

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

March 6, 2007

7:30 p.m.

Present at the 7:30 p.m. meeting were:

Vice Chairman: James Bowman

Commissioners: Ralph Begleiter
Angela Dressel
Chris Hamilton
Mary Lou McDowell
Joe Russell

Absent: James Soles (Chairman)

Staff Present: Roy H. Lopata, Planning Director

Vice Chairman James Bowman called the Planning Commission meeting to order at 7:30 p.m.

1. THE MINUTES OF THE FEBRUARY 6, 2007, PLANNING COMMISSION MEETING.

The minutes of the February 6, 2007, Planning Commission meeting were approved as received.

2. SUMMARY MINUTES OF THE FEBRUARY 8, 2007, PLANNING COMMISSION WORKSHOP.

The minutes of the February 8, 2007, Planning Commission Workshop were approved as received.

[Secretary's note: Mr.Lopata noted that the City of Newark pins that were placed at the Commissioners' places this evening were a follow-up from the Planning Commissioner's workshop session. Councilman Markham, who attended that meeting, thought it would be a good idea if Planning Commission members had one of the City pins.]

3. REVIEW AND CONSIDERATION OF THE REZONING FROM BN (NEIGHBORHOOD SHOPPING) TO BB (CENTRAL BUSINESS DISTRICT), MAJOR SUBDIVISION, AND A SPECIAL USE PERMIT OF THE .958 ACRE PROPERTY AT 100 ELKTON ROAD (GRAINERY STATION) FOR AN APPROXIMATELY 8,700 SQUARE FOOT COMMERCIAL AND NINE APARTMENT UNIT DEVELOPMENT TO BE KNOWN AS THE "CHESSIE STATION."

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

"On December 7, 2006, the Planning Department received applications for the rezoning and major subdivision of the .958 acre property at 100 Elkton Road. The applicants and owners of the property – Millyard Property Associates, L.L.C. – are

requesting rezoning from the existing BN (neighborhood shopping) to BB (central business district) and subdivision approval in order to demolish the existing “Grainery Station” mixed use commercial building and construct a three story approximately 8,700 square foot retail and nine-unit apartment building facility. The applicants have also applied for the BB zoning required special use permit for upper floor apartments. The project is to be known as “Chessie Station.”

Please see the attached Landmark Engineering rezoning, major subdivision, and special use permit plans; color building elevation drawings; and applicant’s supporting letter.

The Planning Department’s report on Chessie Station project follows:

Project Description and Related Data

1. Location:

West side of Elkton Road, just south of the intersection of Elkton Road and Amstel Avenue.

2. Size:

.958 acres

3. Existing Use:

This developed site contains the roughly “L shaped” Grainery Station building that has been occupied by a succession of sit-down restaurants and commercial uses. The Newark Arts Alliance is one of the current tenants. Prior to a substantial renovation of the facility in the mid 1970s for the current mix of commercial businesses, the building housed the old Southern States Cooperative business.

4. Physical Condition of the Site:

The Chessie Station property is a developed site containing a mixed use commercial building and associated paved parking area.

In terms of topography, the site slopes down, in general, from west to east toward Elkton Road.

Regarding soils, according to the United States Department of Agriculture’s Natural Resources Conservation Service and the subdivision plan, the Chessie Station site consists of Keyport Silt Loam soil. The Natural Resources Conservation Service reports “moderate” development limitations for the use proposed.

5. Planning and Zoning:

The Chessie Station site is zoned BN. BN is the City’s neighborhood shopping zoning that permits the following:

1. Public transportation facilities, bus stops, etc.
2. Municipal utility Uses
3. Social Club, fraternal, social service, union and civic organization
4. Non-profit community recreation centers
5. Studio for artists, designers, photographers, with a maximum floor area of 5,000 square feet.
6. Instructional, business, or trade schools with a maximum floor area of 5,000 square feet.
7. Offices for professional services for administrative activities with special conditions

8. Finance institutions, banks, loan companies.
9. Retail stores limited to the sale of gifts, antiques, flowers, jewelry, newspapers, books, hobbies, stationary, art supplies, radio or television, hardware, variety, clothing, drug stores, beverages or liquors, with a maximum floor area of 5,000 square feet.
10. Personal service establishments with a maximum floor area of 5,000 square feet.
11. Laundromats
12. Restaurants, excluding fast food and drive-in restaurants
13. Retail food stores such as bakery restaurants, bakeries, candy, convenience grocery, meat markets, delicatessens, but excluding the preparation of goods for sale off the premises.
14. Neighborhood shopping center with special requirements.
15. Related indoor storage facilities with special requirements.
16. Accessory buildings and accessory uses.
17. Repair and servicing with special requirements.
18. Photo developing and finishing.

BN zoning also permits, with a Council granted Special Use Permit the following:

1. Police and fire station
2. Electric and gas substation, and telephone central office with special requirements
3. Churches and other places of worship
4. Libraries, museums and art galleries
5. Drive-in and curb service for other than eating establishments with special requirements
6. Restaurants with alcoholic beverages

BB is the City's central business district zoning that permits the following:

- A. Retail and specialty stores
- B. Retail food stores up to 5,000 square feet in maximum floor area, with special conditions
- C. Restaurants, bakery and delicatessens
- D. Banks and finance institutions
- E. Offices for professional services and administrative activities
- F. Personal service establishments
- G. Studios for artists, designers, photographers, musicians, and sculptors
- H. Repair and servicing, indoor and off-site of any article for sale, which is permitted in this district
- I. Related indoor storage facilities as accessory uses with special requirements
- J. Accessory uses and accessory buildings
- K. Public parking garage and parking lot
- L. Public transit facilities
- M. Social club, fraternal, social service, union and civic organizations, except on ground floor locations
- N. Photo developing and finishing

BB also permits, with a Council granted Special Use Permit, the following:

- A. Retail food stores with more than 5,000 square feet in area
- B. Drive-in and curb service for other than eating establishments
- C. Fast-food restaurants with special requirements
- D. Motels and hotels
- E. Commercial in-door recreation and in-door theaters
- F. Instructional, business or trade schools
- G. Electric gas and telephone central offices and telephone central offices and substations with special requirements
- H. Tower, broadcasting or telecommunications on existing buildings or structures with special requirements
- I. Police and fire stations

- J. Library, museum and art gallery
- K. Church or other place of worship
- L. Restaurant, cafeteria style
- M. Apartments, except on ground floor locations, with special requirements
- N. Restaurants with alcoholic beverages, with special requirements

Regarding the requested BB zoning area requirements, the Chessie Station plan meets or can meet all the applicable BB zoning area requirements.

Regarding adjacent and nearby properties, the Chessie Station site is adjacent on its northern end to MI (general industrial) zoned CSX Railroad (B & O Railroad Company on the plan) owned property that extends to the CSX Railroad maintenance/office building at Elkton Road and W. Main Street. The MI zoned CSX Railroad right-of-way lies immediately west of the site. The RS (single family, detached) Oaklands Swim Club facility is located further to the west of the southern portion of the Chessie Station site. University of Delaware UN (University) zoned dormitories, fronting on Hillside Road, are located west of the northern part of the property. A business and copy service office building lies immediately south of the property fronting on Elkton Road. The UN zoned Center for Fine Arts University parking garage lies east of the mid-section of the Chessie Station site and UN zoned dormitories are located east of the site's northern end, both across Elkton Road. Two small commercial buildings are located in BN zoned lands across Elkton Road from the south end of the site. The BB zoned Amstel Square property lies northeast of the site at the intersection of Elkton Road and Amstel Avenue. The Amstel Square project, now under construction, calls for a commercial/apartment mixed use facility, similar to that under review here.

Regarding comprehensive planning, the recently updated Comprehensive Plan calls for "commercial (auto oriented)" uses at the Chessie Station site. In addition, the Comprehensive Plan's Downtown Newark Economic Enhancement Strategy includes the Chessie Station site as a fringe area of the Downtown Newark Development District that is considered appropriate for "highway oriented" commercial uses and, as a location at the western edge of the District, is also noted as a good site for mixed uses, including "housing for student and nonstudent," residents.

Status of the Site Design

Please note that at this stage in the Newark subdivision review process, applicants need only show the general site design and the architectural character of the project. For the site design, specific details taking into account topographic and other natural features must be included in the construction improvement plan. For architectural character, the applicants must submit at the subdivision plan stage of the process color scale elevations of all proposed buildings, showing the kind, color and texture of materials to be used, proposed signs, lighting and related exterior features. If the construction improvement plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site and architectural plan, the construction improvement plan is referred back to City Council for its further review and reapproval. That is, initial Council subdivision plan approval means that the general site concept and more specific architectural design has received City endorsement, with the developer left with some limited flexibility in working out the details of the plan -- within Code determined and approved subdivision set parameters -- to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

Be that as it may, the Chessie Station development plans and supporting materials call for the replacement of the existing building on the site with a three-story, somewhat irregularly shaped building to be located in the central portion of the site. Approximately 8,700 square feet of commercial space is proposed for the first floor of the building, with nine two-floor apartments on the upper stories of the facility. According to the applicant's

project description, Chessie Station is intended to look like the Pomeroy Station mixed use facility on E. Main Street adjacent to the Newark Shopping Center.

To evaluate the proposed architectural design, the Planning Commission may wish to consult the design review criteria in Municipal Code, Chapter 27, Subdivision and Development Regulations Appendix XIV, section (d).

Parking will be provided at the eastern and western ends of the property. Access to the parking area furthest to the north will be through one-way in and out driveways. The southern parking facility is proposed to be accessible through two standard two-way driveways.

Subsurface stormwater facilities are shown at two locations on the site, with associated “slotted drains” along various portions of the site’s Elkton Road frontage. Please consult the detailed landscape plan, submitted by the applicants, for proposed site and parking area landscaping.

Subdivision Advisory Committee

The City’s Subdivision Advisory Committee, consisting of the Management, Planning and Operating Departments, has reviewed the Chessie Station rezoning, subdivision and special use permit plan and has the comments below. Any required revisions should be made prior to the plan’s review by City Council.

1. The Planning Department notes that while the old “Grainery Station” is not a City listed historic structure, it is an interesting older building. As a result, there may be some commentary from the community regarding the potential for “adaptively reusing” the structure rather than replacing it as proposed by the applicants. In this regard, the Planning Commission, at its public hearing, may wish to ask the applicants to explain their rationale for not reusing and rehabilitating the existing structure.
2. The Planning Department notes that the mixed use at the site corresponds to the recent pattern of City approvals in the Elkton Road area. The Amstel Square and Madeline Court (at 162-174 Elkton Road) projects are essentially identical in land use to this proposal. All these approvals correspond to the Comprehensive Plan for the area in that they call for commercial first floor uses with apartments as an accessory use, and, as noted above, reflect the recommendations for “mixed uses,” (including residential uses) at the fringes of the City’s Downtown Development District. In the specific case of the Chessie Station project, we believe that the small number of residential uses proposed will not negatively impact the area and, in addition, corresponds to a key aspect of the traditional development pattern in the immediate area – that is, student dormitories to the east and west of the site and other rentals in the general vicinity of the property.
3. The Planning Department suggests that to eliminate potential negative impacts on Elkton Road from higher traffic generated uses, the applicant voluntarily agree to deed restrict the site so as not to permit the following:
 - A. Retail Food Store
 - B. Delicatessens and/or takeout shops
 - C. Drive-in or curbside service for other than eating establishments
 - D. Fast food and/or drive-in restaurants
4. The Planning Department notes that the subdivision plan should show a subdivision identification sign.
5. The Planning Department suggests that the subdivision plan be revised to include the redesign of the one way exit out of the site from the northern parking lot to ensure, insofar as possible, that left turns would not be possible from that location. The plan should, in addition, show appropriate signage regarding no left turns from that access way.

6. The Planning Department suggests the Planning Commission recommend as subdivision site design conditions the following:
 - A. The architectural design of the proposed structure shall be consistent on all building elevations visible from public ways.
 - B. Storage areas, mechanical and all utility hardware shall be screened from view from all public ways and nearby properties in a manner consistent with the proposed architectural design.
7. The Electric Department indicates that in order to provide service from Elkton Road, a short three pole 12KV aerial pole extension will be required. The developer will be required to pay all costs for the pole line extension, onsite transformers, and radio read meters, as needed. The Department estimates the pole line extension cost to be approximately \$9,000.
8. The Water and Waste Water Department indicates that the applicant will be responsible to pay for water meters, yokes, and remote read devices. The Department also notes that an STP fee will be required for the difference between the existing and proposed land use. Finally, the Department notes that based on the sanitary sewer system capacity analysis provided by the applicants, sufficient capacity is available for the Chessie Station project.
9. The Building Department indicates that any building permit plans for Chessie Station will be required to meet all applicable City Building Code requirements, including requirements for fire suppression systems.
10. The Public Works Department has reviewed the proposed stormwater management facilities for Chessie Station and indicates, on a preliminary basis, that the plans are acceptable. The applicant should review final stormwater management and related Public Works requirements with the Department through the construction improvement plan process.
11. The Parks and Recreation Department has reviewed and approved the proposed landscape plans for Chessie Station.

Recommendation

As noted above, the Planning Department believes the proposed rezoning and major subdivision of the Chessie Station site conforms to the land use guidelines in the Newark Comprehensive Plan. In addition, the Chessie Station plan corresponds to the development pattern in the immediate neighborhood of the site. The Department also believes that with the Subdivision Advisory Committee recommended conditions and suggestions, the Chessie Station rezoning and major subdivision will not have a negative impact on adjoining and nearby properties.

The Planning Department, therefore, suggests that **the Planning Commission make the following recommendations to City Council:**

1. **That City Council approve the rezoning of the .958 acre property at 100 Elkton Road from BN (neighborhood shopping) to BB (central business district), as shown on the attached Planning Department Exhibit A, dated March 6, 2007; and,**
2. **That City Council approve the Chessie Station major subdivision plan as shown on the Landmark Engineering plan, dated November 24, 2006, as further revised, with the Subdivision Advisory Committee recommended conditions; and,**
3. **That City Council approve the Chessie Station special use permit for apartments in a BB district, as shown on the Landmark Engineering plan, dated November 24, 2006, as further revised.**

Before I finish my summary I would like to note that we received a letter from CSX Railroad, which I was asked to read into the record. The letter reads as follows:

“Please consider this letter as a response from CSX to your 2/23/2007 notice of a public hearing to consider rezoning of the above referenced property from Neighborhood Shopping to a classification that would allow retail + 9 residential units. CSX runs trains along the north border of this property. As a RR, we are concerned when land adjacent a RR corridor is rezoned for residential use, as experience has shown that people move into new homes, then complain about the train noise and other activity. There are also other attendant safety issues such as keeping foot traffic, ATV’s and dirt bikes off the right-of-way – except at officially designated road crossings.

I would appreciate you reading and entering our opposition into your public records.”

Lee Chastain, the Regional Manager of CSX.

[Secretary’s note: Members of the Planning Commission and the public referred to visuals brought by the applicants for their presentation to the Planning Commission].

Mr. Chris Locke: 604 Cambridge Drive, Fairfield, Newark, Delaware, with the Lang Development Group. Also I have Joe Charma from Landmark Engineering and Dan Hoffman from DCI Architectural Firm.

I am pretty excited about this project. There are very few times that a project comes in front of the Planning Commission where the Commission has the opportunity to put a stamp on a project that could change the City of Newark for the next 20 years. We see Elkton Road as an extension of downtown Main Street. I think with the recent projects both at the Crab Trap and the University of Delaware investing the large amount of money that they have done recently on the entertainment facility, we think this is a natural progression of Elkton Road. We would like to see this continue throughout the area.

I thought it was interesting last Monday night when I was at the City Council meeting dealing with Home Depot, Paul Pomeroy gave a very eloquent speech about how he was not going to give up on the City of Newark in attracting 21st Century business to the City. With that, we need projects just like this where we have neighborhood shops that will attract people to the community. One of the great attractions of Newark is Main Street; and I think the extension of Main Street onto Elkton Road would definitely enhance the opportunity to bring those types of businesses into the town.

As you know, this is a pretty famous site here in Newark. It is known as the Grainery Station. I saw an article in the Newark Post, back in 1975 the owners back then were going to redevelop the property. They compared it to the urban renewal that was going on in Boston and Baltimore, at the time. Of course, H.A. Winston’s was there, for those who have been living in the City for more than 30 years. I took many of high school and college dates to that restaurant. Unfortunately, in the last few years there has not been a good situation with that property. It really has become obsolete. That to rehab the property to make it a viable commercial property at this time is cost prohibitive. So, that is why we have decided to demolish the current facility, and as you see with the plans there, put a much more attractive building up at the site.

The proposed building, as you can see, has a brick façade, also stone in the clock tower area. It is very similar to our building at Pomeroy Station down by the Newark Shopping Center. It has 8,700 square feet of commercial space; and, then it has nine apartments of two and three bedroom varieties. The apartments are two-story apartments, as you can see by the pictures.

There are currently five tenants in the building. We have met with all five tenants at the facility. Three of the five definitely have a great desire to be in the new building, and we look forward to continuing that relationship with them. Two of the five, which are smaller businesses, are re-evaluating their situation right now. We are not quite sure what they are going to be doing.

In regard to the CSX letter, I just wanted to respond. I noticed that the regional manager is based in Florida. After looking at all the properties that border the CSX, there is quite a lot of residential development along those train tracks. Obviously, he was under the impression that new homes were going to be constructed. That is not the case. Joe Charma, of course, will speak more about the security precautions we will make sure will be at that property to prevent anybody from getting around the train track.

As I said, we are very excited about the property. We think it is going to be a real hallmark for the City as people leave Main Street rather than revving up their engines and going down the speedway to Elkton. We think that this property as well as the property at the former Crab Trap and hopefully so other projects in the future will slow that traffic down so it becomes a more pedestrian friendly area. I would love to see the City put on-street parking there at some point. I think that would enhance that whole area as well as slow down the traffic, at least to City Hall. I think that would be a benefit to the City.

Joe Charma: I am with Landmark Engineering at 100 W. Commons Blvd. in New Castle, Delaware.

As Chris mentioned, the existing site is in rather poor condition. The site is about one acre. It is about .96 of an acre to be exact. It is a very narrow site. On the easterly end of the site, it is about 35 feet wide. It widens up to about 131 feet wide. It is kind of a challenging site to come up with something that would be a viable re-use. The oldest part of the existing building is a three story building. It had several one and two-story additions that occurred over the years. We have retained O'Donnell Naccarato & MacIntosh, structural engineers, to do an evaluation of the building. In their evaluation they pointed out that the façade and the building structure are in poor overall condition and that unsafe framing details support the canopy. Those are some of the conditions they observed on the building. They basically summarized their report by saying that the building was functionally obsolescent in terms of what you can do and what you need to do to bring it up to Code. There are fire issues. There are Building Code issues.

There is little or no landscaping on the site. There are a few trees here and there, but it is essentially a sea of asphalt from property line to property line. The pavement in the parking areas is rather failing. It is all alligatored and in poor repair. The parking layout in general is pretty difficult. The parking patterns, particularly on the westerly end of the building, it is all cut up by the building, jogging around. On the easterly end, it is a little less than desirable. I don't even know if those spaces meet Code in terms of the size. Generally, that part of the site is in poor condition. I might add that in terms of current City and State regulations, the site is noncompliant with respect to stormwater management. There are no water quality provisions on the site. There are a couple of catch basins on the site that pick up the run-off and discharge it directly into the City system. It does not meet today's stormwater management standards.

The existing site is currently about 81% impervious surface. As I mentioned, it is almost all paved from property line to property line. Under the proposed site, we are bringing that number down to around 69%. We are actually creating more green area on this plan and complying with all the rules, and we are adding some nice landscaping and a plan that everyone will be please with when it is done. This site adds some significant landscaping all around the perimeters of the property and in the internal parking lots in accordance with the City regulations.

The stormwater provisions that we are providing for this site will be a subsurface management type system. We are going to add a water quality feature at this site. As I mentioned before, since we have reduced the amount of impervious cover, the site is eligible for a waiver from quantity management. I might add that when you add a quality management system you do get retention just based on the nature of that system. It is a very slow flowing system. It does tend to store in the system. You will get some quantity management as well.

I am glad that CSX sent their letter out to us. It was also pointed out to us under the Subdivision Advisory Committee review the concerns that the City had. Several of the

Operating Departments expressed a concern about the proximity to the railroad. What we propose to do is to basically put a six foot fence back there – a solid fence. We are looking at a fence that will provide screening and a barrier so you cannot get through there. We are going to combine that with the landscaping that we are providing back there. The fence itself will not be an eyesore.

Dan Hoffman: I am an associate with Design Collaborative Architects. We are located at 1211 Delaware Avenue in Wilmington. I actually live right outside the City.

The building that we are proposing is a three-story building. We have broken it up into three sections. We have the smaller compressed area on the northern end, which has a three-story, the center section with the stone clock tower and then the rest of the building will be a two-story with center lofts up on the third floor. The center section is actually recessed from the front of the building. There is a stone base along the whole building. The main materials are the brick, but up on the loft areas, we will have siding. We don't know whether it is going to be one of the new composite sidings or something to simulate the old clapboard, which would be on an old mill building. Some of the ideas for the store fronts were from the Pomeroy building which we did together. They would be accented by the metal canopies over top of all the entrances. Standing seam metal roof will be prominent throughout the whole roofing system except for the northern end which will actually be a flat roof.

Mr. Bowman: We will bring it back to the table for any questions from the table.

Mr. Joe Russell: Is the restaurant staying that is there now?

Mr. Locke: The Star of India is staying.

Mr. Russell: They would take a section of the bottom?

Mr. Locke: Yes.

Mr. Ralph Begleiter: I have couple of questions about design and a couple of questions about engineering. On the north end the drawing shows a couple of dummy windows. Is that because you envision a larger space on the second floor or is that an open thing or an artifact of the drawing at the moment?

Mr. Hoffman: Right now it is just an artifact of the drawing. We are working on the interior layouts of some of the apartments. There will either be a replication panel or will be a window.

Mr. Begleiter: Mr. Charma, you spoke about the fence being solid and a barrier to getting through. On the drawing or somewhere there is a reference to a wood fence.

Mr. Charma: It is on the landscape plan.

Mr. Begleiter: A six foot high fence is on the landscape drawing. I just want to mention that you can go around a lot of places and see wood fences where the slots are easily punched through. They are knocked down and then people can get through those fences. I hope that you are thinking about something that is more than just the standard fence – I don't know what it is called.

Mr. Charma: It will be a substantial fence, constructed of appropriate materials for the potential of use. One thing I might add. Lang development group has a really good reputation of maintaining their properties. I think the likelihood of that occurring is pretty low. It might happen once, but it won't happen again, I guarantee it.

Mr. Begleiter: I think it has to be something that is a deterrent to people just going through there. It only has to happen once when somebody punches through and gets hit by a train and then it is a problem.

I do want to ask one question about the parking and one about the overall site design. You have divided the two parking areas by putting the building in the middle. You obviously know more about this than I would. I am not a designer, but the result of that is for Elkton Road to have four driveways. Is it really necessary for a property of this size and the number of parking spaces available there to have four driveways? Couldn't the parking be consolidated in such a way that you could have one or two entry and exit access places to an already busy road?

Mr. Charma: First of all, that is a good observation because Elkton Road is busy. As far as the parking distribution, with a retail building it is important to balance the parking so that tenants and customers can get to where they are going without walking – try to minimize the amount of walking they are doing to their car. That is why we try to balance the parking and place it where it makes sense to get to the building. Also, this site being the narrow trapezoid that it is, it is somewhat cumbersome. If we could have put all the parking in one spot and gotten it in a convenient location that made sense to the building or probably behind the building, or something like that where we keep the building close to the road in good planning fashion, that would have made a lot of sense but with this site, we did not have that opportunity. Insofar as the access points go, one point that Mr. Lopata brought out about the northerly parking lot, I might point out that that is a one way parking configuration. You are going to enter in from the northern most point, travel through and come further away from Amstel Avenue. That will be appropriately signed with no left turns out. That was one of the recommendations of the Planning Department and also the Police Department commented about left turns. We will sign that appropriately as was done with Madeline Crossing. I know that was a concern about how traffic was going to get in and out of there. What we could do on the westerly parking area, we could also restrict that to a one way traffic pattern. You don't have ins and outs here; you could be coming in one way, going around, and then coming out the other way. You wouldn't have all these crossing traffic patterns.

Mr. Begleiter: May I suggest, and again, I am not an engineer, I don't know about design.

Mr. Charma: But, you drive a car.

Mr. Begleiter: I do drive a car and I drive a car on Elkton Road. I use those businesses on Elkton Road frequently, and I am amazed at the number of driveways that go in and out of what I thought were relatively small businesses. Could you look at the possibility of going to a single driveway for that westerly place and configure the islands in such a way that you come in and then drive around in a circle inside the parking area so, basically, all the traffic would be coming and going through a single access point for the road – just look at that if you would. And, then, I would like to ask the question – I don't know that this is really for you to answer, but maybe Roy – we can request and the developer has already said that they will prevent left turns out of the driveway, but what is our expectation about left turns into the drive ways? The way this is set up – at least at the moment, and you have said that maybe you could make it one-way – at the moment, you could have left turns at the northern end and left turns in at the southern end going into the property. Going across Elkton Road already is very difficult at some of those businesses, particularly because it is a four lane road. I don't remember whether it is still four lanes at that point or if it is narrowing already.

Mr. Lopata: Ralph, part of my recommendation touched on that. We would like to see the driveways in that I am calling the northern parking area -- they should definitely be one-way and the driveways realigned. It won't make it impossible because people do go around this. But as I mentioned many times, the drive way right here across the road from this building on Elkton Road, the drive way into the Park and Shop Shopping Center, that pretty much works. There are very few left turns into that drive way. I just might add in terms of what Joe said about the southern parking lot, if in effect, you make it one way in and out that functions as one drive way. It does what you want to do Ralph, because if it is designed properly, it becomes an oversized one way in and one way out.

Mr. Begleiter: Yes, except at this point with two drive ways in that southern end, you end up with the possibility – even if you make it one way – of cars on Elkton Road left turning into the northern drive way and cars coming out of the southern drive way, both right turning out and left turning out onto Elkton Road . . .

Mr. Lopata: I actually think it is the opposite. If you make one drive way that is two ways .
..

Mr. Begleiter: Then you only have one place where people can go two directions.

Mr. Lopata: You are more likely going to get left turns into that because of the nature of a two-way drive way. In any case, I think they need to look at this issue.

Mr. Charma: Personally, as a planner and an engineer, I don't like dead-end parking where you go into a parking lot and you are driving in and you get to the end and find out there is no parking spaces and you can't get out. That is why I like circulation. Back to your question about the internal circulation. I did look at that, but what it would cause us to do is to lose about six parking spaces to get the isle width that we need if you go with a 24 foot isle. It kind of goofs that up and there is no other opportunity even if you close one of the legs, if you will, there is no opportunity to pick those parking spaces up. So, it does present some problems. I think with appropriate signage and enforcement . . .

Mr. Lopata: It is also directionalizing and narrowing.

Mr. Charma: The one right by the Park and Shop is a good example. They have angled that.

Mr. Lopata: Sharply angled it.

Mr. Charma: One of the problems with this area of Elkton Road, Elkton Road is so wide that even if you angled it, you could swing a big turn in there. You can get in there. I was going to point out that in the Elkton Road Planning Study that was issued in 2005 by DelDOT. In that Planning Study, Area III – West Park to Delaware Avenue – there has been a lot of discussion about taking this portion of Elkton Road and creating more of a boulevard with a median and limited left turn opportunities; of course, creating a left turn lane; creating some on-street parking, perhaps; and one lane of traffic in each direction. The issue that is driving that is the fact that this area is really a speedway. People come off of Main Street, and they just hit it. It is not good. I think the businesses would appreciate it if there was the opportunity to create some on-street parking, create more of a Main Street feel. Not only that, but if you added an island in the middle – I could picture this – you could add some really nice trees, you could really make this something to be proud of. The opportunity is there. The right-of-way is wide enough. In that study, they talk about left turns. Some of the alternatives say, just put a median in, but some of them say, create two lanes of traffic with a suicide lane in the middle where you are turning left from both directions, which is probably not a great alternative. I think a better alternative is to create the median. In those alternatives, DelDOT points out that they did not prohibit left turn lanes. They are going to control them so they have a more controlled access. Hopefully, if we come along and construct entrance locations that make sense, when DelDOT comes along, and they will, and I think the City is going to be promoting this. I think Council and this Commission will be promoting this idea of making this section of Elkton Road an extension of Main Street. I know the Downtown Newark Partnership is very interested that and they have added that to their area of influence, if you will. We will do everything to look at those intersections to make them as safe as possible and to prohibit movements that are going to be dangerous.

Mr. Begleiter: Because Roy mentioned the turn lane across the street from here, I am going to mention the one at Commerce Bank in which I have seen several cars making left turns in, partly because there is no left turn sign there.

Mr. Lopata: It is not angled enough.

Mr. Begleiter: It is not angled and it is not signed. It is not illegal to make a turn there. It was a nice intention, but it didn't happen.

Mr. Lopata: That is temporary.

Mr. Russell: In regard to parking, are you going to have tenant parking that is reserved? If so, which side?

Mr. Locke: The tenants are not getting any parking spaces with their rented apartments. They will have to find parking provided by the City.

Ms. Dressel: Along with the parking situation that Mr. Begleiter mentioned, I was also concerned about how much parking there would be and whether or not the building could have been moved down so it would have been one parking lane and potentially having more green space on that site. Do you have any thoughts on how that could happen?

Mr. Charma: In all due respect, if you want to stop in my office, I could show you about 14 different sketches that I tried to come up with something that works. I do think that the site, while it is not perfect, I think it is much better than what is there now. We have tried to take the parking and make it more convenient and more accessible than what is there now. I think it works for this site. It is a difficult site. It is a challenging site.

Ms. Dressel: One other comment on the left turn lane, I know that the no left turn going into Timothy's doesn't work at all. It is accidents waiting to happen. Also, on the building elevation, in the letter that you wrote, it said that there would be five access doors to the apartments, and I saw three. Are the two in the tower accesses to the apartments?

Mr. Hoffman: Instead of five there are actually four. The tower has three apartments off of that; and then, the other set is paired off the single main doors.

Mr. Begleiter: Chris, you said in your statement – I just want to make sure there is no misunderstanding – in addressing the CSX letter, you said there would be no new homes built on this site. You don't really mean that. Apartments are homes. What you mean is that no single family homes will be built there. You are, in fact, building residential units adjacent to the railroad track. And they are new ones, they don't exist there now.

Mr. Locke: That is correct.

Ms. Dressel: I have one more comment about the fencing. Living next to a property that has the stockade fencing, it would be really nice to see and safer if it were a solid material like a cement type or cement block six foot wall. I think that the chances of anyone getting through it would be higher.

Mr. Locke: One concern we had about a cement wall is that it becomes a perfect position for graffiti artists, so we are thinking, hopefully, a fence and maybe something, of course, a lot more substantial than just a stockade fence would be a little bit more attractive.

Mr. Charma: I just might add that there are a lot more composite materials available today that are rather attractive that would provide a good strong fence as Mr. Begleiter is looking for.

Mr. Hamilton: How many parking spots are you allotting for this whole development?

Mr. Charma: We are providing 55 parking spaces. There are 55 required and we are providing 55. That is a Code basis requirement.

Mr. Begleiter: That is why you cannot change the parking and the driveway configuration because you are just barely there.

Mr. Charma: We are right.

Mr. Begleiter: So, if you reduced the size of the building, you could meet the Code, fix the parking and perhaps exceed the Code in terms of parking regulations.

Mr. Charma: Perhaps.

Ms. McDowell: Are you telling the residents that they would have to utilize City parking? What is to prevent them from just using the parking you have there?

Mr. Locke: We enforce parking pretty avidly on all our other properties. So, they pretty much know when they sign the lease. We have them initial the lease if there is no parking allowed. If they park where they are not supposed to park, they will get towed.

Mr. Bowman: Is there anything else from the Commission? If not, I will open the floor to the public.

Ms. Melissa Cox: I am a Board member of the Newark Arts Alliance, a current tenant at the current site. The address of the Arts Alliance is 100 Elkton Road, and my home address is 100 Waters Edge Drive.

I am here tonight with two other Board members, the Program Director Terry Foreman and Administrative Director Susan Logan. We are here to express our concern about the project proposed. I guess I should tell you what the Newark Arts Alliance is. We are right up the road here. We have been in existence for 15 years. We are a not-for-profit organization. Our mission is to enhance Newark and the surrounding communities through the arts – visual arts, music, etc. I have been a Board member for a little over a year and a half. I have been involved with the Arts Alliance for longer than that when I went to the University of Delaware. They have been a big part of my life and a big part of a lot of other people's lives. We are a very unique organization to Newark. We offer programs to children, especially underprivileged children who may not be able to afford art classes or art camp. We offer concerts. We support local artists who otherwise may not have a forum to show their art. So, we do a lot in the community. If you would like to ask me, Susan or Terry about what we do, please come and ask us.

While we don't have a problem with the building itself, we think the proposal is a lovely looking building; bottom line, we are very concerned about how this is going to effect us. We honestly don't think after 15 years of serving the community will be able to survive it. Mr. Lang and his company have offered to temporarily move us to Pomeroy Station in one of the back spots that is currently unoccupied. But, we feel that with the move and kind of going dark for six months while they are building the building and then moving back at a higher rent amount is going to kill us completely or will drastically affect our organization to the point where we need to cut critically needed programs and services, and we won't be able to serve the community as we once did. Those are basically our concerns. To correct them, they said three of the five tenants were excited about moving into the building, and I assume we were one of those three, but we only had one meeting with Mr. Lang and his group, and we had a lot of questions. That was only one formal meeting and that was only last week. We were very concerned about it, and we are not really on board at all. Not to say we are against it, but we still have a lot of things to talk about. Thank you.

Ms. Susan Logan: I am the Administrative Director. I live in Newark at 48 E. Mill Station Drive in West Branch. I think Melissa pretty much covered it. While we are not against the zoning change or the building plans, we have a lot of concerns about how it will impact us. We have been in there three years. It was not owned by Lang Development when we moved in. We did raise \$60,000 in grant money, and we did improve our part of the building so it is ADA and Fire Code compliant. We have about seven more years on our lease. If we exercise all of our options, we could stay until 2013. While our negotiation with Lang is not something you need to be concerned with, we just want you to be aware of our situation. We are not a retail business; we are a non-profit arts organization. The City has supported us for many years. This could really hurt us.

Ms. Terry Foreman: I am Terry Foreman. I am the Programming Director for the Newark Arts Alliance. I live at 307 Mason Drive in Christine Manor. Of course I agree with everything that has already been said. I think the building is beautiful and I think it certainly would be an improvement. As a matter of fact, after we put over \$60,000 into the interior of this space, we felt like the interior didn't match the exterior. People often come to us and say, wow, it looks kind of dumpy on the outside, and when they come in, they are pleasantly surprised to see what we have done with the place. We are not all that pleased with the way the building looks overall. This whole development idea is, I think, a good one. I just

wonder how we are really going to fit into the big picture. We are so early in the discussions with Mr. Lang that we don't have a clear sense that we are going to have a home there. We would very much like to have a home there, but we would like to be able to afford to be there and have something very similar to what we have already invested in that space. I don't know if that is an issue that you need to be concerned with or not, but I do think it needs to be known because I don't want us to be conveyed in some way that is not close to the truth. I don't think that has been done, but I don't want you to assume something. That is why we are here, to state what we feel. We hope this moves forward but in a positive way where we can participate.

Mr. Bowman: Where were you located prior to the 100 Elkton Road location?

Ms. Foreman: Behind the Learning Station. It was called the Art House. It was at 132 E. Delaware Avenue.

Mr. Bowman: What caused you to move from there?

Ms. Foreman: Several reasons. The space wasn't serving our needs. The layout really wasn't the best for all that we wanted to do. It is a house so it was broken up into a lot of small rooms, so that made it hard for us to have performances. We like to have music performances and poetry readings. The sight lines were not good for having more the 20 to 25 people in that space. The parking was an issue. It was difficult for our customers to park there at times because we were in competition with the Learning Station for spaces. They were often having people towed. There were often mistakes being made. Some of our customers were being towed even though they had a right to be there. The parking was very problematic for us.

Mr. Bowman: Did you lease that space or did you own the space?

Ms. Foreman: We leased that space.

Mr. Begleiter: Does your seven year lease include any rent provisions?

Ms. Foreman: Yes, very clearly. I think there is maybe a \$50 increase per year.

Mr. Begleiter: So, there is no real doubt in your mind about whether you will be able to afford it for seven years. Your concern is beyond the seven years?

Ms. Foreman: The contract we are currently involved in is fine. It works for us financially. We have planned for that in our financial planning. The cost per square foot is so much higher than we couldn't possibly afford for the same amount of space. I think we are about \$10 per square foot at this point. The new situation is more like \$15 per square foot. That is a significant increase for us. That means - if you go in reverse - if we are having 2,000 square feet, we are going to have to cut back to about 1,200 square feet or less. That is a significant change for us.

Mr. Begleiter: Mr. Chairman, I don't know if this topic is really appropriate for the Planning Commission, but I would like to ask if it would be appropriate to ask Mr. Locke if there was anything the Lang Group wants to say publicly to the Commission.

Mr. Bowman: Technically it is not pertinent to the zoning issue but will certainly let Mr. Locke comment. I think we all recognize the value of this type of group, but it is really a tenant/landlord issue. Mr. Locke, if you want to respond. I think we have to understand on the dais that we really can't take this into account in terms of whether or not we consider this project. This happens all the time. This is nothing new where properties get bought and sold and there are tenants involved and those issues.

Mr. Locke: We did have a meeting last week, and I thought it was a pretty positive meeting. To give you some additional information, the lease that the Arts Alliance currently has expires in October, 2008. They do have five one-year options to be negotiable at market rate at the time the option is exercised. They do not have 50 percent increases. It is at market rate at each option period of time. I speak with some authority. I have been an

attorney for 20 years specializing in real estate law. Also, in regards to the proposal we made to the Arts Alliance, I don't think there has been a bigger supporter to the Arts Alliance than Jeff Lang. He was very instrumental in making sure the Art House was available to the Arts Alliance when the owner of that property wanted them not to be there. He pretty much risked his reputation with his own company at that time to make sure the Arts Alliance stayed at that location. The proposal we made to the Arts Alliance was to move them, not to the back of Pomeroy Station. There is really no "back" to Pomeroy Station. Pomeroy Station is pretty much seen from all of Main Street. We would give them signage, both on Main Street as well as on the Newark Shopping side. We were going to move them into a 2,200 square foot building free – no rent. We were going to assist them in moving all of their current items other than the art items from where they are currently to the new location (Pomeroy Station) for free. That free rent would continue until they moved into the new facility at that time. I think that was an extremely generous offer on our part.

Mr. John Shade: I represent Newark Center, P.O. 258, Selbyville, Delaware. We own the property directly across the street from the Grainery. We would be very much in favor of anything that would enhance the neighborhood, and we think that the proposed development would be in line and advantageous to all the property owners around there.

Mrs. Jean White: 103 Radcliffe Drive. I will start off with two questions. Do you know when the Grainery building and the additions were built – the actual years.

Mr. Lopata: Late 1978/1979, as I recall.

Mrs. White: That's when it was built? That's when it went to retail, but when was the building actually built?

Mr. Lopata: You mean the original Southern States building?

Mrs. White: The original Southern States building.

Mr. Lopata: There is some confusion about that but it looks like it's in the 1870's or 1880's, somewhere in there.

Mrs. White: Including where the Grainery shops are now?

Mr. Lopata: I am not saying that. The current configuration is the late 1970's – 1977, 1978.

Mrs. White: But, I believe that the Grainery shop buildings were still there.

Mr. Lopata: The L shape was there – yes.

Mrs. White: The L shape, I am trying to find out when that was built.

Mr. Lopata: I can't say, Jean.

Mrs. White: I wondered right now on the first floor, how much square footage of retail is there right now – currently.

Mr. Charma: Right now it is all retail, and there is about 10,200 square feet of retail. (inaudible).

Mrs. White: How much is there on the first floor since there are several floors?

Mr. Charma: About 9,200.

Mrs. White: I and my family are very familiar with this property. We live about six blocks away. And every day for the last 30 years, my husband likes to work and goes through the Rodney dorm underpass under the train tracks just northeast of the property where the train area starts. Also, the two of us and, in fact, our whole family has gone to the various restaurants going back to Winston's, after that was Mirage and then Bombay Palace and most recently Star of India. I have been there many times as well as to some of the many

other businesses that have been there through the years. I have parked many time either in the northeast parking lot or the southwest parking lot as well as going – maybe hundreds of times, I don't know – to Kinko's and parking there and observing or having combined errands.

So, I wanted first to say something about the Grainery building and what it contributes to the skyline. I happen to love the singular contribution that this building makes to the skyline of Newark right here. I must say that if it will be demolished, I will sorely miss the complex of buildings because of what they have added and historically what it means as a grain elevator and associated buildings. So, we get to, what if the building is torn down. First of all, I think it is inappropriate to rezone this to BB. It is being rezoned to BB or central business district in order to allow the apartments there. At the moment it is zoned BN (neighborhood shopping) even though your blueprint says it is BC, but it is really BN.

As I say, we live about six blocks away and from that distance the train is a very pleasant thing to hear on a summer's night with the train whistle and the rumbling of the train. As you get closer, it is a bit louder. When you are immediately next door to it, it is very, very loud. The site, as it has been pointed out by the applicants themselves, is very narrow at this point. So, those apartments are going to be right next to the train tracks. Even the dormitories on the other side in Dickinson, two of our three children when they were University of Delaware students lived their freshman year in Dickinson. If you look at those, even those were a little bit further away because there was a road in the back between the dormitories and the train tracks. So, these are very, very close. If you have been in the building in one of these businesses when the train goes by, the whole building shakes. It is very, very loud. So, I would submit that we are creating places for people to live and there is a responsibility of the Planning Commission and City Council to take into consideration the quality of those living areas including vibrations but the noise that this makes that in general now days, although there are many places around the country where residential units are next to train tracks. And many of those, by-the-way, are actually low income areas that we should not be putting residential right next to there. So, I would be for keeping this zoned what it is or BC.

Secondly, it has actually been adaptively reused for more than 30 years because it hasn't been a grain elevator, etc. So, it has had these different businesses in. And while I love the skyline and the shape of the current building, I can understand the argument that it, in light of Code increases and difficulties – perhaps the quality of the structural integrity inside, which I myself can't speak to --I can understand, possibly, why it might be useful to tear it down and build something new. And, then the question is, if we have such a unique and interesting building, could we not have another unique and interesting building although not duplicating what we have here but something that produces different parts of it, different roof lines. This is actually so attractive in terms of the shape of the building, even though maybe the outside facades haven't been kept up for one reason or another. When you come down, you have one story, 1 ½ pitched roofs here and then you have the high part there. I am not saying to duplicate what is there, but could there be something else in its own way that is going to be totally unique?

I will give Mr. Hoffman, the architect for the Pomeroy Station, a great deal of credit for how that building turned out. I have told him personally, I do think it is quite lovely, but it is a different situation than we have there. That building, in essence, is perpendicular to Main Street. So, when you come down to Main Street at night, you see all the lights. It is set back a bit from Main Street, and it is entered by a meandering and also very nicely designed and nicely landscaped sycamore trees until you get to it.

I feel that what we have before us tonight is somewhat a row of storefronts, a row of windows, it is all one level, and furthermore, it is three stories. Remember the Pomeroy Station is two. I, myself, am not particularly enamored with (inaudible) certain things here. Also, some of those features are already being put in at the Crab Trap building, which hasn't been torn down yet. Are we going to go around town and say buildings all have a common thread with being done with similar designs? So, I would like to see something with maybe different heights, different roof lines that creates a nicer look.

The other though I had with looking at the site again, is the opposite side is the 4 ½ story University of Delaware parking garage. On this side one is putting partly across a three story building. As one goes through there one is going to get the feeling that one is going through a gorge with cliffs on either side. That is my concern because the current Grainery building, because of its L shape, most of it is set back further. Just the Grainery shops come forward and touch. This is quite a long building in comparison and will all be against the sidewalk. Also, of those eight storefronts, none of them have recessed entries, so we have this view when you are along this building, yes there may be different buildings, but it is one streamlined whatever that you are going to go by. I am also concerned of how the northeast side will look because when you drive down Elkton Road, you are going to see the building as you approach it but from a distance you are going to see that. What is going to be done to make that northeast side particularly enticing and attractive?

Mr. Lopata: One of our conditions is that the architectural design be carried out on all visible sides.

Mrs. White: Well, I appreciate that it is not going to be cinderblock or something.

Mr. Lopata: It has to be the same design so that it is not just a blank wall.

Mrs. White: Now what we see when we go down is roof lines and the one and one half stories. I also wondered why there weren't any entrances to either the apartments from the side or business from the side. Is there anything wrong with having an entrance closer to the front but on the side? Is there any particular reason why that was not done?

Then I have a concern about the southwest parking lot – the one that is closest to Kinko's. As has been pointed out already from the table, at the moment there is one curb cut for this property and then there is one for Kinko's on the side closest to Star of India. There is sort of a use by both properties. Where there is only one curb cut on the southwest parking lot, there are going to be two. This is a bad idea. The fewer access points on a collective road let alone a major ulterior road, the safer it is. There are studies that show that if one reduces the number of access points on a collective road, one reduces the number of accidents. So, here one is adding a curb cut that didn't exist. So, it only has the potential of increasing the number of accidents. Also, on the same subject of that parking lot, at the moment there is no divider between the parking on the side of Kinko's and this parking area. That is being put in. I don't think that is a good idea. I urge some cross access between the Grainery property and the Kinko's as sort of tacitly or not officially exists right now. Doing what is proposed here is going entirely against what the City and various committees and everything are trying to do, which is not to have every little business have a fiefdom of their own parking lot or trying to integrate parking lots and trying to have shared parking lots. Shared parking lots work better. Even here, you go to the Star of India in the evening when people are eating dinner, you can use some of the parking next door if that is needed. At times when the restaurant is not in full use then people can use it there. It is a shared type of situation just like we have shared Catholic Church uses in Newark Shopping Center. So, having individual parking lots is not the way we should be going here. I realize they are doing that because they want to get the parking along that side. My argument is that the building is too big. If you reduce the size of the building, you wouldn't need the parking you are getting by creating that barrier.

Then we get to utility poles. I thought that you on the Planning Commission and eventually Council had passed an ordinance that required elevations to show where the utility poles were. I thought that had passed.

Mr. Lopata: Yes we did.

Mrs. White: These elevations don't show them.

Mr. Charma (Inaudible).

Mrs. White: What I wanted to say more than the fact that they weren't drawn in is that DelDOT has a pending regulation requiring a 15 foot multi-modal easement added to the right-of-way, which is being reviewed and has been presented to the public for over a year.

Part of that includes moving the utility poles out of that area. If you walk down the street, you will see a couple of utility poles (or at least one, at any rate) that is sitting in the middle of the sidewalk. I think it would be important to move that utility pole back off the sidewalk (and there would be room, as you can see because there is that green space). I think that would be an important thing to move that there. I am glad to see that the applicants are going from a four foot sidewalk to a five foot sidewalk. Also, there is another pole there that could be moved further back. I think that the island is problematic. It not only creates problems going in and everything, and I would rather see the landscaping that is in there put thicker along the sidewalk.

Then we get to the northeast parking lot on the right side. Since I have parked there many times, I have to dispute what has been said that this is hard to park in. In fact, at the moment it is herring bone type parking. The flow at the moment is opposite to what they are proposing. You go in here and go out there. Now, with time the arrows have disappeared. (inaudible) As you go in there is diagonal parking all the way. It has 26 parking places, and it is very easy to use. What is being created here is parallel parking. I don't know whether this is for the residents or this is for customers of the businesses, but customers (inaudible) purposely on Main Street. Since you already have a nice diagonal parking that is preferable and I can't understand why you are doing it. Some of them have been lost because the building has been moved . . .

Mr. Bowman: Mrs. White, in interest of the fact that we have another item on the agenda tonight would you please conclude your remarks.

Mrs. White: I can't understand why Mr. Locke has said that no renters will park on the property because they are required to have two parking places per apartment so you can't not give them parking there.

Mr. Lopata: The Code requires you to, in terms of zoning, have the number of two spaces but you cannot require that they actually be parked there.

Mrs. White: I think there is a problem with that.

Mr. Lopata: What proceeding in this way does is discourage, hopefully, people bringing vehicles to Newark. That is the theory. It doesn't work very well, I grant you, but that is the theory.

Mrs. White: Then why require them.

Mr. Lopata: That is a whole other issue, Mrs. White.

Mrs. White: Finally, I will just say two things in conclusion. The fence should be a chain link fence for a number of reasons. They will last longer. Every time I go and a train goes by, I like to go see the train go by. With a solid fence you can't see the train. There will be landscaping in front of it anyway so that will be better. And the final thing is the name. The Chessie is fine, but it is not Chessie Station. The B & O Station was further up nearer to the Deer Park. It was a grainery station where the grain was put on but it was owned by the B & O Railroad. So, this gives a wrong view of history. It makes people think something that wasn't actually existing.

I want to remind the Commission that because this is a rezoning you are not required to pass this as it is, and you can ask for all the things that you think are appropriate whether it is no apartments or reducing the size of the building and many of the other things. Thank you.

Mr. Bowman: Is there anyone else that wishes to comment? If not, we will bring it back to the table.

Mr. Begleiter: Mr. Chairman, I have a comment I need to make before I vote. Last year, the students in one of my classes produced a television documentary which, in part (about a third of it), dealt with the question of train safety in Newark. One of the things the students discovered in the course of producing that documentary was the number of trains and the

number of train cars which pass within 50 feet of the residential dormitories of the University of Delaware along side the railroad track containing hazardous chemicals, containing chlorine and other chemicals whose names I can't remember or couldn't pronounce at the moment anyway. I have thought about this hard and I think it would be hypocritical for me, having observed their reporting and their conclusions and their interviews with various Newark fire and safety officials and officials of the government, to vote in favor of putting even more people/students at risk in residential situations so close to those chemical dangers. For that reason, I am going to have to vote against the proposal for putting residential units there. But, I want to make it clear that I think the proposal to develop this property the way it is being developed in terms of the retail setup, I have absolutely no objections to that. I think it is a good use of that land to keep retail uses there. Those retail people, of course, who are working in those buildings at the same time the trains are passing by will not be asleep at the time an accident might occur, so evacuation and appropriate precautions and safety measures would be much easier to implement in that situation than they would in one where you are adding to one, which I think the students discovered was already an objectionable situation, by having so many residential units adjacent. When I say adjacent, I mean literally on top of the railroad track.

Mr. Bowman: Ralph, just to add a little bit of perspective to that, I certainly would agree with you that having any kind of occupied structure no matter what it is close to a railroad track is really not desirable. In my former employ and in my avocation, I have been involved in the emergency services for pretty close to fifty years. It has been a concern at the CSX tracks and the major highway that runs through our area in the form of I-95 and also what many of us recall and remember as the Penn Central (now Amtrak), the thing that we ought to put in perspective is that if any accident occurs and it becomes a release situation, that railroad or at Amtrak; for example, a propane car, typical size is 20 to 30,000 gallons of LPG, the minimum evacuation distance recommended by most emergency services responses is 1,000 foot radius in all directions around that car. Now, if you stop and think what a 1,000 foot radius of an overturned railroad car on either of those lines that run through the City limits of Newark, you incorporate probably close to 25 to 30,000 people. So, the problem of adding one dwelling, yes, while maybe we should say, we shouldn't do that, pales in comparison to what a major accident could possibly effect literally the whole City of Newark. That is a much larger issue that the City Council, City emergency responders, State emergency responders need to address. While certainly a concern here, I felt obliged to make that comment. I would worry more about the train car coming through my front door at 50 feet than I would necessarily about whether it was carrying hazardous materials. Unfortunately, we have transportation systems that occurred and then things grew up around them, just as we have here. Newark is a classic example of it. Certainly it would be great, as Roy mentioned earlier before we opened the meeting, if we could move the railroad somewhere else, but railroads exist because they are in proximity to those customers they serve. Most of us remember that there was a siding behind that old Southern States where they brought rail cars in to service the Southern States facility. There was an actual siding all the way up through there. I agree with you on that hand, but you also have to look at those types of studies from the overall emergency response perspective.

Ms. McDowell: I just wanted to know what the distance from the back of the building to the train tracks is?

Mr. Charma: About 55 feet.

Mr. Bowman: Another thing I might point out, we have 60,000 gallon propane tanks, maybe not quite that large but certainly 30,000 gallon propane tanks within rock throwing distance of this building that is as big a hazard as a rail car.

MOTION BY HAMILTON, SECONDED BY RUSSELL THAT THE PLANNING COMMISSION RECOMMENDS THAT:

1. CITY COUNCIL APPROVE THE REZONING OF THE .958 ACRE PROPERTY AT 100 ELKTON ROAD FROM BN (NEIGHBORHOOD SHOPPING) TO BB (CENTRAL BUSINESS DISTRICT), AS SHOWN ON THE ATTACHED PLANNING DEPARTMENT EXHIBIT A, DATED MARCH 6, 2007; AND,

2. CITY COUNCIL APPROVE THE CHESSIE STATION MAJOR SUBDIVISION PLAN AS SHOWN ON THE LANDMARK ENGINEERING PLAN, DATED NOVEMBER 24, 2006, AS FURTHER REVISED, WITH THE SUBDIVISION ADVISORY COMMITTEE RECOMMENDED CONDITIONS; AND,
3. THAT CITY COUNCIL APPROVE THE CHESSIE STATION SPECIAL USE PERMIT FOR APARTMENTS IN A BB DISTRICT, AS SHOWN ON THE LANDMARK ENGINEERING PLAN, DATED NOVEMBER 24, 2006, AS FURTHER REVISED.

VOTE ON MOTION: 4-2

AYE: BOWMAN, HAMILTON, McDOWELL, RUSSELL

NAY: BEGLEITER, DRESSEL

ABSENT: SOLES

MOTION PASSED

4. **REVIEW AND CONSIDERATION OF THE REZONING FROM RS (SINGLE FAMILY, DETACHED) TO RM (MULTI-FAMILY, GARDEN APARTMENTS) OF A .724 ACRE PROPERTY AT 281 AND 285 NEW LONDON ROAD AND THE MAJOR SUBDIVISION OF THIS SITE AND THE ADJOINING PROPERTY AT 279 NEW LONDON ROAD FOR A TEN UNIT TOWNHOUSE APARTMENT DEVELOPMENT TO BE KNOWN AS “CAMPUSSIDE.”**

Mr. Lopata summarized his report for the Planning Commission which reads as follows:

On December 7, 2006, the Planning Department received applications from North Campus, L.L.C. for the rezoning and major subdivision of the .972 acre properties at 279, 281 and 285 New London Road. The applicant and land owner is requesting that the .724 acre portion of the site currently zoned RS (single family, detached) be rezoned RM (multi-family dwellings – garden apartments) to match the zoning of the balance of the site. The applicant is also requesting major subdivision approval in order to construct ten townhouse apartment style dwellings in a development to be known as CampusSide. Through the subdivision process, the existing parcel lines among the five properties on the site will be removed.

Please see the attached Hillcrest Associates, Inc., rezoning and subdivision plan, building elevation drawings, and supporting materials. The Planning Department’s report concerning the CampusSide project follows:

Property Description and Related Data

1. Location:

West side of New London Road approximately 200 feet south of the City’s George Wilson Center parking facility and 75 feet north of the intersection of New London Road and Ray Street.

2. Size:

RS zoned parcels:

Tax parcel 13-048	.094 acres
Tax parcel 13-049	.221 acres
Tax parcel 13-050	<u>.409 acres</u>
RS Total:	.724 acres

RM zoned parcels:

Tax parcel 13-190	.114 acres
Tax parcel 13-051	<u>.134 acres</u>
RM Total:	.248 acres
Grand Total:	.972 acres

3. Existing Land Use:

Three single family type structures, accessory buildings and access driveways.

4. Physical Condition of the Site:

The CampusSide properties are developed sites containing three single family type dwellings, several accessory buildings, and driveways providing parking and access from New London Road. The backyards of the homes contain cleared lawn and trees of varying sizes.

In terms of topography other than some relatively steeply sloped portions of the northern section of CampusSide along New London Road, the property slopes in general from northeast to southwest, toward a swale at the southwest end of the site.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service and the subdivision plan, the CampusSide site contains Glenville Silt Loam soil. According to the Natural Resources Conservation Service, Glenville Silt Loam has "severe" development limitations for the use proposed because of its "wetness." In this regard, the Natural Resources Conservation Service indicates that, "a rating of severe does not mean that a soil cannot be used for the intended use. However, it does mean that severe limitations exist that must be overcome with proper design or operation." As a result, the applicant will be required to include in the construction improvement plan for the site proposed engineering methodologies designed to take into account any soils' limitations.

5. Planning and Zoning:

As noted above, the northern three-quarters of the CampusSide site is zoned RS. RS is a single family residential zone that permits the following:

- A. One-family detached dwelling.
- B. The taking of non-transient boarders or roomers in a one-family dwelling by an owner-occupant family resident on the premises, provided there is no display or advertising on the premises in connection with such use and provided there are not more than three boarders or roomers in any one-family dwelling. An owner-occupant taking in more than two boarders, however, must apply for and receive a rental permit.
- C. The taking of nontransient boarders or roomers in a one-family dwelling by a non-owner occupant family resident on the premises, is not a use a matter of right, but is a conditional use, provided there is no display or advertising on the premises in connection with such use, provided there are not more than two boarders or roomers in any one-family dwelling, with special requirements including the requirement for rental permits.
- D. Churches or other places of worship, with special requirements.
- E. Public and Private Schools.
- F. Municipal Parks and Playgrounds; non-profit community centers for recreational purposes.
- G. Municipal utilities; street rights-of-way.
- H. Public and private swimming pools.
- I. Temporary construction and real estate buildings.
- J. Private garages as accessory uses.

- K. Other accessory uses and accessory buildings, excluding semi-trailers and similar vehicles for storage of property.
- L. Cluster development subject to Site Plan Approval as provided in Article XXVII.
- M. Public transportation bus stops.
- N. Bed and breakfast, with special requirements
- O. Student Homes, with special requirements

RS zoning also permits, with a Council-granted special use permit, the following:

- A. Police, fire stations, library, museum, and art gallery.
- B. Country club, golf course, with special requirements.
- C. Professional offices in residential dwellings for the resident-owner of single-family dwellings, with special requirements.
- D. Customary home occupations, with special requirements.
- E. Electric and gas substations, with special requirements.
- F. Day care centers, kindergartens, preschools, with special requirements.
- G. Public transportation bus or transit shelters.
- H. Swimming club, private (nonprofit).

The RM zoning at the balance of the property and the zone requested for the full site is a multi-family residential site that permits the following:

- A. Garden apartments, subject to special requirements:
- B. One family, semidetached dwelling.
- C. Boarding house, rooming house, lodging house, but excluding all forms of fraternities and/or sororities, subject to special requirements.
- D. Nursing home, rest home or home for the aged, subject to special requirements.
- E. Accessory uses and accessory buildings customarily incidental to the uses permitted in this section and located on the same lot, including a private garage, excluding semi-trailers and similar vehicles for storage of property.
- F. Cluster or neo-traditional types of developments, included uses that many not be permitted in this district, as provided in Article XXVII, Site Plan Approval.
- G. One-family detached dwelling.
- H. The taking of nontransient boarders or roomers in a one-family dwelling by a family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than three boarders or roomers in any one-family dwelling.
- I. Church or other place of worship, seminary or convent, parish house, or Sunday school building, and provided, however, that no lot less than 12,500 square feet shall be used for such purposes.
- J. Public and private elementary, junior, and senior high schools.
- K. Municipal park, playground, athletic field, recreation building, and community center operated on a noncommercial basis for recreation purposes.
- L. Municipal utilities, street rights of way. treatment plant.
- M. Temporary building, temporary real estate or construction office.
- N. Utility transmission and distribution lines.
- O. Public transportation bus or transit stops for the loading and unloading of passengers.
- P. One-family town or rowhouse subject to the requirements of Sections 32-13(1) and 32-13(c)(1).
- Q. Student Homes, with special requirements

RM zoning also permits with a Council granted Special Use Permit the following:

- A. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.

- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

Regarding RM zone area requirements, except for the minimum lot area stipulation of one acre, CampusSide meets or can meet all the applicable specifications. In light of the slight deficiency in lot area, the applicant applied for, and on January 18, 2007, received the required variance from the Board of Adjustment.

In terms of adjoining properties, the lands immediately to the north of the site are zoned RS and contain single family homes and the City's George Wilson Community Center. RS zoned lands, owned by the First Presbyterian Church that front on Nottingham Road, lie west of the site. Two RD (single family, semi-detached) zoned rear yards of single family parcels that front on Kennard Drive in Terry Manor are located adjacent to the southwest corner of CampusSide. A small RM zoned four-unit apartment building lies immediately south of the site on land fronting on New London Road. The BC (general commercial) zoned Courtyard by Marriott at the University of Delaware lies east of the site across New London Road.

Regarding comprehensive planning, the Newark Comprehensive Plan calls for single family residential (medium density) land uses at the RS zoned portion of CampusSide. The Plan recommends a density of four to ten dwelling units per acre for this land use category. The Plan calls for multi-family residential (medium-high density) at the portion of the site zoned RM. The Plan recommends a density range of 11 to 36 dwelling units per acre for this land use category. The proposed use, calling for 10.29 units per acre, conforms to the land use guidelines for the location.

Status of the Site Design

Please note that at this stage in the Newark subdivision review process, applicants need only show the general site design and the architectural character of the project. For the site design, specific details taking into account topographic and other natural features must be included in the construction improvement plan. For architectural character, the applicants must submit at the subdivision plan stage of the process color scale elevations of all proposed buildings, showing the kind, color and texture of materials to be used, proposed signs, lighting and related exterior features. If the construction improvement plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site and architectural plan, the construction improvement plan is referred back to City Council for its further review and reapproval. That is, initial Council subdivision plan approval means that the general site concept and more specific architectural design has received City endorsement, with the developer left with some limited flexibility in working out the details of the plan -- within Code determined and approved subdivision set parameters -- to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

Be that as it may, the rezoning and major subdivision plans, building elevations and supporting materials call for the replacement of the existing structures on the site with ten townhouse style apartments located in two building groups, with six and four units within each group respectively. As shown on the building elevations and noted in the project description, the units will have individual front entrances and the building group on New London Road will be oriented to face that roadway. Each unit is proposed to include a three car garage. Ten of the outdoor parking area spaces will be assigned to individual units, with the remaining parking for guests. The units will be three stories in height.

To evaluate the proposed architectural design, the Planning Commission may wish to consult the design review criteria in Municipal Code, Chapter 27, Subdivision and Development Regulations Appendix XIV, section (d).

Access to the site will be from one two-way driveway off New London Road. Two of the existing site curb cuts will be abandoned. Please consult the landscape plan for landscaping details.

Subdivision Advisory Committee Comments

The City's Subdivision Advisory Committee, consisting of the Management, Planning and Operating Departments, has reviewed the CampusSide rezoning and subdivision plan and has the comments below. Any required revisions should be made prior to the plan's review by City Council.

1. The Planning Department notes that the proposed use corresponds, in general, to the development pattern in the area and the land use guidelines in the City's Comprehensive Plan.
2. The Planning Department notes that a subdivision identification sign should be shown on the plan.
3. The Planning Department suggests that the Planning Commission recommend as subdivision site design conditions, the following:
 - A. The architectural design of the proposed structure shall be consistent on all building elevations visible from public ways. (Plan Note #15 should be revised accordingly).
 - B. The design of the building facing New London Road is to be such that the units function as a front façades and entranceways of typical townhouse units.
 - C. Storage areas, mechanical and all utility hardware shall be screened from view from all public ways and nearby properties in a manner consistent with the proposed architectural design.
4. The Planning Department also suggests in order to encourage owner occupancy at this location, and as discussed at recent City Council and Planning Commission meetings, that the subdivision agreement for the property stipulate that the proposed units may, in the future, be converted to "for sale" condominiums (as indicated in Plan Note #23). Submittal of appropriate State of Delaware required condominium documents to the City Solicitor for his review and approval will be required for CampusSide if it is to be converted from rental to condominium status.
5. The Planning Department notes that the plan should be revised to eliminate the heading indicating that the submittal is a "preliminary plan."
6. The Electric Department indicates the applicant will be required to pay \$1,300 toward the cost of transformers, in addition to \$65 per meter for radio read meters. In addition, the applicant will be responsible for trenching, backfilling and underground secondary cable installation.
7. The Water and Waste Water Department indicates that the applicant will be responsible to pay for water meters, yokes and remote read devices. The Department also notes that an STP fee is required for the difference between the

existing and proposed land uses. The Department also notes that old utility services not being reused on the site will need to be abandoned. Finally, the Department notes that based on the sanitary sewer system capacity analysis provided by the applicants, sufficient capacity is available for the additional units proposed on the site.

8. The Building Department indicates that any building permit plans for CampusSide will be required to meet all applicable City Building Code requirements, including the requirement for fire suppression systems within the facility.
9. The Public Works Department has reviewed the proposed stormwater management facilities for CampusSide and indicates, on a preliminary basis, that the plans are acceptable. The applicant should review final stormwater management and related Public Works requirements with the Department through the construction improvement plan process.
10. The Parks and Recreation Department has reviewed and approved the proposed landscape plan for CampusSide.

Recommendation

As noted above, the Planning Department believes that the proposed rezoning of a portion of the CampusSide property and the major subdivision for ten townhouse apartments for the full site conforms to the land use guidelines in the Newark Comprehensive Plan. In addition, the CampusSide plan corresponds to the development pattern in the immediate neighborhood of the site. The Department also believes that, with the Subdivision Advisory Committee recommended conditions, the CampusSide rezoning and major subdivision will not have a negative impact on adjoining and nearby properties.

The Planning Department, therefore, suggests that **the Planning Commission make the following recommendations to City Council:**

- 2. That City Council approve the rezoning of the .724 acre properties at 279 and 281 New London Road from RS (single family, detached) to RM (multi-family – garden apartments) as shown on the attached Planning Department Exhibit A, March 6, 2007; and,**
- 3. That City Council Approve The CampusSide Major Subdivision Plan As Shown On The Hillcrest Associates, Inc. Plan, Dated November 20, 2006, As Further Revised, With The Subdivision Advisory Committee Recommended Conditions**

[Secretary's note: Members of the Planning Commission and the public referred to visuals brought by the applicants for their presentation to the Planning Commission].

Mr. Kevin Meyhew: 103 Elma Drive. I am starting out the presentation because I was a resident of New London Road for over eight years. I lived at one of these properties with my wife for two years at 85 New London Road and moved up a block to 363 New London Road where I built a new house. So, I am very familiar with this area. I want to give an overview of the area and some of the existing conditions that are there. I am also the developer.

This is the view of the units we are proposing and the view from New London Road. We are proposing six units on the street and then four more units behind these six. The existing project location has three single family homes. Two of them have current rental permits. The first one on the left (279 New London Road) we bought from a man who was trying to renovate it. It has been vacant for five years. He did not get very far renovating it. It is in pretty bad condition. The one in the middle (281 New London Road) and then my previous residence (285 New London Road) which has been a rental for over ten years now.

This is a view of the first house (279 New London Road). It is in pretty bad shape. He gutted the interior of it and never finished fixing it up.

This is an apartment complex just to the south of us. They just got finished doing an expansion of that unit. It is four units, four bedrooms each right now in that unit. The parking is also along the street beside that building.

Right across the street from us, we have the new hotel that the University is in partnership with.

Here is an area view. We have on the left side the site that we are proposing where we are going to put the ten units. The hotel is in the center of that site. This shows a little more of the Laird Campus and the site where the new dorm is being constructed right now. The Laird Campus houses about 3,000 students right now. So, this just shows the proximity of how close we are to Laird Campus. There is another view of the dorms that just went up over a year ago and where our site fits in to that whole picture.

To address the density right along that street. The first block, the 100 block from 91 New London Road down to 105 New London Road there are seven houses in a 203 foot frontage area. We are proposing six units in a 110 foot area. So, we are fitting in with the existing density. Here is one of the tax parcel maps that shows that block, 91-105 New London Road, and it is a 203 foot frontage. A little bit further down the street on the opposite side there are five townhouse, rowhouse style units on a 104 foot frontage.

And this shows the relationship to all those units to where we are proposing. There is the five and 104 foot and here is ours. We are proposing six along the street in and 210 foot frontage.

The rest of the presentation, Barry from Hillcrest will take over.

Mr. Barry Stingel: I am with Hillcrest Associates. Our office is located at 1760 Flinthill Road, Landenberg, Pennsylvania. I am Director of Planning at Hillcrest Associates. I am a registered Landscape Architect in the State of Delaware and the Commonwealth of Pennsylvania.

As Kevin pointed out our site here, and has been mentioned earlier, is along New London Road along the west side. It does occupy about 210 feet of frontage along New London Road. It currently consists of five parcels, three homes, as Kevin mentioned. About 25 percent of the site is currently zoned RM. We are asking that the balance of the property be zoned RM as well.

This is the layout that we are proposing for the townhouse style apartments. As you can see, we are not proposing any parking between the units and New London Road. We want to create a pleasant looking streetscape. The curb cut were a bit of an issue on the last application. We are reducing the number of curb cuts. Currently there are at least three along New London Road along the frontage of the property. We, of course, would eliminate all of the existing driveway curb cuts and instead create a single two-way access point here at New London Road for coming in and out of the property. All of the outdoor parking on the site is located behind the buildings themselves. We don't have any to the side. This is just the driveway that gets back to them. There are 20 outdoor spaces proposed. Each unit is proposed to have three interior parking spaces as is mentioned in the Planning Department's report on the site. So, we do have enough parking that we can provide – up to four spaces per unit plus an additional ten guest parking spaces. There currently exists a sidewalk along New London Road. Each unit will have an exterior entrance. There is no common interior space for these units. They are townhouse style. Each unit will have its own exterior door that we intend to link with a sidewalk to the existing sidewalk along New London Road. The four units at the back will also have a walkway along the parking lot and then we are providing a new sidewalk access to the existing sidewalk along New London Road.

We have our stormwater management area here towards the back. The site does slope, more or less, towards the back from New London Road downhill towards the back of the site. We have a very small stream down here that barely touches our property or just off the edge of the property to the south.

This is a color version of the landscape plan that was submitted to the Planning Department. It shows we have a variety of evergreen and deciduous trees and shrubs planted along the side yards here to provide some visual screening and filtering of the views into and out of the site. We also have a number of emergent wetland and water tolerant plants proposed for the stormwater basin.

This is a view of the six-unit building that is proposed along New London Road. As you can see, it is a pretty attractive façade with brick and other types of siding. Each of the front doors, as you can see they are paired up, have a little pediment roof over each one and bay windows. There is very traditional architectural styling on the buildings themselves.

The next slide shows the four-unit building which will be in the back. Again, we are not skimpy on materials or design just because this one sits a little further back. It won't necessarily be as visible from New London Road but we think it is just as attractive as the building that is being proposed along New London Road.

We will be happy to take any questions you may have.

Mr. Bowman: Are there any questions from any of the Commissioners?

Mr. Begleiter: What is adjacent to the site on the north side of New London Road?

Mr. Mayhew: There is a single family residence that Mr. Wayne Jennings owns right to the north. We approached him in the beginning about purchasing his property. At the time he was not interested. Then right to the north of that there is the old Congo Funeral Home. So, there is a big acre there where the funeral home used to take up that they had demolished and the house the City demolished three or four years ago. So, it is a vacant area. And then the George Wilson Center after one more single family home north of that.

Mr. Begleiter: Again, I am not a designer, not to get into the micro-managing of the site, but I am curious why you would place the dumpsters so that vehicles emptying them have to drive all the way down in front of all the units presumably doing some backing up with the beepers rather than putting them at the end closest to the driveway access where they may be able to be emptied more easily and looks like there may be a little bit more space between where they would be if they were on the south end and the adjacent property.

Mr. Stingel: Along the southern side we do have a swale that is carrying stormwater. So, we may be a little more limited than it shows on this plan, but also, we thought they were a little more out of view or out of the way in that location. But, that doesn't mean that we aren't open for suggestions. It is really stormwater management that results in setting those up there because the water all comes down the parking lots towards that side of the property and funnel through some curb cuts that are directed down the swale into this retention pond. It would be really hard to make a pad down there blocking that stormwater.

Mr. Begleiter: You certainly wouldn't want anything to block the stormwater. I don't know if it would be possible to create one that wouldn't do so. But, that stood out for me. You describe on the plan "ramps." "New ramp," I think it says, on the plan. I guess that is the sidewalk that curves around the southern side of the property. Those are handicap ramps? But, all of the units have stairs to enter.

Mr. Stingel: That is more so for the pedestrian traffic along New London Road.

Mr. Begleiter: So, there is no handicap access to the units themselves.

Mr. Stingel: I don't believe so. No.

Mr. Begleiter: The last thing I wanted to say is that I wanted to express appreciation for the fact that in this unit, Hillcrest has set back the units 30 feet from the street, which does, in fact, present a nice more open suburban look to the property rather than right on the street 20 foot setback that occurred in a previous presentation. I realize all parcels are different.

Mr. Stingel: We have a different traffic situation with the street out here, but I appreciate your comment.

Mr. Bowman: If there are no further comments from the table, I will open it up to the public.

Mrs. White: 103 Radcliffe Drive. I live close to this project, too, about a half mile away so I am equally familiar with New London and the area. My comments will be divided into three kinds of categories – compliments, concerns and suggestions.

Mr. Bowman: Mrs. White, I am going to limit you to ten minutes.

Mrs. White: I now understand that these are not townhouses with individual property bounds. Although they look like townhouses, they are considered, technically, to be garden apartments because the property line is around the outside and then they are rented individually or they could be condominiums.

Before I get to some compliments, I want to say that 279 and 281 clearly are not in good condition or particularly notable – there is no loss for losing them. I guess I actually do like the look of 285, the one that is furthest north as an interesting building. On the other hand, we find that Mr. Mayhew and his wife have lived there for two years so it is their right to demolish it. But, I did want to give tribute to the families when these three houses had families in them. I want to give tribute to the fact that it must have been wonderful for their children to have such a wonderful back yard or back yards to play in and to have all that open space.

Mr. Mayhew and Hillcrest, I want to credit them for building units in which, looking at the six units, you enter the front door and you are immediately in the living space – living room, dining room and kitchen – unlike some others that have been built around town where, actually, the first floor are the garages; and then, one has to climb up to the second floor to get to the living space. I really like this and I want to commend them for designing it this way. From the front it is three stories. Do I understand it correctly that from the back it is really four stories because the garage is in basement?

Mr. Matt Longo: Per the Building Code, the garage doesn't count as a story.

Mrs. White: It doesn't count as a story, but if you were looking at it, you would be able to see where you drive into the garage. The garage is at the basement level. And, that is why you were able to do this so you are on the ground floor living area. Secondly, I wanted to commend that there is no parking in front. That is also very attractive. And back to what you had on the previous picture. The architecture to me, and I think it is a good addition to the area. The landscaping I find also something more than the usual that is put in all the time, the Locust and so on. I wanted to ask you if the Golden Maples that will be in the front, are they ornamentals or are they street tree size?

Mr. Mayhew: They are ornamental.

Mrs. White: So, they are some kind of ornamental. The Landscape Code requires a street tree, but if there are wires it has to be under 18 feet. I do want to point out even though I am giving you these compliments that I believe that the new Design Codes are requiring your elevations to show where the poles are.

Mr. Lopata: I think you mentioned that before.

Mrs. White: I did, but this is a different development, so I can mention it again. They might not have been listening. So that would mean that future ones that come along would show where the poles were.

Mr. Lopata: That was inadvertent, Mrs. White. We will get that next time.

Mrs. White: I also noticed that you have Norway Spruce, which I think are a really beautiful evergreen tree, Green Ash and Red Bud in the back. I think that this will be quite attractive. This is between the back parking lot and the stormwater.

Mr. Bowman: I am going to cut you off at quarter after.

Mrs. White: The four units in the back, the front of them looks very nice. You have done them the same way. They are going to have to look at the backs of the six units in the front. You haven't shown an elevation or a picture on your presentation of what the backs will look like. So, I would like to urge you, if you can't completely have your brick and whatever you have, as it looks from New London Road, at least do something to make it very nice if those four units in the back are looking at something very nice because we can cite all around town where the backs don't look very good. But, you have built such a nice looking set of houses that it is a shame if they would have to look at a shear – I don't what it would be – stucco or siding with no other amenities to make it delineate the individual units. Secondly, your back four units, in order to have them enter at the living quarters, they go up a couple of steps, like six steps or something and they go up from the side. There are the steps going up. Maybe these are nimble college students that are living there, but many people like to have a railing as you are going up the steps because you can fall over it. I don't know if that is something you might want to consider. Also, it is nice to hang on to.

Mr. Lopata: It is required.

Mrs. White: Okay, I didn't know that. The third thing. I think you have done a very good job, and I am certainly supporting the project. But, it bothers me when you put the whole site on. How much is taken up with the building, particularly the four units in the back, and all the parking? I think if any families moved in here – maybe you are not going to gear it to families – where would a child play on the property? Where would somebody have a picnic outside? Where would someone put a tiny little garden? Maybe none of the people moving in would want to do any of those things. When I was younger and my husband and I rented places, those are all things that are of interest. So, I am going to throw out three possibilities. As I say, it looks wonderful from the front. I like the way the road comes in curved but, you have taken an awful lot for all that parking. What can you do? You can eliminate units. I am sure you don't want to get rid of very many units but that would be one thing, the back units or even one or two of them. Secondly, you are only required to have – I guess there is four bedrooms per rental unit – three parking places, but you have five parking places. Could you cut out so you only have four parking places? Get rid of ten parking places. That would reduce the macadam and allow for just a little more room. As a final possibility, on the north side of the four units, you have, actually, four lovely Norway Spruces, and I really like Norway Spruces, but if you put Maples or Oaks – even with two of them – you could put a picnic table under that and somebody could sit outside at certain times. That would only be a little tiny thing but it would actually help.

Mr. Bowman: Mrs. White, your time is up.

Mrs. White: As I leave, I am going to say that it is interesting that it is called CampusSide because, actually, it is not on the side of the campus.

Mr. Bowman: Any other comments? Anybody else in the audience who wishes to address the project? If not it is back to the members of the Commission for any final questions or comments.

MOTION BY BEGLEITER, SECONDED BY HAMILTON THAT THE PLANNING COMMISSION RECOMMENDS THAT:

1. CITY COUNCIL APPROVE THE REZONING OF THE .724 ACRE PROPERTIES AT 279 AND 281 NEW LONDON ROAD FROM RS (SINGLE FAMILY, DETACHED) TO RM (MULTI-FAMILY - GARDEN APARTMENTS) AS SHOWN ON THE ATTACHED PLANNING DEPARTMENT EXHIBIT A, MARCH 6, 2007; AND,

2. CITY COUNCIL APPROVE THE CAMPUSSIDE MAJOR SUBDIVISION PLAN AS SHOWN ON THE HILLCREST ASSOCIATES, INC. PLAN, DATED NOVEMBER 20, 2006, AS FURTHER REVISED, WITH THE SUBDIVISION ADVISORY COMMITTEE RECOMMENDED CONDITIONS.

VOTE ON MOTION: 6-0

AYE: BEGLEITER BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL

NAY: NONE

ABSENT: SOLES

MOTION PASSED UNANIMOUSLY

Meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Elizabeth Dowell
Secretary, Planning Commission