

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

June 5, 2012

7:00 p.m.

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

Chairman: James Bowman

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

Staff Present: Maureen Feeney Roser, Planning and Development Director
Carol Houck, Interim City Manager
Robert Uyttebroek, Finance Director
Mike Fortner, Development Supervisor

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

1. THE MINUTES OF THE FEBRUARY 7, 2012 PLANNING COMMISSION MEETING.

Mr. Ralph Begleiter: I have one typo on page 29 in the third paragraph, second line at the end it says, "Zoning can be changed at any time as if has. . ." It should be . . . as it has. . ."

Ms. Peggy Brown: Page 15, about six paragraphs down, ". . . security lighting but not be invasive . . ." Be should be inserted.

MOTION BY BEGLEITER, SECONDED BY JOHNSON, THE MINUTES OF THE FEBRUARY 7, 2012 PLANNING COMMISSION WERE ACCEPTED WITH CORRECTIONS NOTED.

VOTE: 7-0

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

NAY: NONE

MOTION PASSED UNANIMOUSLY

2. REVIEW AND CONSIDERATION OF THE 2013-2017 CAPITAL IMPROVEMENTS PROGRAM.

[Secretary's note: Ms. Houck and the Planning Commission referred to the visuals brought to Planning Commission for the presentation of the CIP].

Ms. Carol Houck: I am pleased to be here. I am Carol Houck for those of you who don't know me. I am currently serving as the Interim City Manager. Prior to holding this position, I have been for 15 years the Assistant to the City Manager and with the City seven years prior to that. I thank you for the opportunity to share our Capital Improvements Program and answer questions that you may have along the way.

To begin, before I go to the slides, I wanted to suggest that while 2013 may be the most crucial year for us to get right, the out years will require continued evaluation and focus. In the coming five years. I think we are going to focus heavily on our spending levels in relationship to stagnant revenues, our staffing and department make up, and I will point out to you that over the next five years we have the potential of losing to retirement a large number of our department level staff and those that serve right under them just because of the time they have had in their jobs. So, with that we will have some opportunities as well as some challenges to face. Greater efficiencies need to be looked at for equipment and personnel deployment as well as our service provision.

This is the overview of my presentation. We are going to go over the goals of the CIP. We are going to talk about our planning process, how we got to this point. We are going to look at a comparison between 2012 and 2013. We will look over our expenditures by departments and their funding sources. And, we will take a glance at the five year Capital Program, which was shared with you last week. I will share information on significant projects and initiatives and I will finish with a look at some of the out year projects. Then I will turn the presentation over to Rob Uyttebroek who is our Finance Director of almost six months. He will handle the financial forecast. If you have questions as we move along, please feel free to interrupt me.

As you know, the primary goal of our Capital Program is to improve our physical framework. Essentially, our CIP represents the backbone of our municipal government – the streets, the sidewalks, the parks, the parking facilities, our municipal and police buildings and our utility infrastructures. Additionally, the Capital Program allows us to support the provision of services to the city's residents - the things that help maintain the quality of life in our community. Public safety, our fleet of vehicles, information technologies that support our operations, and waste disposal are some examples. We need to do all of this while we protect our financial strength or by making timely and appropriate decisions about our projects and our services.

Now, to the planning process. Late last year our departments prepared project estimates and justifications. In March, our Finance Department prepared its initial financial forecast. In April, I met with department directors and our Capital Review Team to fine tune the CIP in light of our policy direction and priorities. We started to make decisions and changes. We started to make sure quotes and pricing were correct. We are here tonight to present the results of this process to you our Planning Commission. We hope to hold an August public hearing on the proposed CIP and we hope to have the Council action on the CIP in September.

This next slide shows the comparison of the general fund departments from 2012 to 2013. In 2013 our general fund departments will spend an additional \$765,000 over the 2012 figures, and we will fund this level of spending with Capital reserves, vehicle replacement funding, and grants and donations. The balance will come from our current resources. The level of vehicle replacement funds being used increases by \$558,000. This is primarily due to the need to replace some larger equipment such as trash trucks, a swap loader and large mower.

The next slide shows a comparison of our Enterprise Fund Department – our Utilities and our Parking Division from 2012 to 2013. In 2013, our Enterprise Fund Departments will spend 53% less than in 2012 or \$2.6 million. Don't worry, though, if you have looked at the five year plan, they will make up for it in the next couple of years. We will fund this through our Capital reserves and our vehicle replacement. Again, the balance will be funded from current resources. Of special note, however, is the fact that we did not move forward with the parking deck that you will notice in the 2012 program, the \$3.4 million listed under other financing sources at the bottom. We did not move forward with the project because the technology just wasn't proven in the US and we have other opportunities that we are pursuing regarding parking.

Here we find our internal service department comparison for 2012 vs. 2013. Essentially, it is our maintenance or our improvement of our facilities, our structures and our vehicles that handle our maintenance. We are planning to spend \$17,000 more in 2013 over 2012. And, if you move to the very bottom, the comprehensive CIP for 2013

represents just under a 24% decrease from the 2012 Capital Program or \$7.2 million. Funding for the overall program will come from Capital reserves, vehicle replacement funding, grants and donations and, once again, the balance from our current resources.

The next slide is a pie chart with our gross capital expenditures by department. The biggest portion – Public Works – is driven by our streets program (\$1.3 million) and equipment replacement. Again, we have some big vehicles that we will plan to replace in 2013. This represents approximately 1/3 of our 2012 Capital Program. Secondly, our combined utilities make the next largest slices – water and electric – and when we add the sliver of sewer in, again, we are at another 1/3 of our CIP. Last, Parks and Recreation represents a one time funding need for the Curtis project a project a long time in the making. The City of Newark purchased the property in 1999.

This next pie chart shows our funding sources for the CIP in 2013. As you can see, we rely heavily on our revenue streams, our current resources to fund our Capital Program, and the balancing necessary between the Capital and Operating Programs becomes very obvious. Our planned savings for vehicle replacement are very important with it making up 15% and \$1.1 million in 2013. Grants and donations 10.9% and capital reserves at 4.6% making up the balance.

The next slide shows our five year program as presented in your binder. If we move down the page to the bottom, again, we come to the comprehensive CIP for 2013 (\$7.2 million). As you look across the bottom, you will note that we have some spikes in 2014 and 2015, and I suggest that efforts will be made over the next year to reconfirm our out year needs and costs with an eye towards reduction where feasible.

Now, I would like to share some information on our significant projects for 2013. These are some of the higher cost projects – some of the things we do annually. The street program. Most of you are familiar with this. Right now we are expecting to spend at least \$1.3 million over the next five years. This project for 2013 anticipates municipal street aide of \$385,000 and community transportation funds both from the State of \$130,000, with a balance of \$785,000 required from our current resources. The next project, \$802,000 for the Curtis Mill Park. It is a lot of money with an overall project cost of \$1.8 million. However, I am happy to say that we anticipate \$900,000 will come from non-Newark monies. We have already been approved for a grant of \$250,000 by Delaware Land and Trust Fund. Another \$250,000 will be requested for 2013 and we have estimated that Brownfield reimbursement funds that are eligible to the site since it is a certified Brownfield will be in the range of \$500,000. We have also already been in touch with State legislators for some help with some intersection improvements that will be made along Paper Mill Road that will become the new entrance to the Park if it is approved. Although, it is a lot of money, it has been an eyesore to the community and we pushed hard to get other funding. We are hopeful that this project will become a reality.

Water main renovation \$500,000. This is a continual replacement in lining of our mains to reduce line breaks, improve the quality and the flow. Water tank maintenance is a necessary maintenance ongoing and annual. Vehicle replacements, \$1.1 million. This is planned funding for the replacement of fleet vehicles because we know we are going to have to replace the vehicles so we fund for it. I mentioned earlier, we have some high cost vehicles in 2013 – a bucket truck at \$210,000, a one man packer at \$258,000, a swap loader at \$230,000 and large cut mower at \$93,000. The cost of equipment is increasing continually.

Last but not least are our repairs to our concrete tank. I am happy to say \$450,000 is a lot of money our original figure was \$1.2 million. I want to use this as an example of the efforts that we will make over the coming year to reduce or fine tune some of our out year estimates. Originally, the \$1.2 million was to replace the lid of this tank. It was thought that that would be the only option, but research, additional eyes looking at it, and contact of references resulted in a change of plans and the rehab of this existing tank will cost us about \$450,000, and we will get about 15 to 20 more years of life. Standing here today, I'm not sure which projects would have been cut if we had to spend \$1.2 million on this one project. You can imagine that some of the projects I have already presented would not have been here in the program.

Now, I would like to share some significant initiatives for 2013 that are not extremely high cost but as far as I am concerned they are very high in value to our organization and our community. To begin, the Chrysler site substation upgrades. This is the initial work for the progress at UD Science, Technology and Advanced Research (STAR) Campus. Second, Cherry Hill Manor Service Road – we have a \$350,000 estimate to repair the Cherry Hill Manor Service Road. We are going to approach this much needed project as a public-private partnership as 50% cost share between the homeowners and Newark. The tree pit replacement on Main Street, \$100,000. For this project, we have replaced some already and original plan was to do this replacement over seven years. That is unacceptable to me. We are going to bite the bullet, and get this completed once and for all because our award winning Main Street deserves it and the people that are tripping over our existing condition can't wait that long. So, we fit it in. Building security improvements - \$45,000. We are sitting here today at a meeting and the front doors are open and anybody can come in and they can basically can get anywhere in our building they want. We have been fortunate. We have not had any problems, but we have some things in place to be able to secure the building. And, it is not easy because our building was built at a time when everything was open. The building was designed to be a wide open building. But, we are going to be able to come up with a way to be able to secure the rest of our facility and still allow meetings like this and many other meetings to occur. We are also going to make some moves towards knowing who is in our building while we are open. Most public buildings that you go to, you sign in and say where you are going or you are greeted in some fashion. We have not embraced that. We are going to embrace that. We will move to card access. Currently, we use keys for everything. This project will retrofit all of our doors in the building so that we will have card access with administrative capabilities and the ability to control access. We will no longer have to worry about people getting additional keys cut or lost keys. If someone leaves employment, we simply deactivate the card. That is another one of our security efforts. Last, but not least, vehicle GPS - \$30,000. That will allow us to put GPS on 115 vehicles allowing us to gain better understanding of our fleet with a goal towards using the fleet better, understanding our needs better, and to use that information as a decision making tool when we are deciding about staffing levels, vehicle needs and such.

Significant projects in the out years. Substation upgrades at the Chrysler Plant, \$1.8 million in 2014 to meet the additional needs that we anticipate as the site grows. A new substation addressing our anticipated increase to our electric loads, and SCADA and automatic switching. This is multi-year project to add all of our substations to the SCADA system. It allows for solving problems sooner, reduced outage time, the ability to switch the circuit from one to the other when we are experiencing problems. Raceway improvement and dam replacement - \$2 million – between 2014 -2017. Again, these are planned improvements to ensure we can get the water we need to the plant at the reservoir. Water main renovation, water tank and at the top of the second column sanitary sewer study. They are all continued improvements to our aging systems. The annual street program. Again, anticipating \$1.3 million will be necessary to maintain our streets each of the next five years. Park improvement. Across from the reservoir Old Paper Mill Park (that may be its name, I'm not sure, also known as the old Moore farm) we own it. We hope to develop it. This is the estimate, and it is slated for 2016-2017. We hope to be able fund it. Replacement and repairs to our hard surfaces from 2014 to 2017, our tennis courts, our street hockey courts, our trails, our parking lots. Those are the projects in the out years that I wanted to share a little bit about.

I will be happy to answer any questions that you may have about any of the projects.

Mr. Johnson: You have a sanitary sewer study over three or four years – 2014 – 2017, \$1.7 million, what encompasses a sanitary sewer study that takes three years?

Ms. Houck: Actually, it has already been going on. This is the continuation and they have been studying certain areas where we have trouble, maybe where we don't have enough sewer capacity and making changes in pipe sizes. We also have an area that has had some repeated concerns (Rahway Drive area) and that is starting to be looked at now as we speak with a goal towards being able to improve what is underground so that it can better handle the needs of the certain areas. But, it is a continual study. Of course,

Newark has grown. We have done some work on our sewer infrastructure. Not enough and this is, basically, getting caught up so that we can actually handle the flows that we are seeing.

Mr. Johnson: Is this an in-house study?

Ms. Houck: We have an engineering firm (Pennoni Associates) that is on call for the Water and Wastewater Department and they have been helping us with some of the limited engineering studies that need to be done as well as some of the smaller projects that are able to be handled by our own Water Director and assistant.

Mr. Bowman: Just a comment, Carol, and I have made this comment before. One of the things that we don't see under public safety, and it's both a blessing and maybe not so much, is that we see only police. We do not see fire protection. Now, the City is blessed by the fact that it has been served now for well over 100 years by a volunteer fire department. In full disclosure, I am a longtime member of the Aetna Hose Hook and Ladder Company and I don't profess to speak for them at all. I am not authorized to, but I would like to point out as a member of the volunteer fire service for over 50 years, that in terms of capital improvements, that item never appears in our Capital Improvements Program, but what I have encouraged in the past is that we need to keep that in mind because of several things.

The volunteer fire system in the United States is getting stressed. It is stressed economically, it is stressed for people, recruiting and retention is becoming more and more difficult as people have more and more things to do in their lives besides spending 50 hours a week to volunteer in active fire service. For an example: The department here in Newark responds to close to 10,000 calls per year for assistance. Now, not all of those are in the City, but 3 out of the 4 fire stations that Aetna Hose, Hook and Ladder Company operates are within the city limits of Newark. Within the last two years, the Company has invested well over \$1 million to replace two pieces of equipment. So, I encourage those of you that are here today to remember that that service is something that pretty much is out of sight and out of mind. Unless you are getting an envelope once a year in the mail to cough up some bucks, and I will say that the City does support the Company with funding and with some services, but it doesn't come anywhere near close to what it costs to provide fire service to this community and the surrounding district. Please keep that in mind and I would like to see that on the radar screen. Who knows, five years from now, three years from now, four years from now those people in Aetna Hose Hook and Ladder may say, gee, we are tired. We don't have enough bodies to do this job any more, you have six months to come up with something City of Newark and County of New Castle and/or State of Delaware. That is a fact of life right now. It is just one that we don't see very often. I appreciate the opportunity to make the comment, but I feel that I have to do that every now and then to make sure we see another major aspect of public safety that we generally, in the City of Newark, take for granted. Thank you.

Mr. Houck: I appreciate you mentioning it and absolutely we are very fortunate to have the quality dedicated servants in Aetna that we do. I appreciate you bringing that to my attention.

Mr. Begleiter: Please help me understand the parking situation. Why isn't the parking project included in your list of significant projects in the in years or the out years.

Ms. Houck: We are currently in talks, and Maureen can share some more information, with some development groups that are looking at a parking project. We do not have any costs available at this point in time. If construction does occur during this year or next year, we would have to bring forth that information, but right now we are looking at opportunities to do something with parking that would require limited funds from Newark. We are hopeful that that will become available. It is confidential at this time because of the nature of it. However, we are hopeful that there is a development opportunity that will provide additional parking to us without the City having to fund it in a large CIP.

Mr. Begleiter: Can the University of Delaware pay for any of the \$1.9 million of improvements required by the Electric Department to service that campus? Has that been part of a negotiation that has already taken place and this is what is left for the City to fund?

Ms. Houck: This is, basically, what is left. There was a large State involvement. We are also currently in negotiations to sign an additional long-term agreement with UD for electric service. You may have heard in recent weeks that we were nine municipalities that signed an MOU with the Governor's Office. The City of Newark was well placed for three of the items that were included in the MOU in that we have already achieved or near achieved three of the item; one being that we would not transfer funds in excess of 2012 funds for the next five years from the electric fund to the general fund. That is an \$11 million figure that we would be held to.

Mr. Begleiter: I remember those from reading your narrative. I was just curious whether this is what is left for the City to deal with.

Ms. Houck: This is what is left. And, to finish up, we had to create an economic development rate. We already had one. We also had to reduce our electric rate by 10% by December 31, 2014. Newark has already reduced ours by 9.5%. We expect the additional. 5% will come around in 2014. And what we got for that is the Governor will not support "Choice," which means people that are in the City of Newark will have to get their electric from the City of Newark. That was a goal and it is something we are fortunate and happy to accomplish.

Mr. Begleiter: Still in connection with the Chrysler site, I noticed that the improvement project listed in the plan calls for a new aerial circuit on the site. Was a non-aerial circuit considered for this; and, if not, isn't that a missed opportunity on a site that is basically starting from scratch.

Ms. Houck: I believe it was considered and it was very expensive. I also believe there were some constraints due to location and high level utilities in the area that this was deemed to be the best solution.

Mr. Begleiter: Still sticking with electric for a minute, I want to confirm, I looked carefully but may have missed something, is it accurate to say that there is zero funding budgeted for this CIP for any improvement of utility aesthetics in the City of Newark?

Ms. Houck: That is correct.

Mr. Begleiter: In connection with the sidewalk tree pits, can you remind me when those were installed, the ones that you said were tripping people on the sidewalk?

Ms. Houck: I would be guessing but it is probably seven to ten years. I am going to be honest with you, they were never a good design. They were never attractive.

Mr. Begleiter: And some of us raised that point at the time they were installed.

Ms. Houck: I wish we had listened.

Mr. Begleiter: So, when we project in some of these projects, we project life expectancy. In this case, I hope we are actually taking a hard look at it and saying, yes, these are going to last the full life expectancy and not have to be removed to avoid law suits.

Ms. Houck: Exactly. And, there are some in place already. That is the goal, yes.

Mr. Begleiter: Can you just briefly explain to me again. I have read it and want to try to understand it. How does the City define the difference between a tax and enterprise fund?

Ms. Houck: Mr. Uyttebroek will respond to that question.

Ms. Brown: We are spending, it seems like, a significant amount of money especially for the Curtis project. Have we studied usage of all the various parks. And, if we have, are we planning to put in things that are already being used in other parks.

Ms. Houck: Curtis will be a fairly low key park. It will be a link to the trail system, the Pomeroy Trail which links to the Hall Trail which will link to regional trails up into Pennsylvania. We had originally, through many public meetings, wanted to add things that we don't have in other parks, things that members of our community have been asking for, such as skate spots and things like that. People living near there were not thrilled with that. That got carved out. Parks and Recreation does keep very good statistics on usage. The Hall Trail is very heavily used. We anticipate the Pomeroy Trail, which will link to this park and then get people other places, will be just as successful. As far as putting things that we have other places, the site doesn't allow for a lot. It is mostly in the floodplain. We didn't want to build too much as far as structures there. The property that is across from the reservoir is one of the properties that we see as adding additional ball fields, basketball courts, and possibly a skate park, different things we are hearing from the community that they are interested in. Does that answer your question?

Ms. Brown: Yes, my primary question is, if we put these things in, improve these things or add to them, will they be used?

Ms. Houck: We believe so, because there is a State push for this whole regional trail system, which we are situated right in the middle of and we believe that this is going to be a quality link to the whole overall project.

Ms. Brill: How are projects prioritized within a department and between departments?

Ms. Houck: Our department directors do a really good job of managing what they see as coming as far as their department is concerned. They come to us with their projects prioritized. We, then, are faced, once we finish questioning them and asking for additional information or research, with putting all of the projects together and prioritizing. That takes place over numerous weeks, as well as sometimes calling different departments in again to fine tune things and determine if we can wait a little bit longer. Departments often do work together. For instance, we have some work going on this year with paving and we are coordinating that with water projects that we are doing so that we don't pave the road and then go into next year and rip it up to do a water project. So, we are doing a lot more of that type of interaction. But, basically, it comes down to the level of funding that we think we will have, and prioritizing the projects as best we can to continue to maintain our infrastructure as well as provide the services that our community is accustomed to. It is not easy.

Ms. Sheedy: One of the things I don't see here – and it may be somewhere in the budget – is any expenditure to retrofit, improve the physical facility of this building and the Police Department building in order to reduce energy consumption.

Ms. Houck: I am happy to say that I have a really great answer for that. In 2010, we were fortunate to receive \$147,000 of Stimulus Funds, and we were able to replace all of our lights in the building and all of the windows to be more energy efficient. We also put sensors in our offices so lights go off if people don't remember to turn them off. We also put LED lights up and down Main Street. We did a lot with \$147,000. Secondly, we currently have a project going on in this building, the Police building and in some of our other facilities (water plants) to put in energy efficient improvements. It is a guaranteed performance contract with Honeywell where we pay for the improvements with the savings they produce. It is a \$550,000 project that is underway. They are in our buildings making the changes right now. The cost of the energy savings will pay for the loan we had to get to do the improvements. You may have heard about a project that is possibly coming up. Again, it is not in the Capital Program. It would also be a guaranteed energy performance project if it goes forward and it is a smart meter project. It would be to change out all of our electric and water meters. There would be wireless capabilities within the City. Whether they would be just for City or the general public, we still don't know at this point in time. It would certainly allow us to be more efficient in our Codes

and Police Department so we can reduce costs for their laptops and the wireless for that. So, these things are actually being studied right now. We are going through the process and hoping to be at Council by July 23rd with a package to see if they want to move forward and if so, what do they want to include in it. It would be funded through the savings over a period of 15 – 20 years. So, we do have a lot of things in the works to address that.

Ms. Sheedy: Excellent. Thank you.

Mr. Begleiter: Weren't the meters just replaced a couple of years ago?

Ms. Houck: We have replaced meters here and there. This would be having everything replaced if they have been broken or reached a certain age where they are no longer capturing the right information. The smart meters bring the information right into us. It also allows home owners to actually know a little bit better about their usage,, and maybe conserve more. What exactly the project is going be, I don't know yet. I'm hoping it is the whole ball – everything, but we are just going to have to wait and see until they have finished their audit. Honeywell is doing an audit right now and they will present the opportunities to us and then Mayor and Council will have an opportunity to decide.

Mr. Rob Uyttebroek: We have a general fund – Finance, City Secretary, Parks and Recreation, Administration, Planning and Development, Police Department and Public Works. We also have Enterprise funds also known as proprietary funds. We have four of them. We have Electric, Water, Sewer and Parking. As the name describes it, they are business activities. They have retained earnings. They build up these retained earnings, but they also transfer funds to the general fund. The general fund is about \$28 million. \$14 million comes from revenue generated through general fund activities, taxation, (inaudible) fines and departmental revenue, intergovernmental revenue from the State of the federal government. We also, as I said, take \$14 million from the proprietary funds for utilities. To gauge the size of our utilities, our electric fund has over \$51 million in gross receipts, parking \$1.4 million, sewer \$6 million and water \$7 million. There is over \$65 million in combined receipts being generated by our utilities. In the past we have swept what was needed to balance out the general fund, but now we are imposing caps, some internal, some external through the Governor's Memorandum of Understanding. So, we are going to be restricted on general fund activities going forward, which is something we have to be on the watch for. We have ramped up the process of presenting the CIP by a month to six weeks.

We are going to fine tune the revenue forecast as we proceed through the calendar year and fiscal year. We may have to come back and revisit the Capital Budget if things don't work out. We issued a new rate structure for electric last July. So, we still don't have a full year on data. We had four rate categories and expanded them to seven. So, we are still collecting data and the whole electric utilities is an interesting facet. Natural gas is dropping so our cost to purchase power, we believe, will be quite reasonable for, it could be, for generations. One way to increase our revenue is through consumption. So, we need to increase consumption. A warm winter kind of hurts things for us this year in our data collection and, hopefully, a hot summer will generate increased revenues so we can have a pretty good series of data.

Mr. Begleiter: This is why you are installing new meters and thermostats and things to control energy use.

Mr. Uyttebroek: Well, we could have that ability to control but it is more with the homeowners getting more information. We could also do disconnects remotely on the electric side. It will greatly enhance our operations.

Let me go into the general fund. We are going to make some assumptions. Again, the general fund is limited to taxes. Taxes generate about \$5 million in revenue. In my forecast, we are going to increase tax collection by 3%. That will entail a 5% increase on the tax rate or about 3.5 cents. It could generate about \$200,000 or \$300,000 more in general fund revenue. The real estate transfer tax and franchise tax shall increase 1%. Basically, we think that we reached the (inaudible). Licenses and permits shall

increase 1%, but there is something hanging over us. We have a law suit that has to be settled and that may impact that revenue stream going forward. Fines, forfeits and costs Court fines in the last couple of years they have been trending pretty well, increasing every year. I hope to see an increase in that of 2%. Interest, dividends and rents should increase 1%. Rates have to go up sometime so, hopefully, 2013 will be the year that rates start tinkering up. Other departmental revenue shall increase 1.9%. Intergovernmental revenue should increase 1%. Our general fund revenue should increase 2%.

Electric fund – it is a new rate structure so we still haven't had a year to see what that new rate structure entails. We have also established a rate stabilization adjustment or revenue stabilization adjustment. In January of this year we reduced electric rates by 9.5%. Everyone seeing a credit of 1.3 cents per KWT hour on their bill. That must be reviewed going into 2013. There are three components: one is the reduction in the cost of purchase power. We know that power is dropping. The other component was estimated over collections for 2011. That has been addressed; then estimates of over collection in 2012. We will have to net out our actual over collection for 2012. Going forward in 2013, we may see the one component of the costs of purchase power, but the other two may drift apart so, we may not see a 9.5% decrease. We may have to ratchet it up to a 5% decrease. We will see as the year develops.

The transfer has been capped internally by City Council action at 20% of gross receipts. Now we know we have a cap and we have to live within that cap. Consumption of KWTs, I'm thinking it's going to be stagnant. Again, we don't have the data to justify saying it is going to increase, but it may. At the end of July/August we have a full year of data. We have the summer months behind us. We may see that we could step forward and say that consumption will increase.

One thing to point to your question about the UD. As a utility, we are responsible for providing service to our customers. We will get our money back in the selling of power to the University of Delaware. It won't be immediate, but we do sell a lot of power to the University of Delaware, and we do make a tidy profit off of them.

Again, cost of purchase power shall increase 5% and again, that is something that could last for years and years.

Water consumption will be stagnant. Water rates shall increase 6.3% as per the rate study. This year was the first year of the rate study. Rates went up around 13%, but next as per the rate study 6.3%. There is a need for it. Since electric is somewhat capped for us, there is room in the water and sewer fund to seek some revenues and the Water Department needs to build up the returns because they have some major areas of concern. They have 100 year old water mains in the City that either need to be replaced or relined. That is something they will be doing for the next five years.

The Sewer Fund - we know that New Castle County will not be raising their sewage rates this year, but we do expect something happening in 2013 and I am going to advocate a sewer rate increase of 5%. Again, we need the funds for the General Fund. We also need to build up the sewer fund returns because they have the same issues. They have old pipes that need to be replaced and realigned. So, they have a lot work on their plate going forward.

The Parking lot revenue shall increase 3%. Maybe not, but I am going to throw that out until we get more data.

We have the Memorandum of Understanding with Governor Markell with respect to electric rates. They require the creation of an Economic Development (ED) rate. We comply with that because we created ED rate in our new rate structure. An over reduction of 10% in electric rates by December 31, 2014.

Transfers from the electric fund shall be capped at the transfer amount of the fiscal year 2012. Up to that 20% mark, we are going to try to grab and bring over to the general fund and that will be our benchmark going forward. We do have an avenue in 2015 to reevaluate. We are required to adhere to the structure of the agreement until at

least 2015. We do enjoy the exclusive right to sell electricity within the City limits – no retail choice.

Again, for 2013 we are looking at \$14.5 million in revenue coming to the general fund and we are going to transfer \$15.6 from the utilities and we are going to transfer out some funds through the Capital Improvements Program,, and we are going to transfer out to our other non-major funds such as the self-insurance. We also have an internal maintenance fund that does the fleet maintenance and the building maintenance. That is somewhat of a quasi proprietary fund.

I will be happy to answer any questions you may have.

Ms. Brown: We keep saying throughout this that we are transferring money from our reserve fund. So, if we transfer the money from the reserve fund, how does that affect the City's overall reserve fund and, for instance, our rating?

Mr. Uyttebroek: This isn't the general fund reserve fund. These are reserve funds that are more project specific, if you will. We have project X. Project X may have come in under funded or it may not have been completed. It might be on hold and a new project has evolved. So, they have this reserve of the appropriate that was made in prior years. That is what we are talking about. And we are going to apply that past appropriation to this future project. That is what we call capital reserves. We are going to try to limit going forward mainly in the general fund accounts that it is kind of a use it or lose it. If you can't get the project completed in a year, we are going to close it out and you are going to have to come back and justify the appropriation. Utility funds are different. They can build up their capital reserves because it is part of the retained earnings. It is more of just a simple accounting function of utility funds. For the general fund, we are limited going into the future years with what we can do. We cannot have some departments build up a pot of money sitting in the basement. No, we will have to reevaluate going forward with some of these projects. Currently, on the books there are some capital reserves that we are going to utilize this year.

Ms. Sheedy: Can you go back to the slide that has the projections for the utilities, the enterprise funds? I was just looking for the assumptions. I have a couple of questions about this. On the assumptions, we are assuming that consumption will be stagnant. There are a couple of things that concern me about that. One is that, in fact, the STAR Campus should throw some significant increase into consumption.

Mr. Uyttebroek: I don't know about 2013. We are looking at 2014 or 2015.

Ms. Sheedy: Okay, there is not going to be anything in 2013. The other thing that concerns me is long-term. We are assuming a stagnant or possibly even increased level of consumption of electricity in order to support our revenue when, in fact, there is a general overall goal to reduce electricity consumption at least from carbon based sources. Doesn't that put us in kind of a difficult position and is the City planning for years in the future where electrical consumption is going to be decreased and what is that going to do to our revenue?

Mr. Uyttebroek: We had a rate study completed for July 2011 and I imagine that in a few years we will bring Black and Beech back, and have them review their analysis. In my assumptions I did have a stagnant assumption of KWT hours. I put that in because my data doesn't justify it, but I believe that once we have full year's data we are going to be able to tweak that consumption up over 400 million KWT hours per year as it is now. So, even a 5% increase isn't that much. We are projecting for 2012 almost 402 million KWT hours. I am projecting that we can maybe get up to 413 million. That is almost a 3% increase. That is on my high side. On the low side we are going to be around 402 million KWT hours. It could be a 1% increase of 406 if our data shows that. We are going to have some increases once the STAR complex is online. We have some of the other major buildings that are being constructed on the UD campus. That will generate quite a bit of power.

Ms. Sheedy: Is that an increase based on new construction while we are actually seeing a decrease in per capita consumption?

Mr. Uyttebroek: I don't have the data saying what is happening to per capita consumption. We are looking at some of our larger rate structures like the Charter School. When that is all combined, that is going to become a U rate classification – one of our large users. So, we could see some increased revenues from that operation. I think we have some good commercial activity that should increase our consumption. If you look on the residential side, that is probably going to be pretty much stagnant. We have a few apartment buildings coming up but again, they are not big users.

Ms. Houck: The 20% cap that Mayor and Council put on what we could transfer from the electric funds to the general funds was a self-imposed effort to start to restrain ourselves from the addiction we have to the electric revenues. We have heard that loud and clear from the Governor from our large users. Maureen and I have been at meetings recently where people are saying they are paying too much for electric. So, we understand that we have to wean ourselves off from that. We are never going to be completely weaned from transferring from the electric fund to our general fund but it is something that we need to work at and the 20% cap that Council imposed was directly related to doing that. Other than that, we could transfer whatever we wanted.

Mr. Uyttebroek: The electric is running around a 25% margin on their gross sales. Our 20% cap is well within the 25 and some of it is going to stay in retained earnings, but some of it is going to be returned to the rate payers. We are going to draw that down.

Ms. Sheedy: It also seems (this is just editorializing on my part) that the City ought not to be in the position of, for the fiscal health of the City, encouraging people to use electricity while at the same time, for the physical health of the City, you should be encouraging people to conserve.

Mr. Uyttebroek: We don't encourage people to use it. All we do is supply it. If they turn on a light, it turns on. If they want to power up a computer, we supply that power. But, we are not out there saying, please light everything off.

Ms. Sheedy: We should be doing the opposite.

Mr. Bowman: Would anyone in the public like to comment on the Capital Improvements Program? Back to the Planning Commission then.

MOTION BY DRESSEL, SECONDED BY SHEEDY, THAT THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE 2013-2017 CAPITAL IMPROVEMENTS PROGRAM.

VOTE: 7-0

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

NAY: NONE

MOTION PASSED UNANIMOUSLY

1. COMPREHENSIVE DEVELOPMENT PLAN UPDATE DISCUSSION.

Ms. Feeney Roser: As you know, the State requires that the City revisit its Comprehensive Development Plan every five years. That gives us until October 2013 to submit a new or revised plan. We have begun working on the Comprehensive Plan update process. Mike Fortner, who is our Development Supervisor, is in charge of the project and he is here tonight to give a brief summary of where we are going,, and where we hope to be and how we intend to get there – and to get your input into what we see as a good process for it.

[Mr. Fortner referred to a PowerPoint presentation brought to the Planning Commission for his presentation].

This is intended to give you a quick overview about the comprehensive planning process. I will defer questions until after the meeting or, of course, you can call me. I also want to point out that you have a brochure in your packet. The brochure was handed out during Newark Day. Its intent is to educate the public on what a comprehensive plan is and does, and also to let them know about what the process is, and encourage their participation.

The process of updating the Comprehensive Plan is done every five years. As the Planning Commission you are the primary steering committee for this process. The Planning Commission's role in developing the Comprehensive Plan is to first of all establish a planning process. You will draft a community plan that guides future public and private development within the City and adjacent land areas. This will be a recommendation to City Council. Finally, when the Plan is adopted you make recommendations to City Council on new development proposals according to the Comprehensive Plan.

The first part of this is what I call "Planning to Plan." It starts this summer. It is a preliminary education diagnosis. It lays a foundation for building and creating the plan. The key components are going to involve public education outreach, analysis of previous plans, and a review of factual information of the present status of our community, and possibilities for the future.

This is an overview of the immediate process. June is the introduction to the update process. In July I would like to come back and outline the fundamentals of the comprehensive plans and planning. I will give you an overview of why we need the Comprehensive Plan. A lot of you are probably already familiar with this. Also, I would like to get your expectations on how you would like this process to proceed. At the August meeting I will have a presentation on public participation. How we are going to involve the public and what kind of things you would like to do to collect the community's aspirations and what they would like to see in the Plan. As you know, public participation is a key component of developing a comprehensive plan. Finally, in September, based on your guidance, we will develop what we call "The Plan for Planning." This will lay out our strategy and what we are going to do over the next year to develop this Comprehensive Plan.

The general timeline is after initial Planning the Plan and we develop a plan for planning, from September to January we will do core plan development through public workshops and meetings. We will analyze trends and identification of issues and visioning and strategy formulation – goals and objectives. In February and March we will develop kind of a core draft plan. We will be reviewing actual text and having reviews of that. April–June we will have public hearings and in the June-August timeframe make a Plan recommendation by the Planning Commission to City Council. By that, if things go well, your role is pretty much done and it goes into the City Council and they will review the Plan that we drafted together and make the final adoption of the Plan. I can answer any questions after today's business.

2. REVIEW AND CONSIDERATION OF A MAJOR SUBDIVISION, AND A SPECIAL USE PERMIT FOR THE REDEVELOPMENT OF THE .826 ACRE PROPERTY AT 264 ELKTON ROAD (OLD NEWARK CAR WASH) FOR A THREE STORY BUILDING WITH GROUND FLOOR PARKING AND 22 APARTMENTS.

Ms. Feeney Roser summarized her report to the Planning Commission which reads as follows:

"The Planning and Development Department received applications for the rezoning, major subdivision, and a special use permit for the redevelopment of the .826 acre property at 264 Elkton Road. The Newark Car Wash self service and automated car wash facilities are located on the site. The applicants and equitable owners of the

property – Bariglio Corporation – are requesting a rezoning from the existing BC (general commercial) to BB (central business district) zoning and major subdivision to construct one twenty-two unit apartment building with first level parking, with additional parking areas and associated ancillary facilities on the site. The applicants propose to build twenty two-bedroom apartments and two three-bedroom apartments in the building. The project is to be known as “The Lofts at Rittenhouse,” and will, from a land use and design standpoint, complement the original Rittenhouse Station project nearing completion, immediately to the east of the site across Rittenhouse Road. The applicants have also applied for the BB zoning required special use permit for apartments.

Please see the attached Karins and Associates rezoning, major subdivision and special use permit plan, proposed building elevation drawings, and supporting materials.

The Planning and Development Department’s report on The Lofts at Rittenhouse follows:

Property Description and Related Data

1. Location:

264 Elkton Road; at the intersection of Elkton and Rittenhouse Roads.

2. Size:

.826 acre.

3. Existing Land Use:

Developed site containing the Newark Car Wash facilities.

4. Physical Condition of the Site:

264 Elkton Road is a fully developed property including two car wash facilities; one at the northwest portion of the site containing an automatic car wash bay and the other, in the central portion of the property, consisting of a one story building with open bays, for self service car washing. The balance of the site is paved and used for vehicle storage lanes and access to and from the site.

In terms of topography, except for a relatively steeper slope down toward Elkton Road immediately adjacent to that roadway, the remainder of the site is a relatively level parcel sloping gradually up to high points at the north side of the property.

Regarding soils, according to the United States Department of Agriculture’s Natural Resources Conservation Service, The Lofts at Rittenhouse property consists of Keyport Silt Loam soil. According to the Natural Resources Conservation Service, this soil has “moderate,” development limitations for the use proposed.

5. Planning and Zoning:

The 264 Elkton Road site is zoned BC. BC is a general commercial zone that permits the following:

- A. Auction
- B. Automobile, truck, rentals, retail, and wholesale sales with special requirements
- C. Crating service
- D. Frozen food locker
- E. Ice Manufacture
- F. Sign painting and manufacture
- G. Warehousing with special requirements
- H. Wholesale sales with special requirements

- I. Photo developing and finishing
- J. Veterinary hospital
- K. Cleaning and dyeing plants
- L. Commercial laundries/dry cleaners
- M. Laundromats
- N. Outdoor commercial recreational facilities with special requirements
- O. Swimming club, private or commercial
- P. Social club, fraternal, social service, union and civic organizations, except on ground floor locations
- Q. Studio for artists, designers, photographers, musicians, and sculptors
- R. Offices for professional services and administrative activities
- S. Personal service establishments
- T. Finance institutions, banks, loan companies
- U. Retail and specialty stores
- V. Repair and servicing, indoor and off-site, of any article for sale, which is permitted in this district
- W. Related indoor storage facilities are permitted as an accessory use to any of the permitted uses in this district
- X. Accessory uses and accessory buildings
- Y. Restaurants, taverns, bakery-restaurants, and delicatessens
- Z. Public parking garage and parking lot
 - a. Parking off-street
 - b. Public transportation facilities, including bus or transit stops for the loading and unloading of passengers; station and depots
 - c. Street, right-of-way
 - d. Utility transmission and distribution lines
 - e. Water tower, water reservoir, water storage tank, pumping station, and sewer
 - f. Retail food stores up to 5,000 square feet in maximum floor area, limited to bakeries confectionery, candy, gourmet shops, small convenience grocery, and meat sales facilities. Goods produced on the premises shall be sold only on the premises

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

- A. Automobile repair and/or service station, paint and/or body shop with special requirements
- B. Self-service car wash establishment with special requirements
- C. Automobile/motor vehicle repair with special requirements
- D. Automatic car wash establishment with special requirements
- E. Used car lots
- F. Retail food stores
- G. Fast-food and cafeteria style restaurants with special requirements
- H. Drive-in restaurants, with special requirements
- I. Drive-in and curb service for other than eating establishments.
- J. Substation, electric, gas, and telephone central office with special requirements
- K. Tower, broadcasting and telecommunications with special requirements
- L. Police and fire stations
- M. Library, museum and art gallery
- N. Church, or other place of worship, seminary or convent, parish house, or Sunday school building
- O. Instructional, business or trade schools
- P. Motels and hotels
- Q. Commercial indoor recreation and indoor theaters
- R. Adult bookstore/adult entertainment center with special requirements
- S. Restaurants with alcoholic beverages

The requested BB zoning, our central business district zone, would permit the following:

- A. Retail and specialty stores.
- B. Retail food stores up to 5,000 square feet in maximum floor area, with special conditions.
- C. Restaurants, bakery and delicatessens.

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

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

- A. Retail food stores with more than 5,000 square feet in area.
- B. Drive-in and curb service for other than eating establishments.
- C. Fast-food restaurants with special requirements.
- D. Motels and hotels.
- E. Commercial in-door recreation and in-door theaters.
- F. Instructional, business or trade schools.
- G. Electric gas and telephone central offices and telephone central offices and substations with special requirements.
- H. Tower, broadcasting or telecommunications on existing buildings or structures with special requirements.
- I. Police and fire stations.
- J. Library, museum and art gallery.
- K. Church or other place of worship.
- L. Restaurant, cafeteria style.
- M. Apartments, except on ground floor locations, with special requirements.
- N. Restaurants with alcoholic beverages, with special requirements.

Regarding BB zoning area requirements, The Lofts at Rittenhouse major subdivision plan meets or can meet all the applicable specifications.

Regarding nearby and adjacent properties, the original Rittenhouse Station mixed use commercial and residential development, zoned BB, is now nearing completion east and northeast of the site across Rittenhouse Road. The BL zoned Municipal Building facilities are located further to the east of the site, east of Veterans Lane. The RM (multi-family dwellings-garden apartments) zoned West Knoll garden apartment complex is located immediately north of The Lofts at Rittenhouse. The St. John’s AUMP Church Cemetery, zoned RM, lies immediately to the west of the site.

Regarding comprehensive planning, the Newark Comprehensive Development Plan IV calls for “Multi-family residential (medium-high density)” land uses at The Lofts at Rittenhouse site. Plan IV defines this category as designated for apartments and similar uses with densities ranging from 11 to 36 dwelling units per acre.

Regarding the proposed density of The Lofts at Rittenhouse, the major subdivision plan calls for 26.63 units per acre. This density meets the recently revised BB zoning densities for apartments (20 units per acre with bedrooms of three or more; and 50 units per acre for apartments with a maximum of two bedrooms). By way of comparison, other recently City approved nearby mixed use projects have the gross densities noted below:

<u>Project</u>	<u>Density</u>
Amstel Square	17.17
70 Amstel (Carroll Commons)	20.78

100 Elkton Road	9.39
109 Elkton Road	21.13
119 Elkton Road	15.52
136 Elkton Road – Phase I	12.02
Rittenhouse Station I	14.58

Status of the Site Design

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

Be that as it may, as the Commission can see from the subdivision plan and building elevation drawings, The Lofts at Rittenhouse plan calls for the construction of one three-story 10,800 sq. ft. footprint building, consisting of 32,400 total square feet, located parallel to Elkton Road. The building contains 48 first floor parking spaces and 20 two-bedroom and two three-bedroom second and third floor apartments. A total of 22 apartments are proposed throughout the site. Access ways and an underground stormwater management area, and an outdoor basketball half-court are also shown on the plan.

Access to the site will be directly from Elkton Road.

The landscape plan shows a mixture of deciduous and evergreen plantings throughout the site. The plan also includes a six foot solid fence separating the western portion of the property from St. John’s AUMP Church Cemetery, and West Knoll Apartments to the north.

The Planning Commission should consult the applicant’s site plans, building elevation drawings and supporting materials for additional site design details. Regarding the proposed building facades, the Planning and Development Department suggests the Planning Commission review the proposal based on the criteria in Subdivision and Development Regulations Appendix XIV(d).

Traffic and Transportation

The Planning and Development Department requested that the Delaware Department of Transportation (DelDOT) review the proposed Lofts at Rittenhouse rezoning, major subdivision and special use permit plan. Their comments are summarized below:

- The developer will be required to contribute funds toward the cost of payment overlay and sidewalks along Elkton Road; the amount will be determined by DelDOT.
- The developer must submit plans to DelDOT for a letter of no objection and commercial entrance approval. DelDOT’s preliminary review indicates they do not object to the proposed entrance location.

- The engineer for Rittenhouse II will be responsible for coordinating with DelDOT’s ongoing Elkton Road project.
- Based on the traffic expected to be generated from the site, DelDOT will not require a Traffic Impact Study or a Traffic Operational Analysis for the project.

Fiscal Impact

The Planning and Development Department has evaluated the impact of The Lofts at Rittenhouse on Newark’s municipal finances. The estimates are based on the Department’s Fiscal Impact Model. The Model projects The Lofts at Rittenhouse fiscal impact; that is, total annual municipal revenues less the cost of municipal services provided. The Planning and Development Department’s estimate of net revenues follow:

	<u>Net Revenue</u>
First Year	\$90,228.87
Second Year and Thereafter	\$ 7,728.87

Please note that the first year net revenue reflects the one time impact of the realty transfer tax.

Subdivision Advisory Committee

The Subdivision Advisory Committee – consisting of the City’s Management, Planning and Operating Departments – has reviewed The Lofts at Rittenhouse rezoning, major subdivision and special use permit plan and has the comments below. If necessary, the development plan for the site 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 land use at the site also conforms to the land use recommendations in Newark Comprehensive Plan IV.
2. The Planning and Development Department suggests that the Planning Commission consider the following as conditions of subdivision approval:
 - The architectural design for the proposed new buildings should be carried out on all portions of the facility visible from public rights-of-way.
 - Mechanical equipment and utility hardware be screened from public view with materials harmonious with the proposed architectural design or such equipment shall be located so as not visible from adjoining streets or public rights-of-way.
 - Refuse storage bins be screened from public view with materials harmonious with the proposed architectural design.
 - Exterior lighting and signage be designed as an integral architectural element of the proposed architectural façade. All such lighting to be shielded to limit visual impacts on adjoining residential properties.
3. The Planning and Development Department suggests that the Planning Commission recommend that the subdivision agreement specify that the proposed units be designed so that they can be easily converted into condominium units.
4. The Planning and Development Department notes regarding residential density that, The Lofts at Rittenhouse subdivision plan calls for 26.63 units per acre. To assist the Commission in evaluating this proposed density, we have provided above the units per acre of recently Planning Commission reviewed and City Council approved Elkton Road mixed use commercial/residential projects. The Planning and Development Department recognizes that 20 of the 22 units requested in Building 2 are two-bedroom (as opposed to larger units) and, this may be reflected in the greater density per acre for this project. While the density meets the newly revised densities for apartments in the BB zone, when compared to the Rittenhouse Station I density of 14.81 units per acre, the Lofts at

Rittenhouse project appears dense for the area. The Commission may wish to discuss this matter with the applicant during its public hearing.

5. The Public Works Department indicates:

- The developer must verify that the ceiling height for the garage level will be high enough for moving and delivery trucks and construction equipment to get through to the western (back) parking lot.
- If access is not permitted to Rittenhouse Road, curbs should be full height.
- A maintenance agreement with the owners of Rittenhouse Road for the proposed sidewalk along Rittenhouse Road will be required.

6. The Code Enforcement Division notes the following:

- All buildings must be designed and constructed in accordance with the current International Building Code.
- The buildings will be required to be sprinklered.
- A subdivision identification sign should be shown on the plan.
- The applicant should review with the City Fire Marshal all fire safety related requirements prior to the submittal of building permit plans.

7. The Water and Wastewater Department indicates that water and sanitary sewer service can be made available to the site. The Department adds the following:

- The cost of all water meters with remotes shall be borne by the applicant.
- An STP fee is required per building at the time of the first issuance of a Certificate of Occupancy.
- Through the construction improvement plan process, a sanitary sewer evaluation of the main on Elkton Road will be required, and the existing sanitary sewer lateral to Elkton Road to determine its condition before construction is completed. This work must be coordinated with the DelDOT construction on Elkton Road.

8. The Newark Police Department indicates that a midblock crosswalk across Elkton Road is advisable given the increased pedestrian cross traffic this plan will generate. The applicant should work with DelDOT and the Elkton Road construction project to determine the feasibility of this facility.

9. The Parks and Recreation Department indicates the plan must conform to all applicable landscape ordinance requirements.

Recommendation

Because the proposed Lofts at Rittenhouse rezoning from BC to BB conforms to the land use guidelines in Newark Comprehensive Plan IV, because the proposed Lofts at Rittenhouse subdivision conforms to the development pattern in the immediate vicinity of the site, and because, with the Subdivision Advisory Committee suggested conditions, The Lofts at Rittenhouse will not have a negative impact on adjoining and nearby properties, the Planning and Development Department suggests that **the Planning Commission make the following recommendations:**

- A. That City Council approve the rezoning of the .826 acre 264 Elkton Road The Lofts at Rittenhouse property from BC to BB, as shown on the attached Planning and Development Department Exhibit A, dated March 6, 2012; and,**
- B. That City Council approve The Lofts at Rittenhouse Karins and Associates major subdivision plan, dated February 29, 2012, with revisions through April 10, 2012; and,**

C. That City Council approve a special use permit for apartments, as shown on the Karins and Associates plan dated February 29, 2012, with revisions through April 10, 2012.”

I will be happy to answer any questions.

Mr. Begleiter: Because you raised the crosswalk issue, will there be left turns permitted exiting from this proposed development heading north on Elkton Road. And, if so, how does that work? Did the Department of Transportation or the City Police discuss the issue of adding yet another input to Elkton Road going north between the already existing two street intersections.

Ms. Feeney Roser: I honestly don't know of a new northern connection, but I will check on it.

Mr. Begleiter: We can postpone that question. What is the access issue on Rittenhouse Road?

Ms. Feeney Roser: Rittenhouse Road is a private road and, as I understand it, the applicant could not reach an agreement, with the adjacent property owner who owns the road to have access to it.

Mr. Begleiter: Does the City have any position about that?

Ms. Feeney Roser: It is a private road. If you remember, this project was originally on your agenda for April. It was pulled for this reason. As I understand it, the developer believes that they should have access to the road but it was going to be a difficult, prolonged process to get it and instead they decided to revise their application, remove a building and have access off of Elkton Road, which DelDOT has said is adequate.

Mr. Begleiter: To me, those things are related but we will talk about them in a few minutes.

Ms. Brown: On page 6 you have net revenue to the City. I understand in the first year most of that is a taxing issue, but the second year and thereafter (\$7,728.87) does that also include the cost of, for instance, trash and Building Department visits.

Ms. Feeney Roser: Yes, this is an estimate of net revenue.

Ms. Dressel: I am perplexed by the Rittenhouse Road being a private road. I don't remember that from the Rittenhouse application originally. Was that listed as a private road?

Ms. Feeney Roser: The property that Rittenhouse Station is on has access to Veterans Lane and they do have a cross access agreement to use Rittenhouse Road. This (Car Wash) property did not have that same written agreement with the owner of Rittenhouse Road.

Ms. Dressel: Who owns this road?

Ms. Feeney Roser: The same people who own West Knoll Apartments.

Mr. Bowman: Maureen, if you could refresh my memory. Did we change the densities after or before Rittenhouse Station when it was approved.

Ms. Feeney Roser: Actually, it was just done in March of this year.

Ms. Dressel: It was approved through City Council because we had had the meeting.

Ms. Feeney Roser: You talked about changing densities long before that, but it just got to Council in March.

Ms. Lisa Goodman: Of Young Conaway on behalf of the Bariglio Corporation. I am here along with Tim Anderson from Karins, who is the project engineer, Todd Bariglio, who is the principal of the Bariglio Corporation, and Mr. Hoffman who is the project architect. We are here to present this project to you, which is the redevelopment of the Newark Car Wash site and as you know, it is right next to the site currently underway next door. We really view it as Phase II of that site. The property was acquired somewhat later so that is why they are being brought forward separately. As the Commission noted, we will talk about density in a minute because that evolved as the BB zoning district changed, and it became clear that the City believed the two bedroom units were necessary and Mr. Bariglio heartily agreed with that. This is a good case of the municipality changing its Code to encourage the kind of development that it wants and then getting that kind of development. That is a very time honored way of municipalities encouraging the type of development that the Comprehensive Plan encourages.

So, you will recall that the Rittenhouse Station property came in front of you. It is currently underway, as anyone who drives into this building can see. Like this property, it was also zoned BC and was rezoned to BB. It has a little over 17,000 sq. ft. of retail, and you can see some of the tenants that are coming in there. Very great tenants including the Green Turtle. Really great things for Newark. It has apartments above the retail in the front building and apartments over parking in the side building and then it has towns in the back. I am sure you all recall because you heard that whole application. It also has a half acre of open space and recreation both interior and exterior as well. This is really an extension of that project.

The site in question tonight is .826 acre. So, it is a little under an acre. It is currently fully developed. It has a self carwash. It has an automatic carwash and is fully blacktopped. It is zoned BC. The West Knoll Apartments are to the rear and, in fact, they do own the road. The cemetery is to the west.

Let me talk first about the density issue. The current Comp Plan calls for medium to high density apartments, which is 11 to 36 dwelling units per acre. So, we are well within and under that range. This proposal is for 20 two-bedrooms and 2 three-bedroom units, and that is as much trick of architecture as anything else. So, that works out to 26.6 dwelling units per acre, which is certainly compliant with the current change to BB which permits 50 per acre. It is, as Maureen pointed out in her report, it's a little tricky to compare this to sites that are right along Elkton Road because we don't see two bedrooms there. We see three and four bedrooms. So, when you calculate the density on a four bedroom, if you have 10 four bedrooms, which is the same number of bedrooms, you have half the density than if you have the same number of bedrooms but two bedroom apartments. You have 20. It is really apples to oranges here. However, there is one project that this Commission heard and Council just approved at its last meeting, and that is the redevelopment of the two buildings next to Klondike Kate's, which is a two bedroom apartment project. That project was just approved by Council at 25.02. So, here we have 26 and there we have 25.02. So, those are very much apples to apples projects. And really, for some existing projects, 70 Amstel is 20.78 dwelling units, 109 Elkton Road is 21.13. So, even there they float within a range. But, the real issue here is getting some two bedroom units into the stock so that they will be available for young families, a graduate student couple who might want to come and have a two bedroom unit. They will be available for folks coming to work for Bloom energy who might be single but making enough money to rent an apartment like that or might have a young family and might want a two bedroom unit in a really nice beautiful new building.

With that I would like to talk a little bit about design. Our consultants have prepared an exhibit book for your review. On the cover of this exhibit book you will see a colored site plan. This is a rendering to give you a sense of what the site will look like. I should note that since this color plan was done the entrance has been moved a little bit more to the left. That was my error. I pulled an older plan. If you look behind tab 1 you will actually see the regular uncolored version that shows the drive where it currently is now. That is a very slight modification.

Rittenhouse Road is, indeed, a private lane. It is owned by the owner of West Knoll. The car wash currently has access both on Elkton Road and on Rittenhouse Road.

So, the idea of an entrance on Elkton Road is not a new one. It currently has two accesses, but there is not a written agreement in place between this property and the owner of Rittenhouse Road permitting an easement. It is just there. When we approached the owner, it rapidly became clear to us that it was going to be contentious, to say the least. And, that it was a battle that it did not make any sense to get into, especially because battles are always uncertain as to how they turn out. Since the access already existed on Elkton Road and DelDOT was comfortable that it was a safe access, we went forward with that. And, indeed, that is the right legal outcome as well. When you have access that is certain and existing, you are permitted to use that access. That is in a large part why it takes entrance off of Elkton Road. And, indeed, this was originally a two building development and Mr. Bariglio went back and redesigned it to be just one building so it would just have access from Elkton Road. So, that is the short answer to the Rittenhouse Road question. So, you can see behind tab 2 you can see the one page of the plan.

Behind tab 2 you will start to see the elevations. Mr. Begleiter, you correctly pointed out – and thank you for that – I had stared at these so long that I did not realize that we did not have the utilities in them. So, that work is already underway. These are computer generated and they take a really long time to crunch the numbers and we could not get them done in time for tonight.

If you look behind tab 3, what we did manage to get done in time for tonight was to add the utilities to this overhead.

Mr. Begleiter: You didn't add them. They were there to begin with. You Photo shopped them out.

Ms. Goodman: However, they got out and they got back in. I am very happy with our architect that made that happen. But, you can see that the utilities go along the road. The utilities serving this building will be underground. I know your aesthetic concerns and I also pay attention every time I am in a big city that has undertaken a project to get utilities underground. It is a completely different look. So, what you see behind tab 2 is the concept for this building. The idea is to have a building reminiscent of an industrial building that was rehabbed for residential use and turned into lofts. If any of you have been to really vibrant towns like Portland, Main – is the one that comes to mind – has an amazing Main Street just like we have here. And, I would say ours is every bit as great as theirs. One of the things that theirs has is a number of shipping warehouses that have been turned into lofts. It is a very cool look, and that is what this is designed to resemble about. So, if you look at this building from the different angles, for example, on the second sheet you can start to see on the side there are these details made to look like big warehouse doors. The idea is when you drive down Elkton Road every building doesn't look alike because while we want, I think, some design that speaks to every other design, we also don't want them all to be the same because that gets pretty deadly and suburban pretty quickly.

The building has 48 parking spaces under it – fully Code compliant. So, we do not need a parking waiver of any type and I will allow you to page through. You will see the last page behind tab 2 is a view looking east of the west side of building. Again, it gives you a good sense of the door detail. And, you can also see on the front of the building there is some third type of wood looking architecture. Again, the idea there is to echo an industrial type building that one might have.

So, the front of the building will be quite heavily landscaped. If you think about that site, you drive up. As Maureen mentioned, there is a steep little hill. You drive up it and then you get up to the level of the property. The idea is that it is great opportunity to pretty heavily landscape the front so that you will have a really nice streetscape as you go by using the elevation change. Mr. Bariglio was also going to put in a nice – and you can see that in the behind tab 2 – enclosed bus stop in front of the building that will be funded by Bariglio, which will also make it much more transit friendly for the residents not only of this building but for the original Rittenhouse Station as well. There will be a solid fence along West Knoll and along the cemetery as well.

So, we think this building is a really nice compliment for what is going on along Elkton Road, that it addresses this Commission's and Council's stated preference for some two bedroom units and that it will really offer a cool factor that, hopefully, will attract young professionals to come and live in town. We think it easily meets all the requirements for the special use permit. It doesn't have any adverse affects on health or safety. There is no detriment to public welfare. It certainly is not in conflict with the Comp Plan. It is directly in line with the Comp Plan.

I am very happy to answer any questions or to bring up anyone from the team.

Ms. Feeney Roser: Excuse me Lisa. To get to Mr. Begleiter's question. This is the section of Elkton Road that has a median in the middle that prevents the left-hand turn, correct?

Ms. Goodman: Yes, I apologize. It will be rights in and rights out only.

Mr. Begleiter: I did not see that earlier either. And, the imposition of a crosswalk would not change that, right? The median would remain there. So, the left turn question is not an issue.

I really like the design. I think "cool" is a good way to describe it. I have a couple of questions about the mechanics of the design. Looking at any one of the frontal views that look across Elkton Road toward the front of the development, there is what looks like a double or, perhaps, a triple garage on the right-hand side behind the bus stop and then another one to the left in the part of the building that is the tallest. Those don't have doors on them, though, there are just pull in bays for a garage?

Ms. Goodman: That is right.

Mr. Begleiter: What about the ones in between those two? Are those design elements that are closed or are those garage doors that open and become garages?

Mr. Dan Hoffman: Design Collaborative Architects in Wilmington, Delaware. If you start on the property side closest to the Rittenhouse Square, the first big opening is the drive through to allow you to get to the back of the building. Then you have a series of six garages and then you have a larger bay opening and then you have another garage and you have another wooden door structure.

Mr. Begleiter: And the wood door structure at the end is not a garage. It doesn't open.

Mr. Hoffman: No, it is actually going to be where the lobby and the elevator to the two and three bedroom apartments are.

Mr. Begleiter: For the six that you mentioned are garages. They open up and a car pulls into them and then they close again?

Mr. Hoffman: That is correct. Actually, the way the parking is laid out by the civil engineer, it is a double stack lane. The interior parking spot is inside the garage.

Mr. Begleiter: That is why I was asking the question whether there are two spaces there. The third sheet behind tab 2. The one that appears to be standing in the cemetery and looking toward the original Rittenhouse buildings. The one with the beautiful tulips in it. Looking at the plan, it looks to me like there will be dumpsters in that view. They are not shown in this sketch. Have the dumpsters been moved someplace else? And, if so, where are they?

Mr. Hoffman: I can add them to the rendering. My consultants strictly just focused on the building.

Mr. Begleiter: Tulips look an awfully lot nicer than dumpsters. What we are really going to see is going to be the dumpsters.

Mr. Hoffman: But, again, the dumpsters are going to be screened per the recommendations.

Mr. Begleiter: Just out of curiosity, in the taller part of the building on the left with, what I would call clerestory windows, but that is not the proper architectural term, what is going on inside of there? Are those the two three-bedroom units in there? And they are higher, or do they have cathedral ceilings, or are there bedrooms up there, or is that a design element? What is happening up there?

Mr. Hoffman: They are intended to have light monitors coming down into the upper of the three story in the front, and also, there will be a series of two-bedrooms behind these which also has the same monitor running along the back.

Mr. Begleiter: So, some of the two-bedroom units will have these high light elements in them.

Mr. Hoffman: Yes.

Ms. Brown: Where are you going to put the air conditioning? This is a scrunchy piece of property.

Mr. Hoffman: The apartments will have the air handler inside a closet inside the unit, and all the condensing units right now are intended to go up on the roof, which will be screened by the parapet walls.

Ms. Brown: So, we won't see anything?

Mr. Hoffman: I can't say we won't see anything. It depends on how large the actual unit is, but from Elkton Road the site line looking up over the parapet they will be hidden. You may see something if you are over on the Rittenhouse Station site, but you won't be seeing much. I can say the majority of it will be hidden. You will not know they are there.

Ms. Brown: Can the tenants get up to the roof?

Mr. Hoffman: No.

Mr. Johnson: There is no south view.

Ms. Goodman: Are you talking about if you are looking south?

Mr. Johnson: No, I am standing south in the graveyard and looking at the building.

Ms. Goodman: You are right. There is not a view of that. You can see that on the site plan. But, you are right. We do not have a view showing that angle.

Mr. Sheedy: I would like to express appreciation about having two bedroom apartments aimed at a young adult or single adult or young family market, but why a basketball court?

Ms. Goodman: Is there something that you think would be more appropriate? We are open.

Ms. Sheedy: What I was thinking of – and this is a suggestion, especially if there is the potential for young families – is something like green open space. Something could eventually be made to be used as tenant space for a community garden or a playground might be more amenable to that young family part of the market and would also not add to more impermeable materials to the site.

Ms. Goodman: We are happy to talk to Planning and Development about that part of the issue, I think, and Maureen knows, there is an active recreation requirement in the Code, which that really doesn't meet. We struggle with this on a number of projects because

people want green space and they want a place where they can go and have a picnic, but it doesn't meet the active recreation requirement. So, we can certainly have that discussion again and see if the Department and Parks will reconsider.

Ms. Brown: I agree with Kass. I think it would be a better use to have green space. There are a lot of ecological issues involved in this. And, if I were the neighbors on the other side of those trees at night and somebody was going bing, bing, bing with a basketball. . .

Ms. Goodman: It would drive you crazy?

Ms. Brown: Yes.

Ms. Goodman: Maureen, will you help us carry that message back?

Ms. Feeney Roser: Yes.

Mr. Bowman: We will open it for public comment. If anyone wishes to comment on the project, please step to the microphone on your right and state your name and address.

Mr. Bill Glenn: I own the property where the Penske Truck Rentals are now. My question is, if there are going to be no left turns out of this parcel, when they get to Park Place with the new road design, is that going to be a U-turn permitted there which it hasn't been in the past? Where are these people going to leave out of these apartments to get back towards Newark? Do we expect them to go down Park Place. Do we expect them to go to the Studio Green entrance and make a U-turn there? I am just looking at a traffic issue right there.

Ms. Feeney Roser: I'm not sure, Mr. Glenn, at this point,, what DelDOT's plans are for U-turns at West Park Place, but can certainly pull them out and provide that information.

Mr. Bowman: We will bring it back to the Commission for any further comments or questions.

Ms. Dressel: I don't know who the question should be for, but on the back elevation, are those also garages on the back with the double layer of parking? I just want to be sure because I think that is what it shows in the pictures.

Mr. Hoffman: They are open parking in the rear. There is no garage door on the rear portion.

Ms. Dressel: Is it stacked as well?

Mr. Hoffman: Yes.

Ms. Dressel: So, the garage door is only in the front?

Mr. Hoffman: Correct. Only what is visible from Elkton Road.

Ms. Dressel: Where is the dumpster supposed to go on this plan, because somehow I am missing it? Thank you.

Mr. Begleiter: I don't know if there is any room for negotiation here and you and the developer have to be the decision makers on that, but the Rittenhouse Road access issue would help solve the U-turn/left-turn questions that have been raised here. If it were possible to come out of this development onto Rittenhouse Road, then you could make either a left or a right turn onto Elkton Road and maybe there would be a signal required and maybe there wouldn't be, but at least it, would be an orderly way of exiting in either direction. So, I don't know whether the City has any opportunity to weigh in on the issue but from that perspective maybe talking to DelDOT about that and maybe then talking to the owners of the property. I'm just raising it as a possibility.

Ms. Feeney Roser: We can certainly try.

Ms. Dressel: And I would second that because right now with all the construction going on on Elkton Road, there was an opening from the Shopping Center right there as well so people are making left and right turns with the construction crew there and it seemed to work pretty well. So, I'm not sure that I understand why they would not agree to something like this. It seems like the people at West Knoll are getting the benefit of the other light down here through Rittenhouse. And it seems like that would provide a lot of good will for everybody if that would take place.

Mr. Begleiter: With the bus stop where it is, if there were access and some traffic control at that Rittenhouse Road intersection, that would facilitate a crosswalk there as well where people would be getting on and off a bus. It would be the right place to put a crosswalk. It just seems like that would be worth having another discussion about before it all wraps up.

Ms. Dressel: I also wanted to make a comment that I liked the design of the building and I really, really like those two extra large sets of windows because it definitely breaks up the streetscape from what we have seen in the past and adds a nice element to Elkton Road. So, thank you for the creativity in that design.

Mr. Bowman: Are there any other comments or questions? If not, the Chair will entertain a motion.

MOTION BY DRESSEL, SECONDED BY BEGLEITER THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. THAT CITY COUNCIL APPROVE THE REZONING OF THE .826 ACRE 264 ELKTON ROAD THE LOFTS AT RITTENHOUSE PROPERTY FROM BC TO BB, AS SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED MARCH 6, 2012; IN ADDITION, TO REQUIRE THAT THE ABOVE GROUND UTILITIES BE SHOWN ON THE CONCEPTUAL PLANS BEFORE PRESENTED TO COUNCIL; AND,
- B. THAT CITY COUNCIL APPROVE THE LOFTS AT RITTENHOUSE KARINS AND ASSOCIATES MAJOR SUBDIVISION PLAN, DATED FEBRUARY 29, 2012, WITH REVISIONS THROUGH APRIL 10, 2012; AND,
- C. THAT CITY COUNCIL APPROVE A SPECIAL USE PERMIT FOR APARTMENTS, AS SHOWN ON THE KARINS AND ASSOCIATES PLAN DATED FEBRUARY 29, 2012, WITH REVISIONS THROUGH APRIL 10, 2012; AND,
- D. THAT THE PLANNING AND DEVELOPMENT DIRECTOR REACH OUT TO DELDOT, THE DEVELOPER AND THE OWNER OF WEST KNOLL APARTMENTS TO DETERMINE THE FEASIBILITY OF ACCESS TO THE SITE VIA RITTENHOUSE ROAD AND THE INSTALLATION OF A MID-BLOCK CROSSWALK ON ELKTON ROAD IN THE VICINITY OF THE SITE.

VOTE: 7-0

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

NAY: NONE

MOTION PASSED UNANIMOUSLY

- 4. REVIEW AND CONSIDERATION OF A MAJOR SUBDIVISION TO ADD EIGHT UNITS AND GROUND FLOOR PARKING TO THE EXISTING 14 UNIT APARTMENT MIXED USE BUILDING LOCATED AT 136 ELKTON ROAD, CURRENTLY UNDER CONSTRUCTION.**

Ms. Feeney Roser summarized her report to the Planning Commission which reads as follows:

On March 29, 2012 the Planning and Development Department received applications from Elkton Road Associates, LLC for a revision to the construction improvement plan to add eight apartment units to the existing 14 unit apartment mixed use building located at 136 Elkton Road, currently under construction. Because adding eight units significantly alters the plan approved by Council, the applicant was informed that the project could not be considered a revision to the construction improvement plan but, in fact, the proposal would be handled as a major subdivision application. Therefore, the applicants have requested major subdivision approval in order to demolish 1,060 sq. ft. of the one-story commercial space located in the rear of the existing building under construction to construct first floor parking to accommodate the eight new residential units requested above.

Please see the attached Landmark Engineering development plan, applicant's supporting letter, and building elevation drawings.

The Planning and Development Department's report on the 136 Elkton Road project follows:

Property Description and Related Data

1. Location:

136 Elkton Road, on the west side of Elkton Road, across from the Elkton/Beverly Roads intersection.

2. Size:

1.165 acres.

3. Existing Land Use:

The 136 property is currently being developed as a three story commercial/residential mixed use 14,160 sq. ft. footprint building with 14 upper floor apartments, with a one-story wing located at the rear of the building. Commercial tenants, in various stages of the fit-out process, include a tanning salon, a liquor store and a sushi restaurant. Surface parking is located at the north and southeast ends of the site, with the northern parking facility extending across a narrow parcel owned by the CSX Railroad, labeled as a "20 ft. wide access easement" on the subdivision plan.

4. Physical Condition of the Site:

136 Elkton Road is currently under construction with an approximately 14,160 sq. ft. footprint three-story building with a one-story wing at the rear of the property. A portion of the one story wing (1,060 sq. ft.) is proposed to be demolished to allow construction of eight new second and third floor apartments with 17 covered parking spaces on the first floor. The new apartments will be constructed in two stories above a one-story wing of parking resulting in a three story building. Paved parking areas occupy the southeastern and northern ends of the sight. As noted above, the northern parking area extends into a narrow parcel that is part of the CSX Railroad property, providing access between the railroad and Elkton Road.

In terms of topography, in general, the site slopes gently from high points at its southwest corner toward the northeast portion of the property.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, the 136 Elkton Road site contains

Keyport Silt Loam soils. According to the Natural Resources Conservation Service, this soil has “moderate,” development limitations for the use proposed.

5. Planning and Zoning:

136 Elkton Road is currently zoned BB. BB is a general commercial zone that permits the following:

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

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

- A. Retail food stores with more than 5,000 square feet in area.
- B. Drive-in and curb service for other than eating establishments.
- C. Fast-food restaurants with special requirements.
- D. Motels and hotels.
- E. Commercial in-door recreation and in-door theaters.
- F. Instructional, business or trade schools.
- G. Electric gas and telephone central offices and telephone central offices and substations with special requirements.
- H. Tower, broadcasting or telecommunications on existing buildings or structures with special requirements.
- I. Police and fire stations.
- J. Library, museum and art gallery.
- K. Church or other place of worship.
- L. Restaurant, cafeteria style.
- M. Apartments, except on ground floor locations, with special requirements.
- N. Restaurants with alcoholic beverages, with special requirements.

Regarding BB zoning area requirements, the proposed subdivision plan meets all applicable Zoning Code specifications.

Regarding nearby properties, the land immediately southwest of the 136 Elkton Road site is zoned BN (neighborhood shopping) and contains the Pat’s Pizza restaurant. The MI (general industrial) zoned CSX Railroad right-of-way lies northwest of the site, with the UN/RM zoned University Dickinson Dormitory Complex and parking area further to the northwest across the Railroad right-of-way. The BC zoned FedEx Kinko’s office services building is located northeast of the site on BC zoned property. This facility shares parking with the 136 Elkton Road property. A now vacant BC zoned drycleaner and a laundromat business are located across Elkton Road southeast of the site.

Regarding comprehensive planning, Comprehensive Development Plan IV calls for a combination of “auto and/or pedestrian oriented” commercial uses at the 136 Elkton Road location. In addition, the Plan’s Downtown Economic Enhancement Strategy was recently revised to extend the downtown district land uses to this portion of Elkton Road, with the result that the proposed uses recommended also now include:

“ . . . first floor specialty and traditional retail shops, with the 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 of downtown traffic and parking; their 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 downtown density in the projects in this district for residential projects.”

Regarding gross residential density, please note that the proposed 136 Elkton Road plan calls for 18.88 dwelling units per acre. This density meets the recently revised BB zoning densities of 20 units per acre for apartments of three bedrooms or more. By way of comparison with recently approved similar projects on Elkton Road, please note the following:

<u>Development</u>	<u>Units Per Acre</u>
Amstel Square	18.71
109-111 Elkton Road	21.13
119 Elkton Road	15.52
Millyard	9.39
Rittenhouse Station	14.58
Carroll Commons (70 Amstel Ave.)	20.78

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 136 Elkton Road plan calls for the demolition of 1,060 sq. ft. of commercially zoned one-story space at the rear of the property to accommodate 17 covered parking spaces in a reconfiguration of the parking areas to accommodate eight new apartments constructed in two stories above the new parking spaces resulting in a three-story building. The revised total project will have 22 apartments and a slight reduction in commercial space from approximately 14,160 sq. ft. to 13,100 sq. ft. The parking area remains to the rear and the north of the building, with 17 spaces on the first floor of the rear wing, and a continued shared access way from Elkton Road with FedEx Kinko, further to the northeast.

Please consult the applicant’s submitted landscape plan for details regarding the proposed parking area landscaping, solid fencing along the CSX Railroad right-of-way, and

street trees along Elkton Road. Except for a few minor changes in the parking area, the landscape plan is very similar to what was originally submitted with the plan.

Please consult the applicant's submitted building elevation drawings from Bernardon Haber Holloway Architects for additional information concerning the proposed 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 XIV(d). The proposed three-story addition construction and materials to be used will be the same as the nearly completed portion of the existing building that fronts on Elkton Road. Please note, in this regard, the original 136 project was submitted to the Downtown Newark Partnership's Design Review Committee, and the Committee recommended in favor of the project and noted, in particular, ". . . that the building design is a good example of what we hope to have for the S. Main Street portion of Elkton Road."

Traffic and Transportation

The Planning and Development Department requested that the Delaware Department of Transportation (DelDOT) review the proposed 136 Elkton Road major subdivision plan. Their comments are summarized below:

- The applicant's engineer must coordinate with the ongoing Elkton Road project. (State Project No. T200404401) to ensure the site improvements properly tie into proposed construction along Elkton Road.
- The distance from the back of the sidewalk to the first parking stall on the west side of the ingress should be 20 feet. Therefore, DelDOT will require that the first stall on the west side of the ingress access lane be removed.

Regarding the removal of the parking space, the developer does not agree that it is necessary to remove the parking space, and instead argues that by shifting parking spaces to the northwest by 4 feet, the applicant will address the issue of a standard passenger car backing out of the space without crossing the sidewalk and endangering pedestrians. Therefore, the developer requests the opportunity to continue working with DelDOT to address their concerns, and maintain the parking space. If the matter is not settled in the applicant's favor by the time of City Council review and the parking space has to be removed to meet DelDOT approval, the plan will no longer be Code compliant and therefore, the developer will either be required to apply for a parking waiver or reduce the number of dwelling units from 8 to 7 in order to meet the parking requirements.

Fiscal Impact

The Planning and Development Department has evaluated the impact of the 136 Elkton Road development on Newark's municipal finances. The estimates are based on the Department's Fiscal Impact Model. The Model projects the 136 Elkton Road resubdivision fiscal impact; that is, total annual municipal revenues less the cost of municipal services provided. The Planning and Development Department's estimate of net revenues for the eight additional apartments is \$1,578 annually.

Subdivision Advisory Committee

The City's Subdivision Advisory Committee, consisting of the Management, Planning and Operating Departments, has reviewed the proposed revised development plan and has the comments provided 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 addition to the existing mixed use commercial and residential development for 136 Elkton Road by adding first floor parking and residences above corresponds to recently approved projects in the immediate vicinity of the site. The proposed land use also conforms to the

recently updated land use recommendations in Comprehensive Development Plan IV and the Plan's Economic Development Enhancement Strategy for this location.

2. The Planning and Development Department suggests that the Planning Commission recommend as a subdivision site design condition the following:
 - That the architectural design for the proposed new building be carried out on all portions of the facility visible from public rights-of-way.
 - That mechanical equipment and utility hardware be screened from public view with materials harmonious with the proposed architectural design or they shall be located so as not to be visible from the public right-of-way.
 - That exterior lighting be designed as an integral architectural element of the proposed architecture.
3. The Planning and Development Department suggests that the subdivision agreement for the 136 Elkton Road properties specify that the proposed units should be designed so that they can be easily converted to for sale condominium apartments in the future.
4. The Public Works Department indicates that while it has no specific comments at this time for the subdivision plan, it will have construction improvement plan comments regarding the stormwater management system and how the roof area volume will be directed into that system. The Department will also require detailed information about the retaining wall and verify that the double stacked parking is for tenants only and will be signed appropriately. In addition, the Department suggests that the dumpsters be relocated to an area more accessible for dumping and notes that enough room should be provided for recycling dumpsters as well.
5. The Electric Department indicates the following:
 - That electric service is available from Elkton Road to service the new apartments; and,
 - The developer must pay \$100 per meter for apartment meters.
6. While recognizing that the plan is Code compliant, the Police Department has raised concern about the number of tenants residing in the building in relationship to proposed parking. The Department has also raised concerns about the limited availability of crosswalks on Elkton Road in light of the projected increase in pedestrian traffic resulting from the project.
7. The Parks and Recreation Department indicates that the landscape plan for the revised subdivision plan is acceptable.
8. The Code Enforcement Department indicates that:
 - The new facility must comply with all current International Building Code and Fire Prevention Regulations requirements, including a requirement for the installation of the sprinkler system.
 - The addition must meet LEED specifications as per Code Chapters 7 and 27 for major subdivisions.
 - Regarding the parking garage, the stairs should empty in the front of the building directly to the outside of the building.
 - At least the first floor of the new building is close to the property line (three feet +/-), and, therefore, window openings will be limited or not permitted.
9. The Water and Wastewater Department indicates that:
 - The meters for the new apartments will need to be located in a central meter room.
 - Water and STP fees will be required to be paid by the applicant.

Recommendation

Because the proposed revised 136 Elkton Road development plan conforms to the land use recommendations in Newark Comprehensive Development Plan IV, because the proposed residential addition to the commercial/residential mixed use major subdivision conforms to recently approved projects in the vicinity of the site, and because the 136 Elkton Road subdivision plan, with the Subdivision Advisory Committee recommended conditions will not have a negative impact on adjoining and nearby properties, the Planning and Development Department suggests **that the Planning Commission recommend:**

That City Council approve the 136 Elkton Road revised major subdivision plan as shown on the Landmark Engineering plan dated June 9, 2011, with revisions through March 23, 2012, with the Subdivision Advisory Committee suggested conditions, and with the further condition that the parking issue be resolved in the applicant's favor and the parking space in question remains on-site. However, if the parking space needs to be removed for DelDOT approval, the number of residential units be reduced from 8 to 7 units.

The developer is here and I will be happy to answer any questions that you may have.

Mr. Begleiter: On the top of page 2, you make reference to the CSX Railroad easement and you say it is labeled as a 20 ft. wide access easement. It is labeled as an easement, but if CSX owns it, then anything could be built there if it conforms with the City's Plan. I'm asking the question about whether it is a labeling issue or whether it is a potential problem on this site that if they own it, they could come in tomorrow and decide to put a little building there or something. And, that could throw a lot of things up in the air including the parking issues that you raised and the access issues, and so on. If it is just an easement, then it is underground or driving access or something and that is no big deal.

Ms. Feeney Roser: That is the intention, although Lisa is standing at the microphone, so she can address that issue for the Commission.

Mr. Begleiter: Related to that, the Leskew property abuts this property and currently shares driveway access and this proposal says the driveway access will continue. In some other cases, the City has required that two adjacent property owners have a letter or formal agreement perpetuating the access situation because if that were to change for any reason then that other property doesn't have any access to Elkton Road, I think. I am asking the question about whether it would be appropriate, in this case, to require such a formal agreement.

Ms. Feeney Roser: I believe there is an agreement that has already been set up.

Ms. Goodman: I am here representing Elkton Plaza Associates. Ms. Angela Tsionas Matulas is here. She is one of the principals. Joe Charma is the project engineer. He is not here. Carey Haber from Bernardon, Haber and Holloway, who is the project architect is here.

This something that you folks don't see that often. This is a straight up site plan with no rezoning, no special use permit, no waiver, just straight up, by the book, site plan. As you recall, you saw this plan when it came through previously, and in February of 2010, Council approved a rezoning for this site from BC to BB. This, of course, was formerly the home of the Eagle Diner. And, that plan is approved by Council and is recommended by you, was for a 10,600 sq. ft. commercial retail and 14 two story townhouse style apartments.

The building is currently under construction. It actually looks very good as you drive by it, if you noticed it tonight when you came in. The owners are feeling very positive about the market, which I think is a testament to all the good things that are happening on Elkton Road and the vision of Council and this Commission. Everyone is feeling so good that they are really looking forward to the renaming of Elkton Road as South Main Street.

Council is thinking about that. The owners are thinking so positively about this that they have decided to bring this back because they left a fair amount of the capacity of this site undeveloped. So, this revised plan, which essentially completes the L of this building, if you will, and completes it into a full L along the westerly side of the property. If you take a look at the exhibits that I handed out, the cover page in the dark shows the proposed completion of the L and you can see the parking underneath that. There is a portion that has currently been constructed that is a one story part of that L and that is proposed to be deconstructed and then reconstructed in this shape. That is the price you pay for feeling evermore bullish as you build a building and decide that you are feeling so bullish that you are going to come back and change is midway through.

The portion that we are talking about here tonight will provide street level parking and 8 three-bedroom apartments. It is Code compliant as to parking, setbacks, in every way. The one issue that has come up, which Maureen talked about in her report, is this question of the first parking space to the right as you pull in. Even though that parking space is virtually identical in terms of distance from almost every other project along Elkton Road, DelDOT has a discomfort level which seems to be relatively new, to the idea of that parking space. We are in conversations with them. I will tell you, if we do not resolve it in the way we believe it should be resolved, we will just simple reduce this project to seven units. We won't come back to you for a waiver. That seems to make sense. We have a building that is under construction and the delay in coming back for a waiver doesn't make commercial sense. That is still to be decided. One is ever hopeful that one can bring DelDOT around.

The proposed density meets even the new BB requirements, which for apartments of three bedrooms or more is 20 per acre. Here we have 18.8. So, we are under it. For comparison, Amstel Square – 18.7; 109-111 Elkton Road – 21.13; Carroll Commons – 20.78 (on Amstel). We meet even the new requirement there. We meet all the BB zoning requirements. We meet all the subdivision requirements. So, this one is pretty straight forward with the very minor exception of arguing with DelDOT over one parking space.

In the package that I handed you,, behind tab 1 are the two pages of the actual revised plan. Behind tab 2 is an updated elevation with utility lines. Behind tab 3 are elevations from north, east and west. This building is a little tricky because of the change of elevation. This gives you a sense of how that elevation change looks when you are looking at various views of the building. Just out of interest, behind tab 4 I put the current Google Earth view, which was actually taken after the demo and during the beginning of construction.

To answer your question about the cross access easement, we are, indeed, working on one and we will have that in place. I completely agree with you, it is always better to have something in writing to protect all the parties, not to mention the City. The question of the CSX easement, it is just that. It is an access easement. So, we are entitled to use it for parking. They are entitled to drive on it if they ever need to.

Mr. Begleiter: Are there going to be any windows overlooking the track on the west end of the proposed new addition?

Mr. Carey Haber: Bernardon Haber Holloway Architects, Kennett Square, Pennsylvania. There are windows on all three sides – north, west, east sides. The north elevation is the one that faces the tracks.

Mr. Begleiter: How far from the tracks will those window be? It looks to me like it might be possible to actually just, not even jump, but sort of walk out the window and land on the top of a train.

Mr. Haber: That would not be possible. I don't have a scale drawing here, but the easement for the tracks looks like it is about 30 to 40 feet, and we are about 10 or 15 feet off the property line. The tracks are obviously further back from there.

Mr. Begleiter: Are the tracks elevated at that point or are they depressed?

Mr. Haber: They are slightly elevated I think. Basically at grade, just a little bit up.

Mr. Begleiter: So, we are putting dwelling/sleeping rooms within 40 feet of toxic material carrying trains on the CSX track.

Mr. Haber: I have no idea what is carried in the trains. But, they are within 40 feet.

Mr. Begleiter: That is a matter of public record so that is not a problem.

Ms. Dressel: Most people on the Commission know that this is my pet peeve because I have college age children and I have a strong concern with the idea that you have bedrooms that close to the trains. Toxic material or train wrecks and accidents, there are plenty of issues with those train tracks with students crossing them and things like that. I guess I will state this. I am almost hoping that that one parking spot could be resolved so that you would shorten that building so that it will be a little bit further away. Even 10 more feet it seems would be adding a little bit more of a buffer. And, again, if it is office space, that is one thing. There is nobody sleeping there, but when you have got students, presumably, who are sleeping and they don't hear anything, that is a big concern. But, I like the building. If we could just reduce the size and proximity to the tracks.

Ms. Brill: Do you consider more noise abatement when you are that close to the tracks or thicker walls insulation?

Mr. Haber: Whether you are 10 feet or 20 feet, it is really the same. Even the existing building, which is about 50 feet, the sound is pretty similar. They are brick masonry walls with well insulated glass, but you are going to hear the train go by. There is no question. The sound is not going to dissipate over that short distance of 20 feet or so.

Ms. Dressel: We had the property on Cleveland Avenue not long ago that is now fully occupied and the builder there put on record that he had put very high quality windows with sound proofing.

Mr. Haber: Laminated glass would be the type of glass that you would put in, like in your car.

Ms. Dressel: But, he also had soundproofing on that back wall of the building to cut down somewhat on the noise from the train. So, I think it would be beneficial to have that information and those requirements in your plan before it would go to City Council being that it is so much closer now to the train tracks.

Mr. Haber: We can look at that.

Mr. Johnson: I wasn't on the Commission when Buffalo Wild Wings was approved. Are there apartments above Buffalo Wild Wings?

Ms. Feeney Roser: Yes.

Mr. Begleiter: Yes, and this was an issue at that time as well.

Ms. Dressel: And I voted against that one.

Mr. Johnson: And the decision was to let it go forward and I believe Buffalo Wild Wings is probably closer to the tracks than this project.

Mr. Begleiter: I think we would have to look at the details of that one and I also think it would be worth looking back at that one to see whether there was any construction change that resulted from the discussion. I don't remember it, but I do remember having the discussion.

Ms. Goodman: We will – and I realize this does not come up, obviously, to the level of the second floor windows – be having a fence along the back for obvious reasons, which will help with the sound. And, we also will have room for landscaping in the rear, which

will also help with sound absorbing. We would certainly do our best to take this Commission's thoughts into mind regarding landscaping. Because this building is close to being done, the owner has been in it during the day when the trains go by and it is quiet. Certainly you can hear the trains, but it is not anywhere like standing outside.

Ms. Dressel: I work at Newark Charter School and I was in the back of the building just today when the train went by three times, and every single time I jumped. I thought it was thunder and our kids were outside and I was going to get them in. We have strong windows and things like that, but I think it is important with living quarters that we make sure these are the highest quality and most soundproofing as possible.

Ms. Goodman: Absolutely, and that is what Angela and I were discussing in the back and I think all of these comments are well thought and will be taken into account.

Ms. Brown: How many bedrooms are you planning to add?

Ms. Goodman: Assuming we win the battle with DelDOT, there will be eight apartments. Each will have three bedrooms. I should mention, which I did not, there is already a deed restriction on this property. I have the executed one in my hand which was just approved by the City and is going to be recorded by my office tomorrow that deed restricts these apartments to one family or four unrelated parties. They are all three bedroom units.

Ms. Brown: But, that is the building that already exists.

Ms. Goodman: Yes, but this restriction would cover the new units as well. This restriction that is drafted covers the building and it is going to be one building.

Ms. Brown: Even what has not been approved?

Ms. Goodman: Well, if it doesn't exist, it won't cover it. Here is what it says, "Occupancy of the residential apartments shall not exceed one family or four unrelated persons per unit." So, to the extent that there are residential apartments on the property, they will be covered by this deed restriction.

Ms. Brown: I think the police made a valid argument that the number of pedestrians is going to be greatly increased with (8 X 4=) 32 people.

Ms. Goodman: Assuming that there are four. We actually think given the size of these bedrooms that they are much more likely to be three per unit than four. But, we agree with you. In terms of the discussions that go on when a project gets a no objection letter from DelDOT are things like crosswalks, and accommodations for pedestrians, especially while there is a project on Elkton Road going on right now.

Mr. Begleiter: Lisa, what effect on the shape of the building would reducing by one apartment have? Would it just mean that there would be a bigger closet somewhere or would the building be smaller?

Mr. Haber: We haven't given that any consideration, but most likely each apartment could get slightly larger.

Mr. Begleiter: So, you would keep the building shape the same. You would just figure out the interior difference.

Mr. Haber: Probably so because the building footprint essentially aligns with the covered parking so that reducing doesn't help you that much. Again, being an optimist, we haven't looked at that yet.

Ms. Goodman: I do think we have heard you regarding the windows on that short side of the building. So, we are not talking about a vast expanse of windows. I think your point is well taken.

Mr. Haber: Just to further adjust that. The way the building lays out the windows on the end of the building are bonus windows because there are similar units in the middle of the building and they have units on the two sides. So, what you have is a balancing act between the potential irritation of some noise when the train goes by or having the additional light coming into your bedroom. And as architects, owners and property managers you make that decision based on what you think is the greatest good. Any window on that side is like the second window in a room.

Mr. Bowman: The Chair will entertain a motion.

Ms. Dressel: I have a real problem with it being so close. I didn't have a problem with the original because the student housing or apartments weren't that close.

Ms. Feeney Roser: I would note, though, that the commercial tenant for that space in the previous plan was Christina School District.

Ms. Dressel: But, we didn't really know who the occupant would be and it wouldn't be that people were sleeping.

Mr. Bowman: Let me try to put a little perspective on this whole railroad hazardous materials, etc. Yes, they do cause noise but statistically, railroad transportation of hazardous materials or other materials is as safe as any other and far safer than most methods of transportation. Unfortunately, the City of Newark has the misfortune or the fortune to lie between two major rail lines (CSX and Amtrak) and a major interstate highway. The record of interstate highway transportation of hazardous materials is pretty good, too, quite frankly. And, if we were really going to solve this problem, we would abandon the City of Newark for about a mile radius in any direction around these railroad tracks. I think we are trying to squash a gnat here. I understand everybody's concerns. I've been involved in the chemical industry/hazard materials training all my life. And, yes there is a concern, but it is a far different concern than somebody sleeping in a room that is 75 feet from the railroad track. I have more concerns about a good percentage of our part time resident population haven't put signs on the ground that say look up before you cross the street and stop texting on your cell phone.

Mr. Begleiter: There is no prohibition against constructing anything along the railroad tracks. Newark has plenty of construction along the railroad tracks. Developers have choices about what they put along those railroad tracks and this one has chosen to put sleeping residents less than 75 ft. from the railroad track.

Mr. Bowman: We have done that for years.

Mr. Begleiter: You have made your point, but there is plenty of opportunity for construction in Newark of almost anything you want along the railroad tracks and at a time when the University of Delaware is planning to destroy and remove hundreds of student apartments from that distance from the railroad track, it is at least a legitimate concern for the Planning Commission.

Mr. Bowman: Certainly, I understand that, but you have to put it into perspective, Ralph. That is all I am saying.

Mr. Begleiter: That is exactly right.

Mr. Bowman: That is the University's choice to tear those dormitories down.

Mr. Begleiter: And it is the developer's choice to build apartments.

Mr. Bowman: The Chair will entertain a motion.

Ms. Sheedy: I would like to make a motion but I would like to say something to this point before I do.

Mr. Bowman: If you like.

Ms. Sheedy: I agree with you, Mr. Chairman, in terms of how close the buildings are to the railroad track or in terms of safety if there is a railroad disaster 50 ft., 250 ft. is not going to make a great deal of difference. It seems to me that it is primarily a marketing issue given that all the Code requirements are met. It is a marketing issue as to whether the developer feels that the apartments can be successful and marketed. And, therefore, given that the codes are met, it seems to me it is essentially beyond the purview of the Planning Commission. However, I will like to include, as you will see in my motion, something.

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

- A. THAT CITY COUNCIL APPROVE THE 136 ELKTON ROAD REVISED MAJOR SUBDIVISION PLAN AS SHOWN ON THE LANDMARK ENGINEERING PLAN DATED JUNE 9, 2011, WITH REVISIONS THROUGH MARCH 23, 2012, WITH THE SUBDIVISION ADVISORY COMMITTEE SUGGESTED CONDITIONS, AND WITH THE FURTHER CONDITION THAT THE PARKING ISSUE BE RESOLVED IN THE APPLICANT'S FAVOR AND THE PARKING SPACE IN QUESTION REMAINS ON-SITE. HOWEVER, IF THE PARKING SPACE NEEDS TO BE REMOVED FOR DELDOT APPROVAL, THE NUMBER OF RESIDENTIAL UNITS BE REDUCED FROM 8 TO 7 UNITS.
- B. IN ADDITION, BECAUSE OF THE PROXIMITY OF THE BUILDING ADDITION TO THE CSX FREIGHT LINE, THAT THE DEVELOPER EMPLOY MATERIALS AND CONSTRUCTION METHODS IN THE REAR OF THE STRUCTURE TO LIMIT INSOFAR AS POSSIBLE THE IMPACT OF RAILROAD NOISE ON THE RESIDENTIAL UNITS.

VOTE: 3-4

AYE: BOWMAN, JOHNSON, SHEEDY

NAY: BEGLEITER, BRILL, BROWN, DRESSEL

MOTION DEFEATED

5. JULY MEETING SCHEDULE.

Ms. Feeney Roser: One of the applicants that will be on the Commission's agenda for July suggested that, in the past, the Planning Commission had rescheduled the July meeting when it was a day before the 4th of July. I hadn't known about that practice so I thought I would put it on your agenda to see if you wanted to pick another date for that meeting. The two applications should be scheduled to be heard in July, but I didn't know if you would like to meet the following week. The scheduled date is July 3rd so the following Tuesday would be July 10th. I don't think there is anything scheduled in the Council Chamber that night.

Ms. Sheedy: There is the Conservation Advisory Commission on the second Tuesday.

Ms. Feeney Roser: That is upstairs not here in this room.

Ms. Sheedy: It is a conflict for me, yes.

Ms. Begleiter: I assumed when we saw your email about the scheduling of the meetings, I thought you had a whole series of things that had to be scheduled and I thought it was pretty important to do it on July 3rd. Whether I would be able to attend or not is another issue, but it is an inconvenient time. A lot of people will be having a long weekend.

Ms. Brown: I won't be here on July 3rd.

Ms. Sheedy: If I am the holdup for July 10th, I can absent myself from the CAC and frequently we either cancel the July meeting or the August meeting. So, it may not be an issue at all.

Ms. Feeney Roser: So, shall we say July 10th and I can follow up to make sure the date works for the majority of members and the applicants?

There being no more business, the Planning Commission adjourned at 9:38 p.m.

Sincerely,

Elizabeth Dowell
Secretary to the Planning Commission