



PLANNING & DEVELOPMENT
CITY OF NEWARK

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September 29, 2022

Christopher Duke, PE, PTOE
Becker Morgan Group, INC.
100 Discovery Blvd, Suite 102
Newark, DE 19711

Dear Chris:

The City of Newark's Subdivision Advisory Committee has reviewed the June 14, 2022 submission for the special use permit and major subdivision plan for the proposed project at 515 Capitol Trail (PR#22-06-01). We have the following comments:

Electric Department

1. Electric service is available from Capitol Trail from pole 10C48.
2. No part of the building can be closer than 10 feet to the adjacent utility power lines and poles.
3. All the electric services to the existing buildings need to be disconnected before the demolition of the building.
4. An open utility easement is required and must be listed on the prints.
5. A suitable location approved by the Electric Department will be required for pad-mounted transformers.
6. The developer will be responsible for the cost of the electric meters.
7. The developer must submit the detailed load calculation (connected load and Demand load) and electrical single line diagram for the project. **(CIP Phase)**
8. Individual electric meters will be required for each commercial unit. All meters must be grouped in one location, and keys must be provided to access the electric meter room if meters are inside.

9. The developer is responsible for trenching, backfilling, and installing 2-4" conduits for all underground high and low voltage cables per City standards.
10. The developer must pay all costs for electric service infrastructure. The price is subject to a yearly CPI escalation from the date of council approval.
11. No trees over 18 feet at maturity can be planted under aerial lines.
12. The developer must pay up to \$4,000 to repair the smart meter system if the building causes interference.

Parks and Recreation Department

1. There was not a landscape plan provided with the plan, a landscape plan will be required for the subdivision.
2. As per Chapter 32, Article XXV – Landscape Screening and Treatment, section 32-87(g), we will require a value tree mapping of all trees 12" Diameter at Breast Height (DBH) or greater. All non-invasive trees with a DBH of 12" or greater shall be designated as value trees.

Police Department

1. Architectural – Eliminate external "blind corners" if possible, otherwise, ensure any blind corner is lighted and covered by a security camera.
2. Security / Lighting – Vandalism resistant LED lighting and security cameras at each entrance point. Sufficient LED lighting to eliminate "blind spots" in all parking lots, with no light encroaching on to neighboring properties.
3. Storage – Secured storage area for any maintenance / refuse related equipment or materials.
4. Landscaping – Canopy trees / vegetation should be of the variety that will limit leaves / vegetation from ground level to 72", to allow for a natural line of sight to all areas from the street & compliant with comments from Parks & Recreation.
5. Landscaping - Any rock material used for landscaping / decorative purposes should be smaller than 1" in size.
6. Addressing – Clearly marked and illuminated address markings, at least 6" in height, visible from the street, for each entrance.

Planning and Development Department

Code Enforcement Division

1. Comments are based on 2018 ICC Codes (as amended). All contractors shall be licensed in the City of Newark. 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. 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.
3. A separate water service is required for automatic sprinkler system.
4. An accessible route shall be provided from the proposed structure to the right of way in accordance with 2018 International Building Code Section 1104.1 (as amended).
5. All proposed structures shall be provided with automatic sprinkler protection as required by 2018 International Fire Code Section (as amended).
6. Separate water services shall be provided for sprinklers and domestic water.
7. Show all proposed utilities.
8. Show all locations of building entrances and exits.
9. A demolition permit is required for the existing building.

Fire Protection

1. Large area buildings section is Chapter 5 section 4 not section 3.
2. Must meet access and fire lane requirements as outlined in DSFPR 2021.
3. Fire flow test must be conducted within 12 months.
4. If a fire pump is needed and it is electric type a letter from electrical engineer stating the electric service can handle the pump is required as well as a back up system to start pump.
5. NFPA 72 fire alarm may be required as well.

6. Must show FDC and proposed hydrants in plan; the only mention in the current plan is in the notes.
7. Type of building construction must be provided. If tenants are known, must provide occupancy type as well.
8. Fire marshal plans must be submitted.

Land Use Division

1. Will require a Comprehensive Development Plan Amendment. The property is currently designated as Residential, Low Density in Newark's Comp Plan V. The proposal is for Commercial use. Review fee of \$275.00 to be paid to the City of Newark and Comprehensive Plan Amendment to be added to the Site Plan title. **(Include as part of next submission)**
2. As this plan was titled as a major subdivision, it was reviewed under the standards for a major subdivision. However, the fees for a minor subdivision were submitted. If the intention is for this to be reviewed as a minor subdivision, please change the title to reflect that it is a minor subdivision and provide justification as this is not a previously undeveloped property as outlined in Section 27-20 of City Code. If the intention is for this to be reviewed as a major subdivision, please submit the \$3,200.00 balance of the major subdivision fee to be paid to the City of Newark. **(Include as part of next submission)**
3. Add details regarding the special use permit being requested to the Purpose of Plan **(Include as part of next submission)**
4. Is it the applicant's intention to extinguish the property lines between parcels 1801000004 and 1801000005? If yes, please indicate this on the site plans and add it to the Purpose of Plan section. **(Include as part of next submission)**
5. If the applicant does not intend to extinguish the property line, each parcel must meet the area requirements of the BL district and the following comments apply:
 - a. An access agreement must be established between the two parcels to ensure access to parcel #1801000005 through parcel #1801000004 and to establish a shared parking arrangement. **(Include as part of subdivision agreement)**
 - b. Site yard requirements must be met by both properties with a minimum 10' and aggregate 25' side yard requirement. The proposed building on parcel #1801000004 is closer than 10' to the side property line.
 - c. Parcel #1801000005 does not meet the 75' minimum lot width.
 - d. As proposed, 40% maximum lot coverage is exceeded on parcel #1801000005. Parcel #1801000004 is OK but right on the limit. Consider reporting lot area in more precise units (sqft or 1/1000th acre instead of 1/100th acres).

- e. If items 4b-d are not met, this plan will either need to go to the Board of Adjustment per Chapter 32, Article XIX for area variances or will need to be submitted under site plan approval per Chapter 32, Article XXVII. Please contact the Planning and Development Department for assistance.
 - i. Instructions and application for Appeal to the Board of Adjustment: <https://www.newarkde.gov/DocumentCenter/View/5169/BOA-Packet>
 - ii. Procedure for Site Plan Approval: https://library.municode.com/de/newark/codes/code_of_ordinances?nodemd=C_D_ORD_CH32ZO_ARTXXVIISIPAP
 - iii. An application for Site Plan Approval applications shall include all information specified in Chapter 27, Subdivisions and:
 1. A letter of site plan approval with project description and an explanation of how the project achieves excellence of site arrangement and design per Sections 32-97 and 32-98.
 2. Color scale elevations of proposed buildings and uses.
 3. Plans that indicate all proposed plazas, bikeways, community identification signage, recreation and similar amenity areas per Section 32-98.(c).
 4. The Site Plan Approval application-petition fee of \$770.00 plus \$11.00/1000 square feet of office and commercial.
6. Please specify the proposed use of the accessory structures. Note that the use must be incidental and subordinate to that of the principal building. See Section 32-4.(a)(1)a. & b. **(Prior to Planning Commission):**
 - (1) *Accessory building or structure: A detached or subordinate building on the same property as the principal building, the use of which is incidental and subordinate to that of the principal building.*
 - a. *Accessory building or structure, no impact: An accessory building or structure, whose height does not exceed the height of the highest principal building, and whose use generates no noise, smoke, dust, odor, or pollution above normal local background levels detectable outside of the property line. A no impact accessory building or structure shall not be used for commercial purposes, but may be used for a professional office.*
 - b. *Accessory building or structure, with impact: An accessory building that does not meet the definition or requirements of an "accessory building, no impact."*
7. Please indicate, on the plans, which buildings are to be offices and which buildings are to be accessory structures and specify proposed use of accessory structures. **(Prior to Planning Commission)**

8. The two buildings on the south of the property are noted as 1-story, 1,800sf but only measure ~1,200sf. Lot coverage calculations are for 1800sf and do not reflect the building coverage as drawn. **(Prior to Planning Commission)**
9. Lot coverage calculations in Site Data Item 16 must also be expressed in percentages. **(Prior to Planning Commission)**
10. Correct typos in Site Data Items 13 and 14. **(Prior to Planning Commission)**
11. Delete General Note Item 14 as this plan is not subject to New Castle County impact fees since it is being developed within the City of Newark. **(Prior to Planning Commission)**
12. Must provide renderings of the proposed site and buildings per Chapter 27-21.(b)(1)a.3.(xxi) and Chapter 27 Appendix XIV.
13. Project is subject to Chapter 27 Appendix XIV. – Design Review for Major Subdivisions Not Located Downtown and requires the following **(Prior to Planning Commission)**:
 - (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.
 - (2) Color scale elevations showing all existing buildings on the site and existing public utilities visible from public ways, if applicable.
 - (3) Contextual color scale elevations showing front facades of all proposed buildings and the front facades of buildings immediately adjacent to the property.
 - (4) All proposed signs, lighting, and related exterior features.
 - (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).
14. 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)**

Public Works and Water Resources Department

GENERAL / SITE:

1. Include PDFs of all documents provided in each submittal. This includes checklist, applications, plans, reports, etc.
2. Due to the change in use and anticipated increase in trips in and out of the site, a Traffic Impact Study (TIS) may be required for the subject site. Provide pre- and post-development AADT.
3. Proposed bike racks and bike parking counts will need to be added to the plans in any future Subdivision Plan submission.
4. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and DeIDOT standard detail M-4.
5. 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 (Subdivision Plan and CIP phases). LONOR shall be provided concurrently with any future CIP submission.
6. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site.
7. Show, and label the size and material, of all proposed and existing utilities impacted by the project.
8. Provide details for how proposed utilities will connect to existing utilities. For example, manholes shall be core drilled and water taps shall be specified with the appropriate fitting.
9. Monuments shall be placed at corners, angle points, points of curve, or intermediate

points to mark the physical location of property. Location of all monuments must be shown on the plans. Monuments shall be stone or concrete and have a flat top at least five inches in diameter or four inches square, and at least 36 inches in length. Any existing monuments that do not meet this requirement will need to be replaced and indicated as such on the plans.

10. Provide a Landscape Plan for review during the Subdivision Plan phase.

11. Add the following notes to the plan if they are not already included:

- a. All Construction shall be per the most current City of Newark Standards and Specifications, Building Code, and Fire Code.
- b. Project shall comply with all notes and conditions of the "Construction of Wastewater Collection and Conveyance Systems" permit as issued by the Department of Natural Resources and Environmental Control (DNREC).
- c. 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 well in advance of expected occupancy to avoid delays.
- d. 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 Director or their designee.
- e. 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.
- f. An individual water meter will be provided for the building. The developer will be responsible for the cost of the meter and the meter pit. The City will determine the size of the meter in coordination with the developer. Meter pit shall be Mueller Thermal-Coil, 42" depth, with integral dual check valve, and 4" insulation pad. The lids for all meter pits shall be H-20 rated unless otherwise approved.
- g. The Developer shall pay fees associated with the new water meters prior to issuance of any building permit.
- h. All water valves shall be Mueller unless otherwise approved by the City of Newark Public Works and Water Resources Department.
- i. Sprinklers are required in all units and all fire protection systems shall be submitted to the City of Newark Fire Marshal's office for review and permitting prior to issuance of building permit.
- j. The required fire protection flow rate for the building is _____ GPM.
- k. The Developer shall pay the Sewer Treatment Plant (STP) fee for the project prior to issuance of a building permit.
- l. All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have

“Newark” anywhere on the lid.

- m. 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.
- n. A Blue Card holder will be on site at all times during construction to ensure all sediment and stormwater regulations are adhered to.
- o. A concrete washout area shall be installed by the contractor and approved by the Public Works and Water Resources department.

WATER & SEWER:

1. The development falls within the City of Newark water service territory. Please remove all references to SUEZ Water.
2. It appears all proposed structures will be served with 2-inch services for both domestic and fire use. It is unlikely that a 2” service will be adequate for both fire and domestic water. This needs to be revisited.
3. There are no sanitary sewer laterals proposed for the buildings in the rear. How will they connect to the gravity collection and conveyance system?
4. Show the sanitary sewer laterals to the two 4,800 s.f. buildings.
5. Show the location of the existing water service line and sanitary sewer lateral. Include the pipe sizes and materials on the plans.
6. Provide a minimum of 10’ horizontal separation between the proposed water service and sanitary sewer lateral.
7. All buildings will be required to have both domestic and fire water services. The 2” water line servicing the 4,800 s.f. buildings does not seem adequate for both domestic and fire water services.
8. 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.
9. Individual water meter(s) will need to be provided. The developer will be responsible for the cost of the meter. The city will determine the size of the meters based on the anticipated peak demand (in GPD) in coordination with the developer.
10. Show the location of the water meter and meter pits or the water meter room.

11. 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.
12. The required sprinkler flow rate for the building will need to be provided on the Subdivision Plan submission.
13. 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.
14. 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.
15. Projects that generate more than 2,000 gallons per day average sewer flow require a DNREC Construction of Wastewater Collection and Conveyance Systems permit.
16. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision plans.
17. 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.
18. Coordinate with the MEP to provide an anticipated peak water demand in gallons per minute as determined by the number of fixtures in each unit. Meter sizes will be determined when this information is provided. Please note, *the City stocks meters and pits up to 1-inch diameter. Projects requiring a larger meter should be aware of potential extended lead times for meter and meter pit purchases. To avoid delays, it is recommended to have the required meter and pit purchased as soon as possible.*

STORMWATER:

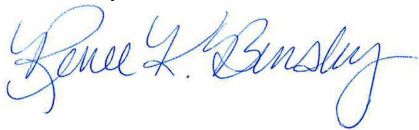
1. Submit a Stormwater Assessment Study (SAS) in accordance with the [SAS Checklist](#).
2. Once an SAS is received and reviewed by PWWR a Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the City's Planning and Design Engineer (Mike Falkowski, mfalkowski@newark.de.us).
 - 2.1. The approach to stormwater management for the site will be discussed during the SAS Project Application Meeting.
3. As a Major Subdivision Plan the site will be required to meet both Delaware Sediment and Stormwater Regulations (DSSR) and City of Newark Drainage Code.

4. 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.”
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. The notes on the plan indicate that no wetlands exist, as verified by New Castle County GIS. 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.
6. Remove the Pre-Construction Site Stormwater Management Plan from the Major Subdivision Plan set. This plan should be included within the Preliminary Sediment Management Plans.
7. 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 prior to Construction Improvement Plan 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 (302) 366-7000, extension 2045.

Sincerely,

A handwritten signature in blue ink that reads "Renee K. Bensley". The signature is written in a cursive, flowing style.

Renee K. Bensley
Director of Planning and Development