

February 20, 2024

Margo Reign, MBA
Planning Commission, Chair
City of New Castle
220 Delaware Street
New Castle, Delaware 19720

RE: Updated Response to 427 West 7th Street – Site Plan Review Letter

AECOM is in receipt of the following regarding a multi-family development with retail space on Tax Parcel 21-014.00-400 at the above-mentioned address:

- *Site Plan prepared by MidAtlantic Engineering Partners, LLC, dated 02/15/22 (Sheets C-01 to C-15 and Sheets LT-01 to LT-03)*
- *Architectural Renderings (4 sheets)*
- *Design Standard Analysis dated 11/15/23 prepared by the applicant*

The project proposes 152 apartment units, 2,928 square feet of retail space and 1,978 square feet of amenities on the above-referenced parcel located in the Downtown Gateway (DG) zone adjacent to The Garrison development. In review of the above, AECOM has the following comments:

Background/Procedural/Administrative

1. *Per Section 230-21.1.B.(2) of the City's Zoning Ordinance, multi-family developments and/or mixed-use developments in the DG zone are permitted by special exception. Special exceptions are approved by the Board of Adjustment (BOA) following a review and recommendation by the Planning Commission. A link to the Zoning Ordinance can be found here:*
[*https://ecode360.com/8875539#8875539*](https://ecode360.com/8875539#8875539)
2. *The special exception application, which was accompanied by a concept plan, was considered by the Planning Commission on August 29, 2022. The Planning Commission found the subject application and plan consistent with the Comprehensive Plan and recommended that the applicant provide the following prior to proceeding to the BOA:*
 - *Submit plans to the Office of State Planning Preliminary Land Use Service (PLUS) and address PLUS comments.*
 - *Provide elevation and floodplain data specific to the proposed development for end-of century sea level rise projections as established in the 2018 Vulnerability Assessment.*
 - *Provide architectural plans demonstrating compliance and commitment to the DG zone design standards contained in section 230-21.1.G of the Zoning Ordinance.*
 - *Prepare a Traffic Impact Study for review by DelDOT and the City Engineer. Obtain comments from New Castle County regarding the proximity to the existing sewage pump station.*
 - *Obtain feedback from the City Attorney and/or City Council regarding the extinguishment of the easement on the property.*
 - *Obtain comments from the City Fire Marshal.*
 - *Provide additional information regarding the nature and purpose of the Non-Structural Retaining Wall.*
 - *Confirmation on the methodology used to measure Building Height.*

- Obtain feedback from the City and/or City Council regarding proposed Lots A and B.
 - Provide information regarding the nature of filling and wetlands impact.
3. The applicant provided written responses to the issues raised by the Planning Commission prior to the BOA Hearing (see attached, including PLUS comments and responses). The BOA determined the responses to be satisfactory for the purposes of the special exception. To the extent any of the issues are outstanding, they will be addressed in this review letter.
 4. The special exception and five (5) dimensional variances were approved by the BOA on February 9, 2023 based on their December 22, 2023 Public Hearing. See attached BOA Notice of Decision.
 5. Implicit in the special exception process was the requirement that the applicant submit a site plan for Planning Commission approval in accordance with Section 230-46 of the Zoning Ordinance if the special exception was granted.
 6. Section 230-46.H of the Zoning Ordinance states:

Upon receipt of the site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may be appropriate. The site plan shall be approved if it meets the requirements of this section, Attachment 2, other requirements of this chapter and all other federal, state, county and City regulations. Notice of approval or disapproval of the site plan shall be given in writing to the applicant.

Per the above, prior to Planning Commission approval of the site plan, the applicant should demonstrate that they have submitted the appropriate plans, permit applications, etc., to other agencies as may be necessary and that the review and approval of the same are substantially complete.

7. Prior to the Planning Commission Chair signing the site plan, the applicant should provide evidence of approval of the following items by the following agencies: **[Updated Response]**
 - **Site Access Permit - DelDOT - Submitted and comments were received. Revisions were submitted based on discussions with Amy-Joy Andrews. Currently awaiting technical comments.**
 - **Sediment and Stormwater Plan - New Castle Conservation District - Preliminary plans were submitted to Andy Bowman of the New Castle County Conservation District. A SAS Meeting was held to discuss the project and a resubmission incorporating feedback is in progress.**
 - **Construction General Permit - DNREC - The Construction General Permit is currently being coordinated with New Castle County Conservation District and DNREC through the review process.**
 - **Non-tidal Wetlands Permit - US Army Corps of Engineers - The project will be submitted upon confirmation that no design changes will be required in the wetlands area.**
 - **Emergency Access Design - City Fire Marshal (City Building Official) - It is our understanding that there is no further action required for this task. Plans were reviewed by Jeff Bergstrom for access. The project as shown provides adequate emergency access.**
 - **Letter of Map Revision - FEMA and City Floodplain Administrator - We have received an executed Community Acknowledgement Form from the City of New Castle. Design**

- team coordinated with Adrien Schwartz, a FEMA consultant, on obtaining a Conditional Letter of Map Revision (CLOMR-F). MT-1 application was submitted and reviewed by LBYD Federal then subsequently forwarded to FEMA for approval. FEMA recently requested that the project be resubmitted through the MT-2 process, and a resubmission is in process.
- *Sanitary Sewer Plans - New Castle County - A Land Development Improvement Agreement (LDIA) has been submitted to New Castle County (NCCo) Public Works along with the project plans. Currently working with Mathew Nyambega of NCCo on a resubmission to address technical comments received.*
 - *Water Plans - Municipal Services Commission - Plans have been seen and commented on by Ryan Jaeger (Water Utility Supervisor) and Jay Guyer (Water Utilities Manager). These plans were also forwarded to Art Granger and David Bennett (Municipal Services Commission's Electric Manager & Supervisor). A meeting was recently held on site with members of the MSC to discuss options for serving the proposed buildings. The utility design is being revised per this meeting and a resubmission will be made shortly.*
8. *Section 230-46.N of the Zoning Ordinance prescribes the City Council's role after Planning Commission approval of a site plan. Generally, if no public improvements are proposed, which is the case with the subject site plan, the site plan must be approved by City Council by resolution. Once approved by resolution, the site plan must be recorded with the Recorder of Deeds for New Castle County.*
 9. *As will be discussed below, the site plan also involves a subdivision that subdivides the parent parcel into a Parcel A, B and C, respectively.*

Technical

1. *Section 230-46.E of the Zoning Ordinance provides the general criteria to be used by the Planning Commission in their considerations of site plans.*

Noted

2. *Notwithstanding Technical comment #3 below, in recognition of the variances granted by the BOA as described on page one the attached Notice of Decision, the site plan is consistent with the Zoning Ordinance requirements for the DG zone relative to parking, setbacks, building footprint and density. The site plan should specify the proposed building height and not refer to the architectural plans.*
3. *Clarifications/corrections should be made to the site plan for the following: [Updated Response]*
 - *Minimum lot width is 25 feet, not 50 feet.*

The minimum lot width listed has been revised to 25'.

- *References to building coverage should be removed from the plan. DG zone requirements refer to building footprint.*

References to building footprint have been removed and a row for building footprint has been added to the zoning chart.

- *The plan should be labelled as a Site Plan*

The plan has been revised to be titled “Site Plan”.

- *Clarify the intent of the four (4) parking spaces in the northern corner of the parking area*

The parking spaces in the Northeast Corner are double banked spaces. This concept of stacked parking spaces has been used in other applications including the adjacent project. The intent of these spaces is for the manager to either designate them as employee spaces or reserve the spaces for a specific apartment.

4. *The special exception was approved by the BOA with the following condition (see bottom of page 7 of BOA Notice of Decision):*

AECOM's review of the traffic data and confirming that the 7th Street and Washington Street intersection will continue to operate at a level of service D or better following build-out of the project. If this condition cannot be met, the applicant must submit a Traffic Impact Study for review by DelDOT as part of the Site Plan submission of the Planning Commission.

AECOM did review and approve traffic information submitted by the applicant that demonstrated the subject intersection will continue to operate at a level of service D following build-out of the project.

No response required.

5. *The applicant and the Planning Commission should discuss the location, nature and extent of the proposed concrete retaining wall. More specifically, given the architectural design requirements of the DG zone, to the extent the retaining wall will be visible from the public right-of-way, should additional design treatment be provided? [Updated Response]*

There are 2 general retaining wall types on the plans.

The first type of retaining wall exists on the north and south sides of the property. There are two proposed options for this wall:

- **Option #1 - cast in place concrete retaining wall with an exposed concrete finish. The portion of the wall visible from the street (as depicted on the plans) will be finished in stamped concrete as shown on the attached renderings.**
- **Option #2 - split face block retaining wall. This is similar to the retaining walls used at other properties in the district.**

The second type of retaining wall exists on the river side of the property and is proposed as a stone gabion wall.

6. *Section 230-28.G.(2) of the Zoning Ordinance states:*

A minimum of 10% of the parking area shall be landscaped area. Internal landscaping shall include shade tree plantings and landscaping of traffic islands. At a minimum, one four-inch caliper shade tree must be provided for every five parking spaces in any off-street parking area. The design of parking area landscaping shall be subject to review and approval by the Planning Commission.

The site plan includes a preliminary landscape plan (sheet LT-02) that appears to address the 10% requirement however it does not appear that the shade tree requirement is being met. Given the covered nature of the majority of the parking area, this should be discussed with the Planning Commission. [Updated Response]

The plans have been revised to show fourteen (14) 2" to 2-1/2" caliper trees in the parking lot and no trees along the street frontage as discussed at the 11/27/23 Planning Commission Meeting.

7. *The applicant and the Planning Commission should discuss the Lighting Plans (sheets LT -01 to L-03) and the extent to which they are consistent with Section 230-21.1.G.(7) of the Zoning Ordinance relative to the DG zone and also consistent with the architectural renderings relative to building fixtures.*

The lighting as shown is consistent with Section 7 (a) and (b) where all site lighting is down lighting and the height of all fixtures is well below the height of the principle building on the site. There are wall sconces shown on façade of the buildings in the architectural renderings. We did not account for the sconces in the lighting calculations. Attached please find the catalog Sheets for the 2 fixtures proposed on site.

8. *A 6-foot high wood shadowbox fence is indicated on the site plan and also shown on the architectural renderings. A detail of said fence should be provided on the site plan.*

Refer to attached SK-10 for a view of the proposed shadowbox fence proposed along the southerly building line.

9. *Section 230-21.1.G.(5) describes the streetscape standards for the DG zone. Although the subject parcel has minimal street frontage, the applicant should describe the site plan's consistency with these standards. [Updated Response]*

We believe that we have adequately addressed the streetscape standards for the DG zone and the recommendations from the 11/27/23 Planning Commission Meeting.

- **The proposed layout maintains the existing 5' sidewalk along our frontage. Since the site is not within a commercial area, a 5' sidewalk is adequate.**
 - **Plantings are proposed along the walls near the entrance but there are no tree pits shown. As discussed at the 11/27/23 Planning Commission Meeting, there is limited space for a shade tree due to the main and emergency access drive entrances and we have concern about encroaching in the driveway's site triangle, creating a potential sight distance issue.**
 - **The current lighting design provides a minimum of +/- 1 lumens at the sidewalk along our frontage.**
 - **Two benches along the property frontage have been added to the plan. The design intent for the benches is shown in the attached renderings.**
 - **The project is not a corner property, so we believe the requirement for a bulbout is not applicable for this project.**
10. *Section 230-21.1.G. (1) through (3) describes the architectural design standards for development in the DG zone. The applicant provided architectural renderings and responses to these standards (see attached). In the interest of time, this part of the submittal is currently under review and will be discussed at the Planning Commission meeting. [Updated Response]*

A design standards analysis is attached to this response, this analysis remains unchanged from the 11/27/23 Planning Commission Meeting.

11. *The subject parcel is located within the 100-year floodplain. While this issue was discussed in the applicant's submittal to the BOA, the applicant should confirm the nature of the fill operation and the resulting elevations of the ground floor and first floor living space relative to the 100-year floodplain elevation and the floodplain elevation in consideration of potential sea-level rise scenarios.*

The current floodplain based on the Federal Emergency Management Agencies publications is elevation 10 on the north side of the property and elevation 9 on the south side of the property. The walls surrounding the site will be constructed as the site is filled. The site will be filled to approximately 2+ feet above the base floodplain and the building will have a first floor of 12. There are no residences proposed on the first floor of the building. The only areas to remain below the flood elevation are the portion of the driveways where they connect to 7th Street. The remaining portions of the site within the tidal wetland area along the river and in the vicinity of the existing pump station will remain at the current elevation.

12. *As discussed above, the site plan illustrates a subdivision of the parent parcel into three (3) parcels. The submittal and approval of the subdivision must occur concurrently with the consideration of the site plan. The subject submittal does not include a formal subdivision plan.*
[Updated Response]

A formal subdivision plan has been submitted to the city solicitor for review and comment. A copy of the subdivision plan is included as an attachment. The civil drawings are currently being updated to correspond with the subdivision plan and will be submitted prior to the February Planning Commission Meeting.

13. *As discussed above, City Council must approve the site plan by resolution after approval by the Planning Commission. In general, the City Council's role in the review and approval of site plans is perfunctory, relying heavily on the Planning Commission's review and approval. In this case, however, the City Council must decide three material matters as they relate to the site plan that are beyond the Planning Commission's jurisdiction. These are:* **[Updated Response]**

- *Extinguishment of Cross-Access and Utility Easements (Instrument No. 20031119-0148260) across the subject parcel and the adjoining parcel that were created when the subject parcels were subdivided into separate lots in 2004. The instrument that created the easements also restricts the subject parcels from further subdivision for any purpose. The subject covenants on the parcels can only be amended by the City of New Castle (City Council).*

An agreement is being drafted for the termination of the Cross-Access and Utility Easements.

- *The provision of access to the existing County sewage pump station. The elevated/ramped access to the proposed building cuts off access to the pump station. Access to the pump station would now only be possible across the existing City-owned parcel (T.P. 21-014.00-399).*

An agreement is being drafted to convey parcel C (pump station parcel) to the city. Parcel C will be merged with the city's existing parcel which fronts 7th Street and access to the pump station will be provided through the new joint parcel. Ownership has voluntarily offered to convey Parcel C to the city at no cost.

- *One of the newly created lots illustrated on the site plan is proposed Parcel B. Said parcel has no frontage and appears to consist entirely of wetlands. City staff has concerns about the long-term disposition of the parcel as it relates to maintenance and tax collection. In addition, the definition of Lot in the Zoning Ordinance states, For zoning purposes, as covered by this chapter, a lot ... shall have frontage on an improved public street ... Proposed Parcel B does not have frontage on a public street.*

This issue of frontage has been addressed with the updated subdivision plan. An access easement will be provided on parcel A to ensure access to parcel B (wetlands) for long term maintenance. A maintenance corporation will be set up and funded with adequate reserves for property maintenance and tax payments associated with parcel B.

The applicant and the Planning Commission should discuss if the applicant wishes to seek input from City Council prior to seeking final site plan approval from the Planning Commission or proceed to City Council at their own risk after receiving Planning Commission approval.

Attachments:

- 1. Site Lighting Cut Sheets**
- 2. Shadow Box Fence**
- 3. Design Standards Analysis**
- 4. Subdivision Plan**
- 5. Updated Renderings**

Catalog Number	
Notes	Type

HLWPC2

Wallpack® Full Cutoff LED



Mechanical

- Heavy grade A360 cast aluminum (aluminum with <1% copper)
- Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering
- Mounts to a standard junction box
- Wet location listed
- IP65 rated housing, down light only
- 3/4" painted threaded entry (3/4" - 14 NPT) on each side and on top, accepts 3/4" and 1/2" conduit
- 3/4" threaded plugs are painted on each side
- Vibration testing per ANSI C136.31: 3G rating for surface mount and pendant mount up to 1.5'; excludes swivel kit

Electrical

- Certified by UL or CSA
- Rated for -40°C (-40°F) minimum ambient
- A programmable electronic driver with 0-10V control leads
- Available in: 120-277V 50/60 Hz and 347-480V 50/60 Hz, Standard: 3000K, 4000K and 5000K CCT (>70 CRI)
- Optional >80 CRI (3000K, 4000K and 5000K CCT), 8 week lead-time
- Optional limited wavelength amber, 8 week lead-time
- Internally mounted emergency battery backup for operation in an ambient temperature ranging from -20°C (-4°F) to 30°C (86°F), available with P10 thru P40 performance packages, non CEC compliant
- All surge protection meets ANSI/IEEE C62.41.2 10kV/10kA
- Standard surge protection is 20kV/10kA per ANSI C136.2
- Optional surge protection is 10kV/5kA per ANSI C136.2

Optical

- Light engine housing is IP66 rated
- Acrylic optical system
 - Type V: E (entry), M (medium), R (rectangle) & W (wide)
 - Asymmetric

Controls

- Field adjustable output (AO)
- Button style photocontrol (PE)
- Motion sensor & ambient photocontrol combination for mounting low (8-15') (MASL) and high (15-30') (MASH) mounting heights

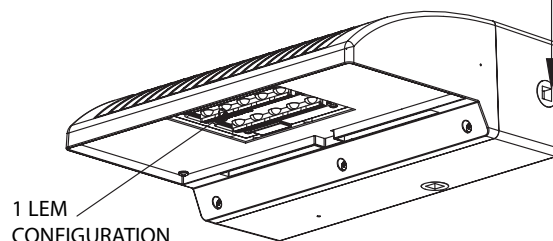
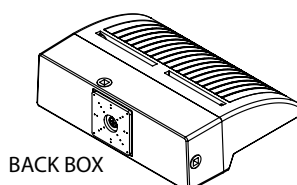
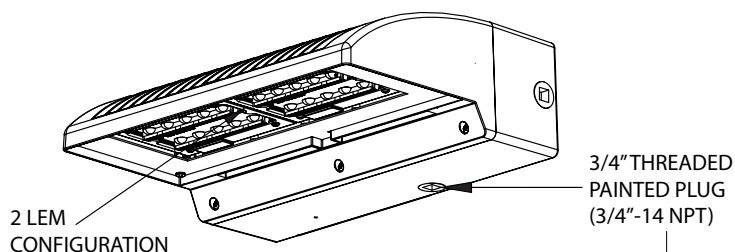
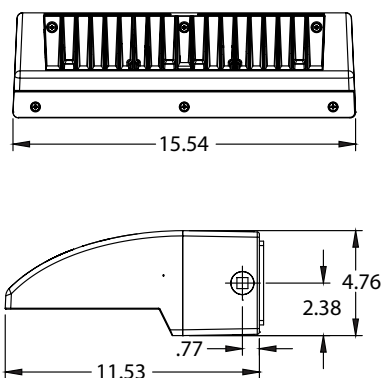
Certification and Standards

- Luminaire is CSA listed, US and Canada
- Suitable for operation in an ambient temperature up to 40°C/104°F per UL or CSA certification
- Design Lights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.
- LM-79 compliant
- The projected LED Lumen Maintenance shall be based only on IES LM-80-08 and TM-21

Warranty

5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_Conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



Note: Maximum weight 22 lbs.

Catalog Number	
Notes	Type

MGLEDM

Mongoose Medium LED



The Mongoose Medium LED offset roadway and area lighting product provides significant energy and maintenance savings vs. HID luminaires. It offers the ultimate in application flexibility with a uniquely designed advanced optical system and attractive appearance. This combined with multiple lighting distributions, mounting options and the ability to tilt the fixture offers unequalled performance in a diverse set of applications ranging from interstates and parking lots.

Mechanical

- Rugged grade A360 diecast aluminum (<1% copper)
- Tool-less access with stainless steel latches
- Terminal block in arm
- Rigorous 5-stage pretreatment polyester topcoat to ensure maximum durability that achieves a scribe creepage rating of 8 after 5,000 hours of salt spray
- Removable "power tray" facilitates maintenance
- Corrosion resistant stainless-steel latches ensure secure closure over the long fixture life
- Horizontal mast arms or vertical tenon (VH) and universal mounting to round and square poles (UN) options
- Universal mount mates to all major manufacturer's hole patterns
- All Mountings are 3G vibration rated per ANSI C136.31
- Adjustable fixture tilt from 0-45 degrees provides flexibility to optimize lighting performance

Electrical

- Standard surge protection is 20kV/10kA "Extreme Level" per ANSI C136.2
- LED light engines are rated > 100,000 at 25°C, L70
- Electronic driver has an expected life of > 100,000 hours at 25°C
- Rated for -40°C / (-40°F) minimum ambient
- Programmable electronic driver with 0-10V control leads
- Driver voltage options: 120-277V 50/60 Hz and 347 50/60 Hz and 480V 50/60 Hz

Optical

- Performance is comparable to 150-400 watt HPS or 175-1,000 watt MH
- IP66 rated borosilicate glass optics ensure longevity and minimize dirt depreciation

- IP66 rated optics
- Molded Silicone optics: Area (Type 5) (AR), Forward Throw (FT), Medium Roadway (MR), Narrow Roadway (NR) and Wide Roadway (WR)
- Borosilicate glass refractor optics: Area (AG), Forward Throw (FG), Medium Roadway (MG), Narrow Roadway (NG) and Wide Roadway (WG)
- 3000K, 4000K and 5000K CCT, 70 CRI
- Optional Uplight Skirt (US) when used with refractor ensures zero upright above 90°
- House side shield (HSS), light trespass shield and option available
- Wire guard kit option available

Controls

- 7 pin NEMA photocontrol receptacle
- Premium solid-state locking-style photocontrol (PCSS) – 10 year rated life
- Extreme long life solid state locking-style photocontrol (PCLL) – 20 year rated life
- Field adjustable output
- nLight Air motion and daylight sensor
- Programmable motion and daylight sensor

Certification & Standards

- CSA Certified to US and Canadian standards
- Suitable for operation in an ambient temperature up to 40°C / 104°F for standard product
- Designlights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

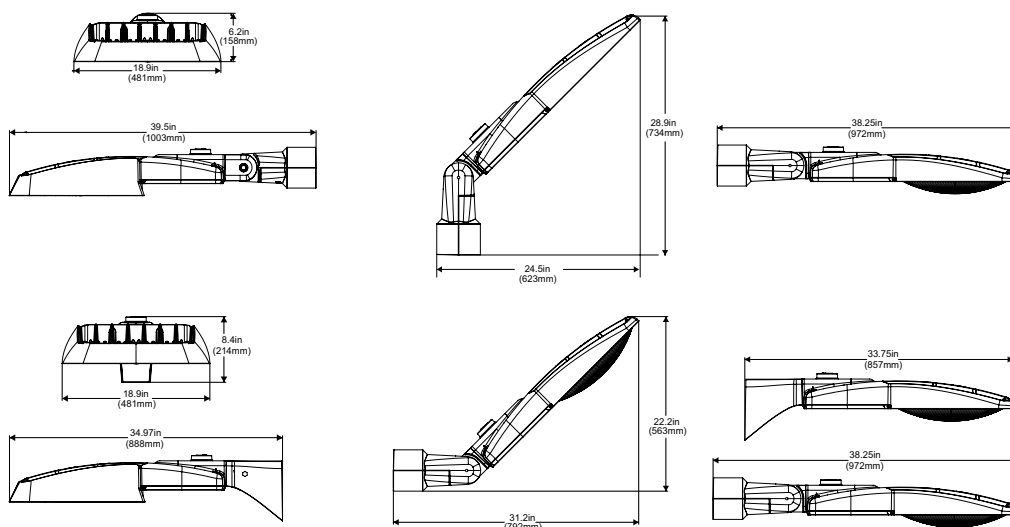
Warranty

5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/support/customer-support/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C



DIMENSIONAL DATA



Mounting/Optic	Tilt	Weight	EPA
VH	0°	35 lbs.	1.64 sq. ft.
VH with Refractor & US		44 lbs.	
VH	45°	35 lbs.	2.85 sq. ft.
VH with Refractor & US		44 lbs.	
UN	0°	31 lbs.	1.64 sq. ft.
UN with Refractor & US		38 lbs.	



MidAtlantic
Engineering Partners, LLC

321 W. State Street
Media, PA 19063
610-565-0020

THE BATTERY
427 W. 7TH STREET
SHADOWBOX FENCE
SK-10

SITUATED IN
CITY OF NEW CASTLE, NEW CASTLE COUNTY, DE

G. DESIGN STANDARDS

(1) To ensure that all new development in the Downtown Gateway District will be pedestrian in scale and walkable, all development in the district shall meet the following design standards.

(2) Building design standards. New construction shall meet the following requirements:

- (a) Building character. New development shall generally employ building types that are compatible to the existing architecture of the adjacent downtown area in their massing and external treatment.

The proposed building is in character and scale of adjacent downtown area buildings.

- (b) Building orientation and entrances.

[1] The front façade of buildings shall be oriented towards the street and sidewalk, with the primary entrance located in this front façade.

Primary entrance located in the front, street-facing facade.

[2] Buildings located on a corner lot shall be oriented to the primary street as determined by the City Codes Officer and orientation to both public streets is encouraged.

NA (not applicable)

[3] All primary building entrances shall be accentuated. Entrance accentuations may include recessed or protruding entrances and/or the use of canopies, porticos or overhangs.

Primary entrances will be provided with horizontal canopies overhead.

- (c) Windows.

[1] Windows should be appropriate to the architectural style, materials and detailing of the building. To the greatest extent possible, windows should be proportioned vertically.

Windows match the proposed architectural style. Single windows are oriented vertically.

- [2] The ground floor front façades of retail buildings shall include a minimum of 40% and a maximum of 75% of window with views provided through these windows into the business.

Windows to retail areas exceed 40%, but are less than 75% of the front facade retail area.

- [3] Upper story windows of front façades shall not be boarded or covered and façades shall include windows in the façade above the ground floor.

No boarded or covered windows are proposed.

- [4] Upper story windows should be aligned with windows and doors on the first floor.

Windows on the upper floors are aligned vertically with ground floor openings below.

- [5] Smoked, reflective, opaque or black glass in windows is prohibited.

None proposed.

(d) Roofs.

- [1] The following roof types are encouraged: gable, cross gable and flat roofs with a decorative cornice line or parapet.

Flat roof with parapet and decorative cornice proposed.

- [2] Flat roofs shall be prohibited on one-story buildings but are allowed on buildings of two stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

Proposed building is four stories with cornice that projects from the vertical wall plane.

(e) Façade articulation.

- [1] Façades shall have horizontal articulation elements. At a minimum, façades shall have the following horizontal elements: window sills, window lintels, protruding horizontal courses on each floor of the building and cornices. See Table 3.

Facades have horizontal window sills and window / exterior lintels

- [2] Façades shall have a distinct base of at least 18 inches in height at ground level using materials that are different from the main façade such as stone, masonry or decorative concrete. See Table 3.

18" high ground-face block or cast stone water table course is provided at the ground level on the main facades.

- [3] Façades shall have vertical articulation at a maximum distance of every 30 feet of continuous façade. Vertical articulation shall be created through changes in plane or building material for a minimum of one foot wide and protruding a minimum of two inches. See Table 3.

The street facing facade parallel to W 7th Street is less than 30' (28'-2") wide, there is a vertical break, then the building is angled back.

- [4] The top level should be treated with a distinct outline with elements such as projecting parapet, cornice or other projection. See Table 3.

Flat roof with parapet and decorative cornice proposed.

- [5] To further articulate the building façade and increase architectural interest while facilitating all-weather comfort of pedestrians, continuous awnings (both permanent and retractable), canopies and building overhangs, including arcade structures with occupied space above, are strongly encouraged along the street frontages.

Horizontal canopies are proposed along the facade on W 7th Street.

- (3) Design standards for improvements to and reuse of existing buildings. The City Council expects that where an applicant is improving or changing an existing structure to accommodate a change in use, the applicant will attempt to integrate any of the following design standards that are relevant to the improvements being completed. The applicant shall illustrate how a

new use within an existing structure attempts to accommodate the following standards:

(a) Locate primary building entrances toward the street.

Primary entries face W 7th Street.

(b) Provide more than 25% transparent or translucent materials on each story below the roofline.

Transparent materials meet or exceed 25% of each facade.

(c) Locate parking to the side or rear of the principal building.

Parking is located along side, and to the rear of the retail space of the principal building.

(d) Utilize pedestrian scale façade articulation and changes in plane on all façades to distinguish each building story and imply regularly spaced storefronts between 20 feet to 40 feet.

Pedestrian scale facade articulation occurs along the primary street facing facade, with a vertical break occurring between 20-40 feet.

(4) Surface parking standard.

(a) General standards (in addition to the requirements of § 230-28).

[1] Vehicular access. Vehicular access to surface parking shall be from an alley or the secondary street frontage where possible.

Site frontage is such that access to parking will be from W 7th Street.

[2] Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required. Pedestrian walkways through the surface parking shall connect to sidewalks along public streets.

Surface parking is located adjacent to sidewalks that connect to public streets.

[3] Location of surface parking.

[a] All off-street parking spaces shall be located to the side or rear of the principal structure occupying a lot. No off-street parking shall be permitted in the front yard.

Surface level off-street parking provided to the rear and side of the principal structure and street facing retail space.

[b] Surface parking shall be set back five feet from the sidewalk.

Surface parking to be set back more than five feet from the 7th Street sidewalk.

[4] See § 230-28G for additional parking area standards for multifamily residential and nonresidential developments.

(b) Interconnected parking areas.

[1] Parking areas on abutting nonresidential lots shall be interconnected by access driveways wherever possible.

NA

[2] Each parking lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

NA

(c) The number of parking spaces shall be provided in accordance with § 230-28A(15), Parking and access, of the Zoning Ordinance.

Minimum parking standards per previously granted variance request will be met.

(5) Streetscape standards. All developments in the DG Districts shall be required to provide and maintain the following improvements along the entire length of all public streets on which they obtain frontage:

(a) Public sidewalks shall have a minimum unobstructed width of 10 feet in commercial areas.

Minimum 10' wide sidewalks to be provided in front of commercial spaces along W 7th Street.

[1] The Planning Commission may alter this if necessary if it is demonstrated that existing topographic conditions make this standard not feasible. However, the unobstructed width of a sidewalk shall not be less than five feet.

- (b) Street shade trees shall be planted at a maximum spacing of 40 feet on center. Street shade trees may be planted in tree pits, a minimum of four feet wide and six feet long, or in a continuous tree lawn, a minimum of three feet in width, located between the curb and the sidewalk.

Minimum planting requirements will be met.

- (c) Pedestrian-oriented lighting at a maximum spacing of 50 feet or as recommended by the manufacturer to achieve adequate levels of sidewalk illumination.

Minimum lighting requirements will be met.

- (d) Benches and other street furniture at appropriate locations, subject to the review and recommendation of the Planning Commission and approval of City Council.

No tables or benches are proposed.

- (e) Bulbous stamped concrete paving to match brick borders in color, texture and size for properties at corner locations.

NA

(6) Signage. Signage within the DG Districts shall conform to the requirements of § 230-37 and the following additional standards:

- (a) All signs in the DG Districts shall be pedestrian-oriented and not distract from the overall appearance of the building.

Surface mounted building name lettering proposed on face of retaining wall along W 7th Street.

- (b) All signs in the DG Districts shall be constructed of high-quality materials.

Lettering to be weather resistant metal/ alloy.

- (c) Lettering on awnings shall be limited to the vertical surface or edge.

NA

(d) Rooftop signs shall be prohibited.

No rooftop signage is proposed.

(7) Lighting.

(a) All building lighting shall be down lighting.

Down lighting will be provided.

(b) Lighting fixtures shall not exceed the height of the principal building on the site.

No fixtures above roof line are proposed.

(8) Screening.

(a) The purpose of a screen is to provide a visual barrier between unsightly or out-of-scale development features and the views from public streets and abutting properties.

(b) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, require screening: stairwells, elevator shafts, air-conditioning units, large vents, heat pumps, mechanical equipment and parked vehicles (in the case of rooftop parking). The screening of mechanical equipment shall not be subject to the maximum height requirements if it is unoccupied.

Roof top equipment will be set back from parapet and/ or screened with metal screens.

(c) Service and loading areas, including dumpster, trash handling and recycling, outdoor storage, vehicle storage, loading docks and wall- or ground-mounted equipment, shall be located on the side or rear of the building and shall be visually screened from street and pedestrian ways with an opaque screen that may be composed of:

[1] A brick or stone wall.

[2] Wooden fence.

- [3] Vinyl fence designed to look like wood.
- [4] Planted vegetation, in which:
 - [a] All evergreen trees to be installed shall not be less than six feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet.
 - [b] One hundred percent of required trees and at least 75% of required shrubs shall be evergreen species.
 - [c] Shrub plantings shall be a minimum of three feet high upon installation, with an expected height of at least six feet at maturity; no unobstructed openings wider than four feet will be permitted.
- [5] Existing vegetation, if deemed suitable by the City Code Official, may be used in place of required landscaping.
- [6] A combination of these elements, which will meet the purpose of the requirement.

Trash compactor rooms are at grade level inside the building exterior walls. Dumpster pad is located at the most remote portion of the site in the parking area.

- (9) Outdoor dining.
 - (a) Outdoor furnishings are limited to tables, chairs and umbrellas.
 - (b) Planters, posts with ropes or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the cafe.
 - (c) Refuse facilities shall be provided.
 - (d) Advertising or promotional features shall be limited to umbrellas, menu signs, sandwich board signs and canopies.
 - (e) Outdoor dining can not impede pedestrian traffic flow. A minimum pathway of at least five feet free of obstacles shall be maintained.
- (10) Fences. Chain link fence and strictly functional design fence is prohibited.

No chainlink fences are proposed.

(11) Ventilation equipment for restaurants, bars and taverns in buildings erected after the passage of this section shall be provided on the roof.

NA

File Name: G:\3rd Street Development Company\085\9SD-2101 - W 7th St - New Castle - DE\DWG\99--Preliminary Subdivision Plat.dwg
Plot time: Jan 24, 2024 - 11:03am

PROJECT NAME: The Battery 427 West 7 th Street		ZONE: DG - Downtown Gateway	
Permitted Uses		Multi-Family Dwelling	
Lot Area Table			
	Existing lot Areas	Proposed lot Areas	
Existing T.P.#21-014.00-400	185,660 SF	4.262 Ac.	-
Proposed Parcel 1A	-	-	132,666 SF
Proposed Parcel 1B	-	-	44,722 SF
Proposed Parcel 1C	-	-	8,272 SF
Total	185,660 SF	4.262 Ac.	185,660 SF

*PARCEL 1C IS PROPOSED TO BE CONVEYED TO THE MAYOR AND CITY COUNCIL OF NEW CASTLE AND BE CONSOLIDATED WITH T.P.21-014.00-399

PROJECT NAME: The Battery 427 West 7 th Street		ZONE: DG - Downtown Gateway	
Permitted Uses		Multi-Family Dwelling	
		TP#21-014.00-400	
		Required	Complies
Min. Lot Area	3,000 SF	8,272 SF	Yes
Min. Lot Width	25 FT	63.5 FT	Yes
Max. Street Yard	25 FT	25 Ft	No
Setback:			
Side Yard	10 FT	N/A	Yes
Rear Yard	10 FT	N/A	Yes
Max. Impervious Coverage	80%	4.7%	Yes
Max. Building Height	45 FT	< 45 FT	Yes
Max Building Footprint	40,000 SF	9,200 SF	Yes
Max Residential Density	10 units per acre	0	Yes

PROJECT NAME: The Battery 427 West 7 th Street		ZONE: DG - Downtown Gateway	
Permitted Uses		Multi-Family Dwelling	
		TP#21-014.00-400	
		Required	Complies
Min. Lot Area	3,000 SF	44,722 SF	Yes
Min. Lot Width	25 FT	> 25 FT	Yes
Max. Street Yard	25 FT	N/A	N/A
Max. Impervious Coverage	80%	0%	Yes
Max. Building Height	45 FT	0 FT	Yes
Max Building Footprint	40,000 SF	0 SF	Yes
Max Residential Density	10 units per acre	0	Yes

PROJECT NAME: The Battery 427 West 7 th Street		ZONE: DG - Downtown Gateway	
Permitted Uses		Multi-Family Dwelling	
		TP#21-014.00-400	
		Required	Complies
Min. Lot Area	3,000 SF	132,666 SF	Yes
Min. Lot Width	25 FT	130 FT	Yes
Max. Street Yard	25 FT	25 FT	Yes
Setback:			
Side Yard	10 FT	10.0 FT	Yes
Rear Yard	10 FT	10.0 FT	Yes
Max. Impervious Coverage	80%	71.5%	Yes
Max. Building Height	45 FT	< 45 FT	Yes
Max Building Footprint	40,000 SF	9,200 SF	Yes
Max Residential Density	10 units per acre	36 units per acre	No*

Zoning Variances Granted:
§ 230-21.1.C.1(1)(a) - BUILDING FOOTPRINT SHALL NOT EXCEED 40,000 SQUARE FEET
§ 230-1 - MINIMUM AREA FOR PROPOSED PARKING SPACE
§ 230-28.A(15)(a) - PARKING REQUIREMENTS FOR SPECIFIC USES
§ 230-28.C - OFF-STREET LOADING SPACE
§ 230-21.1(B) - RESIDENTIAL DENSITY* (Previous variance was approved for 36 residential units per acre)

SITE DATA

- PURPOSE OF THIS PLAN: TO PROPOSE A COMMUNITY COMPRISED OF 152 APARTMENT UNITS, 2,040 SF RETAIL, AND 1,978 SF SPACE FOR AMENITIES.
- OWNER ADDRESS: JAKSN LLC
427 WEST 7TH STREET
NEW CASTLE, DE 19720
- PROPERTY ADDRESS: 427 WEST 7TH STREET
NEW CASTLE, DE 19720
- TAX PARCEL NUMBER: 21-014.00-400
- AREA OF PARCEL: 4.2626 ± ACRES (PER VANDEMARK & LYNCH, INC. ALTA/NSPS LAND TITLE SURVEY PLAN)
- ZONING: DG - DOWNTOWN GATEWAY

LOT AREA	LOT WIDTH	STREET YARD	SIDE YARD	REAR YARD	BUILDING HEIGHT
3,000 SF	25'	25' MAX	10'	10'	45'

*BUILDING ELEVATION AND HEIGHT INFORMATION CAN BE FOUND IN THE ARCHITECTURAL PLANS

- DEED REFERENCE: DEED INSTRUMENT NO.: 20140404-0013663
- LOTS: 1 EXISTING LOT; 3 PROPOSED LOTS
- DATE OF SURVEY: DECEMBER 16-23, 2021 BY VANDEMARK & LYNCH, INC.
- DATUM: VERTICAL - NAVD 88
HORIZONTAL - DEED BEARING SYSTEM
BENCHMARK - SQUARE CUT ON END OF CONCRETE GENERATOR PAD. ELEVATION = 35.82'
- FLOODPLAIN: THIS PROPERTY LIES WITHIN 100-YEAR ZONE 'AE' FLOODPLAIN ACCORDING TO THE FEMA NATIONAL FLOOD INSURANCE RATE MAP, NUMBER 10003C0162K, WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2015. THE BASE FLOODPLAIN ELEVATION FOR THE SITE IS 10.0'.
- WETLANDS: WETLANDS WERE FOUND TO EXIST ON THE SITE. THE LIMIT OF WETLAND LINES SHOWN ON THIS PLAN WERE ESTABLISHED BY WATERSHED ECO LLC IN FEBRUARY & MARCH OF 2022.





THE BATTERY



