

**CITY OF NEWARK
DELAWARE**

DRAFT

**PLANNING COMMISSION
MEETING**

July 2, 2013

7:00 p.m.

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

Chairman: James Bowman

Commissioners Present: Patricia Brill
Bob Cronin
Angela Dressel
Andy Hegedus
Edgar Johnson

Staff Present: Maureen Feeney Roser, Planning and Development Director
Mike Fortner, Development Supervisor

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

1. THE SUMMARY MINUTES OF THE MAY 14, 2013 PLANNING COMMISSION WORKSHOP.

The Summary Minutes of the May 14, 2013 Planning Commission Workshop were approved as submitted.

2. THE MINUTES OF THE JUNE 4, 2013 PLANNING COMMISSION MEETING.

Mr. Bowman: Are there any corrections or additions to the minutes from any member of the Commission?

Mr. Hegedus: I had a comment on page 16 with Mr. Morris Patrick's comments in the middle of the page. I know I remember him here and he was very difficult to understand. The words here just didn't make sense to me, like, "We are opposed to this because putting those townhouses that close to our building will jeopardize our on and off license that helps us do our charitable things." I thought he said liquor license.

Ms. Feeney Roser: It is an on and off liquor license. We can add the word liquor to it.

Mr. Hegedus: Right below that it said, "The national legal department is handling that." I thought he said Newark, if I remembered right. But, those are the only two things for me.

Ms. Feeney Roser: It is not the Newark Legal Department. I'm not sure what he meant by that. I believe he said national.

Mr. Hegedus: If he said national, that's okay.

Ms. Feeney Roser: I think it is a reference to the National Elks Club.

Mr. Hegedus: Gotcha. Okay. Thanks.

Mr. Bowman: Are there any other additions or corrections to those minutes? Hearing none, the minutes of the June 4th meeting are approved as corrected.

3. REVIEW AND CONSIDERATION OF A REQUEST FOR AN EXTENSION FOR AN APPROVED MAJOR SUBDIVISION AT 163, 171, 175 AND 179 SOUTH CHAPEL STREET (PIKE PARK), WHICH WAS STARTED BUT NOT COMPLETED WITHIN THE REQUIRED TIMEFRAMES.

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

“On June 3, 2013, the Planning and Development Department received a request from Delta Eta Corporation to extend the expiration date on an approved subdivision plan for Pike Park. As you know, for major subdivisions, Subdivision Regulations Section 27-21(b)(2)j states that, if the subdivision plan is not fully completed within five years from date of approval by City Council, the Planning Commission may require that the applicant reapply for subdivision approval beginning with the Subdivision Advisory Committee’s review of the uncompleted portions of the subdivision. In this case, Pike Park was approved on May 4, 2005. Specifically, City Council granted major subdivision approval for the properties at 163, 171, 175 and 179 South Chapel Street in order to eliminate existing tax parcel boundaries, construct one three and a half story, 12 dwelling unit apartment building, and relocate two of three existing single family homes on the site to the north side of the property. Subsequent to Council approval, a Construction Improvement Plan was submitted and approved that same year; and site work, sidewalks, curbs, entrance and road work and stormwater management facilities were completed, as well as the relocation of the two houses from the front of the property to the north side. These houses were relocated in order to make room for the three story, 12 four-bedroom apartment unit building, which was not constructed. As a result, only the apartment building remains to be built to complete the subdivision. Therefore, while the subdivision was not completed within five years from Council approval date, significant construction occurred at the site.

Recently, the owner, Delta Eta Corporation, has sought to sell the property to a new owner, who wishes to complete the subdivision. During the due diligence process, it was brought to the applicant’s attention that the subdivision had not been completed within the required five year timeframe, and therefore, Planning Commission review and approval was necessary to move forward with the construction of the apartment building under the previously approved plan. Therefore, on June 6, 2013, the Planning and Development Department received a request from the applicant to complete the subdivision in accordance with the approved plan, even though more than five years have expired.

To assist you in your review of this matter, we have attached the applicant’s request and the approved subdivision plan, and color elevation.

The Planning and Development Department abbreviated report on the expiration extension request follows:

Description and Related Data

1. Location:

163, 171, 175, and 179 S. Chapel Street; west side of S. Chapel Street approximately 160 feet north of Chambers Street.

2. Size:

Total site: 1.261 acres

3. Existing Land Use:

The northern portion of the site contains three single family detached homes, and associated access way, parking and open lawn.

4. Physical Condition of the Site:

The Pike Park site is essentially a developed property with three single family dwellings and access ways. The property is level, with almost no slope. Access is provided to the development via Pike Way off S. Chapel Street, which separates the three single family style rentals from the currently grassed area along S. Chapel Street proposed for the apartment building. Parking for the development is provided at the rear of the property and in the driveways of the single family rentals.

5. Planning and Zoning:

Pike Park is zoned RM. RM zoning permits the following uses:

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

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

- A. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.
- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory

use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."

- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

Please note that apartment uses in RM district require lots of a minimum of one acre in size.

In terms of zoning area requirements, except for the height of the unbuilt apartment building and the required distance between the relocated units, the Pike Park meets all applicable RM zoning area requirements. Regarding these area requirements, on February 21, 2002, the applicant applied for and received variances from the Board of Adjustment for building height (3 1/2 stories and 39.95 feet high) and for the distance between the relocated units (20.84 feet rather than the required 25 feet). With these variances, the plan meets all RM zoning area requirements.

Regarding comprehensive planning, the Newark Comprehensive Plan calls for "multi-family residential" uses at the Pike Park location. "Multi-family residential" is defined as 11 to 36 dwelling units per acre. The density of Pike Park major subdivision is 11.89 units per acre.

Because the project was approved prior to the subdivision amendment regarding elevations for major subdivisions, architectural renderings were not submitted at the time of approval. Be that as it may, the applicant has provided a rendering of what the proposed apartment building will look like for the Commission's review.

Subdivision Advisory Committee

The City Subdivision Advisory Committee, consisting of the Management, Planning and Development and Operating Departments, has reviewed the request to extend the expiration date in order to build the 12 unit apartment building originally approved. Our comments are as follows:

The Planning and Development Department notes that:

- The plan shows 33 parking spaces on site, which exceeded the Code required parking at the time the plan was approved (May 2005). However, in January 2006, Council amended the Code to require three off street parking spaces for apartments with more than three bedrooms. In this case, because the yet to be built apartment building is proposed to have 12 units each with four bedrooms, the plan no longer meets Code for parking. The Code now requires 42 spaces (6 for the existing and occupied single family units and 36 for the apartments) to serve the development. Therefore, originally, the Department proposed to recommend that, should the Commission decide to approve the applicant's request, the plan be required to meet Code through the Building Permit process either by providing the required parking on site or by reducing the number of bedrooms from four to three in at least nine of the 12 units to be constructed. However, in consultation with the City Solicitor, the Department has learned that the question before the Commission is, should the plan as approved be allowed to be built or should applicant reapply for subdivision approval. In other words, placing conditions on the approved subdivision or suggesting modifications to it in order to make it meet current Code is not an option.

- Likewise, because the original subdivision agreement does not mention occupancy restrictions for the property, and considering the considerable increase in density at the site (12 units at 4 bedrooms each) the Department was poised to suggest that the developer voluntarily restrict the site as to the number of unrelated individuals permitted to reside there. Certainly, the developer can propose to voluntarily restrict occupancy, but it cannot be required as a condition of extension approval.
- Should the Commission approve the expiration extension, a new completion date should be set for completion. In this regard, the Department would suggest 36 months from the date the extension is granted.
- The subdivision agreement dated May 10, 2005 is still in force.

The Code Enforcement Division of the Planning and Development Department notes:

- All buildings shall be designed and constructed in accordance with the 2012 International Building Code as amended. In this regard, Note #3 needs to reflect the new ICC 2012 International Fire Code (IFC) and the 2012 Delaware State Fire Prevention Regulations (DSFPR).
- All new homes/buildings must have approved sprinkler systems.
- Two complete sets of architectural/structural drawings with details and sections are required to be submitted for construction review.
- The building is required to meet LEED-like requirements of the City of Newark.

Please note, these requirements may be applied because they are applicable at building permit stage, regardless of when the subdivision plan was approved.

The Public Works and Water Resources Department indicates:

- A new Notice of Intent (NOI) will be required to be filed with DNREC.
- A revised Erosion and Sediment Control (E & SC) Plan will be required. In addition, a Standard Plan E & SC permit will be required from the City.
- The original stormwater/drainage agreement will have to be transferred to the new owner.

All other Operating Departments indicate they have no objections to the applicant being able to build out the approved subdivision, provided it is done as per the approved Construction Improvement Plan.

Recommendation

While the Pike Park major subdivision was previously approved by City Council, the Construction Improvement Plan approved, and considerable progress made towards building out the subdivision plan; and while the subdivision does not conflict with the development pattern in the nearby area nor is it in conflict with the Comprehensive Development Plan, because the recommended conditions regarding parking and occupancy cannot be applied to ensure that completing the subdivision will not have a negative impact on adjacent and nearby properties, and meet the current applicable Code requirements for parking, the Planning and Development Department suggests **that the Planning Commission not approve the applicant's request to allow the completion of the subdivision as approved, and send it back through the development review process for the uncompleted portion."**

The applicant is here and I will be happy to try to answer any questions you may have for me.

Mr. Bowman: Are there any initial questions from the members of the Commission? The applicant is here. Sir, state your name and address, if you would please, for the record.

Mr. Richard Cross: I am from the law firm of Cross and Simon. Our office address is 913 N. Market Street in Wilmington, Delaware. I am here tonight on behalf of Delta Eta

Corporation. There are also members of Delta Eta Corporation here as well as the architect for the project who is also a member of Delta Eta Corporation. In addition, Mr. Hal Prettyman is here and Mr. Prettyman and his company are the proposed purchasers of the property from my clients and have an interest in the application that has been made for tonight.

The Delta Eta Corporation is requesting an extension of the approval for the major subdivision at the Pike Park. This major subdivision was approved back in May of 2005 and the project included moving two of three existing structures that were on this site and then building a 12 unit apartment building. As the report to the Planning Commission notes that Ms. Feeney Roser summarized, considerable progress was made towards the building out of this subdivision plan. Mr. Ralph Olivier, as I indicated, is the architect on the project. In a moment, I am going to ask him, if it is okay with the Commission, to provide a brief description of the work that has been done because this is not a project that has sat idle. There has been over \$700,000 worth of work done on this project and we believe it would be a shame to have the project stopped now as opposed to the Commission, which has the discretion, to give an extension. We believe an extension would be warranted. What does remain, of course, after the work that has been done is the building of the apartment itself, but there has been a lot of site work done. If Mr. Olivier, if it is with the Commission's okay, would step forward.

Mr. Ralph Olivier: Formerly of Newark, but now I reside at 268 Chesterville Road in Landenberg, Pennsylvania. The work that we have completed so far on the site is, as Mr. Cross said, two houses were moved, existing foundations for those two houses were removed and filled in, sheds and garages for those houses were removed from the site, a new DelDOT approved entrance from Chapel Street, which is called Pike Way, has been installed and goes to the parking lot, and the two other existing drive entrances were removed by the plan. A stormwater management basin has been installed. It is underground in the parking lot and a 300 ft. storm sewer was installed that goes from the property over to Benny Street where the City of Newark storm sewer is located. All underground utilities have been installed – water, gas, electric. A fence has been installed. Landscaping has been installed for the plan. And, in fact, the landscaping plan bond was returned to Delta Eta Corporation because the work was complete. The three houses at the beginning were not sprinkled. They have all had sprinklers installed. Basically, our plans are substantially complete. There is still some work to be done on them and some engineering and detailing work needs to be completed, but this project, as far as I am concerned, is very far along.

Mr. Cross: As I had indicated, the work that Mr. Olivier just described has been done at an excess of \$700,000. The apartment building itself remains to be built. Under the plan as originally envisioned by Delta Eta that project has a budget of \$3.3 million. So, it is a substantial project for the City of Newark if it goes forward.

Delta Eta has sought and has a buyer and wants to sell these property to that new owner. That is Mr. Hal Prettyman and his company. And, they wish to complete this subdivision project. I think Mr. Prettyman and his company are well known to the City and I believe he has a very good reputation with the City in managing student and other properties in the City.

We discussed the request for an extension briefly with Ms. Feeney Roser from the City and I think from our research I'm not aware of any present or case law concerning the requested extension other than pursuant to Subdivision Regulation 27.21(b)(2)j which gives the Planning Commission discretion to allow us to continue with our subdivision or the Planning Commission may require us to reapply. Given that the Planning Commission has discretion to extend the original subdivision plan and given the work that has been done, we believe, of course, that an extension is what is warranted. I would like to address a few points. I know from Ms. Feeney Roser, as I understood the report, which I have read as well, there were really two basic concerns raised in the report. One is dealing with density and the other is dealing with the parking issue. I think both of those concerns ought to be viewed, first of all, in the light of what I understand is the City's position that this has to be an up or down vote on extending this subdivision plan. It is not something that there can be horse trading of putting restrictions in place for this.

But, I do believe an extension here is probably in the interest of the City and, obviously, in the interest of my client and here is why.

First of all, with the density issue, as Ms. Feeney Roser indicated, with a multi-family residential use, the density is defined at 11 to 36 dwelling units per acre. In this case, the density of this Pike Park major subdivision is 11.89 units per acre. So, we are, really, at the very low end of the density that is permitted for this use. And, it would strike me that if the project does not go forward, I would suggest that there is a likelihood that my clients are going to have to sell the property and another developer could buy it and seek to put in a project that would have a higher density than the 11.89 units per acre that is currently in the subdivision plan. So, I think from a density perspective, this plan is actually very low density for the area.

In terms of the parking issue, as I understood it, the concern was whether the parking would create any issues for the surrounding or neighboring properties, and I think that has to be looked at with two thoughts in mind. First is that to the extent that this extension goes forward we believe and have every belief that this project will be sold to Mr. Prettyman and, I think, he has a good track record of managing properties and would be able to manage any parking concerns. Second, this is a student project in a student area of town. It is not an issue where you have an apartment complex that is going into what is otherwise a residential area and there is a concern about parking. I think given the density issues and the management that would be going into place for this, I think that the density and parking issues should not be as big a concern as indicated.

Given the amount of money that has been invested by Delta Eta at this point, given the effort that has been invested in the site work – the sidewalks, curbs, entrance work, stormwater management, relocation of the buildings – given that this project fits within the development pattern in the Comprehensive Development Plan for Newark, we believe that the Planning Commission should extend the major subdivision plan. I understand from the report that the recommendation would be, if it was approved, that it be approved for a 36 month extension, I believe that that would be an appropriate extension at this time. Mr. Prettyman is here as well and I think he may want to make a statement concerning the project as well, unless there are any questions.

Mr. Bowman: He is welcomed to make a statement and then I will ask the Commission if they have any questions for the applicants. That is up to him if he wants to add to what you have said.

Mr. Hal Prettyman: 163 S. Main Street A11. I would just like to say that we are excited to have this opportunity. It is true that if my company was going to be buying this as any other developer in Newark, we would look at this parcel entirely different than the way it is shaped and formed today. This density is at the low end of the spectrum. The building is limited by its footprint. We can't make it any bigger than it is. We are not sure of the interior makeup of the building, but we think it is an exciting project. We have other projects that have parking that have very similar situations. We are very up front in our leases with our parking. We seek tenants that all don't have cars and that do walk. The proximity of this property is key. You don't need a car to attend the University or to go up to Main Street or anything of that sort. So, we don't look at that as a problem in managing the property. Of course, that is key to us because we want to have tenants. If our tenants aren't happy, they are going to go somewhere else where they can be happy. If parking was that big of an issue, we would have a different way that we would have addressed it. But, we haven't found it to be a problem. It is a student oriented area. Right around the corner are the new dorms. I don't know if any of you have driven down there but if you went to this project, I'm sure you did, you saw that that is quite impressive. There is development going on right around the corner from us, which has a much higher density than what we have or what was approved in 2005. Like I said, we are very excited about it.

Mr. Bowman: Are there questions from the Commission for the applicant?

Ms. Dressel: I have a question for Mr. Olivier. When was all of the work that you described for us completed?

Mr. Olivier: The construction work. I will have to refresh my memory but, we were approved in May 2005. So, we probably would have been finished the following summer.

Someone spoke to Mr. Olivier off the microphone, which was (Inaudible).

Mr. Olivier: 2007 would have been when it was completed because the houses had to be moved immediately and the driveway and stormwater had to be installed all at the same. So, that work was completed relatively quickly. (Inaudible) the three units, which was a key factor in generating rental income as soon as possible.

Mr. Cross: If the concern is that that portion of the work was completed and then the project sort of stalled, I would note that the Delta Eta Corporation had a combination of factors that impacted its ability to proceed at that time. One was that it was selling another property back to the University of Delaware and unfortunately ended up in litigation with the University that went on with the University that went on for several years before the University ended up having to finally buy out Delta Eta Corporation, but it was many years of litigation and, of course, the economy and the housing market impact also impacted Delta Eta's ability to continue the project on time, which is why they ultimately sought to find a buyer to take over the project.

Mr. Bowman: Are there any other questions? No questions. We will open it up for public comment. I have no written requests for people to address this from the public, but if there is anyone who wishes to do so, please step to the microphone and state your name and address please. No public comments. We will bring it back to the table for consideration.

Ms. Dressel: I think that this project was approved eight years ago. The majority of the work was completed seven years ago with some of it being completed six years ago. It seems to me that enough things have changed in the meantime and based on the recommendation of the City Solicitor, we would not have the option of putting any requirements or restrictions on this project. It seems to me that it makes sense for this applicant's request to be denied and for them to have to come back with a different proposal.

Mr. Bowman: Is there a motion to that effect?

MOTION BY BRILL, SECONDED BY DRESSEL, THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATION:

THAT THE PLANNING COMMISSION NOT APPROVE THE APPLICANT'S REQUEST TO ALLOW THE COMPLETION OF THE SUBDIVISION AS APPROVED, AND SEND IT BACK THROUGH THE DEVELOPMENT REVIEW PROCESS FOR THE UNCOMPLETED PORTION.

Mr. Bowman: Is there discussion on the motion?

Mr. Hegedus: I think my sentiments are pretty well explained. We have had a number of meetings here where we have been talking about density issues and I understand that if it is redesigned it may come back being more dense than it is. However, the mitigating factor on that is that the parking issues are the parking issues which means that if it is redesigned, they will still have to address the parking limitations. So, this is not necessarily germane to the deferral since we can't put any conditions on it either, but there have been a number of things that have changed including lots of development around that area where the style of the building may not fit in as well as some of the other newer projects that were proposed. Because it is not Code compliant as designed currently, I would agree that following the Planning and Development Director's recommendation is where I'm leaning as well.

Mr. Bowman: Is there any further discussion on the motion?

Mr. Cronin: I think, in a way, be careful what you wish for. I think it has been fairly well explained in a balanced fashion that any shortfalls in the existing proposal are not detrimental to it going forward as approved. I don't see any neighboring property owners here to object to it going forward as approved and I think it would be a penalty to the owner and the developer to expend more funds for something that might be totally turned around and be something we might not even like as well but we feel we need to approve by a by-right approval for something later on. I, for one, think it is the right thing to do to go ahead and approve the extension request. That is my sentiment at the moment.

Mr. Johnson: I agree with Bob. I just think the density issue is one we have talked about - over density and over population and so forth. I agree with Bob. It is something that should be approved and move forward.

Mr. Bowman: Any further discussion? If not, we will call for the question.

VOTE: 4-2

AYE: BOWMAN, BRILL, DRESSEL, HEGEDUS

NAY: CRONIN, JOHNSON

MOTION PASSED

4. REVIEW AND CONSIDERATION OF A REZONING FROM BC (GENERAL BUSINESS) TO BB (CENTRAL BUSINESS DISTRICT) AND MAJOR SUBDIVISION OF THE .335 ACRE PROPERTY LOCATED AT 7 AND 15 SOUTH MAIN STREET TO CONSTRUCT A FOUR-STORY MIXED USE BUILDING CONTAINING 11,000 SQ. FT. OF OFFICE/RETAIL SPACE AND 12 APARTMENTS.

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

“On March 21, 2013 the Planning and Development Department received applications from Lang Development Group for the rezoning and major subdivision of the .335 acre property located at 7 and 15 South Main Street. The applicants are requesting rezoning from BC (general business) to BB (central business district) and subdivision approval to create one tax parcel out of the two parcels to construct a four-story mixed use building with 11,000 sq. ft. of office/retail space on the first two floors and 12 apartments on two floors above. The applicant proposed the unit mix for the residential piece to be four three-bedroom and eight two-bedroom apartments. The applicants have also applied for the required special use permit for apartments in a downtown district.

The Planning and Development Department's report on One South Main follows:

Description and Related Data

1. Location:

The properties are located on the east side of South Main Street between University of Delaware lands housing the Trabant University Center parking garage to the northeast and east and Bayard Sharp Hall on the southwest. The site is located approximately 120 feet from the intersection of West and South Main Streets and approximately 110 feet from the intersection of South Main Street and Delaware Avenue.

2. Size:

The parcel is .335 acre, .013 of which is dedicated right-of-way leaving .322 acres of developable land.

3. Existing Land Use:

Both 7 and 15 South Main Street are non-conforming residential rental properties. The property at 7 South Main Street also contains first floor commercial space, which is currently occupied by the Newark Bike Project.

4. Physical Condition of the Site:

The proposed One South Main property is a relatively level site containing two buildings fronting on South Main Street with an access way in between them leading to a paved parking area serving both parcels. The parking area is enclosed on three sides by chain link fence separating the site from UD properties. As noted above, the Trabant University garage and associated access ways are adjacent to the east and northeast, with a relatively small area of green space directly adjacent to the One South Main property. The UD Bayard Sharp Hall property is adjacent to the southwest of the site, containing the National Historic Register building, green space and walkways, with a small parking area in the rear accessed from Delaware Avenue. A line of mature trees separates this parcel from the fenced and paved parking area at One South Main.

Regarding soils, according to the subdivision plan and the US Department of Agriculture's Natural Resources Conservation Service, the site consists of Urban Land (Up) soil. These are previously disturbed soils with no development limitations.

5. Planning and Zoning:

The One South Main sites are currently zoned BC (general commercial). BC zoning 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

Note – The existing residential uses for the site are non-conforming uses.

The applicants are requesting rezoning of the BC zoning to BB. BB is a central business district zoning that currently allows 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 area requirements in the BB district, please be advised that the One South Main plan meets the Code's BB area requirements, with the exception of onsite parking. The applicant proposes to meet the requirements for off-street parking for the retail, office and 12 apartments through an agreement with the University of Delaware to supply parking in the Trabant Garage. Specifically, because Code Section 32-47(b) allows an applicant in the BB District to meet its parking requirements off-site provided it is within 500 linear feet of the proposed building, the developers are proposing to supply the 67 required spaces through an agreement with the University of Delaware for spaces in Trabant Parking Garage on the adjacent lot. More information concerning this agreement may be found in the Departmental comments.

Regarding adjacent and nearby properties, as noted above, to the northeast along West and South Main Street is the University of Delaware owned and UN zoned Trabant Student Center parking garage. To the southeast of the site is also the University owned and zoned Bayard Sharp Performance Hall. The rear of the property is also adjacent to University property. Immediately across South Main Street from the project is the CSX owned maintenance building and yard. Further to the south across South Main Street, University of Delaware owned residential dormitories and a dining hall are located on the west side. Non-conforming BN zoned residential properties are located on the east side of South Main Street, south of Delaware Avenue, which are, in turn, also adjacent to the BB zoned Amstel Square project.

In terms of comprehensive planning, the Comprehensive Development Plan IV calls for commercial, pedestrian oriented uses for the One South Main location. Please note that due to the scale used for Comp Plan, these small properties appear to be lumped into the UN category, which surrounds them. The UN designation applies to UD owned properties. In this case, the ownership, zoning and recent extension of the downtown core district along South Main Street support the commercial (pedestrian oriented) designation, although not clearly detailed on the map. Commercial (pedestrian oriented) is defined as:

“Shopping and commercial uses of all types including retail facilities for buying and selling of goods and services, as well as administrative and professional offices, personal service establishments, eating establishments, and shopping centers typically included in central business districts with customers, to a lesser extent, relying on the automobile to patronize these businesses. Residential uses as noted in Chapter 2, may be permitted under certain limited circumstances.”

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

“Regarding the City’s review of downtown mixed use redevelopment projects with housing components, the intent is to make it abundantly clear that the City seeks positive impacts from such residential uses. One key positive impact from an individual project, for example, might include the potential at the site for affordable housing for owner occupants. In particular, and perhaps most importantly, to implement this Action Item, Council may need

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

Regarding gross residential site density, the One South Main Street project proposes 37.27 units per acre. This density meets Code for the two and three bedroom apartment mix proposed. That is, in BB zoning, three bedroom units are limited to 20 units per acre, and two bedroom units are limited to 50 units per acre. Four of the twelve units are proposed to be three bedroom units and the remainder are proposed as two bedroom units. Therefore, using the formula for calculating the maximum number of dwelling units $(8 (50) + 4 (20)/12 (.322))$ allows 12.88 apartments at the site, resulting in the 37.27 units per acre density noted above. This density is somewhat typical of previously approved downtown Newark BB zoned mixed use buildings which range from 8 to 36 units per acre, with the significant exception of the recently approved Newark Shopping Center project which was approved at 47.79 units per acre. Be that as it may, by way of comparison, other nearby multi-unit developments have the densities noted below. Please see the density chart below.

<u>Project</u>	<u>Units Per Acre</u>
Campus Edge	25.88
Kate’s Place & Choate Street Townhomes	25.02
Newark Shopping Center	47.79
Washington House	36.10
102 E. Main Street	20.83
108 E. Main Street	14.70
129 E. Main Street	35.29
132 E. Delaware Avenue	34.78

Based on recent discussions at both Planning Commission and Council, the following bedroom density calculations are also provided. In terms of bedrooms per acre, the 28 proposed bedrooms associated with the One South Main project calculate to 86.9 bedrooms per acre. For comparison purposes, recently Council approved developments’ bedroom densities calculate as follows:

<u>Project</u>	<u>Bedrooms Per Acre</u>
Newark Shopping Center	95.6
Campus Edge	103.5
Kate’s Place & Choate Street Townhomes	59.3
102 E. Main Street	62.5
108 E. Main Street	58.8
129 E. Main Street	105.9

Status of the Site Design

Please note that at this stage in the Newark subdivision and review process for projects fronting on Main Street, applicants are required to show the general site design and architectural character of the project. For the site design, specific details taking into account topographical and other project 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; and, in addition, contextual color scale elevations showing the front Main Street facades of all buildings immediately adjacent to the property. 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 must be referred back to City Council for further review and approval. That is, initial Council subdivision plan approval means that the general site concept and the 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 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 plan and agreement for the project.

Be that as it may, the One South Main rezoning, major subdivision and special use permit calls for the construction of four stories above grade building, with a lower level story housing storage and mechanical equipment. The ground floor and second floor are proposed for 11,000 sq. ft. of retail and office space and two floors of apartments. Fire access to the site will be provided through an entrance to the south of the building along South Main Street. As previously mentioned, the required 67 parking stalls (24 for the apartments and 43 for the retail/ office space) are proposed to be supplied through agreement with the University of Delaware. Specifically, the University proposes to provide gate card access in the Trabant garage to accommodate the required parking. Lang Development Group produced an email from Richard Rind, Director of Parking and Transportation Services for the University of Delaware dated April 25, 2013 indicating the status of the agreement. Specifically, Mr. Rind has offered that, on behalf of the University, he has reviewed the proposed building and associated parking needs and believes that the University of Delaware will be able to provide the necessary spaces in the Trabant facility for the next ten years, at a minimum. However, Mr. Rind notes that the University reserves the right, should they need the required spaces for their own purposes, to either reduce, transfer to another nearby garage or lot and/or terminate the obligation to provide parking. Further, Mr. Rind indicates that the University will make the spaces available as yearly permits at market rates to the tenants of the new building, either through Lang Development Group as the owner of the building or to the tenants directly. This information has been verified through Planning and Development Department staff conversations with Mr. Rind.

Regarding design, please consult the applicant's submitted elevation drawings and supporting letter for additional information concerning the proposed architectural and site design. To evaluate the proposed architectural design, the Planning Commission should consult the design criteria in Municipal Code Chapter 27, Subdivision and Development Regulations, Appendix XIII(b).

Please note, in this regard, that on a voluntary basis, the applicants reviewed the proposed elevation drawings with the Downtown Newark Partnership's Design Committee. As a result, the Committee recommended in favor of the design, even though it does not meet the Design Guidelines for height. Specifically, the Committee reported that "While the height is taller than buildings around it, the site is an ideal location for a visual focal point for the intersection of South Main, Delaware Avenue, West Main, and New London Road." (Please note, in this regard, that the building height has been reduced from 64 feet and five stories to 52 feet and four stories since the Design Committee review. The reduction makes the One South Main building three feet shorter than the tower of Bayard Sharp Hall and nine feet taller than the Trabant garage). The Committee also commented that shared parking

with UD is an innovative approach to meeting the parking requirements, and they strongly endorse the project's open sidewalk and landscaping plan.

Fiscal Impact Study

The Planning and Development Department has evaluated the One South Main rezoning, major subdivision and special use permit plan on Newark's finances. The estimates generated on net return are based on the Planning and Development Department's Fiscal Impact Model. The Model projects that the One South Main fiscal impact – that is, total anticipated municipal revenues generated, less total costs of municipal services provided. The Planning and Development Department's estimate of net annual revenue for the project is \$14,126.53. Please note, the current existing impact of the buildings currently on the site is not calculated into this estimate. In other words, the impact is calculated for the complete proposed project, and not the difference between what is currently generated and what will be generated if the development is approved. In addition, please note, there is no difference projected between the first year's revenues and those beyond for this development as there will be no impact in the first year's revenues from City transfer tax, because the development proposed is already owned by the applicants.

Traffic

Because South Main Street is a State owned and maintained roadway, the Planning and Development Department requested DelDOT's review of the One South Main rezoning, major subdivision and special use permit plan. The Department indicates that the development as proposed does not meet the volume based warrants for a Traffic Impact Study (TIS), which are 400 trips per day and 50 trips per peak hour. In addition, DelDOT noted that its analysis is based on general office uses for the commercial space. If, medical or dental offices are planned, higher traffic can be expected, and a TIS would be warranted, and further that the Department would recommend that parking needs be reassessed.

- DelDOT suggests that the City consider requiring a plan note or deed restriction prohibiting medical and dental office uses at the site.
- Because the proposed development constitutes a change in use, DelDOT will require the plan's submission for a Letter of No Objection along with the submission of an entrance plan for the service access and obtaining a new entrance permit.
- DelDOT indicates that the development presents a good opportunity to obtain a decorative sidewalk. At the City's discretion, DelDOT would recommend that the proposed development either match the full red brick in use in the area or the pattern from DelDOT's recently completed South Main Street project.
- The plan shows a service entrance onto an area of brick pavement and also a handicapped ramp from there to the proposed plaza but does not delineate any parking spaces. Separately, the notes indicates that all required parking will be provided in a nearby garage. DelDOT recommends that the locations of any required onsite handicapped spaces and loading spaces be indicated on the plan.

Subdivision Advisory Committee

The City's Subdivision Advisory Committee – consisting of the Management, Planning and Development and Operating Departments – has reviewed the proposed One South Main development plan and has the comments below. Where appropriate, the subdivision plan should be revised prior to its review by City Council. The Subdivision Advisory Committee's comments are as follows:

1. The Electric Department indicates that:
 - An off-site extension and a new pole on the northeast corner of the property will be necessary. Therefore, the paved area on the southwest side of the entrance is problematic for the electric pole guy wire. This issue must be addressed prior to review by City Council.
 - No trees over 18 ft. at maturity can be planted under aerial lines.
 - The developer must pay for any line coverings, if needed, during construction.

- The developer must pay \$20,000 towards a pad mount transformer and off-line extension.
- The developer must pay the cost of smart meters for the development to be determined at the time of service request. In addition, if the building is found to interfere with the City's smart metering system when completed, the developer must pay all costs to restore coverage.

2. The Public Works and Water Resources Department indicates that:

Water/Wastewater

- Water meters for each unit must be centrally located and installed at the developer's cost.
- The existing water service shall be terminated at the main pipe tie-in.
- STP fees are due prior to the issuance of the CO for each unit.
- The existing sewer laterals will need to be located and cameraed to determine their condition for reuse. A copy of the camera work must be given to the Sewer Department for review.
- An agreement with DelDOT must be provided in order for the developer to cut into the newly paved road.

Public Works

- DelDOT entrance approval is required.
- It is recognized that water quality will improve from the site since the parking lot will be eliminated. However, the regulations require Green Technologies Best Management Practices (GTBMPS) be considered and will be reviewed through the CIP process.
- The capacity of the off-site drainage system will have to be evaluated through the CIP.
- The public sidewalk should match the decorative treatment on South Main Street sidewalks.

Parks and Recreation

- The Department is determined that the landscape plan is adequate at this point. While they may have comments during the construction improvement plan phase, they have no subdivision comments to share at this point.

Newark Police Department

- The Newark Police Department indicates that a four story building containing 12 apartments and 11,000 sq. ft. of retail and office space in the area will increase the need for Police services in the area.

Planning and Development Department

Code Enforcement Division

The Division notes:

- The north side of the building is only 3 feet from the property line. Therefore, limitations on openings along this wall will apply, and two hour construction for fire separation (for that wall) may apply. Details will be worked out during the CIP process.
- The building shall meet the accessibility requirements of IBC Chapter 11 and ICC/ANSI 117.1 – 2009.
- The Division notes that the 2012 ICC Fire Code and the Delaware State Fire Prevention Code, whichever is more restrictive, will apply to the project. In this regard, a continuous 16 foot fire access way must be provided at least to a point beyond the rear of the building providing 50% access.
- The steps at the Plaza shall meet the requirements of IBC Section 1009.

Planning and Development

The Department indicates:

- The BB zoning density regulations for two and three-bedroom apartments allows the 12 units at the site. The density development calculates to 37.27 dwelling units per acre. This density corresponds to the density of the Washington House (36.1 units per acre), which was, until the Newark Shopping Center approval at 47.79 units per acre, our most dense development in the BB zone, and which is, for the most part, owner occupied, providing a community benefit. In this case, One South Main is a good addition to downtown at a location desirous of additional vibrancy and residential and commercial activity, and provided that all units (not just the two bedroom apartments required by Code) in the One South Main building are limited to four unrelated tenants, the Department believes the density is appropriate. Therefore, the Department recommends that the developer voluntarily deed restrict the property to allow a maximum of 4 unrelated tenants per unit.
- Regarding the parking arrangements for the development, the Department is in receipt of Mr. Rind’s email concerning parking availability in the Trabant garage for the foreseeable future, that is, the next ten years, at a minimum. However, as previously noted, Mr. Rind also indicates that the University is going to maintain the right to reduce, transfer to a nearby parking garage or terminate the obligation for the spaces entirely, should their needs change. While the Department recognizes the spirit in which the parking arrangement is offered and the University’s need to qualify it to meet their own demands, the City of Newark cannot be guaranteed that this arrangement will meet the parking requirements for this site for any length of time. We fully recognize that the University proposes to provide adequate parking through gate card access on an annual basis, but that intention does not satisfy the Code requirement. In addition, depending on the use of the first and second floor office space, there is no accommodation for customer parking. Parking is proposed to be provided by card access by yearly permits at market rate to the tenants of the building. This arrangement will have to be memorialized in that the City will have to be guaranteed that Lang Development Group (or a future building owner) is responsible for payment and provision of the yearly permits as necessary, and the matter is not left up to a tenant who may chose not to purchase the permits. In addition, while moving spaces to a nearby garage, would seem a reasonable approach, the CFA garage is not located within the Code mandated 500 feet of the building, and therefore, the spaces would need to be provided in the Trabant garage in perpetuity or at another location within 500 feet, yet to be determined. In order to address this concern, the Department will recommend that the City require annual documentation that the required number of spaces are purchased and provided in the Trabant garage. At the time that this documentation is not provided for the full 67 spaces required, Lang Development Group will be responsible for providing a parking waiver fee payment for the spaces not provided as determined by parking waiver formula based on the current cost to construct a parking waiver space, which is \$6,272. In other words, should City Council decide to approve the One South Main project with the parking arrangements proposed by the applicant and the University, a parking waiver fee payment will be due and payable for each space not provided within 500 feet of One South Main at the time the space is not provided, or Certificates of Occupancy for the project will be revoked. We suggest that the calculations to determine the amount due be based on the current cost to provide a surface parking space (\$6,272) at the time of subdivision approval by formula as follows:

Number of Spaces

Payment Required

Residential – 24 spaces

First Five Spaces (5)	\$ 7,840 (25% of cost)
Six to Twenty-five (19)	<u>\$89,376</u> (75% of cost)
RESIDENTIAL SUBTOTAL:	\$97,216
<i>Commercial – 43 spaces</i>	
First Five Spaces (5)	\$ 1,568 (5% of cost)
Six to Twenty-five (20)	\$ 62,720 (50% of cost)
Over Twenty-five (18)	<u>\$112,896</u> (100% of cost)
Commercial Subtotal:	\$177,184
GRAND TOTAL:	\$274,400

The City Solicitor will need to approve the appropriate language in the agreement and associated deed restrictions to ensure annual documentation of spaces provided, their type (residential or commercial), and the timely payment for spaces approved but not provided!

In addition, as suggested by DelDOT, the property should be deed restricted to prohibit medical and dental offices at the site; and further, that any commercial use at the site be required to participate in the City’s Parking Validation Program.

- The Department notes that the rezoning from BC (general business) to BB (central business district) is appropriate for this parcel and is compatible with recent rezonings along South Main Street.
- The Department notes the plan should be revised to reflect decorative sidewalk treatment along S. Main Street.
- The Department notes that the property should be deed restricted so that doctors, dentists or other health care providers are not permitted.
- The Department notes that the architectural design should be carried out on all sides of the building visible from the public way, and trash facilities should be screened in a manner consistent with the architectural design
- And finally, the Department indicates that the apartments be designed so they can easily be converted to condominium units should market conditions change.

Recommendation

Because the Planning and Development Department believes the proposed One South Main rezoning, major subdivision and special use permit plan, with the Subdivision Advisory Committee recommended conditions, is compatible with recently approved downtown projects in terms of use and intensity; that it will not have a negative impact on adjoining and nearby properties; and that it conforms to the guidelines of the Comprehensive Development Plan and meets all applicable Code requirements, the Department suggests the **Planning Commission takes the following actions:**

- A. Recommend that City Council approve the rezoning of the .335 acre from the current BC (general business) zoning to BB (central business district) as shown on the attached Planning and Development Department Exhibit A, dated June 4, 2013; and,**
- B. Recommend that City Council approve the One South Main major subdivision plan as shown on the Karins and Associates plan, dated March 12, 2013 with revisions through June 10, 2013, and special use permit plan, with the Subdivision Advisory Committee conditions.**

Ms. Feeney Roser: I will be happy to try to answer any questions you may have.

Mr. Bowman: Are there any initial questions from members of the Commission for the Planning and Development Director?

Mr. Hegedus: Can I make a statement, please?

Mr. Bowman: Sure.

Mr. Hegedus: I should have done this before Maureen got started, but, just so everyone knows, my son currently works for Lang Development Group as a summer job. Because of a potential conflict with that – it is not with me personally, but it is with my family – I am going to excuse myself from the discussions and the decision making in this particular case.

Mr. Bowman: Are there any other comments or questions for the Planning and Development Director?

Mr. Cronin: On the parking subject, this parking waiver fee is only paid once on an as needed basis when the situation arises, presumably. It is not an annual payment.

Ms. Feeney Roser: Correct, it is not an annual payment normally. What we are proposing is that the fee be based on the number of spaces waived at the time they are waived.

Mr. Cronin: How do you determine whether the space is residential or commercial on the complex?

Ms. Feeney Roser: We would ask who the permits were going to. If it is going to an apartment, it is residential. If it is going to serve the business, then it is commercial.

Mr. Cronin: Must they be so designated or do you just have all the spaces there and maybe they are not designated as such by the owner and developer's choice?

Ms. Feeney Roser: They are required to supply so many spaces for each type of use.

Mr. Cronin: I understand the requirement and how you calculate the total number. How many spaces are going to be there when they are all in?

Ms. Feeney Roser: 67. 24 of the spaces are residential and 43 are commercial. So, the agreement can be worded such that not only is it documentation that the spaces are purchased, but who they went to.

Mr. Cronin: Thank you.

Ms. Dressel: I have a question about the comment on page 12 about “. . .the commercial use of the site shall be required to participate in the City's validation program.” Would that also include the University of Delaware parking garage next door?

Ms. Feeney Roser: That is a good point. The University does have a validation program, as I understand it. They didn't used to, but they have started one. So, that wording should include both University and City validation. The City's program doesn't cost them anything unless somebody actually uses the parking. I'm not sure exactly how the University's program works.

Mr. Bowman: The applicant is here. You may step to the microphone and state your name and address.

Mr. Jeff Lang: 13 Spring Water Way, Newark, Delaware. It is a pleasure to be here this evening. I think Maureen did a very nice job summarizing the project – very lengthy and very detailed. I will give a little bit more of a history of how we ended up with the property and how we got to this development plan.

Here is the site plan for easier reference. The property had been owned for years by the Boines family-Dan and Georgia. Dan reached out to me about four or five years ago and asked if I had some interest in the property. He had thought that the University was going to purchase it and at the time, the University decided not to acquire the property. I looked at it as an opportunity to purchase a piece of property and work with the University on for their future growth and/or redevelop. As time went on, we looked at a number of different development plans. The site is obviously well located from the northern entrance into town because I drive down Nottingham Road, which is really West Main Street every day. I drive

into town and the first thing you do is see the garage and the University of Delaware sign and you see these two houses. So, we started to think about what the long-term use would be there and we started working on some different development plans. A lot of the typical plans that we have done are mixed use with commercial on the first floor and residential above and parking behind or under. How do we figure out how to get in and out of the site. Due to the irregular shape of the site – triangle – how do you get into the site with a driveway and get cars in behind, otherwise, you end up with a long linear building, like Pomeroy Station where you access the site and you have parking either under the building or on the side.

I forgot to introduce Chris Locke who is here tonight, Tim Anderson from Karins and Associates, and Richard Rinehart from Clark Design Group.

We actually got together with Richard and Tim and came up with a concept plan which has evolved to this building, but we think that it is a great addition to the community. It is a real signature kind of building. I really have to give it to Richard. We thought about some things and he drew, after one meeting, a picture which was a five story building and has since been reduced to four stories, but I think it is a great kind of signature building that is a little bit different than a lot of buildings we see in town. We went and met with the University after we designed the building and asked them what they thought about this building. They said they loved the building. It is beautiful. We asked them what their interest should be in first floor or second floor, possible residential use. They said they would like to see it as part of our campus and that it fits well with other things that they were doing there. Long-term, it could be a building that they can acquire from us or inhabit either in commercial and/or residential piece. So, as we started working on the thought process through that, we got together and started talking about the parking. Richard Rind, who we have been working with for a number of years since he is in charge of UD transportation and parking. We worked with him on a bus program for advertising and access to other sites of ours. He said that they had a number of parking garages that were underutilized, this being one. I was amazed how underutilized this garage is. As a developer and an advocate of using and reusing other people's properties for the benefit of the community, how does parking work? How does parking fit? Should we be building parking in a building like this or should we be building a building and using the parking garage that is directly adjacent to it to supply the parking. So, we think it is a perfect fit. We think it is a great opportunity to really share in all the assets that the community has similar to the City thinking about building a garage downtown. If the City built a garage downtown, who are the logical users for it? The businesses and obviously the occupants downtown. Why do we build buildings that have a tremendous amount of parking where you really want developers to build buildings that bring commercial and residential uses to the site? Because we can manage those buildings correctly. The City can build parking garages. The University can build parking garages. They can manage parking garages better. So, we kind of got in that thought process and developed this building. As Maureen said, we had a five story building originally and due to some technical issues we weren't able to come to a previous meeting and we did get together and talk about some of the concerns that the Planning and Development Department had. And, we are in agreement to abide by all of the recommendations that Maureen has proposed. I am more than happy to answer any questions, but the building is a full masonry building and has stone, brick, some balconies. We think it is very convertible long-term to either full commercial use or condominium use-individual ownership use. We think it is a great addition to this part of town. We think it ties West Main, East Main, and South Main together. The timing, too. The name change of South Main Street and this being really the parcel on what used to be Elkton Road, we can embrace the One South Main name. As people drive into town, they are going to see the University of Delaware and this beautiful building, which hopefully, will give everyone a feeling that Newark is a great place to be, a great place to come, a great place to live, a great place to come and spend your money, if you think about it from a retail/business person's perspective.

For technical questions, Tim and Richard are here as well as Chris and myself. We are more than happy to address any questions.

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

Mr. Johnson: Your 67 parking spaces, what percentage of the Trabant garage does that compose.

Mr. Lang: I believe the garage has over 500 spaces, so it is 12%.

Ms. Dressel: I just want to make sure I understand. You are in agreement with a deed restriction of a maximum of four unrelated tenants per unit and with the parking stipulations that if the spots are not purchased that you would be responsible for the waiver payments.

Mr. Lang: We are okay with both of those. I think operationally what is going to happen is the commercial use may be more University related especially on the second floor. And, they are not going to necessarily want all the spaces or be required to buy. So, we are going to buy more spaces than they are going to need so, if that is a requirement, we are more than happy to work that out.

Ms. Dressel: I guess the City parking validation program really isn't a question for the builder. It's more a question for you.

Ms. Feeney Roser: We welcome everyone into the City's validation program, but you can say that you would recommend, if its available, that they participate in the University's. I assume it is. I know that Richard Rind said that they had one for the CFA. I can't imagine they don't have it for Trabant.

Mr. Lang: Richard was actually happy to see a potential use here that would assist in his occupancy of the structure. Although he would like to guarantee the parking spaces for perpetuity, he is a University employee and can't tie up University property without some Board of Trustee meeting. So, he said, we are more than happy to tell you we have the availability and the interesting part is getting back to the University use, if there is more of a retail or commercial use on the first floor with the University using the second floor or however it works out, the University really does not want to provide as many spaces as is necessary by Code for their users. It is kind of an interesting problem we have because we have other University tenancies and they will only want six parking spaces whereas by Code they will need 30. It gets into their whole parking allocation distribution issue of who you are and where you get a space and how that works. We think it is a great way to utilize an underutilized facility and I think the University and Richard are both very happy for us to be doing that.

Mr. Bowman: I guess, Jeff, being the skeptic I am, I would like to see those spaces, if possible, locked up for about a hundred years and then none of us would have to worry about them.

Mr. Lang: I agree with you. I think, as Hal mentioned earlier, parking is really a function of market conditions. When market conditions drive parking prices up because there are fewer parking spaces, somebody will build a parking garage in response to the demand. So, if we build a building like this and there is no parking, who is the first guy who is going to figure out a way to get parking? Me, because I own the asset. I am going to be looking at all the adjoining parcels and figure out where to build a parking garage, which I might be coming in here and you guys will say, why are you building a parking garage across the street from this building? Because I need to provide parking for this use. It is an evolution of development. I understand that it would be great for everyone to have its own little parking, but the thing about this site is that there is a 500 car garage next door to it that is vastly underutilized.

Mr. Bowman: The concept makes sense, like I said, I'm always skeptical about these agreements that somebody wants to hold the string on.

Mr. Lang: I don't like, necessarily, the limitations that Maureen has suggested to be placed on us but I think it is reasonable to suggest them given some other things that happen in the City presently. I think, ultimately, parking will be resolved by the City and/or public/private sort of arrangement to provide additional parking because there is a long-term need. Is there a short-term need? It depends on whose study you look at and where you are located on the street, but I think, long-term there will be some things that Maureen has been working on

and other people in the City. I think a shared agreement with the University is one step in working on that type of thing across the board.

Mr. Bowman: Maureen I have a question for you. In the agreement we singled out doctors, dentists and other medical uses as kind of generating a lot of trips. Are there any other types of things that might get tossed into that category of generating a lot of in and out trips. Divorce lawyers come to mind – not to pick on lawyers or anything.

Ms. Feeney Roser: I was actually piggybacking on DelDOT's comment when I suggested those restrictions. As I understand it, you believe this is going to be mostly office space to the University. Right?

Mr. Lang: The discussions that we have had with the University is that they are very interested in the site due to its location proximity to Arts and Science, Business and other departments. Will they take the entire building? It is commercial space. I can't tell you that. We have had some preliminary interest from restaurant users similar to Taverna because they love the environment they found on Main Street and they would like to expand. There is a possibility of that type of use. I would think we wouldn't have fast food restaurants – those type of users – in here. We are more than happy to deed restrict those types of users out, but a fast food restaurant is what. It is hard to decide what that is. Like a Wendy's? You are not going to have a Wendy's there. There are certain things that practically speaking due to its location, the second floor commercial space is University related definitely whether it is for department use or an offshoot of a department similar to Dr. Puglisi. He had some needs for his business that he was developing as part of the business school. He came to me when we were building the Galleria 20 years ago and wanted to be on the second floor of that building. So, there is opportunity there. The first floor is probably also some form of office use. There is a commercial opportunity there across from the Deer Park. People understand where the Deer Park is. They understand location there. We had a spa type of location talk to us about space on Main Street. And, I mentioned this site to them today and they said they would be interested in looking at it. That would be a nice low volume type of user.

We have another feature of the site, as you mentioned in your report, is the building setback. There is a nice outside area. It is a nice area to either come and have your lunch if you are a University student, if you are an employee, a business person or a resident of the building, come sit outside, enjoy the outside area. There is a beautiful area over here which we have been working with the University on, actually on both sides of the property, that develop a joint landscape area, even some potential seating area behind this wall to enjoy that area. Being in the UD parking garage, they really don't have any need to go out this entrance, but they will now. So this is a great way to put benches and seats and ways to enjoy the outside. It is actually secluded because that wall is about seven feet tall. So, it is a great space there. It will be a much more vibrant use of this corner, which we think is a great opportunity.

Mr. Bowman: I am going to open it up to comments from the public. I have no written requests. If anybody would like to step to the microphone and comment on this project, please do so. When you do, please state your name and address. Hearing none, we are back to the members of the Commission for further action.

Ms. Brill: I think the building is stunning, but I can't see the fourth side. What is the back side like?

Mr. Lang: We are still working on the exact idea of what all of the sides look like, but it is going to be a full masonry building. There will be some stone accents, brick and, obviously, windows. It will look very similar to the other two sides in the picture.

Ms. Dressel: You mentioned balconies.

Mr. Lang: The ones on the front are interior. There is an opportunity on the side where the fire lane is to possibly have one that might stick out a little bit, but the ones on three sides of the building will be inset.

Ms. Dressel: So, there are balconies.

Mr. Lang: Yes.

Ms. Dressel: Okay. That is what I couldn't tell.

Mr. Bowman: Anyone else?

Ms. Dressel: I think that it is a very nice building, the look of it, and I am glad that you reduced the size of it before coming to us. I think the size is now more in keeping with what is already there at that corner and I thought for awhile it would be nice to have something that was kind of a signature piece. Although, I must say that I miss Flower Works from being there though.

To the Commission, I think that a couple of things that we should be sure to include is for the validation program to have the University included as well as the City because the location of the building is right there and I think that, obviously, customers will be parking there. They don't have any choice so, it seems to me that that makes sense. The deed restriction of the four per unit for the two and the three bedroom is also important.

Mr. Bowman: Which is one of the Subdivision Advisory Committee conditions.

Ms. Dressel: There are two other things. On page 11, near the end of second bullet under "the Department indicates," it says, ". . . and the matter is not left up to a tenant who may chose not to purchase the permit." That should be choose. And, at the bottom of that paragraph, it says, "At the time that this documentation is not provided for the full 67 spaces required . . ." right now it says, ". . . Lang Development Group will be responsible for . . ." and I would suggest that we say, Lang Development Group or the present owner of the building.

Ms. Feeney Roser: I can change that before it goes to Council.

Mr. Lang: Technically, it would be, it's successors or assigned, if you really wanted to write it as a legal document.

Ms. Brill: I'm envious of the students and I hope you convert it to condominiums as soon as possible.

Mr. Lang: It is a great location and it is an opportunity that continues to exist in our downtown area if we build the right type of building. The other plus, and we didn't talk about it in much detail, but the fourth floor of the building is very important because we talk about this every time we are doing a project. We are trying to maintain a height that is able to provide a nice living space, not a cramped living space. So, we try to push for higher fourth floors on all the residential sites and that was part of the Code revisions that Maureen and Roy had worked on previously to permit up to 15 ft. per floor. It does push your building higher. Our building isn't a full sixty feet on a four story building. It is only 52 feet, but you do have more flexibility in providing a better environment for a potential owner and/or convertibility, which is the other thought. If you don't use this as owner occupant, you might use it as an office building. It has an idea of an office structure or a commercial structure full for the four stories. If you have that flexibility when you approve buildings, you have the capability long-term for the market to reuse the building. So, I think that is very important. But, it is a great opportunity and I agree with it.

Mr. Bowman: What is your pleasure, members of the Commission?

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

- A. RECOMMEND THAT CITY COUNCIL APPROVE THE REZONING OF THE .335 ACRES FROM THE CURRENT BC (GENERAL BUSINESS) ZONING TO BB (CENTRAL BUSINESS DISTRICT) AS SHOWN ON THE ATTACHED

PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED JUNE 4, 2013;

- B. RECOMMEND THAT CITY COUNCIL APPROVE THE ONE SOUTH MAIN MAJOR SUBDIVISION PLAN AS SHOWN ON THE KARINS AND ASSOCIATES PLAN, DATED MARCH 12, 2013 WITH REVISIONS THROUGH JUNE 10, 2013, AND SPECIAL USE PERMIT PLAN, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS; AND,
- C. WITH THE ADDED CONDITIONS THAT THE REQUIRED PARKING VALIDATION INCLUDE CITY AND UNIVERSITY OF DELAWARE PARKING LOTS; THAT ALL UNITS ARE RESTRICTED TO A TOTAL OF FOUR UNRELATED TENANTS PER UNIT; AND IF THE PARKING ARRANGEMENTS ARE NOT FULFILLED WITH THE FULL 67 SPACES REQUIRED, THAT LANG DEVELOPMENT GROUP OR ITS SUCCESSORS OR ASSIGNED WILL BE RESPONSIBLE FOR PROVIDING THE PARKING WAIVER FEE PAYMENT FOR THE SPACES NOT PROVIDED, AS DETERMINED BY THE PARKING WAIVER FORMULA.

VOTE: 5-0

AYE: BOWMAN, BRILL, CRONIN, DRESSEL, JOHNSON
NAY: NONE

COMMISSIONER HEGEDUS RECUSED HIMSELF FROM THE VOTE.

MOTION PASSED UNANIMOUSLY

5. **A COMPREHENSIVE DEVELOPMENT PLAN UPDATE DISCUSSION.**

Development Supervisor Mike Fortner presented a PowerPoint presentation to the Commission concerning the update of the City of Newark Comprehensive Development Plan.

Mr. Fortner gave the Commissioners a draft of the Comprehensive Development Plan V.

Mr. Fortner: What you have before you is a Comprehensive Development Plan draft. It has four parts to it: the preface, which tries to explain the importance of this document; Chapter One, which is an introduction of the Comprehensive Plan; Chapter Two is a Community Profile; and Chapter Four is Public Utilities and Infrastructure. You will also find on here a series of maps – City of Newark Aerial View, City of Newark Transportation Network, City of Newark Environmental Features, and City of Newark State Investment Strategies for Policies and Spending. It is all part of the broader document you will receive, which includes the chapters right there. It includes envisioning, aspirations, housing, community development, transportation, environmental quality, natural resources, parks and recreation, open space, economic development, land development, growth and annexation, and coordination and implementation.

We are working with the Institute of Public Administration. We have two interns with us this summer and they are working on land use survey. Land use survey is through aerial photos and then doing drive-bys, you will go around and do a comprehensive survey of the land. Every parcel will be categorized so that we will know how land is actually being used in Newark. Not just what it is zoned, but how it is actually being used at present. For a land use survey, you just do residential, but for Newark, I am thinking that we will probably do two categories for residential. We will do a single family category, being a house that you would normally just buy or live in; and, then you would have a multi-family category. So, you would be able to see on a land use map specifically what are residential single family and then multi-family houses. You would have different kinds of color categories and you would be able to see where those types of houses are. I think for Newark, you will probably want to differentiate that a little bit rather than have just straight residential.

You have commercial; agricultural land, if it is being used as farm land; institutional, which most times don't have Universities, but also includes government, churches, schools, libraries, and community centers. Nursing homes would also be institutional. I think we will want to differentiate, if you think this is reasonable, between University and other institutions like City Hall. I think there is an interest in differentiating those. Then we have utilities where you have a pole or a box that the City is using or the phone company is using. Parks and open space is a classification, and, of course, industrial not to be confused with vacant property. Properties that are designated for something but are zoned for something but are not developed currently. So, this will show us where all the vacant properties are as opposed to open spaces where a development gets approved and it has open space. That gets approved as open space or gets approved as a park. We will have vacancies and we will see where vacant or nondeveloped properties are. And, finally, for Newark, we will have a mixed use designation. That will be ready for us by the land use meeting in July, which I will talk about in a little bit.

Mr. Hegedus: That is a snap shot, right?

Mr. Fortner: You are talking about that photo?

Mr. Hegedus: No, the land use survey. For instance, the property tonight that we sent them back. That would be designated as vacant, right, because nothing is built on it. So, there may be things that are approved to be built, but construction hasn't begun yet? It is a snap shot.

Mr. Fortner: Yes, you are right, and that gets into the future of it. The next part of that is supposed to be the future land use plan, when we look at the parcels that are vacant, what are they zoned for and what is the development potential of those vacant properties.

Ms. Feeney Roser: I guess what Andy is saying is if we have approved a development and it is not built yet, would we consider that vacant or would we say that was multi-family for instance?

Mr. Hegedus: Like the things around Suburban Plaza that we just approved, those two really big developments. Do those get categorized as vacant?

Mr. Fortner: You are right. It is a snap shot. It is what it is now, but then you have future land use. So, you could have an overlay where it is vacant but it is approved for multi-family. The idea is that you take these and you overlap the maps. You have your current land uses – the land use survey – and then you take future land uses, what it is zoned for, what it is approved for, what is in the pipeline and you could plug those in and do further analysis. What is on the land now, how is it being used and what is our plan for that land whether it has been approved or what we would like to see at sometime.

Also in the document that you have is a map called The State Investment Strategies and Policies for Spending. The State has categorized every parcel in the State and they have these five categories. Red is most of your municipalities. You see at the top of the County map, that big stretch of Red is the top northern part of New Castle County. That is mostly developed area. It is made up of municipalities or already fairly well developed areas. Newark is almost all red and that is very common. That is the highest category. That means that the State is going to focus its investment strategy most prominently in category red areas. Orange tends to be lesser developed places on the outskirts of municipalities. They are not fully developed yet, but could be. Then you have yellow which is getting into more rural with very large lot sizes. And, then you get to white which is very agricultural based. Finally, you have grey, which tends to be City owned parkland or preserves owned by State or County. So, that map has been completed for us by the Institute of Public Administration.

The final map, which you will find on the very last page, is the map on your left. It is the map from the previous Comprehensive Plan. We had ten or eleven planning districts. Overtime, we have kept those fairly consistently. What I am proposing, and

this is reflecting comments from the Planning Commission, maybe there is a more logical layout. Maybe different areas of town have different characteristics. This map divides it too much. So, we have experimented with the plan on the right, which is the proposed planning regions. It reduces it so you get a more focused precise document. You have six or seven different areas. I have given them names which are just placeholders right now. The Green in the center is, basically, what I call University or Newark Core. That is the old Newark, and I feel that that captures a certain character of Newark. It has been adjusted to include the New London community. That was a comment that I received from meetings with the residents and stakeholders of that neighborhood. They talked about how their neighborhood has always been divided and they wanted to be in the same planning district. They didn't want the neighborhood divided and have it in two different categories. So, we accommodated all of the New London communities in what I call the Newark Core. There are different areas. You have the western part of Newark which includes Nottingham, Newark Country Club and Fairfield. In the far northern, you have the Hunt and Woods at Louviers. Then you have the far southern eastern category where it captures a lot of the industrial uses, kind of the auto commercial and then finally, the southern portion there. I put all of the STAR Campus along with the UD facilities there. The original idea was to have kind of a University corridor but I thought there were two distinctive parts of that. So, the STAR Campus and the sports fields are all on the same category, then the very southern neighborhoods are in a category by themselves as well. Each of those will include a blowup and then it will have current land use and also future land use plan. So, vacant parcels or how we see things redeveloping will be clarified in the future plan just like in our previous plans where we blow up each district and have specifics. The map will be more parcel based so each parcel will have a different color code.

I welcome edits and the capture of typos and things like that, but what I am mostly interested in, at this point, because this thing is still in development is developmental editing and go through and decide what is missing, is it making sense, whether you like the direction of it, what could be changed to make it more clear. I am probably going to be rewriting a lot of these paragraphs and things are changing and by the time you get to that and share it with me, I might have already rewritten that paragraph. I am looking more for content, what is it missing, and is it clear, that kind of developmental editing. Once we get the document set then it will go through a lot of editing where we try to capture all the grammar errors and things like that.

Regarding previous events – On June 24th WILMAPCO had the Newark Train Station public workshop and they went over some of the concepts that they are developing for the Newark Train Station on the STAR Campus. Those are a couple of the renderings they provided. It looks a lot like a parking lot. The parking lot is somewhat temporary until, as the Campus develops, I think a lot of those large lots will be developed into parking garages. That is the process of it and how it is working right now. There is an example of a rendering they are proposing and, of course they talked a lot about logistics and how the trains worked.

Also, the Newark Bicycle Committee had a public workshop as well on the Newark Bicycle plan. They also have an online interactive feature where you can go to the website where you can pinpoint places where you think bicycling isn't safe or you would like to see more bicycle parking or you can read comments that other people read about certain locations about bicycle planning. That is an ongoing workshop. They had a workshop with the Newark Bike Project and we had a focus group with them. Heather Dunigan of WILMAPCO was there and she went through what was in the Newark Bicycle Plan and things that are proposed and had a discussion with some of their Board members and some of the meeting participants.

Coming up on Tuesday, July 30th, at 7:00 p.m. in Council Chamber will be the Planning Commission workshop on land use and annexation. There will be lots of maps at this meeting. It will be a big deal because we will look at what kind of land use is there now. We will talk about what kind of land use we are planning. We will also talk about areas that are eligible for annexation and what will be our area of concern. Our intent at this time is to have a broader area of concern around the City – what was basically our adjacent areas land use. We will focus more on what areas could be

annexed within the next five years and focus on where those areas might be and designating those areas. There should be a lot of discussion on that.

After that, on Tuesday, August 30th at 7:00 p.m. in Council Chambers is another big event. This is what I call Visioning and Aspirations. This is where we will have a very structured workshop on community participation on the vision with discussion on how we want Newark to be in the future. I have worked with Commissioner Hegedus on this and he has given me some helpful ideas focusing around the question of how we want Newark to be in five years, ten years and gathering a vision. I will do a presentation of some of the things we have heard in some of the workshops we have had and get a structure, brief the community and have them articulate how they see Newark developing in the next five or ten years.

At the August 6th Planning Commission meeting, I will have a full display of land use maps, future land use maps by planning sections. Also, I am hoping to include drafts of the housing, transportation, land develop with the maps and then on growth and annexation we will have full reports and a draft report for the Comp Plan at that meeting. At some point, I would like to work with you about dates where we get into some discussion about the public comments we have received, and we can share and talk about what is in the Plan and what we would like to see in the Plan. My intent was to give you information little by little over three months so that you can focus on one part at a time. Then at the September Planning Commission we will have the remaining chapters. Then you will have the entire document and from there we will have some public hearings. We will have some workshops where we present the Plan and get public input. We will have fully developed recommendations because we will have gone through the visioning session. I am looking at a timeframe from that which will be September or October.

Mr. Fortner: Are there any questions?

Ms. Feeney Roser: For the last Comp Plan update, we sat around the City Manager's Conference Room and had these conversations.

Mr. Fortner: That is what I want. Would you like to do this on the section you have and do a section at a time. How would the Commission like to do that? Would you like to wait until we have the whole entire Plan and do a series of back to back meetings like what I think you did last time?

Ms. Dressel: We had a series of meetings but we broke it down section by section. So, it is easier to manage if we know in advance the chunk that we are going to be focusing on, and it seems to me that it might be a good idea to take it piece by piece. If you think that this is in pretty good shape, then it might be a good idea before you make any more revisions to it for us to have a workshop to go through the entire thing.

Mr. Fortner: Would you like to have this at a late July meeting and we would just sit around the conference table. That would give you three weeks or so to read this and process it and come to the table for comments. Is July bad or should we hold off until August?

Ms. Feeney Roser: I wonder if we want to wait until after the visioning session so we have all the pieces. I don't know what the Commission thinks.

Mr. Fortner: Wait for the final workshop. So, after the August visioning session then we will start by reviewing it piece by piece so we would start off with this piece and we would have a revision and then in a couple of weeks come back with the other chunk, which you will have and will have plenty of time to read. Then we will get into September and we will schedule more meetings as necessary. Would it be helpful to set the meeting today in terms of sometime after August 13th or would you like to wait until the August Planning Commission meeting or September Planning Commission meeting to set those dates?

Ms. Dressel: I would think getting it on the schedule sooner is better than later.

Mr. Fortner: Do you feel comfortable with scheduling a meeting for late August.

Mr. Bowman: All you can do is throw up the dates and see who salutes.

Mr. Hegedus: I would prefer that you just send out an email to the Commission members and let us reply back with availability instead of doing it right now.

Ms. Dressel: I prefer Tuesdays because that is the night that I set aside for Planning Commission.

Mr. Fortner: I have been trying to keep things Tuesday. I will send out an email.

Mr. Hegedus: Mike, do you need us to read this now and comment?

Mr. Fortner: I welcome you reading that anytime and you can always give me your thoughts, but we won't have the official round table until later. It is for you to read and think about. Each chapter is going to start coming to you fast. It is a big document.

There being no other business for the Planning Commission, the meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Elizabeth Dowell
Secretary, Planning and Development