

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
MEETING**

**June 7, 2011**

**7:00 p.m.**

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

**Acting Chairman:** Kass Sheedy

**Commissioners Present:** Patricia Brill  
Peggy Brown  
Edgar Johnson

**Commissioners Absent:** Ralph Begleiter  
Jim Bowman  
Angela Dressel

**Staff Present:** Roy H. Lopata, Planning and Development Director

Acting Chairman Kass Sheedy called the Planning Commission meeting to order at 7:00 p.m.

**1. THE MINUTES OF THE MARCH 1, 2011 PLANNING COMMISSION MEETING.**

ON MOTION BY BROWN, SECONDED BY JOHNSON, THE MINUTES OF THE MARCH 1, 2011 PLANNING COMMISSION MEETING WERE APPROVED AS SENT.

**2. REVIEW AND CONSIDERATION OF THE REZONING FROM RM (MULTI-FAMILY DWELLINGS – GARDEN APARTMENTS) TO BB (CENTRAL BUSINESS DISTRICT), MAJOR SUBDIVISION AND SPECIAL USE PERMIT APPROVAL OF THE .49 ACRE PARCEL AT 116 AMSTEL AVENUE TO REPLACE THE EXISTING FACILITY WITH A NEW DELAWARE BAPTIST ASSOCIATION BUILDING AND TO ADD SIX TOWNHOUSE APARTMENTS.**

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

“On March 30, 2011, the Planning and Development Department received applications from Amstel Avenue, LLC, for the redevelopment of the property at 116 Amstel Avenue. The applicants are requesting rezoning from RM (multi-family dwellings – garden apartments) to BB (central business district) of this .49 acre parcel. The applicants are also requesting major subdivision and special use permit approval to demolish the site’s existing Delaware Baptist Association building and to replace it with a new 5,000 square foot structure for the continuation of the existing use and to add six townhouse apartments in a two-story “L”-shaped structure. Each new building will be located on parcels to be created through this subdivision.

Please see the attached McBride and Ziegler, Inc., rezoning and major subdivision plans, building elevation drawings, and applicant’s supporting materials.

The Planning Department’s report on the 116 Apartment project follows:

## **Property Description and Related Data**

1. Location:

116 Amstel Avenue; north side of Amstel Avenue

2. Size:

New Lot 1: .15 acres

New Lot 2: .34 acres

Total: .49 acres

3. Existing Land Use:

116 Amstel Avenue is a developed site containing an approximately 3500 square foot two-story residential style building that has been used by the Delaware Baptist Association as a religious and outreach facility. The building contains four accessory use bedrooms used by student volunteers and others working for the Association. A small garage is located to the rear of the existing building.

4. Physical Condition of the Site:

The 116 Amstel Avenue property is a developed site containing a two-story administrative office building with an accessory driveway. The site also contains small front and relatively large rear lawn areas with several trees of varying size.

In terms of topography, the site is very level with a slight increase in elevation from south to north.

Regarding soils, according to the subdivision plan and the U.S. Department of Agriculture's Natural Resources Conservation Service, the site consists of "Keyport Silt Loam" Soil. The Natural Resources Conservation Service indicates that this soil has "moderate" development limitations for the use proposed.

5. Planning and Zoning:

The 116 Amstel Avenue site is zoned RM. RM is a multi-family garden apartment type zone 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, with 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, and 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.

The requested BB zoning would permit 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 BB zoning area requirements, the 116 Amstel Avenue major subdivision plan meets all the applicable specifications.

Regarding adjacent and nearby properties, the RM and BN (neighborhood shopping) zoned lands immediately west of the site on Amstel Avenue contain the Schilling Douglas School of Hair Design and a small two-story rental dwelling. The Planning Commission, in the future, will be considering a request for the rezoning of this adjoining site to BB and development approval for a mixed use commercial and townhouse apartments project. The BB zoned Amstel Square parcel with a mix of commercial uses, apartments and townhouse apartments lies further to the west of the 116 Amstel Avenue site, at the Amstel Avenue/Elkton Road intersection. Several small RM zoned residential rental dwellings and the Hillel House are located north of the site, fronting on W. Delaware Avenue. The University of Delaware’s Alfred Lerner College of Business and Economics building and rear parking area lies east of the site on Amstel Avenue and the University’s Center for the Arts and the Amy DuPont Music Building complex are located south of the site, across Amstel Avenue, all on land zoned UN (University).

Regarding comprehensive planning, Comprehensive Development Plan IV calls for “residential (medium density)” at the 116 Amstel Avenue location. Regarding residential density, the Plan describes “medium density,” as four to ten dwelling units per acres. Note in this regard that the 116 Amstel Avenue plan calls for 12 units per acre. By way of comparison with other nearby mixed use developments and others recently approved by the City, the Department notes the following:

| <u>Project</u>  | <u>Units Per Acre</u> |
|-----------------|-----------------------|
| Amstel Square   | 17.17                 |
| 100 Elkton Road | 9.39                  |
| 109 Elkton Road | 10.66                 |
| 119 Elkton Road | 21.13                 |
| 136 Elkton Road | 12.02                 |

**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, related exterior features, and existing utility lines. 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 116 Amstel Avenue plan calls for the subdivision of the existing parcel into two properties – the first, a .15 acre lot at the southeast corner of the site with a new two story, 5000 square foot Delaware Baptist Association building to be used for the continuation of their existing services to the community and, the second, a .34 acre lot for six two-story town house apartments, in an “L”-shaped building, with garage parking. The Baptist Association lot includes a small parking area just east of a proposed shared access way and overflow site parking is shown along the western boundary of the apartments’ parcel.

Please consult the applicant’s supporting building elevation drawings, landscape plan and supporting letter for additional information concerning the proposed site and architectural design.

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

### **Subdivision Advisory Committee**

The City Subdivision Advisory Committee – consisting of the Management, Planning and Operating Departments – has reviewed the 116 Amstel Avenue rezoning, major subdivision and special use permit plan and has the comments below. Where necessary, the subdivision plan should be revised prior to its review by City Council. The Subdivision Advisory Committee comments are as follows:

1. The Planning and Development Department notes that from a land use standpoint, the proposed mixed use project conforms to the development pattern of recently approved projects in close proximity to the property at the Elkton Road and Amstel Avenue intersection and, in addition, to nearby properties on Elkton Road. The subdivision plan also meets all the applicable BB Zoning Code standards. Please note, as indicated above, the density proposed for the site closely approximates that called for in Comprehensive Plan IV for residential development at this location.
2. The Planning and Development Department suggests that the Planning Commission consider the following as conditions of subdivision approval:
  - Mechanical equipment or utility hardware on the ground shall be screened from public view with materials harmonious with the proposed architectural design or should be located so as not to be visible from adjoining properties or streets;
  - Refuse bins, including required refuse bins for recycling, and storage areas shall be screened from public rights-of-way in a manner similar to the requirements for mechanical equipment.
  - Exterior lighting shall be designed as an integral architectural element of the proposed buildings. All such lighting shall be shielded to limit the visual impact on adjoining properties.
  - The architectural design of the proposed façades of 116 Amstel Avenue should be carried out on all building elevations visible from public ways.
3. The Public Works Department has a series of comments regarding stormwater management, drainage and related matters that the applicant will need to review with the Department through the construction improvement plan process.
4. The Public Works Department also notes, regarding the brick sidewalk shown on the plan, that the subdivision agreement will need to specify that the applicants are responsible for brick maintenance, including their removal and replacement.
5. The Electric Department indicates the following:

- Service is available from Amstel Avenue.
- The applicant will be required to pay \$3,000 towards the cost of transformers, a new pole, radio read meters, and related equipment.
- No trees over 18 feet in height at maturity can be planted in the vicinity of utility lines.

6. The Code Enforcement Division notes the following:

- The proposed buildings will need to be designed in accordance with the latest 2009 International Building Code, as amended, including recent amendments concerning LEED type energy conservation requirements.
- The buildings on the site will need to meet all the requirements of the 2009 International Fire Code, as amended, including the City's sprinklering ordinances.

7. The Parks and Recreation Department indicates that the proposed landscaping shown on the plan is acceptable on a preliminary basis; additional plan details and related matters will be finalized through the construction improvement plan process.

8. The Water and Wastewater Department indicates that prior to the plan's review by City Council, the applicant should review sanitary sewer flow data with the Department. The Department also notes that the applicant will be responsible for the cost of meters and the required STP fee.

9. The Police Department notes that additional apartments at this location may result in the added need for service regarding noise, loud parties, and similar activities.

### **Recommendation**

Because the 116 Amstel Avenue rezoning and major subdivision plan, with the Subdivision Advisory Committee recommended conditions, will not have a negative impact on adjacent and nearby properties, because the proposal meets all the applicable Code requirements, because the proposed use does not conflict with the development patterns in the nearby area, and because the plan does not conflict with Comprehensive Development Plan IV's land use recommendations, the Planning and Development Department suggests that, subject to these Subdivision Advisory Committee conditions, **the Planning Commission recommend the following:**

**A. That City Council approve the rezoning of the 116 Amstel Avenue .49 acre property from RM to BB, as shown on Planning Department Exhibit A, dated June 7, 2011; and,**

**B. That City Council approve the 116 Amstel Avenue major subdivision plan and special use permit, with the Subdivision Advisory Committee recommended conditions, as shown on the McBride and Ziegler plan, dated March 24, 2011."**

Mr. Lopata: One other comment regarding the report. The density number that we provided is for the full mixed use site, as we have done for other nearby locations. But, as Kass noted in an e-mail earlier today, the density for the new parcel containing the apartments, only is 17.65 units per acre.

Ms. Sheedy: Thank you. Are there any questions for Roy?

Ms. Peggy Brown: We are dividing this property into two parcels. Is that correct?

Mr. Lopata: Correct.

Ms. Brown: Who owns the townhouse property and who owns the Baptist Association property?

Mr. Lopata: The applicants should describe that as part of their presentation.

Ms. Sheedy: I have a question that goes back to the density issue. As far as I can tell, when we look at the density that you provide, it seems to me that does not include the church building in the calculation at all. Is that correct?

Mr. Lopata: The density, in terms of the number of bedrooms? I am not considering that a residential facility because that is an existing use. It is grandfathered in. It is there now and will continue to be there only in a newer updated building.

Ms. Sheedy: But, how does that affect the comparison to the comparable numbers which are Amstel Square, 100 Elkton Road . . .

Mr. Lopata: The problem is the bedrooms are not a dwelling unit. They just have bedrooms there.

Ms. Sheedy: So, it is not a population density.

Mr. Lopata: We provide dwelling unit density. A unit is a sleeping area, eating area and bathing area. What is in that building, as far as I know, does not include all of those things.

Ms. Sheedy: It sounded like it did, actually.

Mr. Lopata: I consider the bedrooms a sleeping area. If there is a dwelling unit in there, I stand corrected, but as far as I know that is not what they are proposing.

Ms. Sheedy: There are bedrooms there but not dwelling units.

Mr. Lopata: There are sleeping quarters. They may do some dining there as well, but not being a Baptist I don't know what goes on there.

Ms. Sheedy: How does this development compare with the comparables in terms of open space as opposed to used space putting aside whose doing what in the buildings?

Mr. Lopata: This is very similar to the other projects that we have approved in the vicinity toward the west on Amstel Square right down the road that has very little open space. This has a bit more and these projects up and down Elkton Road. That is why the density number was calculated, as I tried to indicate to you via email today. I think of this as a mixed use project. Yes, there is a lot line being drawn. They don't have to draw that lot line if it would be the same owners. If not, they could literally take the lot line out and have two uses on one parcel much like the Buffalo Wild Wings building has commercial on the first floor, apartments above, and zero open space. So, there is a little green space on the site.

In terms of the other projects in the vicinity, this is greener in an area that is pretty much not green. Across the street you have the very large Amy DuPont Music Facility and the Roselle Center. Yes, they are nice buildings but I wouldn't call them green. It is mostly asphalt. There will be some landscaping on this site but it is going to be less. There is a backyard that will be developed. There is a rear yard with a shed. Yes, you can't get away from the fact that there will be less green.

Ms. Sheedy: Do the applicants have a presentation?

Ms. Lisa Goodman: I am an attorney in Wilmington representing Amstel Avenue, LLC. Mr. Kevin Heitzenroder, who you know very well, has done numerous other projects including Amstel Square which is, of course, right at the intersection of Amstel Avenue and Elkton Road. That includes a building with commercial on the bottom and the apartments on the top and two rows of townhouses. This is a very similar type of mixed use. As Mr. Lopata indicated, we are here requesting a special use approval, a rezoning and a subdivision approval for this property. It is really to permit the construction of a new building for the Baptist Student Ministry - we will hear from them in just a minute - and six townhouse apartments.

As Mr. Lopata indicated, the site is .49 acres and it is currently zoned RM, which is multi-family garden apartments. It currently has a converted house on it that is being used for the Baptist student ministry. That house is about 3,456 sq. ft. What we are proposing is a little bit bigger. The current building is used for a religious house and for outreach. It has four bedrooms that are typically occupied by student leaders and it has two fulltime adults during the day of which Mr. Hardcastle is one. And he is going to speak in just a moment. The current building for them is really very much less than ideal. This redevelopment is going to provide them with a new building with modern amenities and function space, which is going to allow them to do their mission better. And, it is going to be a much nicer looking building.

Mr. Blake Hardcastle: I am the director of Baptist Student Ministry here at the University. We have been here since 1996 serving students in this Newark area. We do three things: we reach students with the gospel through things like outreach events, conversations, Bible studies, service projects; we have one-on-one and one-on-few conversations with students; connect students with local churches, everything from coordinating transportation to establishing relationships with local congregations. These are the main things we do.

Why do we need this building? We operate out of a converted house and that has rooms that suit a family; a living room, small bedrooms and rooms that don't necessarily suit two people who run a ministry. We currently share an office. It would be great to have some separate spaces to meet one-on-one and one-on-few students. The current building will modernize what we currently do. Every fall and every spring, we get a little flood in the basement. That is what happens when you have a house that was built in the 1930s. Amenities like that would change our current experience and make it overall better for us.

[Secretary's Note: The applicants and Commissioners refer to visuals brought by the applicants for their presentation to the Planning Commission].

Ms. Goodman: Let me walk you very quickly through the plan. This is the elevation for the proposed new Ministry Building. As you can see, the idea is to be very close, but not identical, to the University buildings, which is, basically, surrounded on two sides. There is University here and, of course, across the street. At Amstel Square we also have the brick theme that was picked up from the University. What you are starting to get is a street that is very much in harmony and makes sense visually, which is nice. This will be 5,000 sq. ft. and it will function virtually exactly the same except that it will function at a much higher level.

The plan also proposes for what will become the rear parcel – six townhouses. They are designed in such a way as to create a mini courtyard feeling. Part of that is because of the nature of the size of the property and part of it is deliberate because it is very nice when you get a nice little space in the center there that makes a little common space. Both of these parcels are completely Code compliant as Mr. Lopata said, including parking, which is a very good thing. We think that their design is very good. It is full of interest and really will make the street a nice place.

This is Amstel Square, this red at the end, the red here is BB and that is the zoning that we are here seeking this evening. These two parcels are part of Amstel Square. This property is the Schilling-Douglas Hair Design, the A-frame building and then there is a little house here. I also happen to represent these guys not at all affiliated with these folks. This project will be coming in for a very similar type of proposal in July, also seeking BB. These two right now are RM and, just to make it interesting, there is a random piece of BN. So, currently, the street is consistent here and then you get to a little bit of a mishmash with these three pieces. This is the piece we are here on tonight seeking BB and then, you can see, University, University, University, and University. Basically, assuming that this Commission recommends and Council adopts, will now be completely consistent in a way that makes the street make sense. It is nice little self-contained street that once it gets done in a way that matches the University, is going to make a very nice entrance right to the music school and makes it make sense.

Talking just briefly about the density issue, as Mr. Lopata pointed out, the Comprehensive Plan provides for this to be medium density, and we believe whether you are looking at the 12 dwelling units per acre as an overall BB site or at the 17 units if you count simply the proposed new parcel, it is consistent with things that have been done in the very recent past. 119 Elkton Road is 21.1 dwelling units per acre. Amstel Square itself is 17.1 dwelling units per acre, so that is very consistent. 136 Elkton Road is 12.02. So, we are right in the range that these other projects have been.

Just to address the rezoning standard, I think this speaks for itself but we don't think there will be any negative effect on adjacent properties because it is very consistent with them. We think it is going to make the street look very nice and it is very consistent with what is going on.

We are happy to answer any questions that you may have.

Ms. Sheedy: Are there any questions?

Ms. Brown: The ownership?

Mr. Kevin Heitzenroder: 271 Beverly Road. We, basically, partnered on this job to come up with the funds to build Blake's group the new Ministry Building. We could have done this in a way that was just one ownership but then we would have had a situation where I am forever an owner with the Ministry or the Ministry is forever an owner with us. So, the way that all of us felt that it was a little cleaner to do is that they continue to operate and own their own building in the front and we continue to own and operate these townhomes in the back. There is forever a perpetual easement that will cross the property so that we will always be able to get to our piece and they will always be able to cross and get to their piece. We have agreed to maintain that easement forever. That is the ownership and we think that will work best.

Ms. Pat Brill: Are there seven parking spaces?

Ms. Goodman: The rear parcel is required to have 18. That is three spaces per unit and it has 19. The front parcel is required to have 7 and we have 8. We have one more than is required.

Ms. Brown: The parking for the Baptist Ministry is on the side of it. Is that correct?

Ms. Goodman: Here is Amstel here.

Ms. Brown: And that is the parking for the Baptist building. Then the parking in the back is a combination of flat surface and garage?

Ms. Goodman: Correct.

Ms. Brown: How many do you have per unit?

Ms. Goodman: Two garage spaces per unit and then there are 7 spaces here for the six units. That is, overall, three per unit plus one. The requirement is 3 per unit. There are 7 spaces here and 1 here.

Ms. Brown: The spaces for the Baptist Ministry, are you going to have signage and restrictions?

Ms. Goodman: The parking will be restricted for use for your building.

Mr. Lopata: There will be legally two separate parcels, so they could tow if they chose to.

Ms. Brown: I have a question for Kevin. How many bodies do you propose to put into each unit.

Mr. Heitzenroder: The current design is for four bedrooms per townhouse. The floor plan is identical to the townhouses we did at Amstel Square. We didn't want to make the exact façade or viewpoint so we changed the rendering significantly to bring in some different elements and make it look a little different, but it was modeled after that project, which is four bedrooms.

Ms. Brown: So, you have four bodies you expect per unit.

Mr. Heitzenroder: We self-limit ourselves, depending on the group. It could be more than four, generally speaking, to six. We have never had a unit ever go above that. We have no restriction, as you may recall, at Amstel Square or anything we've built on Amstel Avenue or Elkton Road. We are very tight on management and that have worked very, very well for us and for our neighbors on every project we have done on the street.

Ms. Brown: Because the Police Department does in this report cite a problem with, perhaps, noise and more police necessary.

Ms. Goodman: I saw that, too, and Mr. Lopata can correct me, but I think that is their fairly normal theoretical more development may mean more need for police. I don't think that is any reflection on any of their projects which are, I think, the best run projects in the City.

Mr. Lopata: That is the generic comment they have been making on apartments for sometime. I will note, I am there almost every day at Amstel because I get coffee there. We have had zero problems with the other project that is run by Kevin, which is 16 townhouse units facing each other. To my surprise, there hasn't been a parking problem. So, we don't anticipate a parking problem and, as I have said, in other circumstances, if we are going to approve apartments in Newark, we should approve them in areas that make the most sense. I think that is the more salient point here, that this is about as good a spot in Newark as you could get for additional apartments.

Ms. Brown: I agree with that. I just worry about density and noise levels.

Mr. Heitzenroder: This project does have a little bit different flavor than your average development project. These folks operate from 9 am. – 5 p.m., five to six days a week. The folks that they have staying in their building are their leaders and people who have taken a leadership role in what they do. We are certainly going to encourage their group to apply to live with us in the rear. Obviously, legally, we are not going to restrict it to just be their folks but we are certainly going to encourage Blake to encourage his group to apply to live with us. So, as well as Amstel is running and behaving under our close scrutiny, I think that this is not even a concern in terms of any of that.

Ms. Sheedy: How many bathrooms are they going to have for the four bedrooms?

Mr. Heitzenroder: Two or three.

Ms. Sheedy: Because bathrooms tend to be at least if not more limiting of population than bedrooms do.

Mr. Heitzenroder: Ralph is here who designed our Amstel Square townhouses and we have done a lot of neat things in those homes. Those townhomes have two bathrooms, however, we put extra sink areas immediately outside contained in ceramic tile is a really need concept where you have one shower or bathroom unit but have right outside that in a larger area, you have a nice prep area. Having modern buildings, modern designs, higher ceilings, things like that, you can take advantage of having a little more space to do some really creative things.

Ms. Sheedy: Once again, I assume that the intended market is student rentals.

Mr. Heitzenroder: I think we touched on this a little bit. This is touching the Business School. I would not be truthful if I didn't say I would certainly expect this to be student

oriented, but we hope that Blake's folks would apply as well. Blake is most of your group from the University?

Mr. Hardcastle: The majority are from the University.

Mr. Heitzenroder: The majority of the folks in his ministry are going to the University. It is a nice place. I have been in there. I have seen it. It is really great what they do and in between classes, it gives the kids a place to come and get a cup of coffee or visit with Blake and cry about the calculus test they just took, or what have you. But, it is a nice different twist and flavor rather than sitting on the steps along Amstel Avenue. They really do good work so we were really happy to partner with them on this particular project.

Ms. Sheedy: Am I correct that the design and construction of both buildings will be conducted by the same entities?

Mr. Heitzenroder: We are building everything. That is part of the agreement and that is really the catalyst of all that is happening was us, basically, acting as the contractor for the entire project and handing Blake a set of keys upon completion.

Mr. Edgar Johnson: What is your timetable for building? Are you building the Baptist Ministry first or you build everything at the same time?

Mr. Heitzenroder: Our preference is to build them all at the same time. The Ministry is really driving the construction schedule more than we are in this particular case. It is really important to these guys that they're operational during the month of September because that is when school starts and that is when they would like to make sure they have a presence on campus. One of the hang-ups and why this took about three years to get arranged was the question of how do we actually get this done? We tried several times to try to move them into other locations of ours, but Blake and his group wanted to keep this piece right next to campus, and I don't blame them. So, they want to be in operation in September and if this is recommended in favor by you folks and Council approves, we will start construction, hopefully, in October or November but sometime after September before winter is the timeframe we are on right now and build the entire project to be completed before June 2013.

Ms. Sheedy: Are there any more questions from the Planning Commission? If there is any member of the public that would like to make a comment or ask a question, please come up to the podium and give your name and address. Okay, no public comment . . . .

Ms. Brown: On the landscape plan you are taking out two good sized trees. I just want to make a note of that. Trees provide shade and all kinds of good things. Utilities go up when you don't have them. So, I am just making a comment about that. The other thing is I liked your new rendering better than the first one. I think this is a much more appealing rendering. Is the back side going to be all brick with a similar type window?

Mr. Heitzenroder: The sides will have the brick theme continue around at least as a water table that comes up about four or five feet with a curved brick ledge. Then we will have Dryvit continuing the theme of Amstel that we have done where you see it continue from Dryvit to brick to Dryvit. All sides of the project are either brick, stone or stucco.

Ms. Brown: The back parts of these townhouses, what do they look like because there was a note in here about making them look good from all public rights-of-way.

Mr. Heitzenroder: Most likely the back sides of this will be the Dryvit with some type of brick character mixed in in terms of windows and probably a water table. I'm not sure that the back is visible too much, but we always run brick around the water table just because it holds up much better, but it certainly is consistent with the Dryvit and the brick over the window theme.

Ms. Brown: Have you put plenty of windows in these because I have noticed some that have little bitty tiny windows – not necessarily your projects.

Mr. Heitzenroder: They are real windows but are in an area that is actually staircases going up. So, if anything, we put in more windows just to make it look nicer. There is plenty of light. If you go in any of our units in Amstel that Ralph has designed the first thing that you immediately notice is there is tons of natural day light. So, there is plenty of natural daylight showing in. Even though the window configuration might be different than Amstel there are still large windows in the same rooms. We feel that it is adequate.

Ms. Brown: If you have daylight, you don't have to turn lights on and use electricity.

Mr. Heitzenroder: In terms of landscaping, there will be street trees put in along the street. If anyone has a recommendation in terms of size, we are always happy to put in large trees. We just put in small trees in front of 111 Elkton Road and they lasted exactly one day and they are now broken off and there is a six inch twig sticking out of the ground. We are happy to put larger trees than normal along the front. We have scattered as many new plantings as we can along the site to make up for the couple of trees that being taken down.

Ms. Brown: I would recommend big trees. They don't break as easily.

Mr. Heitzenroder: No problem.

Mr. Lopata: The Code calls for 2 ½" caliper.

Mr. Heitzenroder: If we want to make a restriction the trees that go in will be a minimum size of three inches, I would be happy. That is a big tree. That is 14 or 15 feet tall.

Ms. Brown: It is kind of worthless to plant sticks if you know they are going to go away.

Mr. Heitzenroder: We hope not.

Ms. Brown: It is a reality.

Mr. Heitzenroder: They have survived along Amstel. We are required to put up a bond on all of the landscaping. So, every time it gets ripped out we get the great job of putting it back.

Ms. Sheedy: Any other questions? Do I hear a motion?

MOTION BY JOHNSON, SECONDED BY BRILL THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. THAT CITY COUNCIL APPROVE THE REZONING OF THE 116 AMSTEL AVENUE .49 ACRE PROPERTY FROM RM TO BB, AS SHOWN ON PLANNING DEPARTMENT EXHIBIT A, DATED JUNE 7, 2011; AND,
- B. THAT CITY COUNCIL APPROVE THE 116 AMSTEL AVENUE MAJOR SUBDIVISION PLAN AND SPECIAL USE PERMIT; WITH THE SUBDIVISION ADVISORY COMMITTEE RECOMMENDED CONDITIONS, AS SHOWN ON THE MCBRIDE & ZIEGLER, INC. PLAN DATED MARCH 24, 2011.

VOTE: 4-0

AYE: BRILL, BROWN, JOHNSON, SHEEDY

NAY: NONE

ABSENT: BEGLEITER, BOWMAN, DRESSEL

MOTION PASSED UNANIMOUSLY

As there was no further business, the Planning Commission meeting adjourned at 7:35 p.m.

Respectfully Submitted,

Elizabeth Dowell  
Secretary, Planning Commission