

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

October 4, 2011

7:00 p.m.

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

Acting Chairman: Ralph Begleiter

Commissioners Present: Patricia Brill
Peggy Brown
Angela Dressel
Edgar Johnson
Kass Sheedy

Commissioners Absent: Jim Bowman

Staff Present: Roy H. Lopata, Planning and Development Director
Jerry Clifton, Councilman, District 2

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

1. THE MINUTES OF THE SEPTEMBER 6, 2011 PLANNING COMMISSION MEETING.

MOTION BY DRESSEL, SECONDED BY SHEEDY, TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 2011 PLANNING COMMISSION AS RECEIVED.

VOTE: 6-0

AYE: BEGLEITER, BRILL, BROWN, DRESSEL, JOHNSON, SHEEDY

NAY: NONE

ABSENT: BOWMAN

MOTION PASSED UNANIMOUSLY

2. ELECTION OF OFFICERS AND 2012 CALENDAR.

Mr. Begleiter: We need nominations for the Chairman, Vice Chairman and Secretary of the Planning Commission.

MOTION BY SHEEDY, SECONDED BY BRILL, TO NOMINATE JAMES BOWMAN AS CHAIRMAN OF THE PLANNING COMMISSION.

NO OTHER NOMINIATIONS WERE MADE.

VOTE: 6-0

AYE: BEGLEITER, BRILL, BROWN, DRESSEL, JOHNSON, SHEEDY

NAY: NONE

ABSENT: BOWMAN

MOTION PASSED UNANIMOUSLY

MOTION BY DRESSEL, SECONDED BY JOHNSON, TO NOMINATE RALPH BEGLEITER AS VICE CHAIRMAN OF THE PLANNING COMMISSION.

NO OTHER NOMINIATIONS WERE MADE.

VOTE: 6-0

AYE: BEGLEITER, BRILL, BROWN, DRESSEL, JOHNSON, SHEEDY

NAY: NONE

ABSENT: BOWMAN

MOTION PASSED UNANIMOUSLY

MOTION BY DRESSEL, SECONDED BY BRILL, TO NOMINATE ELIZABETH DOWELL AS SECRETARY TO THE PLANNING COMMISSION.

NO OTHER NOMINIATIONS WERE MADE.

VOTE: 6-0

AYE: BEGLEITER, BRILL, BROWN, DRESSEL, JOHNSON, SHEEDY

NAY: NONE

ABSENT: BOWMAN

MOTION PASSED UNANIMOUSLY

Mr. Begleiter: Hearing no opposition, we have the three officers of the Planning Commission elected for next year. The 2012 Planning Commission Calendar is in front of you. There is only one date that is unusual. That is November 7th, which is a Wednesday to avoid Election Day. Please make a note on your calendars for next year.

3. REVIEW AND CONSIDERATION OF THE REZONING FROM BL (BUSINESS LIMITED) TO BB (CENTRAL BUSINESS DISTRICT) OF A .345 ACRE PORTION OF THE .679 ACRE 132 E. DELAWARE AVENUE PROPERTIES AND MAJOR SUBDIVISION, PARKING WAIVER AND SPECIAL USE PERMIT FOR A FOUR STORY BUILDING WITH 4,000 SQ. FT. OF COMMERCIAL SPACE AND 28 UPPER FLOOR APARTMENTS.

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

“On July 28, 2011, the Planning and Development Department received applications and plans from E. Delaware Avenue Associates, LLC for the redevelopment of their .679 acre properties at 132 and 136 E. Delaware Avenue. The plan calls for the rezoning from BL (business limited) to BB (central business district) of the .345 acre properties fronting directly on E. Delaware Avenue. Major subdivision, special use permit and parking waiver approval are also being requested for these parcels and for the balance of the site – all zoned BB – to construct a four story mixed use facility with 4,000 square feet of commercial space and 28 upper floor apartments. A new parcel boundary is being proposed to separate the redeveloped site from the adjoining property to the north at 123 E. Main Street.

Please see the attached Landmark JCM development plans, applicant’s supporting materials, and building elevation drawings.

The Planning and Development Department’s report on the project, to be called 132 E. Delaware Avenue, follows:

Property Description and Related Data

1. Location:

132 and 136 E. Delaware Avenue, including the parking area to the rear of these locations.

2. Size:

Tax Parcel 18.020.00-096 =	.227 acres [to be zoned BB]
Tax Parcel 18.020.00-097 =	.118 acres [to be zoned BB]
Tax Parcel 18.020.00-259 =	.102 acres [currently zoned BB]
Portion of Tax Parcel 18.020.00-108 =	<u>.232</u> acres [currently zoned BB]
Total Site:	.679 acres

3. Existing Land Use:

The 132 E. Delaware Avenue subdivision property contains two small residential style buildings, a small one-story block garage, and the parking area for the 123 E. Main Street mixed use building. The buildings on this site have hosted a variety of office, light commercial institutional uses over the recent past.

4. Physical Condition of the Site:

132 E. Delaware Avenue and associated properties are developed sites containing two small residential style buildings, with associated parking fronting on E. Delaware Avenue and a large surface parking facility currently serving the businesses at 123 E. Main Street. A small accessory garage is located to the rear of 136 E. Delaware Avenue. Several mid-sized trees and small lawn areas are located at these residential style building sites.

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

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, the 132 E. Delaware Avenue property contains Matapeake – Sassafras – Urban Land Complex soil. The Natural Resources Conservation Service indicates that this is a disturbed soil that has been used for development purposes. No development limitations for the proposed uses are indicated.

5. Planning and Zoning:

The zoning of a portion of the 132 E. Delaware Avenue project and the zoning to be requested for the full site is BB. BB is a central business district zone that permits the following:

- A. Retail and specialty stores.
- B. Retail food stores up to 5,000 square feet in maximum floor area.
- 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.
- 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.
- 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.

The portion of the site currently fronting directly on E. Delaware Avenue is zoned BL. BL zoning permits the following:

- A. Churches or places of worship
- B. Schools
- C. Parks and playgrounds
- D. Municipal utility uses
- E. Public transportation bus or transit stops
- F. Social club, fraternal, social service, union and civic organizations
- G. Accessory uses
- H. Hospitals
- I. Residences limited to one apartment unit provided in conjunction with any one non-residential use
- J. Offices for professional services and administrative activities
- K. Finance institutions, banks, loans companies
- L. Undertakers
- M. Barber shops and beauty parlors
- N. Medical clinic
- O. Bed and breakfast, with special requirements

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

- A. Police and fire station, library, museum and art gallery
- B. Golf courses and country clubs
- C. Electrical and gas substations
- D. Day Care Centers
- E. Drive-in and curb service for other than eating establishments

Regarding BB zone area requirements, other than off-street parking, the 132 E. Delaware Avenue plan meets or can meet all the applicable BB zoning specifications.

Regarding adjacent and nearby properties, the property immediately north of the site contains the BB zoned mixed use facilities at 123 and 129 E. Main Street. Upper floors of both these facilities include apartments. The BB zoned Washington House mixed use residential and commercial building lies immediately west of the site. The parcels to the east of the north end of the 132 E. Delaware Avenue site, fronting on Haines Street, are zoned BB and contain several small commercial buildings. BLR (business limited residential) and BL (business limited) zoned properties, also fronting on Haines Street, lie east of the southern portion of the 132 E. Delaware property and contain a small office facility and the Planned Parenthood building. UN (University) and BL zoned properties containing several small rental homes and a vacant parcel are located south of the site across E. Delaware Avenue.

Regarding comprehensive planning, Comprehensive Development Plan IV calls for “commercial (pedestrian oriented)” uses at the site. The Plan defines these uses as:

“Shopping and commercial uses of all types including retail facilities for buying and selling of goods and services as well as administrative

and professional offices, personal service establishments, eating establishments, and shopping centers typically included in central business districts with customers, to a lesser extent, relying on the automobile to patronize these businesses. Residential uses, as noted in detail above and in Chapter II, may be permitted under certain circumstances.”

In addition, the Plan’s Downtown Economic Enhancement Strategy shows the 132 E. Delaware site within the “District One – Downtown Core District,” which is described as:

“This is the center of Newark’s central business district that is intended as an area to be redeveloped with first floor specialty and traditional retail shops, with a balanced concentration of food and entertainment. Apartments and offices are proposed for upper floors. Any additional apartments, however, must be carefully and closely evaluated in terms of their impact on downtown traffic and parking; the compatibility with existing downtown buildings in terms of design, scale and intensity of development; the contribution of the overall project, including proposed apartments, to the quality of the downtown economic environment; and potential significant negative impacts on nearby established businesses and residential neighborhoods. Beyond that and particularly to encourage owner occupancy downtown, the City may consider reducing the permitted downtown density in the projects in this district for residential projects.”

More generally, concerning downtown residential uses, the Plan includes the comment that:

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

Regarding gross residential density, the 132 E. Delaware Avenue project calls for 41.18 units per acre. By way of comparison, recently approved downtown mixed use projects have the following densities:

<u>Project</u>	<u>Dwelling Units/Acres</u>
Campus Edge	28.24
Washington House	36.1
102 E. Main Street	20.83
108 E. Main Street	14.7
129 E. Main Street	34.68

BB District Off-Street Option Procedure

Please note, in this regard, that the BB district off-street parking waiver program, adopted by the City to encourage quality pedestrian oriented development downtown stipulates that the Planning Commission can reduce or waive the off-street parking standards in Zoning Code Section 32-45(a) after considering the following:

- “A. Whether the applicant has demonstrated the proposed use does not conflict with the purposes of the Comprehensive Development Plan of the City;
- B. Whether the applicant has demonstrated that the proposed use conforms to and is in harmony with the character of the development pattern of the central business district;
- C. Whether the applicant has demonstrated that the proposed use is not highway oriented in character or significantly dependent on automobile or truck traffic as a primary means of conducting business;
- D. That the proposed use will not adversely affect the health or safety of persons residing or working in the vicinity, will be detrimental to the public welfare, or injurious to property improvements in the vicinity;
- E. The Planning Commission may also consider the availability of off-street parking facilities, the availability of nearby adjacent public parking facilities (within 500 feet) that may be shared by the applicant and an existing or proposed use. In considering this subsection the Planning Commission may require that the applicant submit an appropriate deed restriction, satisfactory to the City, that ensures either the continued validation of and/or the continued use of shared parking spaces in connection with the uses and structures they serve;
- F. The Planning Commission shall consider the advice and recommendation of the Planning Director.

Please note also that the BB zoning parking waiver procedure permits City Council to review, modify, or deny Planning Commission approval, disapproval, or approval with conditions upon the recommendation of a member of City Council, the Planning and Development Director and/or the City Manager.”

Regarding the requested 51 space parking waiver, our procedure specifies that applicants receiving such approvals must make an “in lieu of spaces” payment to the City to be used to improve parking downtown. The Zoning Code also indicates, however, that the Planning Commission may consider land donations in assessing these payments. In this instance, the applicant’s supporting letter refers to transferring (presumably, through a long-term lease) 24 parking spaces from the reconfigured 132 E. Delaware Avenue parking facility to the City for public parking. Without taking into account this off-street parking space transfer, the required payment for the requested waiver (not taking into account any parking space transfer), based on an estimate of the cost of construction of surface level parking spaces provided by the Public Works Department (\$5,833), is as follows:

<u>Number of Spaces</u>	<u>Payment Required</u>
Five (5)	\$ 1,458.25 (5% of cost)
Six to Twenty-five (20)	\$ 58,330.00 (50% of cost)

Each space over Twenty-five (26)	<u>\$151,658.00 (100% of cost)</u>
Total:	\$211,446.85

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 132 E. Delaware Avenue development plan calls for a four story “C” shaped structure with 4,000 sq. ft. of first floor office space in the portion of the building fronting directly on E. Delaware Avenue and 28 upper floor apartments in all segments of the building. Surface level parking is shown beneath the two proposed apartment “wings” of the building that run perpendicular to E. Delaware Avenue. Based on the major subdivision plan and supporting letter, the number of bedrooms to be included in the proposed 28 new apartment units would not exceed 76; none of the proposed apartment units would have more than three bedrooms. One way access ways to and from the site are shown off E. Delaware Avenue on either side of the proposed new structure and 9 small two-way access is also shown at the northeast corner of the site through adjoining property easements to Haines Street.

Please consult the applicant’s submitted elevation drawings and supporting letter for additional information concerning the proposed architectural and site 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 XIII(d).

Please note, in this regard, that on a voluntary basis, the applicants reviewed the proposed elevation drawings with the Downtown Newark Partnership’s Design Review Committee. As a result, the Committee recommended that the Commission approve the 132 E. Delaware Avenue plan with several minor design detail revisions.

Fiscal Impact

The Planning and Development Department has evaluated the impact of the 132 E. Delaware Avenue project on Newark’s municipal finances. The estimates are based on the Department’s Fiscal Impact Model. The Model projects the 132 E. Delaware Avenue’s fiscal impact; that is, the total annual municipal revenues less the cost of municipal services provided. Based on the Model’s estimate, we project annual 132 E. Delaware Avenue net revenue at \$6,904.

Traffic and Transportation

In light of the size, scale, and location of the 132 E. Delaware Avenue project and the requirement for a State of Delaware Department of Transportation (DelDOT) entrance/exit permit, we have asked DelDOT to review the project. In response, DelDOT

indicated that based on the traffic expected to be generated from the site, a traffic impact study would not be necessary. Access to the site, however, should be reviewed through DelDOT's entrance/exit procedures. DelDOT also indicated, in addition, that they believe the proposed entrance/exit should be combined into one facility and should be located on the eastern side of the property.

Subdivision Advisory Committee

The City Subdivision Advisory Committee – consisting of the Management, Planning and Operating Departments – has reviewed the proposed redevelopment plan for the site and has the comments below. Where appropriate, 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 the proposed mixed commercial and residential land use at the 132 E. Delaware Avenue site corresponds to recently approved downtown development districts.

The Department also notes that the proposed density of more than 41 dwelling units per acre exceeds that of all these recent downtown rental projects. In this regard, while recognizing the proposed limits on the number of bedrooms proposed by the applicants will reduce, to a certain extent, the intensity of the project, we cannot help but recognize the ongoing Council discussions concerning reducing BB zoning permitted density and the potential for internal unit configuration to expand our downtown housing choices for graduate students, young couples, unmarried singles, etc., and, of course, the Comprehensive Development Plan IV guidelines for downtown residential development cited above.

As a result, we suggest that the Commission consider one or a combination of the following as recommendations for Council: an overall reduction in the number of units proposed; the allocation of some of the units to owner occupancy though deed restricting the number of tenants per unit (two per unit), similar to the mechanism used at Washington House; and/or limiting numbers of permitted bedrooms per unit. For example, regarding the latter suggestion, as a subdivision and special use permit condition, a portion of the rental units proposed could be limited to one bedroom, others to two, and third group to three and perhaps none to four. Obviously, the various options should be reviewed with the applicant and the community at the Planning Commission's public meeting.

2. Regarding the impact of the project on parking downtown, as managers of downtown parking, the Planning and Development Department notes that the proposed transfer of the existing surface level parking at this location will help add to the City's stock of downtown parking. As part of this arrangement, of course, all occupants of the rental and commercial units on the site would need to be informed that limited parking spaces will be directly allocated for their private use. Moreover, and as noted above, any reduction in density eventually proposed by the Planning Commission and approved by City Council will help alleviate the parking impact resulting from the proposal.
3. The Planning and Development Department also suggests the following subdivision site design conditions:
 - The architectural design of the facades of the proposed 132 E. Delaware Avenue should be carried out on all building elevations visible from public ways.
 - Storage areas, mechanical and utility hardware shall be screened from view from all public ways and nearby properties in a manner consistent with the proposed architectural design.
 - Parking area lighting should be designed to limit impact on adjoining and nearby properties.

4. The Planning and Development Department also suggests as a condition of subdivision site design that the Commission consider that, in light of the size and location of the proposed apartment wings above the existing parking lot, that the Commission request the applicant relocate these facilities to the east to provide a larger buffer area between them and the Washington House condominiums.
5. The Public Works Department indicates, regarding stormwater management, that prior to the plan's review by City Council the applicant should review technical design details and all required plan revisions, which may include alternative storm drainage system connections.
6. The Electric Department indicates the following:
 - Service is available from E. Delaware Avenue.
 - Through the construction improvement plan process, the Department will determine the location for required padmount transformers, construction safety equipment, meters, and related appurtenances.
 - The applicant will be required to pay \$19,000 prior to the issuance of the first building permit for materials toward utility pole replacement, transformer, pad and meters.
7. The Code Enforcement Division indicates the following:
 - The proposed new structure will be required to comply with all applicable City Building and Fire Code requirements, including LEED energy saving measures. The new building will be required to be sprinklered.
 - The Division also notes that all applicable cross access agreements will need to be provided through the building permit process.
8. The Water and Waste Water Department indicates the following:
 - An STP fee will be required prior to the issuance of the first certificate of occupancy.
 - A sanitary sewer capacity analysis will be required to be completed prior to the plan's review by City Council.
 - Additional technical details will be reviewed through the construction improvement plan process.
9. The Police Department has expressed concerns regarding increases in pedestrian and traffic and the impact on downtown parking associated with the project.

Recommendation

Following the Planning Commission's review of this report and its consideration of the applicant's presentation and public comment, if the Commission determines that the project is compatible with recently approved downtown projects in terms of design, scale and intensity of development; that it will not have a negative impact on adjoining and nearby properties; that it conforms to the guidelines of Comprehensive Development Plan IV and, that with the proposed allocation of a portion of the surface level parking to the City for public parking, the project will make a positive contribution to downtown parking, **the Planning and Development Department suggests that the Commission take the following actions:**

- A. **Recommend that City Council approve the rezoning of the portion of the 132 E. Delaware Avenue property currently zoned BL (business limited) to BB (central business district) as shown on the attached Planning and Development Department Exhibit A, dated October 5, 2011;**
- B. **Recommend that City Council approve the 132 E. Delaware Avenue major subdivision and special use permit plan, as shown on the Landmark JCM plan dated July 22, 2011, with the Subdivision Advisory Committee recommended conditions;**

C. Approve the requested 51 space parking waiver for the 132 E. Delaware Avenue property with the condition that 24 spaces on the plan be transferred in the form of a long-term lease to the City for public parking.”

Mr. Lopata: I will be glad to answer any questions and, obviously, the applicants are here to make a presentation.

Mr. Begleiter: Do any Planning Commission members have questions for Mr. Lopata at this time? Ok, none at this time. Then the applicant can step to the microphone and give their presentation.

Mr. Jeff Lang: I am with Lang Development Group. I am here this evening to present a project. I have with me Joe Charma, Landmark Engineers; Dan Hoffman, our architect; and Chris Locke, with us from Lang Development.

[Secretary’s note: The applicant, Commissioner and public referred to visuals brought to the Planning Commission by the applicant].

To give you a little bit of history of this project, years ago I was with Commonwealth and built what used to be the Farm and Home building at 123 E. Main Street. Over a number of years I was with Commonwealth and I formed my own company, Lang Development Group. We worked in conjunction with Chris Locke and developed 129 E. Main Street, which is was the site of Formal Affairs, and when we purchased the Farm and Home building we acquired the house in the back, which we have subsequently leased to the Art House. Over the recent years we purchased a house directly adjacent to it. We have assembled the land in the back and during other projects that we worked on, we have always thought about some type of development back here.

Recently, a project came to you down the street, Campus Edge that went through a number of iterations. We, obviously, were waiting to see what the ultimate outcome of that development was because, obviously, we are two parcels away. We are here, next to Planned Parenthood, then further to the east is a parking lot and then Campus Edge. So, in very close proximity lies our property. So, we thought about how the process was going to work on their development project. They proposed initially a five story building with 39 units, I believe. It ultimately received approval from the Planning Commission and Council for 24 units all four bedroom which equates to 96 bedrooms with 140 occupants. We thought about that and said it is a nice size project but as Roy will tell you there is a lot discussion in Council presently about unit size, unit type, density downtown and the buzz word is always how many units do you have per acre. Part of the thoughts that we have had over the evolution of our ownership and development in Newark is what type of units are necessary to meet the demands in the market place. Obviously, you have a lot of freshman that live campus. As they move off campus they move into larger units and as they get older – juniors, seniors and graduate students – they was to live less with larger numbers of people and there is a growing demand, which we have seen in our portfolio for smaller units. We have over 200 units in our portfolio and we only have three one bedroom units. So, if someone comes into our apartment office looking for a one bedroom unit, they can’t live on Main Street. They can’t live anywhere near Main Street. The only one bedroom units we have are over at the Mill at White Clay Creek, which is nice and a great location, but it is not in the middle of town.

One thing we have thought about because we see potential residents coming into our office all the time is how we provide a product that will meet those needs. You have seniors, graduate students and even young professionals that many times can’t find housing in downtown. They don’t want to live in the peripheral of downtown. They want to live in an environment that is similar to their age, type and group and they end up moving to Trolley Square or they move to Center City Philly. I stated at our meeting with the Washington House that there is a gentleman at the University who is in his early 20s and would love to live in Newark but there is no place to live. He lives in Philly and reverse commutes down here to Newark.

So, one of the things that we thought about with the design of our project is how do we come up with a project that can be balanced with the unit density issues associated with some of the things that are going on. Is it 36 per acre? Is it 28 per acre? Is it 41 per acre? But, it is really how many occupants you put in your building. So, what we propose is a 28 unit building with 70 to 76 bedrooms. If you took 28 units and multiplied it times four, it would be 112 bedrooms. So, we are not proposing near what the maximum density is if you compare us to Campus Edge. And, actually, Campus Edge has 96 bedrooms. We could have come in and said we only have 19 units and everyone wouldn't be discussing how high our unit count was. We would be well under the 41. We would probably be down in the low twenties from a unit perspective which would meet the requirement to be under the threshold of 36 or 40 or whatever people think is the threshold. Really, it is the amount of bedrooms you have and the amount of occupants you have. What we are trying to do is develop a project that meets the needs not only today but going into the future because you really need to bridge that gap downtown. We have a lot of undergraduates living down there in larger units. We need to provide smaller units. Be that as it may, I will give you a summary now of the project.

We basically have a parcel of about two-thirds of an acre. It is all in the back of 123 E. Main Street. What our original site design came up with was a building that was U-shaped. Presently you drive in the middle, you circle through and you go out here. You would just move the driveway down a little bit further, drive under the building, through the building and then out. You maintain all the parking and the parking underneath the building would be dedicated one per unit to each residential unit and the balance of the parking in the middle is the parking Roy discussed that would be dedicated to the City for commercial uses in these buildings as well as other buildings around Main Street because what we are going to do is dedicate those spaces for metered use and will be leased and patrolled by the City.

After thinking about this design, reviewing Roy's comments and then having a couple of focus meetings with the Washington House group, we made what we believe to be a minor change. We have basically pushed the proposed entrance and exit up here to the west so there is an in and out right here. This would be the dedicated commercial spaces and the spaces that would be dedicated for the residential units would be underneath the building. Actually, from a design perspective, my engineer likes this much better. After talking with the Washington House residents, I think they do like this much better. It pushes the building from approximately 20 feet away from their structure to 80 feet away from their structure. The front corner, there has been discussion at our meeting of trying to maintain a large tree here, adding a couple of large trees here, and maintaining a large tree here. Additionally, that would buffer us from the Washington House residents. We did have a very nice meeting a couple of night ago to discuss some other concerns they had.

One of the other thoughts we had in line with Roy's comments is to reduce the overall density. So, one of the thoughts we had was to keep the front portion of the building four story and drop the back portion of the building to three story. It would, additionally, allow us to shield HVAC units from the upper residents in the Washington House by putting them on a flat roof behind a higher parapet pitch and that would reduce our density to 24 units. We would reduce our overall bedroom density to about 60. So, we still don't have any four bedroom units. 60 bedrooms really equates to 15 four bedroom units. So, we are looking at 24 units make up between 1, 2 and, potentially, even a three bedroom unit if we ended up with a larger space. One of the thoughts in the market place is to have a building that could be convertible to owner occupant. It would be great to be able to building owner occupant buildings today but there is no financing mechanism to allow that. But, a building that you build and have people occupy that could potentially be owners is much better than building buildings that could never have occupants that would ever be an owner occupants. So, our thought is to create a building that has that diversity we would create a center hall here, put an elevator in and allow for that potential conversion later on.

The other thought process, and if you want to look at it from this perspective real quick to give you an idea of relationships, this was the original building with the wing of the building directly adjacent to the Washington House. This is the building here further

away, as you can tell, and you can't see this wing because it is tucked back in behind. So, actually, it is a much better design as it relates to the adjacency to the Washington House.

The other thought processes is, obviously, the dedication of these spaces now that the spaces that would be dedicated to the commercial use of the City are all consolidated, signage is much easier, you pull underneath the building as a parking permit holder, and if you aren't, you pull out here and there is metered space. We tend to think this design works very well.

The key for this project in our mind is the diversity of the product type. Everyone comes to Planning Commission and Council and talks about unit count. We could come in with a 15 unit project now and we would have the same amount of bedrooms. It would be 15 four bedroom units and we would have sixty bedrooms. Or, going to 28 to 15 is a 13 unit reduction. That is 26 parking spaces. We would be down to a 25 car waiver, which might be much more acceptable to everybody, but I really don't think that is a product we want in our community and that we need in our community. So, we are trying to address that in the short term here with a project that we think will be attractive to a different type of resident which will ultimately be attracted to potential conversion as the market dictates.

Mr. Begleiter: Do any of the Planning Commissioners have questions for the applicants at this time?

Ms. Peggy Brown: You are talking about the possible conversion to condos. Will the elevator be built initially?

Mr. Lang: We would have to put the elevator shaft in. We could probably put the elevator in as a service elevator for moving in and out. We would have to see about the operation of it on a day-to-day basis. We might have it available to handicapped residents if they need. Have a key access, not an open access.

Ms. Brown: You are talking about the condo conversion. Most people who buy condos want some kind of large storage unit. Where do you propose to put these large storage units?

Mr. Lang: The only place you could put storage units would be underneath the building somewhere. If you only had 24 units, we could create storage units underneath the building. You probably wouldn't create it until you needed. The other discussion we had with the residents of the Washington House is the possibility of having a lease that could be terminated upon conversion. So the lease with the City for the permit, because they are going to lease the land for permits, would be able to be terminated at the point in time that the building was available for conversion to provide two spaces per unit.

Mr. Begleiter: The Planning Director's report notes that the Department of Transportation in Delaware recommends that the proposed entrance and exit should be combined into a single facility, which you have done in your new proposal but should be located on the eastern side of the property. Can you comment on that?

Mr. Lang: What they want to do, they want us to push it here and the Washington House residents (inaudible).

Mr. Begleiter: I understand that. I'm asking you for your comment. It is you vs. DelDOT.

Mr. Lang: We actually discussed at our meeting with the Washington House residents the ability to create a shared entrance at the point that it is located presently and that could be investigated. I think the logistics of that engineering might not be as easy to achieve, but we would be more than happy to try to do that. That would consolidate the two ins and the two outs all into one location, which DelDOT would probably be happier with. I don't think it makes sense to put it on that side of the site from a design perspective (inaudible).

Mr. Begleiter: On which side of the site?

Mr. Lang: If we put it on the east side of the site, it might work from a logistical perspective; for DelDOT but it doesn't work for the project.

Mr. Lopata: Mr. Chairman, when we got the comment I told Mr. Lang he was going to have to discuss that in more length with DelDOT knowing that they were considering this, they were going to get half a loaf. So, the rest of the loaf needs to continue to be reviewed with the Department. They ultimately control that -- meaning DelDOT.

Mr. Begleiter: I had actually thought about the idea when I saw the proposal that is before us. I thought about the idea of a shared entry. I'm not an expert on traffic mechanics, but it didn't seem to me to make sense to have three different direction entries adjacent to one another. The signage would be crazy.

Mr. Lang: We actually tried to do it when Washington House was built. We had difficulty working out the end resolution with the builder.

Mr. Begleiter: You have made a decision in the new proposal to move the bulk of the building further away from Washington House. Of course, in the course of doing so you have moved it closer to other properties on the other side of your property line. Can you discuss your rationale for that?

Mr. Lang: We haven't moved this location, at all, closer. This is actually the same distance.

Mr. Begleiter: Where was the driveway before on the original plan?

Mr. Lang: The driveway came in and went right underneath the building. All we did was take this portion of the building and pushed it down, but this portion is exactly the same.

Mr. Begleiter: The only adjacent tenant on that side is Planned Parenthood.

Mr. Lang: It is about 40 feet closer, but it is still ten feet away. A lot of our buildings are within 3 to 5 feet of the property line. This building is still 10 feet off the property line or more.

Mr. Begleiter: You gave a comparison a few minutes ago, earlier in your presentation, of the density issues vis-à-vis Campus Edge. Could you please do the same thing vis-à-vis Washington House?

Mr. Lang: I know at 24 units, it is at the same density as the Washington House.

Mr. Begleiter: How about the bedroom analysis that you are attempting to persuade us.

Mr. Lang: I don't have any idea how many bedrooms are in the Washington House.

Mr. Begleiter: Correct me if I'm wrong, but you are, basically, trying to persuade us that we shouldn't really be thinking about units per acre, we should be thinking about bedrooms per acre, and the next step in the next project we will be thinking about beds per acre.

Mr. Lang: It is really occupants. Part of Campus Edge is 140 occupants. That equates to about six per unit. I'm thinking about, we are going to have two to two and a half beds per unit max, which means we are going to have three to four max. It really depends on the resident. If you get a couple living in the place, you will have two people living in it. If you have two people and a friend over, you might have three. A two bedroom with a den, maybe at some point you might have three or four. It really depends on the occupancy. We are never going to have a unit that would have six. We are never going to reach that occupancy because of the design of the unit type. So, really, it gets back to designing the unit type to meet the market. We can build four bedroom units and we can

rent four bedroom units but we don't think that is the need. We don't think that is the next wave of what should be happening down there. We think there needs to be a transitional component in the downtown residential supply, and that is really where we want to come in. We want to meet that need. It would be great to meet that need in the owner occupancy market but the problem is the owner occupancy market doesn't exist. I can't stand here and tell that I could build an owner occupancy building. I can't get it financed. My buyers can't get it financed. So, the next best thing is to build a building that would meet the needs of the owner occupants in the future, which is not four bedroom units. We have done four bedroom units, but that is not what you need down here. You need smaller units. You need units that are going to be attractive to older younger people. My daughter that just graduated wants to live downtown. She doesn't want to live with three or four kids. She wants to live with maybe herself or maybe one other roommate. Where is she going to live? I can't even find her a place. I don't have a place to rent. I have a son in law school in New York City that lives with one other guy. I have a daughter who just graduated. She wants to live in Newark downtown because she loves being down there but there are very few places to find. Eventually, she will get frustrated and say I'm going to move to Trolley Square because that's where all my friends are moving. But, I don't want that to happen. I don't want that for her. So, that is why we need to produce a project like this.

Mr. Begleiter: The proposal that is before us is the one that you have now revised very substantially and included in your revision is the reduction from four stories to three stories of the inside portion of the building. What is your rationale for keeping the street side portion of the building at four stories?

Mr. Lang: I'm glad you asked that question because if you look at the massing of the buildings, I think it is very important to maintain a logical transition down your street and you have a six story building which is very large. When you are looking at the little house that is sitting here, it looks dwarfed. If you build a three-story building even though it is a massive structure being at 35 feet, I think you really need to have a better transition and then if you build another building over here that was three stories, you would transition down your street and you would maintain some continuity. You don't really want to have, in my opinion, one building sticking up and all the other buildings the same size. So, what we thought about with the four story in the front and the three story in the back is the four story in the front makes it a nice streetscape. It is only 40 ft. deep so it is not a huge structure in massing and it won't take a lot of the views from these people that live in these corner units because they can still look that way. The concern that the residents had when we had a four story here is we are still going to have to put the HVAC on the top of the four story in the back. Then all of a sudden, they have to look at all those units. So, what we have thought about doing is take the back piece which is tucked in behind, make it three stories, build a small pitched roof, which we did at the Bing's Bakery project that we did. We have that roof that only goes up six or eight feet and then drops down and there is a flat area there. We have all our HVAC units in there where you can't see them. It is a great way to shield the view from all the residents that look this direction. That was a concern at our meeting with the residents – what are they going to see? They are going to see a building because the building used to be directly adjacent to them. We push the building far away and now they are still going to see the roof of the building. So, how can we treat the roof of the building better? So, the nice thing about doing that is we can probably take all the units that are supposed to be on the fourth floor of this building and all the units that are going third and put them all on that roof and you won't see any of them.

Mr. Begleiter: So, the explanation for the extra story on the Delaware Avenue side has nothing to do with the number of units in it.

Mr. Lang: Not per se, no.

Mr. Begleiter: So, you are not that particularly concerned about the number of units that are in that top story on the Delaware Avenue side.

Mr. Lang: We actually haven't laid the whole thing out, but there are probably three or four units in that front fourth floor.

Mr. Begleiter: I was looking at your diagram, the one that is underneath there now, the question is about the Main Street entrance. Whose are the parking spaces that are adjacent to that Main Street entrance? Are they part of the City parking lots?

Mr. Lang: Which Main Street entrance?

Mr. Begleiter: As you come in from Main Street.

Mr. Lang: You can't come in from Main Street. That is where the Delaware Running Company is and the Yogurt shop is.

Mr. Begleiter: The parking spaces that are in that spot, are they part of the donation to the City?

Mr. Lang: These six spaces?

Mr. Begleiter: Yes.

Mr. Lang: These spaces are the ones that are going to be dedicated to the City. These would be overflow permit spaces for the residents here, and any office or retail tenants that we needed there.

Ms. Dressel: You said you were reducing it to 24 units. With that reduction, what is the number of bedrooms that you are proposing?

Mr. Lang: What we originally proposed was 70 to 76 bedrooms. We would propose a maximum of 60 bedrooms. Without knowing the exact layout, we haven't identified the bedrooms. The one under consideration which we didn't talk too much about is that when you look at the building configuration. When the buildings were far apart you had front windows and back windows. This is an ideal design for an apartment. When you push the buildings together, you, basically, don't have any back windows any more. So, it eliminates the ability to have a lot of bedrooms on both sides of the space. Because we kind of reacted to Roy's comments and our recent meeting with Washington House, we didn't lay out the whole building. But we know that in the bedrooms you are going to want windows and windows are at a premium at this point. What we will probably end up doing is having a center hallway and a unit will end up being 40 to 50 feet wide and 30 feet deep and you are going to have some bedrooms across the front and you will have a couple of bedrooms in the back. So, you are going to have to look at that design.

Mr. Begleiter: At this time we will open the discussion to the public.

Mr. Jeff Bergstrom: I live on Darien Road in Fairfield. This plan has addressed a lot of the concerns I had compared to the ones that was on the website. I am just concerned about the parking. Isn't part of this lot devoted to the Main Street building? How many spaces are supposed to be back there for that one? And, then how do they generate additional spaces? There are no more spaces for these buildings. Is that what the waiver is for?

Mr. Lopata: That is what the waiver is covering. It is a total wipeout.

Mr. Bergstrom: Then, there is no parking for this building.

Mr. Lopata: From a mathematical standpoint . . . they are requesting a 51 space waiver. And that is where the \$211,000 comes from. That is the fee.

Mr. Bergstrom: We have to put the cars somewhere.

Mr. Lopata: That is why we are thinking of building a parking garage.

Mr. Bergstrom: That costs more than \$211,000.

Mr. Lopata: You are right. The parking waiver fee will only cover a drop in the bucket for that.

Mr. Jim Baeurle: I own the Wine House on Main Street at 115 E. Main Street and I'm also a partner in Washington House LLC which developed the property there at 115 E. Main. I wanted to touch on a couple of points. I have known Jeff for awhile. His creativity is amazing. I'm going to bring him to Dewey Beach and talk about density.

But, the way we were told density worked was based on the number of units per acre. The way our calculations work this looks like a much more dense building than what is being proposed or talked about. Secondly, is height. At least the plans we saw online showed a height of four stories. That has now changed but the setbacks didn't meet up with the four story building as how we read the Code. I would like for you to look at that a little closer.

The parking waiver issue is the one that is toughest for me to get my arms around. The property next to us when we made the Washington House proposal had, I think, in excess of 80 parking waivers. We were offered zero. We were told in the process, by-the-way, that we were done with parking waivers in Newark. I come here tonight and hear 50 some parking waivers. It is tough for me from a fairness standpoint from where we came from in this process to hear that they are even back on the table. I think the overall issue for me is the idea that when we brought Washington House to the City of Newark, we were given the feeling and certainly the direction that Newark wanted to go in the direction of owner occupancy. We made major risks. Our unit owners made major investments and also are the pioneers of being owner occupants on Main Street. The idea that you had proposed next door to that property something different than what we had to go through as a group, what our owners have invested, I think is really tough to swallow. I think the fact that Jeff uses a project down the street as a way to compare his project is fair to do. But what you have to do, I think, as a Commission and then as Council is compare it next to the only owner occupied building on Main Street. I think any other comparison isn't fair. I appreciate your time.

Mr. Begleiter: Mr. Baeurle, before you leave the podium, I have a question for you. You made a statement that this project looks denser. Could you address the density thing from the point of the new proposal that is on the table tonight? Are you in a position to do that?

Mr. Baeurle: I haven't been able to make the calculation, but what I am commenting on is the idea that it is the number of beds or bedrooms is what it is being based on. That that has become the new calculation. I think that where towns get in trouble. There is a reliance on what the comprehensive plan is. There is a reliance on what the rule of thumb is. And, I think that to be able to come and say the way I am going to look at density tonight is basically what is in my refrigerator. That is pretty crowded, but tomorrow it is going to be unit-count. You all have spent a ton of time creating a comprehensive development plan. You need to stick to it. We stuck to it and that is what we are looking to happen tonight.

Mr. John Hornor: I have been a resident of Newark for the last 20 years. I have lived on the west side in Country Hills and on the east side in Ridgewood Glen. I now live in Washington House. I like all my neighbors who I am also representing tonight. I bought into Washington House with the idea of having owner occupied housing on Main Street. I think I can speak for a lot of my neighbors that it is a lifestyle change for a lot of us and it is one we all enjoy. It is kind of nice to be able to be living there walking out to the street, being able to go to restaurants, going to shop, attending the City events, and able to do that. And now, what has been happening over the last few years is they have been putting up a lot more buildings. Main Street is growing. It is great. On each of the new buildings we are putting up, we are putting apartments on top of them. Unfortunately, it seems to us that most of the apartments are being occupied by students. So, what we are having is the University encroaching on Main Street. So, unfortunately, I think Mr. Lang has presented a change in the project. He came and talked to Washington House residents. I applaud his efforts in changing the scope of his project, but I still don't think it addresses the use of the comprehensive development plan for owner occupied housing.

He is proposing that it can be converted later, but how would that occur, what could you put in place now that would make that occur at some point when the economic environment was better?

The other issue is parking waivers. I agree with what Mr. Baeurle just said that there is always parking waivers with every project on Main Street. Unfortunately, people are still bringing cars and not being able to park by these units so, they are parking somewhere in the City. If you drive down Chapel Street or some other areas where there is a lot of residential houses that are also filled with students, you will see many cars at those houses. They are not all cars of people living in those houses. It is the cars and the people that have apartments on Main Street that have no place to park them. I think a continued amount to parking waivers is also not a good way to go.

The last thing is, obviously, if we have apartment next door to us, it affects, of course, our quality of life. There is going to be a lot more noise. If Mr. Lang was really able to attract young professionals, seniors, and small families instead of students, it might be great. I just don't know how you are going to be able to do that, how you can prevent students from actually renting unless you had some kind of deed restricted apartment complex. And, I don't think that is really what he is proposing. So, despite his efforts, I think the residents of Washington House are still not looking for the Planning Commission to stick to the Comprehensive Development Plan and turn this project down.

Mr. Jim Flynn: I live in the Washington House. I moved up to the Washington House for the same reason that a lot of these other people did. I had a rooming house on Water Works Lane and College Avenue, and we really had to close that thing down. I was coaching and teaching at the University and I was very particular who moved into that place. We are always talking about students. Can a non-student move in there?

Mr. Lang: Yes. Anyone can move in there.

Mr. Flynn: Unless they do a background check anybody can live in those places. They don't have to be students. Do they sign a year lease, or monthly lease? What I see being built next door to us is a large three or four bedroom unit with students in there, not necessarily students, there could be anybody living in there, and I don't think that is good.

Mr. Begleiter: Mr. Flynn, the person who spoke before you who is also a Washington House resident talked about the University encroaching on Main Street. That was his phrase. Would you consider you moving into Washington House to be the University encroaching on Main Street considering that you were a long time employee of the University.

Mr. Flynn: I didn't feel that myself.

Mr. Lang: As it relates to residency, we have an application fee process. We do credit checks and we, obviously, review the credit worthiness and the character of our residents. We, actually, don't renew tenants in units if they aren't good tenants and we don't permit them to ever move in if we feel they are not good tenants. We don't just randomly rent them to anyone. We have a process we go through. If it is an undergrad or graduate student and they don't have the means through a job of paying for the lease, we have their parents guarantee the lease. So, we do go through an entire process to make sure we have qualified tenants.

Ms. Joy Scott: I live in the Washington House. I have one quick thing to add. I don't think any of us mind the students or we wouldn't have moved to Newark. That being said, I think it doesn't make any sense to say you are going to try to get grad students and seniors in there if there is no parking. Grad students don't come without cars. They want to have a place to park their cars. They want to have a place to park their cars. The parking is a key issue and Washington was forced to have appropriate parking, which is one of the reasons we all bought there. Even with two parking spaces per unit, it is sometimes an issue. We are not saying we don't want students on Main Street. That is one of the reasons we live there. What we are saying is, we don't want to live on

campus. There is a difference. I don't think saying someone who used to work for the University moving to Washington House means we've encroached on Main Street.

Ms. Mary Woods: I also live at Washington House. I appreciate Mr. Lang's concern for graduate students and professionals and he made a great case for one bedroom apartments, but with the way I do math you are not going to get any one bedroom apartments with 60 bedrooms and 24 apartments. You are going to mainly have two or three bedroom apartments. I would like to know how many one bedroom apartments you are planning in those 24 apartments. How many two bedrooms and how many three bedrooms to come up with your 60.

Mr. Lang: One of the things that we did talk about doing was putting a level of parking across this whole project. I talked about it initially in my meeting with Bob, Bruce and Jerry when we all talked about it. The original residents who attended the Washington House meeting were not supportive of that because, obviously, the building gets bigger and as you put more parking on your site your building gets taller. We can accomplish the parking concern by building a whole level of parking, but we don't feel that parking is as important for downtown occupancy as other people. What we are hoping to see is a more pedestrian friendly environment where everyone doesn't build parking garages. I think the idea of downtown areas is to maybe have one space for your unit, which we are proposing and if you want to bring a second car because your girlfriend, wife, husband, or the other guy you live with wants to parking there car, they park it remotely in a garage that either the City builds, University owns or you park it down the street at the Field House. The University is actually requiring their staff to park more remotely because there's no parking downtown. They don't want to have all the cars downtown either. So, why do we want to provide more parking and more vehicular traffic in a downtown that is already potentially gridlocked at certain times of the day. Why do we want to do that with this project. What we thought about here was providing one space for every unit and as we discussed, the ability to take these spaces back and dedicate them to the building if we ever successful in converting the project.

As it relates to occupancy, we just talked about a maximum of 60. I did get through the whole conversation about how we haven't been able to lay the building out and I would like to have someone bedrooms and some small two bedrooms and some two bedrooms with dens, but I can't tell you how many bedrooms we are going to have. Do we agree to 50 bedrooms? The question is, what is the magic number that everyone is happy with? One of the concerns I had with the Washington House meeting was that we met, we discussed a lot of topics, and we discussed a lot of concessions and/or modifications to the project. I feel for them. It is great to have owner occupancy downtown. I would love to build owner occupancy downtown. I would love to be successful doing it, but you can't be successful doing it. There is no way to build it. If the idea of the City is to not have any residential development downtown that is not owner occupancy, we are never going to have another project down there because it is unfeasible presently to do it. Now, it might happen three years from now, five years from now or ten years from now, but I don't see that being the trend.

Mr. Bob Stozek: I have lived in the City for about 30 years in the Oaklands section. I guess the main issue here is, again, the parking. One question have is, we are going to have commercial properties at this site, how many commercial properties are there going to be? Where is the parking going to be for the people visiting these businesses. If you look at the Learning Station, between thee employees and people that are in there at any given time is probably four or five or six cars at any given time just for the Learning Station. So that plus coupled with the waivers, is a big issue. You are basically saying that you are pushing the parking off to the City to take care of. If the City builds a parking lot maybe that would take care of it but it is going to be some distance away. As far as the comment about the University pushing parking down to the Field House, that is probably true. I was involved with the University, but a big part of that is to eliminate parking around the campus to have more building space for buildings. That is one of the things that is driving that decision. Again, I still see the parking here both commercial and residential as an issue of saying where is the parking going to go. It is going to impose on other residents in the area or other businesses in the area.

Mr. Richard Agnello: I live in Fairfield. I am a professor of economics at the University, but I don't have the University perspective here. I'm unclear as to why the City would find this an attractive project. The City is getting a parking liability from this. It seems like the motivation is to accept a second rate project as one that is apartment oriented instead of owner occupied because the current market won't support anything else. It would seem like an appropriate solution is to wait on the project and not to rush into a second rate project, one that doesn't fulfill the City's needs and violates current zoning.

Ms. Sheila Anderson: In the Oakland for about 40 years on Sypherd Drive. Amen to the last two speakers. They could not have said it better. And, I don't know when we are going to face the parking issue. There are also residents who are living above the Learning Station who have parking areas in this little lot. I was a teacher for 15 years and often went to the Learning Station. Time was precious and that parking lot was a great help. I just can't fathom the residents that are already above that building, the people who wish to do some business at the Learning Station and now 28 apartments worth of residents all in this little space. I think the density and the parking needs to be addressed.

Ms. Karen Evenson: I live on Wilson Road in the Oaklands. I have lived in town for about 25 years. I think the idea of doing more housing downtown that is rental has completely changed the character of Newark since I moved here. I am sad to see it. Today I had the experience of walking to visitor who will be at the University for the next eight months – two young women – down Main Street. It was not a pleasant experience because, basically, all there was was apartment buildings up above and food places down below. There was very little to interest them. We actually ended up downtown because we wanted to walk from one of the banks to the Newark Coop. There was nothing to see, nothing to really interest them. They will be living in the Oaklands in a private house for the next eight months without a car and there opportunities for shopping are fairly limited compared to what we had in Newark 25 years ago when I moved here. So, I am unhappy to see, especially, the increase in traffic. I definitely would oppose any more parking waivers for any buildings whether they are commercial, residential or apartments anywhere near Main Street. I would certainly insist that there be sufficient parking for anybody living on Main Street whether they were a renter or an owner. Having been part of condo conversions in the City of Chicago from apartment dwellers to owners, I've been through the process two different times so I know some of the things that went on. It is not an easy process to get done. It was not an easy process to get financed. It was done, but it took time. So, I think our chances in the market of doing a conversion of any sort to a condo in the next ten years is almost zero.

Mr. Begleiter: Are there any other comments from the public? There being none, we will go back to the table.

Mr. Johnson: What is the density per acre?

Mr. Lang: When we reduced it from 28 to 24, it is at 36 units per acre. That is exactly the same as the Washington House and almost the same at 129 E. Main Street.

Mr. Johnson: Is it possible Mr. Lang, in light of all the conversations about the parking waivers that you could lift your building and put a parked deck on the second floor?

Mr. Lang: Oh yes, we can do that. It just makes the building bigger, but we are more than happy to do that. One of the discussions they just brought up – sorry to interject this – if you supply parking for all the residents, you get more cars, you don't get less cars. The parking waiver is a process to reduce traffic and reduce cars in downtown not increase them. So, you actually want more parking waivers to be downtown. You don't want to have every project to be parking compliant because every project would have parking garages. We built 108 across the street. It is one and half times the size of this project and didn't have one parking space. We totally occupied the whole building. All the tenants don't have any parking. How can you tell me that was not a successful project? The old CVS project is a 45,000 ft. building. It is one and a half times the size of this project and there is not one parking space there. There were 18 parking spaces in the back that we gave to the City. Every resident and/or occupant of the building either parks in Lot #3, doesn't bring a car or parks someplace else. It is a very successful

downtown project. That is what we want in our downtown. We don't want parking lots I don't think. Wilmington has parking lots, but you have a lot of vacancy in downtown Wilmington. You have people that come in and park and then they leave. I don't think we want to have parking, but we can. We are more than happy to add a level of parking if that would meet the needs of the community and the Planning Commission.

Mr. Johnson: Mr. Chairman, how would the residents of the Washington House feel about a building that is one story taller with a parking deck and no parking problems?

Mr. Begleiter: There are ways of accomplishing that, but it isn't through another round of public comment tonight.

Mr. Chris Locke: 604 Cambridge Drive, Fairfield and I am with Lang Development. One thing I also wanted to express is when you look at the Learning Station building that has commercial tenants as well as apartments built in 1998, Center Street where the old Happy Harry's currently is that was built in 1999; 108 and 102 E. Main Street built recently and 129 E. Main Street. These units have been 100% occupied both commercially as well as residentially the entire time they have been in existence. None of those buildings have parking. The tenants know that they are moving into a downtown area and they know they have to find parking or leave their car at home. Most of the residential tenants leave their cars at home. They expect that. That is part of living in downtown Newark.

Ms. Dressel: The parking, I think, is the biggest concern that I keep hearing. The changes that have been suggested by Mr. Lang bring the density down to at least in line with the Washington House. All of the reports I have read is that condo financing is next to impossible, but the parking is a major issue and is very concerning. As somebody, because I'm a teacher, who goes to the Learning Station regularly, if there is no parking there it does make it difficult to run in and run out. So, I don't know what the answer is but I think we are going to need to talk about this parking situation.

Ms. Sheedy: Since parking is such an issue, I have to admit, I'm confused. What is required is 13 spaces for the commercial space and now 48 spaces for the apartment units, two spaces per unit which is 61 spaces. Correct?

Mr. Lopata: Some of the spaces are grandfathered from the use in the back. It is a complicated formula but it results in the 51 space deficit.

Ms. Sheedy: The new use, according to what is shown on the plan, the development requires 69 based on the 28 units or now 61 based on 24 units.

Mr. Lopata: Theoretically, under the current Code.

Ms. Sheedy: 56 spaces are provided in the plan. Presumably that is now . . .

Mr. Lopata: Most of those spaces are already there, so you can't double count.

Ms. Sheedy: And 48 are going to the City.

Mr. Lopata: 24.

Ms. Sheedy: Okay, 24 to the City.

Mr. Lopata: Assuming it is approved. We are a long way from that unless I am misreading what is going on.

Ms. Sheedy: There are 48 there now. This is very confusing.

Mr. Lopata: That is why I look at it from the standpoint of density. Mr. Baeurle talked about parking and units which are related. You reduce the units, you reduce the parking count. That is the simpler way to approach the project. Every unit you remove two less spaces or three, if it is more than three bedrooms. Less commercial is also less parking.

Ms. Sheedy: Currently, according to this plan, there are 24 units.

Mr. Lopata: Plus the commercial space.

Ms. Sheedy: There will be under the current proposal 24 parking spaces.

Mr. Lopata: But, remember, those spaces are already there. They are not new spaces. They are there but the Learning Station uses them and the people – as someone mentioned - at 123 E. Main Street use them. I'd rather count that as zero.

Ms. Sheedy: I understand that. I am trying to picture what is going to be there.

Mr. Lopata: What is going to be there if this is approved or something similar is the same parking lot you have now except a building on top of it. To say in a lay person's terms, you have a building in the front, a building sticking out the back and the parking lot that is there now is going to have something on top of it and part of it uncovered. It is the easier way to try to understand it than try to do the math.

Ms. Sheedy: So, the Learning Station apartments and the Learning Station business, their net loss for parking will be what is under the footprint of the building.

Mr. Lopata: Yes, That is the point I made about zero. You can't double count.

Ms. Sheedy: I'm just trying to figure out what the parking was.

Mr. Lopata: They are using the air rights, which is unusual. The other place it was done is on Haines Street behind the diner. We did a somewhat similar thing there.

Mr. Begleiter: And the Washington House.

Mr. Lopata: Washington House added parking. They provided parking.

Mr. Begleiter: But, they used air rights.

Mr. Lopata: Correct, but they provided two spaces per unit. It is a little bit different animal. Although, they did build on top of a parking lot.

Ms. Sheedy: Isn't Campus Edge doing the same thing?

Mr. Lopata: They are not building on top of a parking lot.

Mr. Begleiter: They are just creating a parking lot under the building.

Mr. Lopata: Remember, here there are no new spaces. That is why this is a different animal, which, I think, explains why there's a large turnout.

Ms. Sheedy: I understand the concern with parking but I'm not sure who said it – it might have been Mr. Locke or Mr. Lang – there is a point where the more parking you provide, the more cars you are going to have. One of the problems with public transportation is that people won't take public transportation if you are constantly building more highways to eliminate traffic congestion. By limiting parking, you do limit the number of cars that come into an urban area without necessarily limiting the number of people that come in. So, I think the point was well made. I have to say that I appreciate after years of me saying we need something other than four bedroom apartments downtown, we are finally seeing the potential for something other than four bedroom apartments. I think that is something that fits in more with the Comprehensive Plan than some of the other developments that we have seen recently, which are clearly four bedroom apartments and where we have had discussions that potentially they could go to condos at some point, but four bedroom downtown condos are not ever going to be particularly marketable. So, I am very glad to see an application for something that has mixed units, if you will, one bedroom, two bedrooms and is not just four bedroom

apartments.

Ms. Dressel: I would agree with Kass also on the number of bedrooms. I think that is a huge improvement. Thank you for bringing that proposal forward.

Mr. Joe Charma: Landmark JCM. I am also a 38 year resident of Newark. I came here as a student, and I loved this town so much that I stayed here and raised my family here. I become very involved in this town. I have heard some things here tonight that have been discussed for the last 38 years of my life. Parking has been discussed for 38 years. What is happening downtown has been discussed. There are two proposals concerning parking. One is very close to starting, which will probably start next year. It will probably be completed within two years. Parking Lot #3 will add a one level parking structure that will double the size of that lot by 100 or so cars. There is also a proposal with a group that I am involved with for Parking Lot #1 behind the Galleria to do a structured parking facility. That is making a lot of headway. That is a little ways out, but when that structure comes on board there is the potential to add about 400 or 500 cars there. So, in the course of about five years you have the potential to add 600 parking spaces downtown. I don't think parking is going to be a problem for people to find a place to park. And additionally, I agree with Ms. Sheedy. If you want people to start using mass transit, you have to make those opportunities available. In other words, if you encourage them to bring cars, they are never going to use the Unicity bus or the University bus line or the DART bus or any of those opportunities. We have to look at those situations.

Also, with respect to owner occupancy. I have worked with Mr. Lopata and the Planning and Development Department. We were working on crafting an ordinance to encourage owner occupancy downtown. It is called the New Center Village Zoning Overlay. Its primary focus was Center Street to try to get owner occupancy to happen there. There are single family homes that are predominately rental properties. There may be one owner occupant that lives on that one side of Center Street. There are a couple of apartment building there. To date, it has not taken off, and the reason is as Mr. Lang mentioned, the market's not there. The suggested density for that from Mr. Lopata's research from other areas was 30 units per acre. We thought that was reasonable density to get things started. No one has taken advantage of that, which tells me that if you place the deed restriction of two unrelated occupants in the building, 30 is not the number. If you made it 60, you would get somebody to deed restrict and he could rent to two people until at which time he could sell. Those incentives have been put in place and it is not happening.

And, I take exception to a couple of comments that were made tonight. The first comment that was made that the developed properties have changed the character of downtown Newark. It is unpleasant and it is not a nice place to be. I take exception to that because the City of Newark just won a national award – the GAMS Award. The Great American Main Street Award. Newark was one of five in the nation. That tells me that we must be doing something right. Additionally, another comment that was made was, why are we accepting second rate projects and the economic viability is not there. I take exception to that again. Looking back to the GAMS Award, one of the statistics they looked at was Newark over the last five years. There has been over \$34 million of private money invested downtown in this downturned economy. That tells me that somebody is doing something right. For us to win an award and for developers and business owners to infuse that kind of capital downtown in a time when our economy is in the tank, we are doing something right. So, I urge you to carefully consider this proposal.

I think the parking issue will resolve itself. It is not placed on the City totally because there have been parking waivers that have been paid for over the years that money has gone into the City and I think that as time goes on these new structures are going to provide that additional overflow parking (if you will).

Mr. Begleiter: Mr. Lang, can you tell us when you came up with the new proposal that you presented to the Commission tonight? The one that is on the board right now.

Mr. Lang: It was thought about a couple of weeks ago in response to the proximity to the building to the Washington House in anticipation of trying to think about their concerns. Obviously, as a developer you want to be a good neighbor, you want to build a project that people are going to hopefully support and enjoy being a neighbor to. When we started looking at the design thinking about consolidation of the entrances as DelDOT suggested thinking about pushing it to the east side didn't seem make sense. Pushing it to the west side where it is located and in reaction to the meeting where we brought the plan out and discussed it in detail with the residents.

Mr. Begleiter: When was that?

Mr. Lang: It was last Thursday night, I believe, and after seeing Roy's comments about his concerns.

Mr. Lopata: He sees the report on the same day that you do.

Mr. Begleiter: You said earlier, twice now, that you have discussed the idea of another parking level under the building. When did you discuss that and with whom?

Mr. Lang: Rick Longo who was working with Campus Edge came to us and suggested a design which actually had two levels of parking and was a six story building mimicking Washington House and it had probably 50 units in it as it related to partially to the design he had come up with for Campus Edge. So, we thought that that building has all the parking necessary, but it is a huge structure. About two weeks ago we discussed the marriage of additional parking and adding another level. We actually had a small focus meeting with the Washington House residents at our request set up by Councilman Clifton. And we had a larger meeting with more residents last Thursday. And, many of those residents are here tonight.

Mr. Begleiter: So, you discussed the additional parking level and the change of the height of the building about two weeks ago. When you first stepped up to speak tonight you said that you had revised the height of the building down from four stories to three stories in the back and you said this was in order to accommodate, in part at least, the request of the Washington House residents for the view from their upper levels.

Mr. Lang: The issue you have when you attend a focus meeting, is each resident has a particular concern based on where they live in the building. One resident is concerned about his view of the front corner of the building, one is on the fifth floor and wants to see what the roof looks like, one is on the third floor and wants to know what is next to him. So, as a developer you are trying to absorb this information and figure out which ones are the most important. Initially, we only had a very small group the first time we met and we talked about the additional level, and Bob and Bruce said no, we don't think that will be very well received. We think having the building bigger would actually be a negative not a positive. So, we reacted to that and said that doesn't make sense and we will continue along be moving the building further away. That's part of the problem of addressing a group and trying to figure out what the common concerns are.

Mr. Begleiter: Roy, When was the first time you saw the proposal that came before the Commission tonight?

Mr. Lopata: Jeff showed me a sketch shortly after my report went out which was last Tuesday. I presume there also was a sequence of meetings that Mr. Lang is talking about with the residents. In this regard, we advise applicants to never change plans after they are advertised. As you know, this has happened several times, and we have pushed the meeting off. We simply say, fine, let's discuss it at a later meeting because I am already working on my report and I want to be writing about plan A not plan B. So, we say, if you want to bring another plan to the Planning Commission, that's fine but you run the risk of being tabled, which is typically what happens when you bring a plan, with this much of a variance for the plan that we reviewed. We obviously didn't have a chance to do a formal review of the latest plan.

Mr. Begleiter: Speaking as just one member of the Planning Commission and I would

not presume to speak for any others, but I had a week to review this proposal during which it seems apparent, another proposal, the one we are actually asked to vote on tonight, was already in the works being designed and maybe had been designed, had already been discussed with neighbors and representatives of the neighbors, and I'm confronted with the situation of having to consider a proposal that I knew nothing about until ten or twenty minutes into the meeting tonight.

Mr. Lopata: Which is why I tell applicants that although it is a moving target that they are reacting to community issues that once they do that they run the risk of getting tabled.

Mr. Begleiter: There is nothing wrong with reacting.

Mr. Lopata: There is nothing wrong with getting tabled.

Mr. Begleiter: Is there any precedent in the City of Newark with your nearly four decades of experience here for considering a standard of bedrooms per acre vs. units per acre. And, bedrooms per acre is not something I invented but the developers in this project bring it to the Commission tonight as a standard which they advocate. Have we considered that before in the City?

Mr. Lopata: No, that's a new approach to density. Council is discussing this issue and we are going to be talking about some Code changes. We found some University communities that actually calculate density by bedrooms per acre. That was in some of the material that Council saw at the August 22nd workshop. Having said that, we have never done it here and it does raise all sorts of complications.

Mr. Begleiter: One of which was raised tonight by Mr. Lang himself when he pointed out that although he is advocating a bedrooms per acre standard, he, in fact, hadn't calculated the number of bedrooms that would or could be present in the building he is proposing. He said that a couple of times tonight.

Mr. Lopata: I prefer to use gross density because it is the easiest. We have had that discussion, too, here – net density vs. gross density. But, to compare apples to apples, you should almost always use gross density. Having said that, as we go forward, putting this project aside, we may need to begin to look at this in a different context because even though we have been doing it for 40 years, doesn't make it the right thing to do.

Mr. Begleiter: Considering what we have just talked about and the newness of this proposal to at least this one member of the Planning Commission, are you in the position tonight to give us the equivalent of your report that you gave on the now overshadowed proposal? Are you able to go through it with us tonight and make your recommendations on the basis of the proposal we are seeing for the first time tonight?

Mr. Lopata: No.

Mr. Lang: Roy's recommendation was to reduce the density and to move the building further away from Washington House. We have reduced the density and moved the building further away from Washington House. Exactly what was requested in his recommendation. So, if you follow his recommendation in the first place, you guys would have directed us to do that anyway. So, we have done it in reaction to his concerns and the Washington House's concerns in anticipation of your review. That is why we've done the detail we have done. We could have not done any detail. We could have just come to the meeting, talked about it and went home for a month and played around and come back with this design, but we actually have a design that can be reviewed based on the recommendations of the Planning Director and merits can be assessed based on it.

Mr. Lopata: Mr. Lang is correct. This plan goes in the direction of things that are certainly suggested in my report, but to answer the Chairman's question directly, I'm not in the position to do a full scale evaluation that a report would normally entail.

Ms. Sheedy: Like you, Ralph, have a thing for overhead utility lines, I have a thing for more diversity on Main Street for residents. One of the members of the public

commented on Main Street becoming unpleasant because of the apartments and food places and pretty much, that's all. One of the things that I think has lead to that is virtually everybody who lives on Main Street is a student because of the four bedroom apartment buildings. One of the reasons why I keep talking about more residential diversity on and around Main Street is because as we have that we will have more commercial diversity on Main Street. Quite frankly, I don't think the Stone Balloon Winehouse would be there if Washington House wasn't there. Something would be there but it would not be the Stone Balloon Winehouse, which I dearly love and patronize as often as I can afford and am very happy it is there. I think one of the things we need to consider is, as we encourage developers to do something other than the four bedroom eight student apartment that will have an impact not only on what kind of residential facilities are available in the Main Street area, but also, on what kind of businesses are going to be attracted and on creating diversity in the commercial development.

Mr. Lopata: Mr. Begleiter, before there are any final comments, if I could just take the liberty of making additional comment. This is more personal than having to do with this project tonight. Some of you may know that there will only be four more Planning Commission meetings before I retire and because we seldom get a crowd this large, I want to first of all, thank you for the thoughtful comments we heard tonight. As some of you on the Commission may know, sometimes we get some not so thoughtful comments. But, it is this kind of discussion that is like a civics lesson and the kind of thing I will miss – people thinking about a project, making reasonable comments, pro or con. I think you all ought to be proud of yourselves for illustrating the way representative democracy, in my view, ought to work. The fact of the matter is that every single one of you who spoke seems to have given some thought to it including the applicant. I think that you all should be proud of yourselves.

Mr. Begleiter: We need a motion.

Mr. Lopata: If you make a motion to table or go forward or whatever, I would suggest that you include some direction, which will be helpful, so that the applicant has some sense of which direction to go. If you recommend in favor of it, that's fine or against it, that is fine, but if you do recommend tabling, it is always helpful to say you're tabling with the suggestions.

Ms. Brown: I would suggest that we get pictures of what we are supposed to be approving. You are talking about a wall to direct the line of sight. You are talking about three stories in the back. You are talking about the parking lot. The only thing we have really seen is what you have up there – a little far to see. I want to thank you, because this was not always the case, for going to the Washington House and the neighbors and talking with them and having forums and listening to what they have to say. I do have one question. How will this affect the parking for the Learning Station that is on Main Street.

Mr. Begleiter: I think that has been already covered this evening. We talked about it at least twice.

Ms. Brown: Are the people going to park in the parking spaces back there?

Mr. Begleiter: They don't lose any spaces. They are the same spaces. The very same spaces that are there today will be there tomorrow. They are just going to be competed for by more people.

Ms. Brown: I think we should see some more things.

Mr. Begleiter: Is there anyone who would like to make a motion?

MOTION BY BEGLEITER, SECONDED BY SECONDED BY DRESSSEL TO TABLE THE 132 E. DELAWARE AVENUE PROJECT WITH THE FOLLOWING DIRECTION TO THE DEVELOPER:

- TAKE THE PLAN HOME FOR A MONTH AND PLAY WITH IT,

- FIGURE OUT THE QUESTION OF YOUR BEST RECOMMENDATION FOR WHETHER TO INCLUDE A SECOND LEVEL OF PARKING OR NOT. TAKE INTO ACCOUNT THE FACT THAT YOU CAME IN TONIGHT WITH A PROPOSAL THAT WAS FOUR STORIES HIGH. YOU REDUCED IT TO THREE STORIES HIGH THEN TOLD US YOU WOULD HAVE PUT IT BACK TO FOUR STORIES WITH A LAYER OF PARKING UNDERNEATH IT. A PROPOSAL TO THE COMMISSION. I SUGGEST THAT IF YOU WANT TO USE THE FORWARD LOOKING MEASURE OF BEDROOMS PER ACRE AS YOUR STANDARD OF DENSITY THAT YOU FIGURE OUT THE NUMBER OF BEDROOMS IN YOUR PROPOSED UNIT AND MAKE A PROPOSAL TO THE COMMISSION THAT INCLUDES THAT MEASURE. OBVIOUSLY, SINCE UNITS PER ACRE IS THE CURRENT STANDARD FOR THE CITY, IT WOULD MAKE SENSE FOR YOU ALSO, AS YOU DID TONIGHT, TO PROVIDE THAT SAME MEASURE AS WELL.
- I SUGGEST THAT YOU ALSO WORK ON THE OTHER PIECE THAT YOU MENTIONED EARLY IN YOUR PROPOSAL, WHICH IS THIS QUESTION OF POSSIBLY UNITING THE WASHINGTON HOUSE AND THIS PROJECT'S DRIVEWAY ENTRANCES WHICH YOU SAID YOU CONSIDERED EARLY ON BUT THEN DIDN'T CONSIDER BECAUSE YOU CAME IN WITH A DIFFERENT PROPOSAL AND NOW IT IS BACK ON THAT SIDE AGAIN.
- A PROPOSAL COMING TO THE COMMISSION OF THIS SIZE AND NATURE AND SENSITIVITY ON A VARIETY ASPECTS; PARKING, DRIVEWAY ENTRANCES, DENSITY, THAT KIND OF PROPOSAL DESERVES THE KIND OF DRAWINGS WE NORMALLY ARE ABLE TO SEE A WEEK BEFORE WE TAKE IT INTO CONSIDERATION.
- THAT THE DEVELOPER STICK TO HIS PROPOSAL TO REDUCE THE DENSITY OF THE PROJECT. I THINK YOU ARE MOVING IN THE RIGHT DIRECTION THERE. THE PLANNING DIRECTOR HAD SUGGESTED THAT AND YOU HAVE MOVED IN THAT DIRECTION SO YOUR NEW PROPOSAL SHOULD STAY IN THAT DIRECTION AND NOT MOVE IN THE OPPOSITE DIRECTION.

Mr. Lang: The dynamics of the project, obviously, we can provide a side elevation. We have side elevations which we didn't give you because we decided to add the roof line which I showed a couple of the Commissioners. So we can show a side elevation. We actually showed a side elevation to the Washington House of the four story building. The way the project is either going to be reinvented or played around with or not relates to the parking and the deck. I don't think we need a deck. I think based on Joe's comments and all of our comments that we don't need a deck. If your direction is to supply a deck because that is what you all as a group think, we will take that under consideration. But, here again, one position of one Commissioner out of six like I was getting a position from some Washington House residents but not necessarily the majority. So, how am I supposed to react to that other than, okay, here is my drawing again, here's a side elevation a month from now, let's take a look at it. I agree with you that I could change it. We can add a deck, but is that at your request?

Mr. Begleiter: Your actual words were, "I'd be happy to add a deck." If that makes you happy, then add it. Make a proposal that makes you happy. If it doesn't then don't.

Mr. Lang: Which is why we decided that we discussed those points at length and other people discussed their concerns at length. What is the direction of the Commission with regards to adding additional parking or not because that is the only major difference it is going to impact. We have already made the other changes and we can do more work to analyze the bedroom count.

Mr. Begleiter: The density makes a difference to the parking, too.

Mr. Lang: If parking is tied to units and not bedrooms, the parking ratio doesn't change at all either. The waiver doesn't change because it's not tied to bedrooms, it'd tied to units. I can come in and recraft the Code for Mr. Lopata and explain that I shouldn't be subject to 51 or 43, I should be subject to 23 and here's my argument for it, but that is a

whole other discussion point. We don't need to go in that direction, but I just need to understand your direction as it relates to that motion with regards to the parking deck. If you want to see the parking deck, we will take it under advisement and either come back with a design that you would like with a deck or if you don't support the deck, we won't support the deck either.

Mr. Begleiter: I'm personally not going to add to the motion any more direction on the parking deck. There's a record. This Commission has voted for a parking deck in the last project we approved. There was another parking deck proposed on the last project we didn't approve. So, you have precedents in both directions. I have asked other members of the Commission to comment. Some have chosen to do so and others have chosen not to do so. We have a motion on the floor and there is a second. If the Commission doesn't want to endorse it, the Commission can vote it down and we will move on from there.

Ms. Dressel: Can I make a comment about the parking.

Mr. Begleiter: It is not debatable at all.

Mr. Lopata: It's Robert's Rules.

Mr. Begleiter: It is alright to vote against the motion if you think we need more discussion.

VOTE: 5-1
AYE: BEGLEITER, BRILL, BROWN, DRESSEL, JOHNSON
NAY: SHEEDY
ABSENT: BOWMAN

MOTION PASSED

As there was no other business, the Planning Commission adjourned at 8:45.

Respectfully Submitted,

Elizabeth Dowell
Secretary, Planning Commission