this information helpful. **Please provide a written response to all comments with subsequent submissions.** Should you have questions or need more information, please do not hesitate to contact me at 366-7000, extension 2045.

Sincerely,



Renee K. Bensley
Acting Director of Planning and Development