

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

April 6, 2010

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: James Bowman

Commissioners Present: Patricia Brill
Peggy Brown
Angela Dressel
Mary Lou McDowell
Kass Sheedy

Commissioners Absent: Begleiter

Staff Present: Roy H. Lopata, Planning and Development Director
Stu Markham, Councilman, District 6

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m.

1. THE MINUTES OF THE MARCH 2, 2010 PLANNING COMMISSION MEETING.

MOTION BY BRILL, SECONDED BY SHEEDY, THE MINUTES OF THE MARCH 2, 2010 PLANNING COMMISSION MEETING WERE APPROVED AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

2. REVIEW AND CONSIDERATION OF A ZONING CODE AMENDMENT ESTABLISHING A "NEW CENTER VILLAGE" ZONING OVERLAY DISTRICT FOR PROPERTIES IN THE VICINITY OF CENTER, LINDEN, NEW AND CHOATE STREETS.

Mr. Lopata summarized his report to the Planning Commission that reads as follows:

"Background

Based on the City's 2008 adopted Newark Comprehensive Development Plan IV and as a follow-up to the Council discussion during its review of the 108 E. Main Street (the old "CVS" building) redevelopment proposal at Council's May 26, 2009 meeting, the Planning and Development Department researched and reviewed with the local community the possibility of establishing a special redevelopment plan for the residential portions of the Center, Choate, New and Linden Streets neighborhood, proposed to be designated "New Center Village." In this regard, Comprehensive Development Plan IV suggests for this location that:

"Housing rehabilitation and affordable housing development should be concentrated in these downtown districts, located in the north central and southeastern portion of the downtown development framework. Efforts to encourage affordable and market rate family owner occupant projects should be emphasized and expanded. The City many also consider reducing the permitted downtown densities and projects in this district for residential projects."

The Plan notes, as well, regarding reviewing residential development plans in downtown neighborhoods, that:

“... the intent is to make it abundantly clear that the City seeks positive impacts from such residential uses. One key positive impact for an individual project, for example, might include the potential at the site for affordable housing for owner occupants. In particular, and perhaps most importantly, to implement this Action Item, Council may need to actively consider density reductions for projects of this type, on a case-by-case basis depending on the location, other site conditions and the nature of the project. Through the City’s multi-year effort to limit the proliferation of off-campus student housing in traditional neighborhoods, we have learned that one of the best zoning tools to promote affordable owner occupant housing is to significantly limit permitted density in approved residential projects to individual families or to no more than two unrelated tenants, or with similar specifications. For example, in the developments of Casho Mill Station, Abbotsford, Country Place and Williamsburg Village, the City has very successfully preserved these communities for primarily owner occupant relatively affordable housing. If this approach worked at these locations, it should also work downtown. This zoning and development approval tool can be packaged with other incentives to encourage owner occupancy. In sum, we want Newark, especially downtown, to become a “destination city” featuring affordable housing for owner occupants with an emphasis on occupancy for young couples and families, singles, recent University graduates, retirees and other individuals desirous of making downtown Newark a permanent home rather than a transitory residence.”

Subsequently, as part of the Planning and Development Department’s efforts to implement Plan IV and as a follow-up to Council’s direction at its May 26, 2009 meeting, the Department convened a public meeting with area property owners and thereafter surveyed the attendees and all other property owners concerning their views on a redevelopment plan for their community and conducted additional research.

As a result of these activities and analysis, the Planning and Development Department issued a December 17, 2009 “New Center Village” Redevelopment Plan report (see attached) that was reviewed by City Council at its January 22, 2010 meeting. Following an extended public discussion of the issue, Council requested that the Planning and Development Department prepare a follow-up report with suggested Zoning Code amendments for a New Center Village Overlay District for additional community input and Planning Commission and final Council consideration. The initial boundaries of the District are shown on the attached map.

The Planning and Development Department’s Zoning Code amendments report for New Center Village follows:

Source Materials

In developing the proposed New Center Village Overlay District, the Planning and Development Department consulted the following:

Randall Arendt, Crossroads, Hamlet, Village, Town, American Planning Association, 1999.

City of Austin, Traditional Neighborhood District, n.d.

Jonathan Barnett, Joel Russell and Ellen Greenberg, Codifying New Urbanism, American Planning Association, 2004.

Capitol Neighbors, Inc., President’s Message, Madison, Wisconsin, 2003.

City of Citrus Heights, California, Special Purpose and Overlay Zoning Districts, n.d.

City of Columbus, Ohio, Neighborhood Investment Districts, 2006

Alan Mallach, Managing Neighborhood Change: A Framework for Sustainable and Equitable Revitalization, National Housing Institute, 2008

Marya Morris, Incentive Zoning: Meeting Urban Design and Affordable Housing Objectives, American Planning Association, 2007.

City of Milton, Florida, Traditional Neighborhood Development, n.d.

City of Mount Pleasant, Michigan, Owner Occupant Residential Incentive Program, n.d.

Brian W. Ohm, James A LaGro, Jr., and Chuck Strawser, A Model Ordinance for a Traditional Neighborhood Development, State of Wisconsin, 2001

City of Portland, Oregon, Alternative Design Density Overlay Zone, 2009.

Maureen Feeney Roser and Mike Fortner, Comprehensive Approach to Affordable Housing in a College Town, Presentation to Maryland/Delaware American Planning Association Conference, November 20, 2008.

City of St. Cloud, Minnesota, Neighborhood Best Practices, Joint Study Update, n.d.

City of Stanwood, California, Master Plan Overlay, 2004

West Urbana Neighborhood Association, What Other College Communities Have Done: Examples of Regulatory Actions to Preserve the Single Family Residential Character of a Campus Neighborhood, n.d.

City of Whitewater, Wisconsin, "Potential Neighborhood Preservation Approaches," Planning Consultant Memo, 2009.

Winona (Minnesota) Daily News, Task Force Wants Incentives for Rental Conversions," September 17, 2009.

Proposed New Center Village Overlay Zone

As noted in the Planning and Development Department's earlier report, a specifically designed new land use overlay district will be the key component in the redevelopment plan for neighborhoods like New Center Village. Comprehensive Development Plan IV's articulated goals for a new approach to downtown residential housing cannot be met without developing a set of land use regulations that balance the rights of current property owners with Newark's vision for living in our central business district, while at the same time taking into account the dictates of our market economy. Moreover, and perhaps most importantly, using tools that have worked in Newark in the past – tailored for the specific needs of this new zoning category – seems to have the greatest potential for making this neighborhood a showcase Newark community. These regulations are proposed in the form of an overlay district designed specifically with one neighborhood in mind; although the approach once tested here may establish a useful model for similar but not identical methodologies for neighborhood revitalization in other locales throughout the older portions of Newark. In this instance, the long-term goal for the New Center Village community is to create a relatively high-density attractive residential neighborhood for owner-occupants seeking a college-town urban life-style with immediate proximity to shopping, services, night life and a lively downtown ambiance.

Interestingly, because the New Center Village redevelopment plan and proposed overlay district expands upon the existing downtown built environment, the plan reflects Newark's "Neo-traditional," or "New Urbanist," growth and historical development that occurred before either of these now increasing popular land use processes were labeled and described in planning literature. In other words, for many decades downtown Newark has integrated housing, workplaces, services, shopping and recreation in a pedestrian friendly mixed use

neighborhood. In this instance, we intend to exploit that trend by utilizing New Center Village's proximity to our compact downtown with nearby retail businesses, restaurants and services, its current mix of housing types and proximity to open areas. Moreover, as New Urbanists note when advocating neo-traditional planning, it often makes sense for cities to use "special purpose districts," in order to focus such initial efforts on area specific legislation, just as we are proposing here.

In any case, the proposed optional overlay zone is intended to link zoning flexibility with rigorous design criteria rather than adding or modifying the restrictions in the underlying zones in the New Center Village community. As a result, the New Center Village overlay district, or NCV for short, would consist of the following key elements:

- All **new** projects – that is, changes in use, requests for expansion of existing uses (in terms of density), and so on, applied for after the new regulations are adopted, would come under the new specifications.
- To protect the rights of current landowners and to recognize the reality of the local housing economy (that is, the role that "student housing," plays and will continue to play in Newark for the foreseeable future), **all existing rental permits and land uses would continue to be permitted** so long as no land use changes – as defined above -- are requested. In these cases, the underlying zoning district use and area requirements, and all other relevant Municipal Code specifications would continue to apply.
- New projects regardless of size would be permitted at a maximum equivalent density of 30 units per acre, subject to the existing Zoning Code Site Plan Approval design and site review principles and procedures, with additional provisions tailored for the NCV overlay district. Site Plan Approval permits area regulation "waivers," with Council approval, for plans that show excellence in site design and arrangement including the following:
 1. Common open space.
 2. Unique treatment of parking facilities.
 3. Outstanding architectural design.
 4. Association with natural environment including landscaping.
 5. Relation to the neighborhood and community.
 6. Energy conservation – conformance with the "certified" level of the LEED (Leadership and Energy in Environmental Design) energy conservation program.
- All NCV properties with new construction calling for additional units would be limited to a maximum of two unrelated tenants – this restriction is modeled after the regulation that has successfully preserved owner occupant townhouse communities in other areas of Newark and, in addition, is the same restriction currently in place at the Washington House on E. Main Street.
- The relevant portion of the Site Plan Approval process to apply to NCV properties with new construction calling for additional units will include the review of proposed architectural design, site design, signage, and streets (if applicable).
- As per the Site Plan Approval process, any and all zoning district area requirements could be waived for New Center Village projects.
- New and additional design and related site criteria will be incorporated into the approval process to meet the NCV Overlay District's goals.

In sum, the New Center Village Overlay District will call for very significant density bonuses with strict new site design and architectural guidelines for those property owners interesting in “trading” rental student housing for much higher density and high quality owner-occupant dwellings.

Recommendation

To correspond to the recommendations for downtown residential development in and the district within which New Center Village is located in Comprehensive Development Plan IV and in light of Council’s direction based on the Planning and Development Department’s December 17, 2009 New Center Village” Redevelopment Plan report, the Department suggests that the Planning Commission recommend that City Council approve the following amendment to the Zoning Code:

1. Amend Article III, Designation of Districts, Section 32-5, Classes of Districts by revising the reference to “16,” districts, to “19,” [the current number is not accurate] and by adding to the list of districts the following:

	<i>“Designation</i>	<i>Description</i>
NCV	New Center Village	(new center village overlay district)”

2. Amend Article IV, Use and Area Requirements for Residence Districts, by adding a new Section 32-13.3 NCV (new center village overlay district) to read as follows:

“Section 32-13.3 NCV District (new center village overlay district)

(a) In a NCV district, except as otherwise stipulated in subsection (b) below, no building or premises shall be used and no building shall be erected or altered, or designed to be used, except for one or more of the uses indicated in the underlying zoning district. The NCV district shall be designated on the zoning map as an overlay district, permitting uses and development under a set of parallel special provisions, as stipulated herein; all applicable use and area provisions in the underlying zoning district shall apply for existing buildings or premises where no additional dwellings are proposed.

(b) In a NCV district no existing building or premises shall be used, and no building erected or altered, or designed to be used for more than the existing number of dwellings in the building or on the premises as of the date of the adoption of this ordinance [date inserted] except for one or more of the following uses [a mixture or combination of these uses can occur anywhere within this district]:

- (1) One family detached dwelling; except that student homes shall not be permitted.
- (2) One family, semi-detached dwelling.
- (3) One family, town or row house.
- (4) Garden Apartments.
- (5) High Rise Apartments.
- (6) Professional office and Customary home occupations in a residence on ground floor locations only, with the following special provisions:
 - a. Professional office and customary home occupation shall be permitted in a dwelling provided the person so engaged is a resident thereof.
 - b. The professional office and customary home occupation shall be clearly incidental to the residential use of the dwelling.
 - c. No exterior alterations inconsistent with the residential use of the dwelling shall be permitted.

- d. No more than one employee shall be employed by the practitioner.
- e. One display sign affixed to the building not exceeding a total of two square feet, nor projecting more than one foot beyond the building, and not illuminated, shall be permitted.

(c) Area regulations and other special requirements.

(1) All permitted uses in this district shall be subject to the following design, building and procedural requirements in Article XXVII, site plan approval, of this chapter:

- a. Section 32-97, Purpose, (a)
- b. Section 32-98, Procedure. (a) through (i)
- c. Section 32-98.3, Review criteria and performance standards. (a) through (d)

(2) All permitted uses in the district shall be subject to all other applicable municipal code standards and procedural requirements, except as modified herein, including the requirements in chapter 27, Subdivisions, and chapter 32, Zoning.

(3) With site plan approval as stipulated in this section, the maximum number of dwelling units per gross acre shall not exceed thirty.

(4) All permitted rental dwelling units shall be limited to occupancy by one family or up to two unrelated tenants.

(5) Open space and parkland stipulated in Article XXV, Landscape screening and treatment, and chapter 27, Subdivisions, shall not apply for any NCV zoned property, except that the Parks and Recreation Director shall require appropriate landscape screening, landscape treatment and tree planting through the site plan approval review process.

(6) Regarding building design, the following additional standards shall apply:

- a. Detailed elevation drawing of all proposed buildings shall be submitted including all signage; building materials; building height; the location, height and material of screening walls and fences; outdoor trash and recyclable material storage areas; and electrical, mechanical and gas metering equipment.
- b. The architectural features, materials, and articulations of building facades shall be continued on all individual facades visible from public streets and sidewalks.
- c. New structures or additions to existing structures shall not exceed four stories or 48 feet in height.
- d. Large building facades shall be designed to appear as separate buildings; in other words, buildings shall avoid long, monotonous, uninterrupted walls.
- e. All buildings shall have well defined front facades with clearly articulated main entrances facing streets, and shall be aligned so that the dominant lines of their façades parallel the street line.
- f. Buildings at intersections or corners may use special architectural features including corner towers, cupolas, clock towers, spires, balconies, or similar ornamental features to emphasize their location; such features may exceed the height limitations established in this section.
- g. Buildings shall be topped with pitched roofs, including overhanging eaves; flat roofs with articulated parapets and cornices may be permitted. Pitched roofing materials shall include natural or manmade slate, shingles (wood or asphalt composition) and metal formed to resemble standing seams. Fascias, dormers, and gables are encouraged.

(7) Regarding site design, the following additional standards shall apply:

- a. Required off-street parking shall be determined on a case by case basis, with a minimum of one space per dwelling unit.
- b. Off street parking shall be located in rear or sideyards only.
- c. Off street parking for shared use shall be encouraged; such parking and parking access ways may be required to be dedicated to the City for public use. Payment in lieu of required parking, to be determined by the City, may also be required.
- d. Exterior lighting shall be minimal and not exceed lighting typically required for residences; such lighting shall not spill-over or cause glare on adjoining properties.
- e. Rear or side yard service alleys for access to parking, to accessory buildings and or trash collection may be permitted."

Mr. Lopata: The Downtown Newark Partnership Design Committee as well as the New Castle County Chamber of Commerce have both reviewed this report and recommendation and have endorsed it. I would like to include that in your record.

[Secretary's note: These documents can be found at the end of the Planning Commission minutes].

Mr. Bowman: Are there any questions for Roy from the members of the Planning Commission?

Ms. Pat Brill: If you wanted to participate in this new plan would you then contact a developer and demolish your house? I'm not sure I understand.

Mr. Lopata: This would be no different than any other development or redevelopment project in the City, in that respect. A landowner and/or developer – in this case some of them are one in the same in this area, people owning property who would like to change the property – would come under these regulations. In some instances that might mean demolishing the properties; in others, it might mean just adding to them or redeveloping them using the shell of the existing building. Some of the houses in that area are quite nice. Some of them are not so nice. It really depends on the owner. That would be no different than anyone taking property and redeveloping it.

Ms. Brill: So, property by property would there be potentially a different design? Would one developer say, let's do lots of glass and the next one would say something else/

Mr. Lopata: Pat, that is a very good question. That really is where we all come in – the Planning Commission, the staff, future Planning Commissions, future staff and City Council, and where the site plan approval process and all the design criteria comes in, which are already in the Code. We have a set of rules that are added for this area in particular, much more specific than in the Code currently. The developers would have to meet those requirements. What would happen, of course, is the first person to do this might set the tone. If the community likes the project and it turns out that someone buys three or four lots and puts in a set of row homes with three or four additional dwellings than are there now, and the community says this is really working, and young couples or graduate students living in this area say this is really neat, it seems to me, if we like it we would tend to favor that look. I don't think, on the other hand, that we are promoting necessarily uniformity in design.

Ms. Brill: This isn't low income, moderate income. This is high income?

Mr. Lopata: When you add density, you tend to make it more affordable than otherwise, but we are certainly not promoting this as a low or moderate income area or a high income area. I think a mixed eclectic kind of development is the idea. The way we are proposing it is not urban renewal. The City is certainly not tearing down all these buildings and building some new project. That is clearly not the idea because the way it is set up it is going to happen lot by lot, if it happens at all. To be perfectly frank, I think at the outset little or nothing will happen because these properties, by and large, are very valuable as rentals just as they are now.

I am absolutely convinced, based on the discussions I have had with University officials and looking at the demography of the United States and the Middle Atlantic Region, that in 10 to 15 years the University of Delaware enrollment is not going to be what it is today. But in the meantime, student housing is the big driving force for what is happening everywhere in Newark. We are doing fine on Elkton Road. Let's not kid ourselves. Why is that redeveloping to a great extent? Yes, we have some good plans for that area, but we are also taking advantage of the student housing market. This new plan is to try to lay the groundwork for something a little bit different – whether that is going to happen, I don't have a crystal ball, but my understanding is that something out there is going to happen and then some of the people out in this room who are renting to students now are going to say I need to change what I have out here. Maybe I ought to try something else. But, they don't have to do that. We are going to let the market dictate, not the City.

This approach is almost like tails you win, heads you win. This is just carrots without any sticks. It is simply a matter of everybody keeping what they have now. If they want to do something different and more expanded, they can do it. At least, that is how I look at it.

Ms. Kass Sheedy: What is the likelihood that as a result of this in 5 to 15 years that this district is going to be a high-rise apartment district?

Mr. Lopata: We are talking four stories as a maximum. For some Newarkers that's high, but in the bigger world outside of little Newark that is really low to midrise. The likelihood of that is slim to none.

Ms. Sheedy: We do have a category that is called high-rise apartments.

Mr. Lopata: That is up to seven by definition . . .

Ms. Sheedy: Oh, is it? But we are still not permitted to go over 48 feet high.

Mr. Lopata: This is a different set of rules. That is the RA zone. That is another district. I am proposing four stories here as a maximum to guard against that. I am not sure the community is ready for seven story buildings on Center Street. I think that would stick out like a sore thumb. But, we do have a category that allows seven stories – not this one.

Ms. Sheedy: Maybe I'm misreading this. On page 6, item B, the following uses:

Mr. Lopata: That is under our Zoning Code. A four story building is considered a high-rise. That is what is confusing you. In a different zoning category – not this overlay district -- we allow up to seven stories. That wouldn't apply here. Garden apartment by definition is three stories. So, I had to add "high- rise" because we are proposing four.

Ms. Sheedy: I understand that, but the goal and the drawing that Joe provided suggests a sort of more Fells Pointe or Georgetown kind of atmosphere. Does this make it likely that instead of an urban downtown residential family or young couple, that what we will wind up with is this district being just apartments?

Mr. Lopata: The lots are too small for that. Remember, this is a very small area and you have to have some parking. If you consider height a bad thing, then the worst case is you would have four story buildings lining these streets attractively designed with trees, beautifully lit, beautiful facades and it would look like Brooklyn and Hoboken and Fells Pointe and parts of urban America that people consider quite desirable. The Washington House is higher than this now. There are other buildings downtown that are higher. The Opera House is four stories currently.

Ms. Sheedy: I am really not concerned about how high the building is. My concern is that it seems to me the intent of this is not to have Towne Court up there.

Mr. Lopata: Yes, one of the best examples I can give you is up the street on Center Street and Main, the Happy Harry's building where Home Grown is, people think that is three buildings attached. It is one building. Because of the way it was designed under rules that

we put in place several years ago, but similar to these, the building is articulated in such a way that it looks like three buildings. By-the-way, it is a three story building that looks like three attached buildings, but it is not.

Ms. Sheedy: There is a provision in here that says, "All buildings shall have well defined front facades with clearly articulated main entrances facing streets . . ."

Mr. Lopata: That is exactly what I am talking about. This type of requirement puts much more design review burden on the Planning Commission to get it right (whatever "right" is), and it puts more burden on Council, but it also puts a burden on the community.

Mr. Bowman: Hearing no further questions from the Commission, we will open it to the public. I have three written requests and I will take them in the order they were given to me.

Mr. Matthew Egan: 12 White Clay Drive. I am a City resident and I am in favor of this new zoning amendment because I would like to see the opportunity for new construction close to where I live that could bring in new homeowners to the area. The other reason is I am a project manager for a builder/developer who also has interest in this type of new zoning amendment as well. We have interest in building in cities in infill situations and I think it is a good opportunity for me on both sides.

Mr. Niles Norton: 27 Center Street. I am a property owner. I am a resident and also a rental property owner, all on Center Street and I am in favor of the proposed overlay district because I love opportunity and I know that I can keep what I have right now for as long as I want and if the chance comes up to develop and add more residents to our street, I think it is a great thing. Right now in our area there are four owner occupied buildings on the street. We are definitely outnumbered by students but we get along well with them. We do have complaints but I don't see any problem with adding some more adults to the neighborhood. Obviously, we are not going to get rid of the students. I don't know if I would want to get rid of some of mine, but just to have the opportunity to have that would be a good thing.

Mr. Greg Lingo: 630 Buckley Drive, Broomall, Pennsylvania. I am a builder/developer and see this as an opportunity for positive development in and around this area. I think I would be in support of the Code change because it allows the developers the opportunity to work with the landowners to improve the current use of the property. We wouldn't come and invest and consequently improve this area if there wasn't such a Zoning Code modification.

Mr. Joe Charma: 711 Harvard Lane. The purpose of the New Center Village overlay is to address the present character and quality of housing available in the central business district by presenting a strategy for stabilizing, rehabilitating and encouraging quality new owner occupied housing.

The City has a responsibility to residents, business owners and taxpayers, particularly during this downturned market to think outside the box and investigate creating ways to encourage public private partnerships that will move us into the future and keep Newark's economic development opportunities alive. This proposed ordinance is the first step in bringing about a future full of possibilities. How can we accomplish this goal? First, by allowing critical massing encourages individual lot owners with similar properties, with other properties to use larger subdivision opportunities. It allows for higher densities more appropriate for a developer. It also allows for a larger number of units to create more affordable housing. Secondly, by applying sound planning practicing, that is, the use of new and traditional planning concepts, we can encourage creative high quality designs and create a livable walk able community. The use of the site plan approval process will create diversified plan for urban development that overcomes the limitations of the existing underlying zoning classifications which tends to stifle any redevelopment opportunities. Thirdly, the City can help by creating some financial incentives such as deferred taxes, low interest loans from the City and, perhaps, a City bond program to encourage investors. I know this is a tough time to ask for those things but I think, again, if you think outside the box you get to look to the future. Lastly, who will live there? I am thinking young families, grad students, professionals such as teachers, police, fire fighters, professors and mature families downsizing to single family homes, and retirees. All of these individuals, having one thing in common, their desire to live in the active downtown urban environment that

Newark has to offer. Again, I encourage you to take the first full step forward and recommend approval of the New Center Village zoning overlay ordinance.

Mr. Jerry Gravatt: I live right outside of Newark but I own 24-28 Center Street. 24 Center Street is a six unit apartment house and constructed as an apartment house. Next door is a single family home. I am a little concerned about future redevelopment opportunities for the six unit apartments if the overlay restrictions apply. One thing would be density and the other thing would be increased density, much like CVS has increased theirs. Right now I have the same zoning as all the businesses on Main Street, but with this overlay I'm concerned it would restrict my future for development.

Mr. Lopata: I have looked into your property. Your property is .1988 acres with six units. Interestingly enough, that calculates to 30 units per acre. You, therefore, would meet the new Code requirements. With your property right next to it, you could add units.

Mr. Gravatt: Combine those two is what you are saying.

Mr. Lopata: You already have the equivalent of 30 units per acre now of one of your properties right now.

Mr. Gravatt: I am concerned about the limit.

Mr. Lopata: You have 30 now. That is pretty high.

Ms. Dressel: Which property?

Mr. Gravatt: It is right in back of Parking Lot #4.

Mr. Lopata: He is parcel 2-260 in the map.

Ms. Dressel: And you have how many units?

Mr. Gravatt: Six units.

Mrs. Jean White: 103 Radcliffe Drive. I first wanted to clarify if there would be retail on the first floor? I know you have talked about professional offices.

Mr. Lopata: One of the things we thought about – and the literature discusses this for so-called neo traditional or smart growth communities – is you want to provide the opportunity for young professionals and others who work in the home to be able to do that on the first floor of these areas. And these uses are strictly defined as professional offices and customary home occupations.

Mrs. White: So, there would not be retail?

Mr. Lopata: No, not at all.

Mrs. White: I wondered if you could expand on maybe five examples of what would be professional offices.

Mr. Lopata: A doctor, lawyer, psychologist, an accountant, and eye doctor.

Mrs. White: I didn't know if someone was a consultant for crafts.

Mr. Lopata: No. A professional office is very strictly defined in the Code.

Mrs. White: So, it doesn't include graphic design and those kinds of things.

Mr. Lopata: The definition over time may change, too. But, the current definition is pretty strict.

I was thinking, here, that in the older urban sections of many of our cities you can go into an apartment building and find a doctor's office on the first floor. It is convenient for people who live there. They are right in the building. It is more of an urban first floor kind of environment. None of this is etched in stone. We fiddle with the Zoning Code, as all of you know, every few months. We can fiddle some more. Anything here that doesn't work we will change, if it gets adopted in the first place.

Mrs. White: This is just my opinion, but I feel that the word "village" is used much too often and is actually misapplied to many developments in terms of what a village really is. I am thinking more of other developments around town and in New Castle County and other places taking a very nice word and applying to something, but I will leave that aside.

I have always liked this section of town. In past years, I have known people on some of the different streets. Most of the people that I knew at that time have moved away for one reason or another including the negative aspects of a community that went totally to students. Many students are good occupants of where they live but there have been behaviors, particularly on Choate Street, that have made people move away.

What I see that is good about this is that it is meant to be an all residential area that is not the retail on the first floor. So, it is not the mixed use that you would see on Main Street.

Mr. Lopata: Jean, let me underscore that. The intent is if people want to shop, eat and dine, they would go to Main Street.

Mrs. White: I was concerned because I had heard some people talk about converting that to be just like Main Street and I would be unhappy about that. Secondly, I like the emphasis of owner occupied. I gather there can be renters of two unrelated people. So, they would not all be owner occupied.

Mr. Lopata: And, plus, the existing rentals would stay. If you look again at some of the townhouse developments – Abbotsford, Country Hills, Country Place – they are mostly owner occupant but they do have rentals. Most of those rentals are family rentals.

Mrs. White: In your report of March 16th, you talk about the Comprehensive Development Plan and in quoting from it it talks about, "... Council may need to accurately consider density reductions for projects of this type, on a case-by-case basis ..."

Mr. Lopata: Jean, I wrote that language – and perhaps it wasn't clearly written. I should have been more specific -- but it was intended for rental densities, not owner occupant. What I was concerned about was exactly what we are trying to do the opposite of here. Now, I will grant you, it doesn't say that, but since I was the author, I will tell you that is what we were talking about. You know how many downtown projects we have approved with apartments that were rentals. That was the concern that was expressed repeatedly by members of the Commission and Council – in fact you expressed that concern from time-to-time – about high rental unit densities. That is what this language is supposed to reflect and that is the goal of what this plan is.

Mrs. White: RS zoning, which is, I believe, most of this is currently. Is this correct?

Mr. Lopata: A good portion of it, yes.

Mrs. White: RS zoning would be four or five units per acre roughly speaking?

Mr. Lopata: Closer to three units.

Mrs. White: So, we are talking about a tenfold increase. I noted that two examples were drawn by Joe Charma. One was an example of a conceptual sketch which had – what actually appealed to me – houses with 1 ½ stories with porches on the front. That density he puts down as 13.7 units per acre. The second drawing is of 4 ½ stories and that is 30 units per acre. I have a reaction to the second drawing. I actually think this is a very delightful area and it does, looking into the distant future, merit the kind of thing overall the goal that you are proposing. I guess I would be very disappointed as somebody who doesn't live

there but lives in town and does care about the area of having the streets lined with 4 ½ stories. I actually feel that density still giving some incentive to developers or owners down the road (if not immediately) should be decreased to no more than 15 or 20. I think limiting it to three stories and less than 48 feet would give it a higher density but it still would be a much more attractive and charming thing that you are proposing. And, I do think the incentive would still exist. I actually like Mr. Gravatt's three story apartment building and it fits in with everything else. I would propose, since the Washington House condominium itself is something like 36 units per acre, I think 30 units is too high. I think it should be reduces to 15 or 20 units.

On Choate Street is a house that is on the National Register of Historic Places. The National Register does not just take large colossal mansions that would merit that kind of designation but also designate what might be moderate housing and that is 2 to 2 ½ stories, and I would be concerned if it were surrounded with 4 ½ stories. In other words, there is the issue of honoring other attractive designs that actually are well built enough to continue on in the 21st Century.

Of course, you will still get student rentals even at two per unit. Some parents buy places for their students. We have lots of examples of that. We are not talking about the current rentals that the current landlords have, but we are talking about new building that would occur whether there might be additional constraints or rules that might be put on so that the goal of what you want doesn't become a larger student rental area even if it only has two per unit. I am throwing that out to you because we want to have a mix here and I think one can cite other places in town where some of this has happened.

Another thought in terms of design which is my opinion and might not be shared by others is the dislike of three story townhouses which most of the first floor or half of it at least is taken up by a garage. Entered by back, that first floor is not living space.

The overall goal that it become a viable residential district for owner occupants and those who would live there is good but the ultimate result is going to depend on how truly outstanding the criteria of outstanding architectural design and its related elements is replied, who will be the judge of that, and how easily they will be swayed by the developer that comes no matter how well meaning the developer is. I think we in Newark have seen in the past how a project is marketed to those who make the decision that this will spur economic development. So, this outstanding architectural design, however that is defined, it has to be stringent so that whatever is built, someone says wow, this is really attractive. I think we have all seen places like this in other communities but what is going to happen in Newark?

Mr. Aristedes Yiournas: 20 Linden Street and I own the property next door which is the only empty lot in this area. I am in favor of the plan. I don't have any objections to it. I like that it doesn't force anyone to do something they don't want to do because I know many of the other owners. I think it is a good opportunity to change and improve the character of the neighborhood as you do. I was going to build another single family home on the other lot that I have, but now I can build something different. It is a great opportunity. The City is growing, the University is growing and I intend to keep a residence there indefinitely. I have one question. For any of these newly developed properties, there wouldn't be rental permits granted at all? It says two unrelated tenants.

Mr. Lopata: Rental permits could still be granted. What we are doing is using existing regulations that have been applied in other parts of the City that you are not familiar with, that have worked real well. But, you can get a rental permit.

Mr. Yiournas: So, you could get a rental permit if you rent to two unrelated tenants.

Mr. Lopata: The chances are, based on our experience – Mrs. White touched on this – based on the history, which now goes back well over 20 years, if you restrict rental units to two tenants, the chance of them being student rentals are relatively slim. Not impossible, but slim. You could still rent and certainly rent to families.

Mr. Bowman: Seeing no other hands go up, I will bring it back to the table for the Commission for any final questions or comments.

Ms. Dressel: Mr. Chairman, it seems to me that everything I have seen here in the documentation from Roy and the comments from the neighborhood is this is a positive thing for the community and I look forward to that area being a little bit revitalized because it really is such a pretty area. I think it looks like a positive thing for the City of Newark.

Ms. Peggy Brown: In your other supporting documents, you talked about the financial helpers, so to speak, like the POOH Program. Those would be available?

Mr. Lopata: Any existing programs that would be available to anyone in the City would be available here. We had talked about, perhaps, targeting additional aid to this location. Of course, in the City's current financial situation, all of those programs have been suspended. But, again, we don't know what the future holds.

I have mentioned something else on several occasions, and it keeps coming back to haunt me as though I am kidding -- I am not kidding. I would like to see the City and the University someday consider a joint housing corporation that would buy units that are available and sell them only to owner occupants. I have broched that subject on two occasions with University representatives. They have other things on their agenda so it is not high on their list of priorities. But, cities and universities have done that kind of thing. So, I think it might be something to explore in the future.

In any case, we are planning for the longrun here, not the shortrun. Yes, the existing City programs will someday start again and specific aid for this district could certainly be targeted, and any other area. Remember, I said at the very outset we are trying to use this as a model. If it works here, something like it might work some other place in the City. It doesn't have to be exactly the same because this is really tailored to downtown.

Ms. Brown: Mrs. White said there was a house on Choate Street that is on the National Historic Register. Which one is that?

Mr. Lopata: I would have to go back upstairs to look at the address.

Ms. Sheedy: I think this is a very exciting concept and I hope that it will also have the effect of telling potential business owners on Main Street that there is going to be a better market and help do some revitalization of the business aspect of Main Street. I am excited by it.

Mr. Lopata: In that regard, zoning code amendments and subdivision regulations amendments are about as boring as they can be, and I have been doing them for 35+ years. But this is exciting. This is actually doing something where we can make a substantial difference, if it works. If it doesn't work, we will try something else. This has the potential to really do something, as several of you have said, to a neighborhood that is actually a nice neighborhood that some parts of it are getting to look like they have seen better times, and they need a boost and here is an opportunity, we think, to do something really special. Excited is the best word for it and I appreciate Kass, you saying that.

Mr. Bowman: The thing that makes it really desirable is the attempt up front to protect the rights of the existing property owners' properties. That is something that is important to all of us and yet, in the future provides a flexibility to do some unique things.

Mr. Lopata: Jim, in fairness, this came out, as I said, from conversations I have had with some of the developers and the landowners, and just listening, and thinking about it on my own. How can we make this thing work without causing an uproar from the existing property owners and by the same token provide something, in effect carrots without sticks?

Mr. Bowman: It is a good approach. It just goes to show you what can be done when we communicate.

Mr. Lopata: Now we just have to hope that it works.

Mr. Bowman: We don't know unless we try.

MOTION BY DRESSEL, SECONDED BY BROWN THAT THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE AN AMENDMENT TO THE ZONING CODE ESTABLISHING A "NEW CENTER VILLAGE" OVERLAY ZONING DISTRICT AS DESCRIBED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT.

VOTE: 6-0

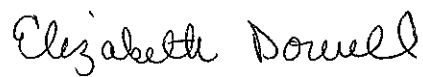
AYE: BOWMAN, BRILL, BROWN, DRESSEL, MCDOWELL, SHEEDY

NAY: NONE

ABSENT: BEGLEITER

MOTION PASSED UNANIMOUSLY

Respectfully Submitted,

A handwritten signature in cursive script that reads "Elizabeth Dowell".

Elizabeth Dowell
Secretary, Planning Commission

**City of Newark
Delaware
Planning and Development
Department**

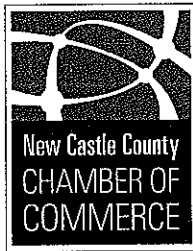
March 23, 2010

TO: Roy Lopata, Director, Planning and Development
FROM: Michael Fortner, Planner 
**RE: DESIGN COMMITTEE REVIEW OF THE "NEW CENTER
VILLAGE" OVERLAY DISTRICT**

The Design Committee, at a posted public meeting on March 23, 2010, voted unanimously to recommend the Planning and Development Department's Zoning Code Amendment: "New Center Village" Overlay District.

The Design Committee agrees that the New Center Village (NCV) Overlay District provides the City and developers flexibility to use the Site Plan approval process to promote redevelopment and good community design for the enhancement of the downtown business district. Provisions such as the requirement to submit detailed elevation drawing, off-street parking permitted only in rear of side yards, encouraging shared use parking, and requiring large building facades to appear as separate buildings, are some of the components in the NCV Overlay District have in common with the Design Guidelines for Downtown Newark and are generally accepted principles of good design.

Furthermore, the Design Committee would be available to review future site plans under the NCV Overlay District and/or assist in other ways deemed appropriate by the Planning and Development Department.



Leading Businesses. Leading Communities.™

April 1, 2010

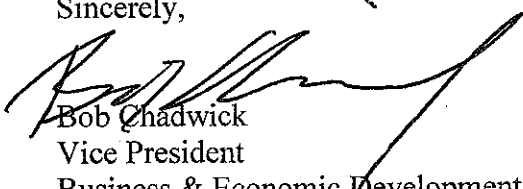
Chairman & Members
Newark Planning Commission
220 Elkton Road
P.O. Box 390
Newark, DE 19715-0390

TO THE CHAIRMAN AND MEMBERS OF THE NEWARK PLANNING COMMISSION:

I am writing to express support for the proposed "New Center Village" overlay district which is currently under consideration by the Newark Planning Commission. In our view, this initiative will have an extremely positive impact on economic development in the City of Newark and will achieve numerous goals including: developing a downtown redevelopment zone focused on attracting the "creative class" of young professionals, graduate students and others employed in the knowledge based industries; and creating a vibrant and exciting downtown living experience for these individuals. We urge your positive consideration of this initiative.

Thank you for your kind consideration of this letter.

Sincerely,


Bob Chadwick
Vice President
Business & Economic Development
New Castle County Chamber of Commerce