



PLANNING & DEVELOPMENT
CITY OF NEWARK

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December 5, 2022

Thomas Schreier, RLA
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PO Box 1180
Hockessin, DE 19707

Tom,

The City of Newark's Subdivision Advisory Committee has reviewed the July 11, 2022 submission of Major Subdivision plan with Comprehensive Development Plan Amendment, Rezoning and Special Use Permit for the proposed apartment building and townhome-style apartments at 178, 182, 186 South Main Street and 528 Old Barksdale Road (PR#22-07-01). We have the following comments:

Electric Department

1. Electric service is available from South Main Street and Old Barksdale Road. Electric service to the project may come from transformer CP25D11. Backup electric service will come from an existing aerial line off of Apple Road.
2. The developer must provide a suitable location for the new pad-mounted transformer and it must be shown on the plan. **(Include during CIP phase)**
3. No part of the buildings can be closer than 12.5 feet to adjacent utility poles. **(Include in the subdivision agreement)**
4. All the electric services to the existing buildings need to be disconnected before their demolition.
5. An open utility easement is required and must be listed on the prints. The developer must provide 10-foot utility easements for the proposed electric lines. This includes from transformer CP25D11 (168 South Main) to the property as well as from the entrance to Old Barksdale Road from Apple Road (behind Seven Eleven) to the property. **(Include in the subdivision agreement)**
6. The proposed trees on the South Main Street side of the property are potentially in

conflict with the existing overhead electric lines. No trees over 18 feet at maturity can be planted under aerial lines. **(Include in the next submission)**

7. Any oil-filled pad-mounted equipment shall be located a minimum of 10 feet from combustible buildings, windows, doors, and stairwells. **(Include in the subdivision agreement)**
8. 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. **(Include in the subdivision agreement)**
9. The developer is responsible for all trenching, backfilling, and installing 2- to 4-inch conduits for underground high-voltage cables per City standards. **(Include in the subdivision agreement)**
10. The developer is responsible for all trenching, backfilling, and installing conduits and cables for low-voltage services. **(Include in the subdivision agreement)**
11. Individual electric meters will be required for each apartment unit and townhouse. All meters for the townhouses must be grouped in one location, and the developer must provide keys to access the electric meter room if meters are inside. Same for the meters for the apartments. **(Include in the subdivision agreement)**
12. The developer will be responsible for the cost of the electric meters. **(Include in the subdivision agreement)**
13. The developer agrees to pay up to \$4,000 towards problem interference if the building is found to interfere with the City's smart metering system for electric meters when completed. **(Include in the subdivision agreement)**
14. The developer must include the proposed aerial and underground electric on the plan. **(Include during CIP phase)**
15. The developer must show the meter locations for townhouses and the apartment building on the plan. **(Include in the next submission)**
16. The developer must provide a detailed electrical load calculation and one-line diagram for the project. **(Include during CIP phase)**

Parks and Recreation Department

1. There are too many Thuja Orientalis, please substitute seven Ilex Opaca (American Holly) along that area.

2. A value tree mapping of all trees 12" DBH or greater with a listing of all trees 12" DBH or greater that are to be removed will be required, as per Chapter 32, Article XXV – Landscape Screening and Treatment, section 32-87(g). **(Prior to Planning Commission)**

Police Department

1. Architectural – Eliminate external “blind corners” and recessed entry points. If unable to eliminate, provide LED lighting and security cameras at each recessed point.
2. Landscaping - We request a new and substantial fence along the railroad tracks to prevent any person from trespassing on the railroad tracks, as well as fencing along the property line between the Cochran Building project and Madeline Court property. **(Due prior to issuance of CO)**
3. Landscaping - Any rock material used for landscaping / decorative purposes should be smaller than 1" in size. **(Due prior to issuance of CO)**
4. Parking - The parking lot should be well lit with no light penetrating outside the property. **(Due prior to issuance of CO)**
5. Security - Any mechanical and maintenance storage area must be secured, with no public access. **(Due prior to issuance of CO)**
6. Security - Secured access points for all non-public & residential areas, with security cameras at each secured access point. **(Due prior to issuance of CO)**
7. Addressing - The address numbers must be of appropriate size for the building and the numbers should be easily identified from the street, to include illumination during the nighttime hours. *The primary address assigned to this project will be determined in the future.* **(Due prior to issuance of CO)**

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. **(Include in Subdivision Agreement)**

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. **(Include in Subdivision Agreement)**
3. This project is subject to the sustainability requirements of the City of Newark amendments to the 2018 International Energy Conservation Code as detailed in Section 7-8 (7) of the Municipal Code. Submit a plan or narrative describing proposed means of compliance with the building permit application. **(Include in Subdivision Agreement)**
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). **(Prior to Planning Commission)**
5. Detectable warnings shall be provided as required at curb ramps and flush curbs (none shown). **(Include in Subdivision Agreement)**
6. Separate water services shall be provided for sprinklers and domestic water. **(Include in Subdivision Agreement)**
7. Show all proposed utilities and connections to building. **(Include in Subdivision Agreement)**
8. Demolition permits are required for the existing buildings. **(Include in Subdivision Agreement)**

Fire Marshal

Seven Story Garden Apartment

1. Based on highest occupiable floor either Delaware State Fire Prevention regulations 2021 edition for mid-rise or high-rise buildings will apply.
2. NFPA 101 2021 Edition for New High Rises must be followed if occupiable floor exceeds 75 feet. If not, new apartment buildings chapter must be followed. **(Include in Subdivision Agreement)**
3. Must provide fire lane access for most restrictive piece of apparatus. **(Prior to Planning Commission)**
4. NFPA 13 Sprinkler System needed. **(Include in Subdivision Agreement)**
5. NFPA 14 Standpipe System needed. **(Include in Subdivision Agreement)**

6. NFPA 72 Fire Alarm System needed. **(Include in Subdivision Agreement)**
7. Need fire flow test and locations of fire hydrants. **(Include in Subdivision Agreement)**
8. Need radio test from Delaware Division of Communications or an approved vendor for radio operability for first responders. **(Include in Subdivision Agreement)**
9. Need Knox box installed. **(Include in Subdivision Agreement)**

3-Story Town Homes

1. NFPA 13 D Sprinkler System needed separate plans each unit. **(Include in Subdivision Agreement)**
2. Smoke Detection System NFPA 72 local alarm alerting with Carbon Monoxide detectors installed. **(Include in Subdivision Agreement)**
3. Must follow Delaware State Fire Prevention regulations as applicable and in specific Section 702 Chapter 3 Class C fire barriers, 2021 edition. **(Include in Subdivision Agreement)**

Land Use Division

1. Per Chapter 27-21(b)(1)a.3(xxi) and Chapter 27 – Appendix XIII (attached), Submissions for Major Subdivisions in the BB zoning district must include **(Include in Next Submission)**:
 - a. 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;
 - b. Color scale elevations showing all existing buildings, if applicable;
 - c. Contextual color scale elevations showing front Main Street facades of all proposed buildings, the front Main Street facades of buildings immediately adjacent to the property; if applicable, the side or end facades of buildings on corner lots on Main Street and the front facades of buildings that do not front on Main Street adjacent to such corner properties, and, if applicable, the side or end facades of Main Street buildings visible from public ways with access to Main Street;
 - d. All proposed signs, lighting, and related exterior features
2. Include lot coverages, expressed as both areas and percentages, to indicate building area, paved area, and landscaped area. **(Prior to Planning Commission)**

3. Please provide an estimated expected market value of the project following its completion. **(Prior to Planning Commission)**
4. Please indicate the units per acre – existing, permitted and proposed - in the Density Calculations. **(Prior to Planning Commission)**
5. Apartments are permitted in the BB except on the ground floor. The townhome-style apartments are permitted but the garage must comprise the entire first floor and living space shall not be provided on the first floor. **(Include in Subdivision Agreement)**
 - a. Apartments are permitted on the ground floor in the RM – Garden Apartment zoning district. The applicant could consider creating two lots – 1 with townhome style garden apartments, one large apartment building similar to the Chimney Ridge development on the opposite side of South Main Street.
6. Add note stating: Minimum floor area of apartments shall not be less than an average of 800 square feet for each habitable dwelling unit. **(Prior to Planning Commission)**
7. As proposed, a parking waiver fee in lieu of parking spaces of \$109,054.00 shall be paid to the City of Newark following approval by the Planning Commission. **(Prior to Building Permits)**
 - a. If the parking waiver request is denied by the Planning Commission, the applicant may file to appeal the decision to City Council within 30 days.
8. Three of the provided parking spaces are located on the street and in the right-of-way. Parking spaces must be located on the lot with the use they are connected to in order to satisfy off-street parking requirements. Please amend the plans to request a larger parking waiver or to provide the three spaces on-site. **(Prior to Planning Commission)**
9. Planning is concerned that a building fronting South Main Street with only parking and no street-level activity along a primary downtown corridor is not compatible with the Mixed Urban land use designation or the objectives of compact, mixed use, walkable and bikeable environments outlined in Chapter 10 of the Comprehensive Development Plan. The developer should consider providing at least some retail/office/restaurant space on the first floor to provide an engaging streetscape for residents and pedestrians.

Public Works and Water Resources Department

1. PWWR did not fully review the submission as items required for a complete submission were not provided. Submit a Stormwater Assessment Study in accordance with the PWWR [Stormwater Assessment Study \(SAS\) Checklist](#) and show proposed utilities on the Major Subdivision Plan. **(Include in Next Submission)**

2. Show and callout the dumpster pad location on the Major Subdivision Plan and include a detail for the dumpster pad enclosure. **(Include in Next Submission)**

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 style with a large, stylized initial 'R'.

Renee K. Bensley
Director of Planning and Development

APPENDIX XIII. DESIGN REVIEW FOR DOWNTOWN COMMERCIAL PROPERTIES

- (a) *Purpose.* In conformity with the purposes of Section 2-89, General powers and duties of the Planning Commission, and Chapter 32, Zoning, of this Code, and the land development goals of the Comprehensive Development Plan II, the purpose of this appendix is to promote the most appropriate use of land, to encourage the beautification of buildings, to encourage high quality business growth, and to encourage and foster civic beauty, for commercial construction in downtown Newark.
- (b) *Applicability.* This appendix is applicable to subdivision plans calling for construction of properties fronting on Main Street and located between Elkton Road/New London Road and Capitol Trail/Library Avenue.
- (c) *Submittal Requirements.* Applicable subdivision plans shall include:
- (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;
 - (2) Color scale elevations showing all existing buildings, if applicable;
 - (3) Contextual color scale elevations showing front Main Street facades of all proposed buildings, the front Main Street facades of buildings immediately adjacent to the property; if applicable, the side or end facades of buildings on corner lots on Main Street and the front facades of buildings that do not front on Main Street adjacent to such corner properties, and, if applicable, the side or end facades of Main Street buildings visible from public ways with access to Main Street;
 - (4) All proposed signs, lighting, and related exterior features; and
 - (5) Other information may be required by the Planning Director to meet the purposes of this appendix.
- (d) In reviewing these standards, the Planning Commission and Council shall encourage flexibility and creativity of design and shall recognize that these standards are intended to guide downtown development. That is, this review criteria is not intended to restrict imagination, innovation, or variety, but rather to assist in developing creative building designs that enhance the visual appearance of downtown Newark. The Planning Commission and Council shall consider the following:
- (1) The appropriateness of the design elements of the building(s) in terms of the adjacent buildings and their relationship to each other. Appropriateness shall be considered in most cases to include evaluations of the following:
 - a. Height and bulk of buildings, that is, the scale and proportion of the building shall conform in general with adjacent buildings; facade modulation can help reduce the apparent bulk of a building.
 - b. Roof treatment of buildings; multifaceted roofs and awnings add visual interest.
 - c. Materials, colors, and texture of buildings.
 - d. Setback, in general, shall be consistent with that of adjacent buildings; parking in front of buildings is discouraged.
 - (2) The general architectural character, especially scale and stylistic features, including evaluations of the following:
 - a. Use of natural materials, including stone, brick and wood; imitation or synthetic materials are discouraged;

- b. Use of the same or similar building materials for all building walls, wholly or partially visible from streets or public ways;
 - c. Signs, including identification signs of a prototype design and corporate logos, shall be designed as integral architectural elements of the building;
 - d. Exterior lighting, fixtures, standards, and all exposed accessory shall be designed as integral architectural elements of the building;
 - e. Screening from public view of mechanical equipment or utility hardware on roofs or grounds, with materials harmonious with the building; and
 - f. Screening from public view, refuse, waste removal areas, service yards, and related sites, using materials harmonious with the building.
- (3) The Planning Commission and City Council may consider comments from the Design Committee of the Downtown Newark Partnership in reviewing downtown architectural plans and may also consult the Partnership's Design Guidelines for Main Street (1997).

(Ord. No. 98-4, Amend. No. 3, 3-23-98; Ord. No. 00-18, Amend. No. 1, 6-26-00)