

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

September 3, 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 MINUTES OF THE JULY 2, 2013 PLANNING COMMISSION MEETING.

The minutes of the July 2, 2013 Planning Commission were unanimously approved as received.

2. REVIEW AND CONSIDERATION OF THE REZONING, MAJOR SUBDIVISION AND SITE PLAN APPROVAL OF THE .708 ACRE PROPERTY AT 178 S. CHAPEL STREET. THE APPLICANTS ARE REQUESTING REZONING FROM THE CURRENT MI (GENERAL INDUSTRIAL) TO RA (MULTI-FAMILY DWELLINGS – HIGH RISE APARTMENTS), SUBDIVISION AND SITE PLAN APPROVAL TO BUILD TEN TOWNHOUSE STYLE APARTMENTS ON THE PROPERTY.

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

“On April 18, 2013, the Planning and Development Department received an application from Chris and Lisa Cochran (Bartolozzi, LLC) for rezoning, major subdivision and site plan approval for .708 acres at 178 S. Chapel Street. The applicants are requesting rezoning from the current MI (general industrial) to RA (multi-family dwellings – high rise apartments), zoning, subdivision and site plan approval to build 10 six-bedroom townhouse style apartments on the property.

The Planning and Development report on East Village at South Chapel Street follows:

Property Description and Related Data

1. Location:

The property is located on the east side of S. Chapel Street between Chambers Street and Lovett Avenue.

2. Size:
.708 acres

3. Existing Land Use:

The property contains two legal but non-conforming rental units – one is a two story wood frame structure fronting on S. Chapel Street; and the other is a one story apartment with a garage immediately to the rear of the main house.

4. Physical Condition of the Site:

The property is mostly flat with a very slight slope from west to east. There are a few trees and shrubs along the sides of the property and to the rear of it. Aside from this vegetation, and the buildings and paved areas, the property's ground cover is primarily turf.

Regarding soils, the majority of the site is composed of Elinsboro – Delanco – Urban Land Complex (ErB) soil with moderate limitations for the proposed use; and the remainder (in the rear of the property) is composed of Fallsington Loam (FgA) soils. Fallsington Loam has a severe limitations rating. Please note, according to the National Resources Conservation Service, “. . . a rating of severe does not mean that a soil cannot be used for the intended use. However, it does mean that severe limitations exist and must be overcome with proper design and operation.”

5. Planning and Zoning:

Please note that the existing site is zoned MI. MI is a general industrial zoning that permits the following:

- A. Any process involving cleaning, distribution, manufacture, processing, production, warehousing, or testing except manufacture of corrosive acids, gelatin, paint, oils, fertilizer, linoleum, cork products, alcohol, bleaching compounds, or soap; tanning or curing of hides, crude oil refining; rubber treatment of manufacturer; ore smelting; blast furnace; garbage or offal reduction or dumping; asphalt manufacturer or refining; abattoir; junk storage; automobile wrecking; and animal rendering.
- B. Oil storage for wholesale purposes, including pipe lines for transportation of oil and refine products accessory to such storage, provided that no storage above the ground in quantity exceeding 10,000 gallons shall be within 50 feet of any lot line, and that in case of storage above the ground in quantity exceeding 100 thousand gallons, all contain and shall be surrounded adequate moats in accordance with oil industry standards of practice and conforming to underwriters regulations.
- C. Railroad and railroad classifications, freight or storage yard, and all appurtenances thereto.
- D. Public transportation facilities, stations and depots, repair garages and storage areas for busses or related public transit vehicles.
- E. Subsidiary retail sales with special requirements.
- F. Warehouse sales with special requirements.
- G. Accessory uses and accessory buildings, including the repair, installation, and servicing of any commodity distributed, manufactured, processed, produced, or warehoused in this district. Such repair, installation, and servicing must be provided totally within enclosed buildings; outdoor parking and storage of vehicles, products, or other related items in a state of disrepair shall not be permitted.

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

- A. Tower, broadcasting and telecommunications, subject to special requirements.

The applicants are requesting a rezoning to RA. RA is a multi-family – high-rise apartment zoning which allows the follows:

- A. High rise apartments with special requirements
- B. Garden apartments with special requirements
- C. Boarding house, rooming house, private dormitory or fraternity house with special requirements
- D. Day care center with special requirements
- E. Nursing homes with special requirements
- F. Churches or places of worship with special requirements
- G. Schools
- H. Parks, playgrounds, and nonprofit community centers
- I. Municipal facilities
- J. Public and private swimming pools
- H. Bus stops

In addition RA zoning permits, with a Council granted Special Use Permit the following:

- A. Police, fire stations, museums, and art galleries
- B. Physicians and dentists office with special requirements
- C. Physicians and dentists offices in multi-family residential dwellings
- D. Substation, electric and gas facilities with special requirements
- E. Public transit shelters and off-street parking facilities

Regarding adjacent and nearby properties, the land immediately adjacent to the north is also zoned MI and contains one legal, non-conforming residential rental unit. Further north is the Holly Woods townhouse apartment complex owned by the applicants and zoned BLR. To the south are UN zoned facilities owned and maintained by the University of Delaware. Immediately adjacent to the east is the Pomeroy Trail Bicycle and Pedestrian Trail and beyond the trail, are the properties containing the University Courtyard apartment complex, which are zoned RA. Across Chapel Street from the site, the zoning is RM and the properties contain the Pike Park development and other residential single family structures, which are mostly rentals. Further north on the west side of the street are several BC zoned parcels with non-conforming residential rental structures and then another RA zoned apartment complex – Continental Court, which is mirrored on the east side of S. Chapel Street by the RA zoned University Courtyard Apartment complex.

In terms of comprehensive planning, Comprehensive Development Plan IV calls for single family residential (medium density) uses for the site. The Plan defines single family residential (medium density) as “. . . areas designed for dwellings occupied by one family, either detached, semi-detached or townhouses, with overall densities of 4 to 10 dwelling units per acre.” Please note that the East Village at South Chapel Street plan calls for 14.1 townhouse units per acre. While this density is more than what is called for in the Comprehensive Development Plan, it is less dense than the requested RA zoning would allow (16 units per acre). For comparison purposes, the East Village requested density calculates to approximately 1.5 units per acre more than the average density per acre in the area.

Based on discussions at both Planning Commission and Council meetings, the following density calculations are also provided. In terms of bedrooms per acre, the 60 proposed bedrooms associated with the East Village project calculate to 85 bedrooms per acre. While the same bedroom information for the immediate area is not readily available for comparison purposes, recent City Council approved developments’ bedroom densities calculate as follows:

Rupp Farm (Chambers and Benny Streets):	88
South Main Commons:	61
Campus Walk:	77
Cleveland Station	57

Based on Council imposed restrictions on residencies in these projects, bedroom counts translate to the following unrelated individuals permitted to reside in those developments:

Rupp Farm:	48
South Main Commons:	78
Campus Walk:	72
Cleveland Station	30

Status of the Site Design

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

Be that as it may, the East Village rezoning, major subdivision and site plan approval plan calls for the demolition of two legal but nonconforming single family home rental units to accommodate the 10 townhouse style apartments. The development will be served by an access way from South Chapel Street, which also provides access to four-car garages for each unit. The developer proposes six bedroom units, each with their own bath for every townhome at the site. The plan also shows 40 associated parking stalls contained within the units, which exceeds the parking requirements for 10 apartments with more than three bedrooms (30) by ten spaces.

Regarding area requirements, please note, the applicants are requesting site plan approval for the East Village at South Chapel Street development. Code Section 32-97 provides for “Alternatives for new development and redevelopment proposals to encourage variety and flexibility, and to provide the opportunity for energy efficient land use by permitting reasonable variations from the use and area regulations. Site plan approval shall be based upon distinctiveness and excellence of site arrangement and design and including but not limited to:

- (1) Common open space;
- (2) Unique treatment of parking facilities;
- (3) Outstanding architectural design;
- (4) Association with the natural environment including landscaping;
- (5) Relationship to neighborhood and community and/or;
- (6) Energy Conservation defined as site and/or construction design that the Building Department has certified meets or exceeds the “Certified” level as stipulated in the LEED (Leadership and Energy and Environmental Design) United States Green Building Council Program or a comparable Building Department approved energy conservation program.”

In this case, the applicants are requesting Site Plan Approval for several area requirements. Specifically, the plan requests relief from the Code requirements for: maximum lot coverage; minimum open area; minimum lot size; minimum front setback; and minimum distance to exterior lot lines. In particular, RA zoning permits 20% lot coverage and the plan calls for 36% lot coverage. RA zoning also requires 40% open area

and the plan shows 37% open area. Regarding minimum lot size, the Code requires an acre, and the East Village site is .708 acre. In addition, front yard setbacks in RA should be 30 feet and the plan provides 20 feet; and finally, the minimum setback to exterior lot lines should be 25 feet and the distance between the building and the northern lot line is 21.3 feet. In other words, the plan exceeds the Code by 16% for lot coverage and is short of meeting Code: for lot size by .292 acres; for open area by 3%; for front setback by 10 feet and distance to exterior lot lines by 3.7 feet.

Obviously, the Commission will need to consider these requested area regulation exceptions against the standards of distinctiveness and excellence in site arrangement outlined in Section 32-97 and the developer's site plan approval submission.

Fiscal Impact

The Planning and Development Department has evaluated the East Village at South Chapel Street project's impact on Newark's municipal finances. The estimates generated for net return are based on the Planning and Development Department's Fiscal Impact Model. The Model projects the East Village at South Chapel Street's fiscal impact – that is, total annual municipal revenues generated, less total costs of municipal services provided. The Planning and Development Department's estimate of net annual revenue for East Village is \$6,103.00. Please note that there is no difference projected between the first year and those beyond for this development as there will be no impact in the first year revenue from the City's transfer tax because the developer already owns the property. In addition, please note that the analysis does not take into consideration existing conditions. In other words, the estimate provided is for the total development completed as proposed, and not for the difference between the existing and proposed developments.

Traffic

At the request of the Planning and Development Department, the Delaware Department of Transportation (DelDOT) has reviewed the East Village rezoning, major subdivision and site plan approval plan. The Department indicates that the project does not meet the warrants for a Traffic Impact Study (TIS), which are 400 trips per day and 50 trips per peak hour. Having said that, however, DelDOT has comments which will need to be incorporated into the plan as follows:

- A sight distance triangle should be shown on the plan where the driveway intersects with South Chapel Street. The triangle should start 18 feet from the edge of the travel lane.
- The access from South Chapel Street must be a minimum of 24 feet wide.
- Curb radii should end at least five feet from the end of the property frontage.
- Because the parking is associated in the first floor garages of the structure, the closest parking movements begin about 35 feet from the South Chapel Street curb line. DelDOT requires a 50 foot throat depth to prevent conflicts with entering and exiting vehicles. This issue will need to be addressed.

Subdivision Advisory Committee Comments

The Subdivision Advisory Committee – consisting of the Management, Planning and Development and Operating Departments – has reviewed the proposed East Village at South Chapel Street 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 comments are as follows:

Electric

- A new pole with an aerial transformer and associated aerial lines to service the development will be installed at the developer's expense.

Parks and Recreation

- Regardless of site plan approval for open area, a fee in lieu of passive and active open space will be required for the development as per Appendix VI of the Subdivision Regulations. The fee will be determined through the CIP process.
- Three of the plants called for (Southern Moon Yedda Hawthorn, Mary Ann Lantana and Regal Splendor Lavender) are better suited to warmer climates. The developer should work with the Park Superintendent to discuss alternative plantings.
- The City's Tree and Shrub Planting Detail should be substituted for the planting detail currently on the plan.

Public Works and Water Resources

Water and Wastewater

- The sanitary sewer flow to the new manhole in S. Chapel Street is problematic. The flow angle will need to be addressed. A 1% slope should be maintained for a terminal line.
- Cross-sections of north and south swales at every 50 ft. are required to show 10 year WSEL (Water Surface Elevation) related to elevation at property line.
- A temporary construction easement for grading on UD property at the emergency spillway is required and should be shown on plan.
- A detail on the plan should show the domestic and fire services, and the overall size of both the water and sewer mains.
- STP fees are due at time of C/O for each unit.

Public Works

- A "Letter of No Objection" from DelDOT for the entrance is required.
- The swale flow parameters should reflect the 3:1 side slopes with a 0 bottom width. The TC's (Time of Concentration) for both quality storm and the two year event will need to be verified.
- The infiltration rate in the Geo-Tech Report will have to be verified. Infiltration is not to be considered in the reservoir report as it is already counted in the DURMM (Delaware Urban Run-Off Management Model) calculations.

Police

1. The Newark Police Department comments that there will be an increased need for Police services as a result of this development.
2. The Department further notes that the area already requires a large portion of Police resources during the school year.

Planning and Development

Code Enforcement

1. The Plan must comply with all 2012 ICC Codes, including ANSI 117.1 for accessibility and compliance with the City's LEED like requirements.
2. Building height and area will determine the type of construction necessary.

Planning

1. The Planning and Development Department indicates that the rezoning from MI (general industrial) to RA (multi-family dwellings-high-rise apartments) is compatible with the Comprehensive Development Plan designation of residential for the area and is more appropriate, considering the surrounding uses in the area, than MI zoning.
2. Regarding site plan approval, the Department notes:

- The data on the plan should be revised to reflect the max allowable height in RA Zoning to seven stories/80 feet; and
 - The Department believes the architecture associated with the development to be outstanding, and while we have concerns regarding the 14.1 units per acre density, and to a lesser extent, the height of the buildings proposed (46 ft.), the Department acknowledges that the development, as proposed, will significantly improve the aesthetic appeal of this section of South Chapel Street and along the Pomeroy Trail. Further, we note that while the development proposes nearly 1.5 more units per acre than the average in the area, the recently approved Rupp Farm subdivision (located nearby on Chambers Street between Benny and S. Chapel Street) is 14.65 units per acre. In addition, we note that 10 of the 13 apartment buildings associated with the adjacent University Courtyard Apartments are four story structures.
3. The Department notes that the addition of ten six-bedroom units in the area will significantly increase the density of the site. To minimize the overall impact of a 60 bedroom development on the community, the Department believes that the applicant should voluntarily deed restrict the property to a total maximum number of unrelated tenants permitted to reside in the development to a multiple of the number of units provided. In this case, the Department would suggest one person per bedroom or six per unit. The Commission may wish to discuss this suggestion with the developer at the meeting.
 4. The Planning and Development Department suggests the following regarding subdivision site design conditions:
 - The architectural design of the proposed façade should be carried out on all building elevations visible from public ways. In this case, since the rear of the property backs to the Pomeroy Trail, all elevations are visible.
 - Storage areas, mechanical and utility hardware shall be screened from view from all public ways and nearby properties in a manner consistent with the proposed architectural design.
 - The plan area lighting should be designed to limit impact on adjoining and nearby properties.
 - The building should be designed to allow for future conversions to condominiums.

Recommendation

Because the East Village at South Chapel Street rezoning conforms to the requirements of the Comprehensive Development Plan IV and because the rezoning, major subdivision and site plan approval plan, with the Subdivision Advisory Committee recommendations, will not have a negative impact on adjacent and nearby properties, because the proposal with site plan approval meets all applicable Code requirements, and because the proposed plan does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that **the Planning Commission takes the following actions:**

- A. Recommend that City Council approve the rezoning of .708 acres from the current MI (general industrial) zoning to RA (multi-family dwellings – high-rise apartments) as shown on the attached Planning and Development Department Exhibit A, dated September 3, 2013; and,**
- B. Recommend that City Council approve the East Village at South Chapel Street major subdivision plan as shown on the Hillcrest Associates, Inc., plan dated June 20, 2013, with site plan approval and with the Subdivision Advisory Committee conditions.”**

Ms. Feeney Roser: I will be happy to answer any questions the Planning Commission may have for me.

Mr. Bowman: Are there any initial questions for Maureen?

Ms. Dressel: On the recommendation, to be sure, when you read it (we have been talking about S. Main so much) you said S. Main instead of S. Chapel. And, I want to double check that I'm understanding it (and I believe that I am). On page 4 it says, "The developer proposes six bedroom units, each with their own bath for every townhome at the site." I think the bath goes with each bedroom.

Ms. Feeney Roser: Yes, right.

Ms. Dressel: Not one bedroom per townhouse.

Ms. Feeney Roser: Yes.

Mr. Andy Hegedus: I have one question. The definition of height that went through City Council and the height in here that you are talking about is 46 ft.

Ms. Feeney Roser: This plan was submitted before we changed the definition and I have not gone back to determine how it calculates for the plan but the request height is still 46 ft.

Mr. Cronin: Maureen, on page 8, your recommendation says, ". . . because the proposal with site plan approval meets all applicable Code requirements . . ." and it goes on. I am confused. Then I go back to page 5 and it says, "RA zoning permits 20% lot coverage and the plan calls for 36% lot coverage," which is, I guess more than Code. Front yard setback 30 ft. vs. 20 ft. So, when you say it meets all Code requirements and I see this earlier text which suggests otherwise, why shouldn't I be confused?

Ms. Feeney Roser: Because site plan approval is, in itself, a confusing matter. Site plan approval allows variations from the Code. So, if you approve a plan with site plan approval, it meets Code for the things that it doesn't meet Code for. That may not be the best way to describe it, but site plan approval allows for variations from Code requirements so, if, in fact, you find that the distinctiveness and the excellence of the design merits variations from the Code and you approve the plan with site plan approval, it meets Code.

Mr. Cronin: So, when you use the term "Site Plan Approval" that is approved by your department before it comes to the Commission. Is that correct?

Ms. Feeney Roser: No, the Commission will make a recommendation to Council and Council approves site plan approval.

Mr. Cronin: So, perhaps, I might be happier if the recommendation contained some reference to the fact that we are approving variations from the Code. The way I read it now as a commoner, and I am to a large extent, is the proposal with site plan approval meets Code, and I guess the site plan approval is what we are doing tonight and if we do it, then it is meeting Code.

Ms. Feeney Roser: Site plan approval is in the Code. It provides opportunities for variations from the Code, and it is itself a section of the Code. So, if, in fact, you recommend site plan approval for a plan and Council approves it, the plan meets Code.

Mr. Cronin: Even though it is a variation from what Code calls for.

Ms. Feeney Roser: Yes.

Mr. Cronin: I guess I am somewhat less confused. Thank you.

Mr. Bowman: This was, obviously, not a case that went before the Board of Adjustments, right?

Ms. Feeney Roser: No. They come to the Commission with a plan with variations for the Code and if, in fact, you find that the excellence of the site design and the things that are listed in the report – common area, unique parking treatments, etc. – merits flexibility, then you recommend the plan with site plan approval. So, you don't need variances to do that, you just need to meet the site plan approval section of the Code.

Mr. Cronin: So, basically, if it is a super plan and we like the standards of excellence and the fact that it has variations from the Code, we can say because of superb planning and elevations or whatever that we are okay with the variation and then it becomes site plan approval in the process.

Ms. Feeney Roser: Yes.

Mr. Cronin: In your report to us on page 6 with the DelDOT and traffic, the fourth bullet, "DelDOT requires a 50 foot throat depth to prevent conflicts with entering and exiting vehicles." They only have 35 feet. And you say, "This issue will need to be addressed." Is that something that you have addressed with the applicant or are we to address it here tonight in this body and the members that are before us.

Ms. Feeney Roser: No, the applicant will have to address that with DelDOT. That is not our requirement and it is also not on a DelDOT roadway. It is on a private access way so, I am sure the developer and DelDOT will have that conversation. I just listed everything they put in their letter, but it is not something we have to do.

Mr. Bowman: The applicant is here. Please step to the microphone and state your name and address, please, and that will apply to anybody who comes forward to speak.

Ms. Lisa Goodman: Young, Conaway, Stargatt & Taylor, Wilmington, Delaware. I am the project attorney here tonight representing Bartolozzi, LLC. Here on behalf of the East Village project is Mr. Alan Hill, also Hillcrest Associates, along with Mr. Rick Longo. What is being handed out is exactly what we are putting up on the screen.

We are here seeking rezoning, subdivision, site plan approval for ten townhouse apartment units as Maureen indicated on .708 acres at 178 S. Chapel Street.

I will begin by explaining site plan approval because I think Mr. Cronin brought up a good point, which is, what is site plan approval. You have seen a few projects with site plan approval before. The bottom line is there are two ways that you can build a project that does not strictly conform to the dimensional requirements of the Code. I am making these numbers up, a 20 ft. side yard 30 ft. height, things like that. One is, you can go to the Board of Adjustment and you can demonstrate why they should grant you variances. After you do that then you come to Planning Commission and on to Council and you have no say in that. It is done. The other way is to utilize the site plan approval section of the Code, which gives you the recommendation of power and Council the ultimate power to look at the project holistically and, basically, I think, as you phrased say, do we think this project is excellent enough that it merits some variation from the Code. That is the path we have chosen to take tonight. I think that projects are more frequently taking this because Planning Commissions and Councils seem to be recently having a preference, which I can understand, from wanting to see the big picture and not having something come to them that already had variances. Sometime variances are totally appropriate. We think this project is so excellent that it totally merits site plan approval and it does give you folks a chance to see the big picture. That is why we are seeking site plan approval.

This is a 3D rendering of what the project is going to look like. This is just a site plan you can see outlined in yellow and labeled site, which is where we are off of S. Chapel. The site is currently zoned general industrial (MI). I think we all agree, as the Department does, that this is no longer a place where heavy industry makes any sense. There is a small property next door that is also zoned general industrial (MI) and then we get to Holly Woods apartment complex also owned by my clients. We will talk a little bit more about the surrounding area but, University Courtyards is up to the right, we have the new freshman dorms and in general, this area is really either rental housing or

institutional use (University, the school bus yards, etc., are down there). So, the proposal is to redevelop this site to be much more in conformity after it is rezoned with the other uses, again, as you heard Maureen say in her recommendation. It is really a University area. It will, in all likelihood, have University tenants. Certainly, it is right down the street from the University dorms.

This is what the site currently looks like. It has two nonconforming residences on it that are currently rentals. This is the one in the front looking from S. Chapel. This is the one to the rear. This is the new freshman dorms in the distance. Just to give you a sense of the area, that is a full on frontal shot of the new freshman dorms. This is the site, again, showing you both units so that you can see what it looks like. We have a little bit of an oddity here because we have a parcel zoned manufacturing or industrial but the Comp Plan calls for residential. So, this is one of those things that zoning hoarders love to see because it is actually begging to be rezoned because it is not in conformity with the Comp Plan as it sits today.

So, this is what it currently looks like and the same shot with what is proposed. And this is what is proposed. It is ten garden style townhouse apartments. Let me walk you through the elevations. This is a straight on shot from S. Chapel and you can see that Rick Longo has done his usual amazing job of coming up with something that is unique, beautiful and as he put it to me, will hopefully very shortly will look like it has been there awhile. That is what he was going for. So, you see the turrets, you see the mix of architectural elements, things that are very different. The shapes of the windows are different along the front – the ornamental balconies. The first story is actually parking, but, of course, from the street does not look like parking, which is part of, we think, the excellence in design. This is what the long side of the project will look like. We have had to, as you see along the bottom, “Existing woods removed to allow building view,” otherwise you couldn’t see this view. But, we want you to be able to see what the building looks like, and you do have up close versions of these in front of you. Again, you will notice stairs going up to the units. That is because the first floor is garage. Each unit has four inside parking spaces. One of the things that is unique about this project in addition to the fact that it has more parking than is required (Code requires 30 spaces; it has 40) is every single one of them is inside, which I think is nice for the tenants and you don’t have to look at the cars. Not only is the parking behind the building, it is actually in the building. Folks who might be looking at the back yard are not going to be looking at cars.

So, you see the variations on the steps going up; some come up from the side and some come up straight. You can see all the different variations in materials. If you look over the doors, you will see that the roofs over the doors are different. Some are peaked and some are curved. They are very, very different. You also note the portal windows, the turrets at the end. It is really, I think, a super cool design.

This is the rear of the building. Here you can see the garage entry ways. Even here we have variation because you will see that some of the doors are two-car doors and some of the doors are single doors. That is purely decorative. That is purely so they will look interesting and different. Every unit will have four parking spaces. So, you will pull two cars in and you will pull two cars in behind them. We know that students (and we expect these to primarily be student rentals) don’t move their cars once they park them, typically. So, stacking works very well. That is what is proposed here.

In terms of site plan approval and some of the criteria, I talked about outstanding architectural features and unique treatment of parking facilities. Let me also comment about the height. RA zoning, which is what is being proposed here, actually permits seven stories – 80 feet. We are proposing a 46 foot building. In answer to your question about the measuring, maybe these guys have gone back and calculated whether that changes the measurement on the new regulations, but it doesn’t matter. We are so far under what RA would permit that it is, thankfully, not relevant for us.

This is a four story building and as Maureen pointed out, 10 of the 14 University Courtyard buildings are four stories; and, given that we have parking underneath, three stories of living space on top.

This is a close up of the nonparking entry side to show you the difference in the steps. You can see some come up from the side, some come up from the front, and you can see the variation and the window types, the door types and the roof lines over the doors as well as the variation in materials.

One of the site plan approval criteria is relationship to the neighborhood and community. So, let me put this up just to say the site is outlined in red and immediately to the rear of site runs the Pomeroy Trail. In terms of relationship for moving people around on foot or on bicycle, as we know, most people like to move around rather than take their car some place where there won't be parking for it anyway, that is a fantastic relationship to the community. It is also a use that perfectly suits the area. What you see in blue are properties that we know are rentals. Some of the others that are in gray are either parking lots or don't have rental permits, but for most of them the owners have a different address than the property. The green color is institutional. So, pretty much, this is an institutional and rental area. If there is any place we want to encourage this type of use, that would be it.

Another criterion is association with the natural environment. And, again, the proximity of the Trail really, I think, speaks well to that and will further, frankly, discourage the use of cars.

Finally, energy conservation. The building will meet the portion of the Code that speaks to the certified level of LEED. The building will meet that and, therefore, be very energy efficient and conservation minded as well.

Let me briefly walk through the modest adjustments that we are seeking via site plan approval. Maureen touched on them but just to give you a sense, the lot coverage – 20% is permitted. We are proposing 36%. So, that is a 16% differential. For open area, 40% is required. We are proposing 37%. So, that is 3%. Minimum lot size is one acre. We have .708. So, that is a differential of .292. Front yard requirement is 30, we are proposing 20. Exterior lot lines required is 25 and we are proposing 21.3 for a difference in 3.7. We think that taken over all, those are pretty small and they allow us to utilize this property in a way that really provides a pretty spectacular building, we believe. And, we think we easily meet the site plan approval criteria.

Let me briefly talk to the rezoning criteria since that is also in front of you. We think it is appropriate for many reasons. 1) The current zoning is pretty clearly inappropriate. It is not being used for the current zoning. The City doesn't want it used for the current zoning. It is being used for residential. The Comp Plan calls for it to be residential. The zoning that we are proposing is consistent with the area and nearby uses, which are residential rentals, University uses, institutional uses and this will certainly be residential rentals. In all likelihood it will be students. Let me say, it will be high-end students. As Ms. Dressel noted, it is one bath per bedroom. In the Department Report the Department suggested a limitation of the number of residents and my client is comfortable limiting the number of residents to a number equivalent to one per bedroom. That would be 60, which would definitely means it is going to be high end because you have to have kids that can afford that (well, parents that can afford that).

Certainly, it won't be detrimental to the neighbors. Again, the neighbors are rental uses and University uses and as we heard in the Department recommendation, this will be an asset both in appearance and use along the trail and along S. Chapel. And, finally, it is consistent with the Comp Plan. Much more consistent than the current zoning.

So, for all those reasons, we really think it is a great project. We ask for your recommendation and we are happy to answer any questions.

Mr. Cronin: Again, with the variations to come in, I think it is a superlative design and very attractive, but when we have the Code requirements, I am curious as to whether the architect and engineers ever have an initial concept setback wise that fully meets the Code. It seems like so often there is a request to push the envelope to exceed what

established expectations and, why would one set out to do that. Do they back into it or do they set out to do that? Was there an earlier rendering that says, if we meet the Code and all these requirements, it is going to look too puny? It is going to have, instead of ten units, only 9 units or 8 units and what that might do to their thought process. I would like to have some more sharing of thinking along those lines if you or the architect could.

Ms. Goodman: That is a great question and the answer is that it is not uncommon for projects to come to you that have not required variances or site plan approval. They are compliant except that they are in front of you for either simply subdivision approval or sometimes rezoning and subdivision approval, but as in the case in any municipality that is redeveloping, you have to work within the structure of the size property you have. And, there are certain things that you can't move. For example, to get cars in and out you need 24 feet and you need a fire lane. You start with that constraint. If you are going to meet the parking requirement and have some reasonable parking for guests, then cars take up a certain amount of space. So, the answer is that every client I have ever worked with would much rather not have to seek variances or site plan approval. It is a whole extra step. It costs more money. It takes more time. And it puts a bigger question mark on the project about whether they can get it approved. They don't like to do it and their bank really doesn't like to do it. But, because municipalities that are redeveloping know that they need flexibility, they have Boards of Adjustment which are actually mandated by State Code and you have this site plan approval process. So, the answer is that every engineer I have worked with (and I know Rick is the same) starts out trying not to have any variances or needing site plan approval. And, they seek it if they can say, if we can come up with reasonable modifications that result in something fabulous, it is worth doing. Or, if we can make an argument to the Board of Adjustment that we otherwise can't do. One always sets out to avoid them, but here we happen to have a long, narrow property and so you have to work within those constraints. In order to get a road in, sufficient parking and to design a building that is something that everyone will be proud to look at for the next 50 years, this is what Rick has come up with to balance all of those competing interest.

Mr. Cronin: Are there any most compelling aspects that caused it to end up being as big as it is whether it is ten units vs. eight units. There must be a trace line that says this is really the best and because we had to get this width for this reason or we had to get this length for this reason. I'm kind of curious to understand some of the parameters that go into the thinking to get something that really looks nice. Don't get me wrong, I am thinking in my head, well if one was challenged and they are going to win a million dollars if they designed something within Code to say it looked equally nice. Could that be done?

Ms. Goodman: That is a great question and here is the general answer. The general answer is that a building of this quality with all these different materials and different designs is expensive to build. So, in order to get financing to build a building like this, you have to red line it out for the bank and show that you can afford to carry the debt. In order to be able to carry the debt, you have to have a certain amount of income. It is just like any business. When you want to build a new factory for widgets, you have to show them that you are going to make X number of widgets and you are going to be able to service the debt. So, it is a balance of quality of the building vs. how many rental units. You need to be able to build a building of that quality so that you can finance it. My experience is that developers try to walk that very fine line because the last thing that they want is the reputation with the City of coming in and asking for too much because then the next project is suspect and the next one. But, they also don't want the reputation of coming in and building a not very nice project that doesn't look good when it is up because they want to point to this project the next time they are in front of you and say, see I really build a quality project. Just as with what sort of relief from the Code you ask for if you have to, it is a balancing act of how much revenue you need. It is cheap to build a box and you can get lots of space, and you can make it ugly and big and cheap. But, you don't want that and my clients don't want that because they own it and they want good tenants and they want to be proud of it. Instead, they have come up with this which I can say with almost certainly doesn't use stock size windows. Quality costs money. That is the balancing act. It is quality vs. revenue and developers try to strike that balance all of the time. I think Newark has done a great job recognizing that. Look

at the projects that have been built recently. In general, they are beautiful. The things that Mr. Prettyman has been building recently, the ones on Cleveland Avenue, they are gorgeous. They don't look like anything else on Cleveland Avenue. That is a good thing. They are beautiful and the City should be proud of them. So, I think the City has done a good job with that.

Mr. Cronin: The two façade renderings that face Chapel Street, a couple of small differences caught my eye. There is a difference in the transom window over the double doors. One of them has the sunburst and the other one has vertical muttons and one of them has a large carriage light of some sort between the four windows and one of them does not have that carriage light. These are details I know, but I am curious as to whether you favor one over the other because I did notice them.

Mr. Rick Longo: Hillcrest Associates. As I go through this process, there are small details that I do look at. In fact, just before this meeting, I went crazy when I saw those windows. The girl who did this did a Photoshop where you get the telephone pole to be real, the trees to be real and all of a sudden the reflections took out the grills. You can't see them very well. So, I wanted to make sure you understood that the grills were in those yet you don't see them very well in the PowerPoint. The grills did change on that one rendering that I did. I actually liked the radial one better. That was the last one I did. So, yes, that did change. I guess it got in the PowerPoint. Somebody didn't notice it, you did, and I didn't see it. I didn't see the PowerPoint.

Mr. Cronin: I like the radial better, too. How about the large lamp on the end of the façade?

Mr. Longo: I love the lanterns.

Mr. Cronin: Is that the most recent?

Mr. Longo: That is one of the things that didn't get over in here, but there is going to be lots of lighting. In fact, I was going to do a rendering that was like a Thomas Kinkade painting when it is all lit up, but seriously, this is going to be well lit and very fortress-like. You are asking these questions and as Lisa said, these are very good questions. Remember what I said about New Orleans, when I went to New Orleans everything is jacked out of the ground because of the flood zone, but if you look at it, it looks so secure. My niece went to Tulane and her housing was absolutely terrible and, yet, all the beautiful houses were up out of the ground and you go up these steps and it just looks so secure and that is where that philosophy came from. The stone foundation that you see there is much like Old College. So, that has a real permanent look. The philosophy in this design was that it would look strong, it would look safe, you would put your daughters (I say that because we have daughters that we worry about them like that) up out of the ground, nobody can get in and that was the philosophy of this design and that is where it came from. You asked that question and Lisa asked the question to me, "What was your philosophy?" And, I talked about visiting New Orleans and how I loved the section of New Orleans that has the houses higher out of the ground.

Mr. Bowman: Is there anyone from the public that wishes to speak to the project. If so, step to the microphone and state your name and address, please.

Mr. Paul Eldridge: I live in Windy Hills but I make maps for the Fire Department and I am here to ask about the access or lack of access to the front of the building. This building is 240 feet long. We have one driveway to the back which I believe is 24 feet. I believe you have visitors' parking along that?

Ms. Goodman: No.

Mr. Eldridge: Where is the visitors' parking? Access to the rear is wide enough for us to get a truck back there, but if they are going to park against the side, it makes it tight. But, there is no access to the front of the building and we have to go 240 feet to get to the end unit if we have to, and we do work front and back of the building.

Ms. Goodman: There will be no parking in the rear of the building. We have ten extra parking spaces beyond Code, which we think is sufficient parking. It will be signed as no parking, fire lane because it will serve as a fire lane. We would absolutely not be able to build it without Fire Marshal approval and without Maureen's approval as well.

Mr. Hegedus: Do you expect the visitors to occupy the ten extra spaces that are underneath the building?

Ms. Goodman: It is possible. We know not every tenant in every residential unit brings a car so, there may be additional parking inside. If not, they will park on Chapel and the side streets surrounding, but they definitely will not be able to park in the fire lane. I think even students get it when they see "fire lane" that if they park there, it is not going to be pretty.

Mr. Bowman: By Code I believe those buildings will have to be fully sprinkler protected.

Ms. Goodman: Yes, that is correct.

Mr. Bowman: We will bring it back to the Commission for discussion and for a recommendation.

Ms. Dressel: I think the building and the proposal is beautiful. The architectural renderings and everything are really, really top notch and I commend you for the effort in developing that. I definitely support the changing of the zoning. I think that makes perfect sense for that location that it should be RA. I have a lot of qualms about the lot coverage. 16% is a big difference and a quarter of an acre is a big difference. I can look at this and say, I could see the minimum exterior setback lines going from 25 feet to 21.3 feet because when I look at the renderings, I can see where the 21.3 ft. is in order to get the steps and it is not the whole actual front of the building coming out. It is just in two spots in front of two sets of townhouses. So, that, I think, makes sense and I don't think that is contributing to your 16% lot coverage. However, I think there is a reason for the setbacks and I think that the developer needs to give some consideration to making a 9 unit or making it 10 units with four bedrooms to somehow reduce the amount of lot coverage. I understand it is going to be high-end and in full disclosure as a parent of two children who are in University and Grad School, I am one of those parents who pay these rates – not in one of your properties so I don't have to recuse myself. So, my feeling is that the lot coverage is my biggest holdup because I think that is a pretty significant difference.

Ms. Pat Brill: That is in better words than I could have said that and is exactly the way that I feel. The project is outstanding except for the lot coverage. I think less bedrooms or less units to shorten it up.

Ms. Feeney Roser: Do you have a suggestion as to how much they would have to shorten it up for you to feel comfortable with site plan approval for that?

Ms. Dressel: I think we need to get to 20% or 25% lot coverage. 36% is almost double what the permitted zoning is for RA. I think that is really pushing it. I don't want to make the recommendation on the exact size of the building, but I think that we need to come between 20% and 25%.

Ms. Brill: I'm in full agreement.

Mr. Edgar Johnson: I'm of a contrary opinion. I think it is a great design. I think it is absolutely magnificent and I think it is what the area needs and as long as it is safe, and it appears to be so, I think approval is warranted. I am not upset by the lot coverage at all.

Mr. Hegedus: I am kind of in the middle. I understand the justification about needing size for financing purposes. Financing isn't what you can take to the Board of Adjustment. Financing is not one of the criteria by which we approve site plans and the variances. Some of the things, unique treatment of parking, outstanding architectural

design, energy conservation, I think those were nailed, so that's great. Common open space, association with the natural environment, having the trail go behind it is something that I would note that is necessarily a natural environment back there. There is not a lot of natural environment to have back there because of all the development and everything else that has gone on. So, this is kind of a recurring theme for us here when it comes to redevelopment and student housing. Without knowing the calculations and without seeing all the things behind it, there is a feeling that the developers push to make things bigger than they need to necessarily be and then push for 36% lot coverage instead of 20%. So, personally, I would like some discussion among us around options. As an example, we could disapprove, we could approve with some recommendations or considerations that the developer look at before the plan goes to Council, do we want to see it back again? I don't know. I'm wondering what some of the mechanics or some of the options are that we have on the table other than just saying it is too big. Is that something we can address?

Ms. Feeney Roser: You can approve it as is, you can approve it with conditions, you cannot approve it, or you can table it if you are tabling it for direction. I don't know if I am using the term "tabling" properly according to how we were trained or not.

Ms. Dressel: We can approve the zoning change, right? We could separate A and B out.

Ms. Feeney Roser: Yes.

Ms. Dressel: We could do it as two separate pieces. And, then with the second piece of the site approval, we could make the recommendations. Whether or not Council is going to follow those directions is up to them, but we can make those recommendations. I'm not sure tabling it makes sense at this point because that is the decision that the builder is going to have to make.

Mr. Bowman: That is an indefinite thing you don't want to do. You can postpone it to a specific date.

Ms. Dressel: If we had a specific reason, I would suggest that. I do have one other concern with the property. Again, you have done an amazing job. I think saying that there are going to be no guests ever and no extra cars that would have the potential of parking there and with six tenants per townhouse, I think it is likely that there are going to be four cars. So, we are either have cars parking on Chapel Street . . .

Mr. Johnson: They are not parking on Chapel, that is for sure.

Ms. Dressel: I think they are going to be parking in the fire lane until somebody tows them.

Mr. Johnson: Who monitors the fire lane?

Ms. Dressel: The building.

Ms. Feeney Roser: Yes, the owner can certainly monitor it, the residents can monitor it, and as I understand it, if it is a fire lane the parking enforcement officers for the City can monitor it. I think the developer could make it clear in the leases that there can be no parking in the fire lane. We have approved apartments without parking or not meeting the parking requirements before and people walk or park elsewhere.

Ms. Dressel: A lot of times, though, the ones on Amstel they can park behind the garages. These they will not be able to. There is no space. So, I have two major concerns. I will make a motion.

A. MOTION BY DRESSEL, SECONDED BY BRILL, THAT the PLANNING COMMISSION RECOMMEND THAT CITY COUNCIL APPROVE THE REZONING OF .708 ACRES FROM THE CURRENT MI (GENERAL INDUSTRIAL) ZONING TO RA (MULTI-FAMILY DWELLINGS – HIGH-RISE

APARTMENTS) AS SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED SEPTEMBER 3, 2013.

Mr. Bowman: You have a motion and a second to recommend item A on the rezoning. Does everybody understand what that motion is?

VOTE: 6-0

AYE: BOWMAN, BRILL, CRONIN, DRESSEL, HEGEDUS, JOHNSON

NAY: NONE

MOTION PASSED UNANIMOUSLY

MOTION BY DRESSEL, SECONDED BY BRILL TO RECOMMEND THAT CITY COUNCIL APPROVE THE EAST VILLAGE AT SOUTH CHAPEL STREET MAJOR SUBDIVISION PLAN AS SHOWN ON THE HILLCREST ASSOCIATES, INC., PLAN DATED JUNE 20, 2013, WITH SITE PLAN APPROVAL AND WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS; AS WELL AS TO REDUCE THE LOT COVERAGE TO BETWEEN 20 AND 25%.”

Ms. Brill: How do they do that now?

Ms. Dressel: That is up to them to decide how they want to do it. I could add, to meet the RA zoning. There has not been a second.

Mr. Hegedus: I did not second the motion.

Mr. Bowman: We have had a second, so we can go ahead and discuss.

Mr. Hegedus: I’m uncomfortable putting the requirement on a recommendation because I don’t know how they get there. If it wasn’t a requirement, 25% is what I heard in the language, it was more a developer should go and consider what it would take to change their plans to be at 25% and include parking, which were the two concerns I heard and then bring information to Council as they go and present to Council and then let Council make the judgment. That is an option. I’m not sure that is the right thing to do either, but that is what I want us to talk about a little bit.

Ms. Dressel: But, we are just making a recommendation anyway. We are not bound to City Council.

Mr. Hegedus: I am just not comfortable making the recommendation of 25% unless I have them walk away, do something and bring it back. And say, yes, that makes sense now because it won’t be something that I can see. Because the architecture is so nice and they have met a number of criteria for site plan, that is why I am kind of mixed. I am not quite as hard in saying it should definitely be 25% as the number.

Mr. Bowman: Andy, keep in mind, this is a recommendation. If this passes, it will go to Council and if we have to see it come back again based on this sort of thing, we would never get anything through. So, you may be personally uncomfortable with it but we are giving them direction, I believe our recommendation if it passes is that they need to reduce the coverage on the lot to get closer to the Code requirement. City Council is going to make that decision one way or the other eventually whether they agree with us or they agree with the applicant. Either we send it forth with this recommendation to cut it down in size in some way, shape or form that reduces its overall lot coverage, I think that gives both them and City Council direction. It is up to them then. Remember, we are a recommending body. So, they can make their case for the 36% and the Council has heard this body if the motion passes for the smaller lot coverage. And, whether that piece passes or not, they have the full right to go forward to the Council with or without a recommendation from us.

Ms. Feeney Roser: Commissioner Dressel, would you be comfortable with making your approval conditional upon the developer reducing the lot coverage somewhat to get closer to Code or do you feel that it needs to be a particular number?

Ms. Dressel: It seems to me that 5%, maybe 10% increase in lot coverage over the deeded amount of the 20% would be acceptable. But, when you go to almost doubling it, I think that is not really considering the Code.

Mr. Hegedus: So, is the 25% number for you a target?

Ms. Dressel: It is a target.

Mr. Hegedus: So, it is not a hard and fast thing.

Ms. Dressel: To approach that, to get closer, as opposed to say we don't need to follow that zoning. I think that with these other things, I am willing to give in and be flexible with a few of these setbacks because I see the reasons for it. I can see where it makes sense, but I think the lot coverage is pretty major for this particular project and the amount of land that is there and the fact that it is 3/4 of an acre and RA zoning is for one acre. In our recommendation, we accommodated many of the things that the developer has done and beautiful design and the flexibility that they have shown, but I just think that we need to be a little bit more reasonable in the lot coverage.

Ms. Brill: I think that we need to respect the site plan Code that exists and we want to change the site plan Code, that is another meeting. (Inaudible).

Mr. Cronin: I think you just mentioned the acreage where as the RA requires one acre and this is .708 acres. Didn't we just recommend it to be RA knowing that it is only going to be .708 acres.

Ms. Dressel: Yes.

Mr. Cronin: That is not a topic of discussion because we just recommended at least that particular aspect – acreage.

Ms. Dressel: It is still part of the consideration. I don't think that changes.

Mr. Hegedus: The .708 acres doesn't concern me all that much because it kind of is the way the parcel is. There is nothing the developer can really do about that except buy the land next to it. The lot coverage is the one that I think is the most worthy of discussion.

Mr. Cronin: The gentleman that brought up the issue of the fire access particularly on the north side, is there any possibility that the sidewalk that is shown and the grass could be paver block or something that would facilitate some vehicular access in an emergency but yet it would still go right up to the property line with the paver block that would be decorative and function and still allow some access for emergency vehicles. Is that a possibility.

Ms. Goodman: It is possible. I think the issue is then we would be here seeking another variation in the Code. I think we feel confident with a fully sprinklered building and fire code and access along S. Chapel that the Fire Marshal is comfortable with the building. And, I think, we personally prefer some green space for the building. If I might also say, I think we have fully heard this discussion and Ms. Dressel's, in particular, concerns and should you recommend a reduction in size, we will certainly take it in the spirit of going back and looking at it and seeing whether it is possible to do it balancing all of the factors that I spoke about earlier. We understand where you folks are coming from and we have to go back and look at whether that is possible or not.

Mr. Bowman: I am going to call for the question.

VOTE: 4-2

AYE: BOWMAN, BRILL, DRESSEL, HEGEDUS

NAY: CRONIN, JOHNSON

MOTION PASSED

3. REVIEW AND CONSIDERATION OF A SUBDIVISION AMENDMENT REGARDING STREET AND SUBDIVISION NAME CHANGES.

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

“Over the recent past, the Planning and Development Department has heard concerns from both Aetna Hose Hook and Ladder Company and the Newark Police Department regarding approved developments changing the names of streets and/or the subdivision itself without going through a process by which these name changes can be reviewed for 911 service. Specifically, our Subdivision Regulations for major subdivisions (which is the only type of subdivision involving new streets) require that the applicant submit the proposed name of the subdivision “. . . which shall not duplicate any name of any other subdivision in the City,” (27-21(b)(1)(iv)) and “The proposed layout of streets, their proposed names, right-of-way and paving width, as well as right-of-way and paving widths for proposed alleys and easements for ingress and egress. Except for continuations, street names shall not duplicate existing street names in the City.” (27-21(b)(1)(vii)). When this information is submitted as part of the development plan application, it is sent to both Aetna Hose Hook and Ladder Company and the City Police Department for addressing and review for 911 compliance. The process works well, unless the developer or a subsequent buyer decides to change the subdivision or street names, as happened recently with Newark Preserve (approved as the Wilson Farm) – a new subdivision; and more recently with Foxcroft Apartments becoming The Varsity Town Homes – an existing subdivision. In addition to the street and subdivision name change concerns, the Department has received complaints from residents of new construction about delays in the timely installation of street signs for emergency services and mail delivery.

Therefore, to ensure 911 review for safety and efficient emergency services operations and mail delivery, and in consultation with the City Solicitor and Newark Police Department, and after review of New Castle County and City of Wilmington street/subdivision name ordinances, we recommend the new sections be added to the Subdivision Regulations of the City Code to address these issues. Specifically, we recommend a new Section 27-23 to formalize the process for assigning addresses and installing street name signs for new developments; and a new Section 27-24 to establish a process for changing subdivision and street names. Suggested language is as follows:

Section 27-23. Subdivision and Street Names – Address Assignment.

- (a) Subdivision names, street names and street name signs for all subdivisions and public or private streets shall be in conformance with the regulations of DelDOT. When determining proper subdivision and street names for new roads in a subdivision or land development, the Planning and Development Department shall contact the Newark Police 911 staff to determine that there is no conflict with the proposed names that would result in confusion in providing emergency services or in delivery of mail. The approved subdivision, and street names shall be part of the record plan submission.
- (b) Installation of street name signs. To ensure that emergency vehicles can locate any new development, no certificate of occupancy shall be issued for a building located on any site until a street name sign for such street has been properly installed.
- (c) The assignment of address, apartment or suite numbers within the corporate limits of the City of Newark will be the responsibility of the Newark Police Department 911 staff.

Section 27-24. Renaming Subdivision and Land Development Plans or Streets

Each application to rename a subdivision/land development plan or street shall follow the procedure set forth below.

- (a) The applicant shall submit a petition to the Planning and Development Department as follows:
- (1) When the owners of property within an existing subdivision or land development propose to rename the subdivision or land development, a petition signed by two-thirds (2/3) of the property owners of the subdivision shall be submitted requesting adoption of a resolution.
 - (2) When the owners of property within an existing subdivision or land development propose to rename streets therein, a petition signed by two-thirds (2/3) of the property owners, whose address range numbering references the subject street(s), shall be submitted requesting adoption of a resolution.
- (b) Upon receipt of the renaming petition and the appropriate New Castle County Recorder of Deeds Filing Fee, the Planning and Development Department shall review the request with the United States Post Office and the Newark Police 911 staff and make a recommendation to City Council. The recommendation shall include a draft name change resolution for City Council consideration.
- (c) City Council, upon receipt of the petition and appropriate Recorder of Deeds filing fee, shall place the renaming resolution on their agenda. If adopted, the resolution shall be submitted for recording by the New Castle County Recorder of Deeds and indexed by the Recorder of Deeds by the old and new names of the street or subdivision/land development.
- (d) The resolution shall be forwarded to the Planning and Development Department, DelDOT, Newark Police 911, Aetna Hose, Hook and Ladder Company and United States Postal Service.

Recommendation

In order to ensure consistent and efficient 911 addressing, and the accurate delivery of mail and emergency services in the City of Newark, the Planning and Development Department recommends two new sections: 27-23 Subdivision and Street Names, Address Assignment and 27-24 Renaming Subdivision and Land Development Plans or Streets be added to Chapter 27 Subdivisions of the Code of the City of Newark as outlined in the Planning and Development Department Report.”

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

Ms. Dressel: I really like the idea that all the changes would have to be implemented and the signs put in before the first C/O because when we moved into our new house the street name was up but our house number changed three times within two months. So, I think having a process in place that includes all of those pertinent bodies is imperative.

Mr. Hegedus: One question on 27-24(a)(1). When the owners of the property within an existing subdivision propose to rename, they need to have two-thirds. So, let’s say it’s a new development and I have only sold a couple of places, so the owner is really still the developer, so the developer could just sign off for themselves, give that to you and we are good to go. So, the actual residents who bought properties from the developer would not need any say in that case.

Ms. Feeney Roser: No, if the developer still owns two-thirds of it, that would be enough based on this.

Mr. Cronin: Toward the end, the resolution before the Planning Department, DelDOT, Police, Fire Company and USPS, forwarded for their concurrence, forwarded for information?

Ms. Feeney Roser: For information.

Mr. Cronin: Because earlier you talked about names that result in confusion providing emergency service and delivery of mail. I guess I am curious as to whether we expect the Postal Service to have any concurrence or approval or not.

Ms. Feeney Roser: The 911 staff at our Police Department check with Aetna and the Post Office before they assign addresses or approve names.

Mr. Cronin: That is quite sufficient, I think.

Mr. Bowman: I have a couple of suggestions, Maureen, in 27-24(a)(1) and (a)(2). I read both of these paragraphs over and over again and the more I read them the more convoluted it got so I am going to make a suggestion to do some word changing in both of those. First of all, I think this stuff is long, long overdue. As a former very active emergency responder, this kind of stuff just caused nightmares in the emergency services and I, for one, am never going to give up calling Elkton Road, Elkton Road. What I would like to suggest in (a)(1) not using the word “when” because that basically implies that it is going to happen. I would like to change the “when” to “if.” I would like to suggest the following wording:

(a)(1) “If the property owners within an existing subdivision or land development propose to rename the subdivision or land development, they should submit a petition requesting adoption of a resolution to change the name.” I will give you my scratch copy, if that helps. So, that is the first sentence. The second sentence should read, “The petition shall be signed by two-thirds of the subdivision property owners.” It says the same thing but I took what I think is kind of a run on upside down sentence, with all due respect, and made it two fairly simple straight forward statements. If somebody wants to change it, they have to submit the petition requesting adoption or resolution to change the name and then the second sentence very clearly, “The petition shall be signed by two-thirds of the subdivision property owners.”

(a)(2) Change the word “when” to “if.” “If the property owners within an existing subdivision or land development propose to rename streets therein, they shall submit a petition requesting adoption or resolution to change the street(s) name.” “The petition shall be signed by two-thirds of the property owners whose addresses are affected by the street name change.” You don’t need to worry about the numbers. Somebody might say, well, I don’t really want to see the street name changed from Alice to Leroy, or whatever the case may be. So, I think they should be able to object to whatever part of it, not just the numbering system.

Ms. Feeney Roser: I don’t think that referred to the numbering system. I think that was to make sure everybody that was affected is considered.

Mr. Bowman: If you get two-thirds of the property owners whose addresses are affected – and that would be easy enough to tell – then I think you have it. So, those are my suggestions. What the Commission plans to do with that that is up to them. I will be happy to answer any question as to why I suggest that language. I think the rest of it works. If there are any questions from among us and I think there is somebody here from the public that wishes to address the issue.

Ms. Feeney Roser: I think that says it much more clearly. This was lifted from other jurisdictions’ language and approved by the Solicitor, but I think what you have said is clearer.

Ms. Dressel: I think that makes it much clearer to me.

Mr. Bowman: I am just an old country chemist, so we will go from there. Does anybody from the public wish to address the issue?

Mr. Paul Eldridge: I make the maps for the Aetna, Hose, Hook and Ladder Company and I work with Captain Potts in doing the addressing in the City of Newark. In the City of Newark, the Police Department is responsible. He can override me any time he wants to. Just a little background, we have 101 apartment complexes in our fire district. 68 of them

are in the City. So, you can see why it is important that we get this done. A good example was the apartments at the Studio Green. You have the east and west. We found out when they put the signs up that there was a change. Unfortunately, part of that complex is out in the county and that was never changed. So, that comes up, too. So, these are things that we have coming up. One thing I would like to see changed was 27-23 section (a). It says, on the second page, "The approved subdivision street names shall be part of the record plan submission." I agree with that because we've had a problem with the Wilson Farm. It was submitted as a record plan five times. I made five maps and four of them are wrong. The names were submitted that were not approved. So, this has been taken care of, but I would like to see added to that or inserted that the approved subdivision street names and "numbering" shall be part of the record plan. The header refers to address assignment and I would like to make sure that that is in there. Do you have a question about the numbering or what we do?

Ms. Feeney Roser: I have a little bit of concern about that because my department doesn't usually get the addresses from Captain Potts until after the project is approved. The street names he gives me ahead of time. The street names are okay but in my experience, Captain Potts sends the memo saying what their addresses are after the plan is approved. Until Council approves the number of units in a development, you really don't know how the numbering is going to go.

Mr. Eldridge: I disagree with you on that because the last one we received – I believe it was Campus Walk on New London road – was submitted with the correct addresses on the plan as a record plan.

Ms. Feeney Roser: If Council hadn't approved it at 12 units, what is to say that the numbering would stay the same. This last one is ten units. That is relatively simple, but if you have a 200 unit development, I can't tell you what the units of the Shopping Center numbers are going to be.

Mr. Eldridge: We just did Wilson Farm. You mentioned the fact that there are two or three different numbers. The numbers are assigned sometimes on a corner lot that have two addresses, one for each street, depending on how they are built. If we find out from the builder which way it is going to go, we can address that, but we have asked in the City Secretary's Office that before a record plan is submitted that the numbers be assigned because we have had it where they have changed the numbers and the University does it, too. Numbers can be assigned very quickly if we are asked in time. We have had no problem with that. Again, Campus View is a good example and another one is the one on Chambers Street. They were numbered before they were sent for record plan. That is what the header says. The header says address assignment.

Ms. Feeney Roser: This says record plan submission. It doesn't say the final approved plan, which I agree with you on.

Mr. Eldridge: So, your worry is about the fact of the numbering?

Ms. Feeney Roser: In that instance, it is because sometimes developers come in and they want many more units than finally get approved, and it is at Council when they get approved, and #3 says the assignment of address, apartment or suite numbers within the corporate limits of the City of Newark will be the responsibility of the Newark Police Department 911 staff. I would feel more comfortable if you added something there which says, such assignment needs to be done before the construction improvement plan is approved. Something like that so you have a chance to look at it and see it before they finalize the plan, but it is not part of the developer's submission.

Mr. Eldridge: The only thing I don't understand is that if you submit five record plans isn't that the final plan or do you add a construction plan to that?

Ms. Feeney Roser: There is a construction improvement plan that happens after Council approves the subdivision plan.

Mr. Eldridge: When you submit a record plan to New Castle County, Land Use puts it in their computer and it shows up on the map as being with us, which it really isn't and shouldn't be. As soon as you submit a record plan, they put it in their computer and it comes out on parcel view.

Ms. Feeney Roser: The County shouldn't have gotten that many Wilson Farm plans. They should have received an approved plan, and then another when the zoning changed because the layout also changed. That is what you are saying. They went from the adult community to regular fee simple homes and that changed everything before it was built.

Mr. Eldridge: We also had a problem with the names that were assigned to it by the record plan. You had Devon and Devin.

Ms. Feeney Roser: I'm not trying to argue with you. I'm trying to make sure the process will work if we put this in the Code, that it will work so that people can get through the plan and have Captain Potts assign the numbers to them, making sure that Aetna is comfortable with the numbering at the right time in the process. I'm not sure at the submission is the right time. Maybe we take off the word submission.

Mr. Eldridge: I disagree with you on that. I have talked to Captain Potts and we have asked that it be done so that we can go ahead with the process. The County updates their map, we update ours and then there is approval. Otherwise, you can come back and change the names if you do the additional plan and then we are back at step one.

Ms. Feeney Roser: In the case of the Wilson Farm, that would happen regardless because the plan was never built out and then they resubdivided it again. Every time you get a major subdivision it is going to change some things. I am trying to get the right place in here to put the numbering in so that you are comfortable with it, but my problem is that when you talk about a plan submission, they may not know what that numbering should be. So, maybe we have to take off the word "submission" and say "The approved subdivision and street names and numbering will be part of the record plan." That might work. I don't want the developer assigning numbers that we don't want.

Mr. Eldridge: The developer is not going to assign the numbers. Captain Potts is going to assign the numbers.

Ms. Feeney Roser: If it is part of the submission, they have to. That is my point. Captain Potts should be doing it, but if you say it has to be part of their submission then they are going to do it from the outset because it is going to be in the Code that this is what they have to do and then you are going to change it because you are not going to want what they want.

Mr. Eldridge: I disagree because the actual assignment is going to be done by Captain Potts. That will be given to you if you request it as soon as possible, as soon as we get it, but we have them where you ask for them the next day, which is kind of hard to do.

Mr. Bowman: If we take the word out and put "record plan" period, does that basically make sure that 911, the Fire Department and everybody sees it before it gets cast in concrete?

Ms. Feeney Roser: Yes, because the 911 review happens before you end up with a record plan.

Mr. Bowman: It sounds to me like it should. If 911, fire service, everyone sees that before the record plan is signed, sealed and delivered then everybody should be happy.

Mr. Feeney Roser: They should be.

Mr. Hegedus: My only question is, Maureen, is worth you walking away thinking about it to make sure that it flows correctly or is it that you are comfortable with making that change because I don't want to put something in the Code either . . .

Ms. Feeney Roser: That we can't meet. That is my concern.

Mr. Hegedus: I don't know what the urgency is on this and whether it is a tonight thing.

Ms. Feeney Roser: I would be more comfortable if instead of playing with the wording in (a) that we went to (c) and add a timeframe for when the Police Department has to assign the numbers by saying that it would have to be done before approval by Council, even if you wanted to do something like that. The problem is that it assumes that there is a certain number of units that are going to be approved.

Mr. Hegedus: I understand the point you are making because, like we just said, if you get plans submitted and then we say the lot coverage is wrong and now they are going to nine units instead of ten. Now their plan is wrong. I understand your point. My question was, are you comfortable enough with the language to want to go forward tonight or is it something you want to say, let me take a month and look at it or you just need a couple minutes to think about it?

Ms. Feeney Roser: I would like to see this passed, but I think it is pretty important that we make sure that we get it right. Captain Potts is actually the one who submitted this to the City Solicitor for approval. I didn't expect to have to have him here tonight, but I would like to talk to him about when he does his numbering and what makes sense to him. Obviously, he thought this worked because he submitted it. What Chairman Bowman did, that is fine, because he simply reworded the section but did not change their intent; his corrections just make it clearer. But, changing when we do the numbering may be a concern. It may not. I may be wrong on that, but I'd rather be right.

Ms. Brill: Can I suggest that we table this until the next meeting?

Mr. Cronin: Good idea.

Mr. Bowman: If we do that, I'm not sure Captain Potts would necessarily agree with what I reworded here. It would give him a shot at that. But, if that gives the fire service and police service and everybody else that is concerned about finding the right place at the right time when somebody's life is at stake, I think another meeting to make sure that everybody has the i's dotted and T's crossed on this is worthwhile. Can you arrange to speak with Captain Potts and make sure you are all happy.

Ms. Feeney Roser: I can talk to Captain Potts then we can send it to Mr. Eldridge if you would like, ahead of time, or we can get together and talk about it.

Mr. Bowman: What I hear is there is a motion on the table to postpone this item until the October meeting.

MOTION BY BRILL, SECONDED BY DRESSEL, THAT THE DISCUSSION ON THE DISCUSSION ON THE SUBDIVISION REGULATIONS AMENDMENT: INSERTING A PROCESS FOR SUBDIVISION AND STREET NAME CHANGES BE POSTED UNTIL THE OCTOBER 1, 2013 PLANNING COMMISSION MEETING.

VOTE: 6-0
AYE: BOWMAN, BRILL, CRONIN, DRESSEL, HEGEDUS, JOHNSON
NAY: NONE

MOTION PASSED UNANIMOUSLY

4. A COMPREHENSIVE DEVELOPMENT PLAN UPDATE DISCUSSION.

Mr. Fortner: I am going to give you an update on the Comprehensive Development Plan. Since our last Planning Commission meeting, we have had a workshop on Land Use and Annexation and a visioning workshop. The workshop on land use, I will be presenting you with some maps and there will be a lot more on that later.

The Visioning workshop. Over the past year, we have had a number of workshops. We starting out by having some visioning workshops doing SWOT analysis. We have had a number of neighborhood meetings where we have listed concerns from specific neighborhoods, what's going on in their neighborhood, how they would like to see their neighborhood develop in 5, 10, 20 years. Also, what they think the strengths, weaknesses, opportunities and threats are. Then we have had workshops on all of the elements so far. We talked about each of the elements in a very broad sense about how we would like to see the City further its goals and what we would like to see the City become.

We took a first draft of what we call the aspirations, the general themes that have come out of these workshops. There are three themes:

- A Healthy Active Community. It is a community that has a safe environment to provide opportunities for a healthy and active lifestyle. It is a bicycle friendly community. It is a walkable community. It has complete streets, which makes streets not just for automobiles but it also accommodates all types of modes of transportation – transit, bicycling, and pedestrians. Open Space – We are giving opportunities for people to have exercise, to go out and enjoy nature. Compact and mixed use development that makes the community more walkable and makes access points where you go to work, shop, or to a restaurant. It makes it feasible for a lot of people to walk there instead of taking a car. And, access to healthy food, having a variety of different foods, grocery stores available.
- A Sustainable Community. It is a community that is sustainable both economically and environmentally for generations to come. Of course, again, access to transit, transit is environmentally a lesser carbon footprint, environmentally friendly type of transportation. Protecting our stream valleys, energy conservation, recycling, air quality, a diverse economic base here in Newark so if an employer leaves we still have a variety of jobs for people here in Newark. And, preserving our historical resources. We have put all of these things in the category of having a sustainable community.
- Inclusive Community (based on the theme of Aging in Place). Certainly a theme in planning, college towns are places where people want to retire. The baby boomers have a desire not necessarily to move to a retirement community somewhere but to actually age in place and to stay in their home as long as possible and they need certain services to help them do that. They want it to be more inclusive. They want it to be living in a place where it is good for all age groups, all generations. Sort of a multi-generational community. A college town, for example, is a very cosmopolitan place. For a small city, we have a very diverse number of people who were born in other countries. So, we talked about embracing that and embracing all types of people. We talked about a community that embraces cultural diversity and lifestyles for all age groups. This includes access to transit and other alternative transportation modes. Again, promoting a healthy lifestyle, being able for a child to grow up here, to be able to walk or ride their bike to school. For senior citizens that may not be able to drive, they would have access to transit or can walk. It would have a range of housing choices and affordability levels so that we have starter townhomes and townhomes for rich people. We have access to a variety of dining, shopping and entertainment options here in Newark. All age groups want that. The new millennial want an active downtown but also, when seniors come to use Newark as a retirement community, they want easy access to those kinds of things where they don't have to drive a long distance to go to a movie or a nice restaurant. Parks and open space offer a range of activities and then support services such as daycare for families, healthcare for everyone but also for senior citizens who are concerned about having easy access to healthcare and retrofitting houses.

The vision – those three buckets – apply to our Comp Plan. In the bold, you have the different kind of elements of our Comp Plan. You have public utilities and infrastructure. Those three themes, responsible use of water supply, renewable – energy and responsible stormwater management – all fit into the sustainable

community. The public utilities and infrastructure chapter would look to address that, how we use that to become a sustainable community.

Housing and community development, the things that would be covered are affordable housing plan, fair housing and housing choice and retrofitting. Affordable housing, of course, fits into our inclusive community. Fair housing as well, where we don't discriminate in housing. We have housing choices, in terms of inclusive community, we have a variety of housing. We have houses appropriate for first time home buyers, houses appropriate for senior citizens that are accessible, houses appropriate for all different kinds of income levels.

Transportation – pedestrian, bicycle friendly, complete streets, access to transit and transportation investment districts. The first one is, of course, a healthy community but also, in terms of multi-generational community or inclusive community a lot of people look for, especially seniors and young people and young families, the millennial are especially interested in bicycling, being able to walk, access to transit, of course, it goes in with both environmentally but also with different generations.

Transportation improvement district is something we will have to help address traffic and how as we develop and different densities and different land uses come, how will this affect traffic. This is a modeling technique we will develop with DelDOT so, the plan will call for working with DelDOT to develop this modeling. It projects how transportation needs are going to change and the investment is the developer will pay to contribute towards that. They project out the model and the developer will pay assuming different types of model trends. So, we will work with that.

Environmental quality and natural resources, of course, protecting the stream valley to resolve a lot of sustainability.

Sea level rise projections. We will be working with DNREC. Again, this is another modeling about how the sea level rise could affect Newark and making plans if certain bridges get washed out or if roads get washed out. Are those roads needed, how would the projected sea level affect our community if any, and of course, air quality.

Parks and Recreation – Open space, of course, this gets into our quality of life, open space preservation, environmental quality, recreation facilities for a healthy lifestyle. Recreational tourism opportunities in Newark. We have a lot of opportunities to be a recreational tourism hub, especially during the summer months. Again, it affects our quality of life.

Economic Development – Again, we talk about economic diversity, having a variety of jobs. Not just being a University community but attracting other types of jobs with technology hubs, the STAR Campus, having a vibrant downtown, mixed use commercial and residential for our downtown and how that is a strategy for economic development in our downtown.

Land Use and Development – We will identify development and redevelopment areas. Transit oriented development, again, fits into both environmental and sustainability themes. Generation themes are the inclusiveness theme and also walkable community for a healthy community. Of course, historic preservation would be a part of land development as well.

Finally, growth and annexation which is preserving our quality of life if we grow out and preserving our natural environment when we grow, and how do we grow in a responsible way.

- Just a few updates – On August 28th I went to the Pre-Plus meeting. That is where different State agencies get together and they reviewed the last five-year plan plus some of the updates we have already submitted. They give comments.

This is done so that you won't get invested and too far along in the planning process and they come in with a lot of comments saying that we didn't even work on that so now we have to deal with more things. This gets it all out front so we can address all these things before we get into the in-depth writing that we are about to do in the coming months.

- On Community Day (September 15th) we will have a presence there. We will have some exhibits. We are working on taking each of the aspirations and having some type of theme recommendations that people can review, comment on and help us prioritize. They can tell us what they like and don't like and help us clarify those aspects more.
- The final thing I would like to do with you tonight is to schedule our next meeting in terms sitting down and digging through this Comp Plan. Maureen and I talked about having a meeting every other week. So, you would have a Planning Commission meeting and then go on a two-week schedule on Tuesday. I can work with you on the schedule. You are the volunteers and we want to be respectful of your time and when would it be good for you to meet. We certainly would like to get a quorum. What I am looking for is not doing the nitty gritty writing. Maureen and I will do the writing. I will also have people that will be editors and help with sentence structure and things like that. What I wanted is the content, what needs to be in the Plan, what kind of recommendations you want to make, what is it missing. Those are the kinds of things we will focus on. Of course, I can certainly take your comments because a lot of you are good writers, too, and if you have a way that you would like to say something, I can certainly put that in. If we did every other Tuesday, I thought if we started in October and your Planning Commission would be on October 1st and then October 15th would be the first meeting. I could start as early as September 24th. We could also do October 8th if you prefer.

Ms. Dressel: What are you looking at for the deadline, at this point?

Mr. Fortner: The deadline is in October. I have already talked to Herb Inden to update him on how the Plan is going and said to ask for a six month extension. I'm thinking a timeline of early next year – January or February – I would like to give a recommendation to Council by that time.

Ms. Dressel: I would say go with October 15th then.

Mr. Cronin: I won't be able to be there. I will be away.

Mr. Hegedus: I should be around on the 15th. I am not in September.

Ms. Dressel: So, two people aren't here. Is October 22nd better?

Mr. Cronin: It is better for me.

Ms. Feeney Roser: If you are doing every two weeks, wouldn't it be the 1st, 15th and 29th?

Mr. Fortner: It would be the 8th, 22nd and then it would be two weeks before your Planning Commission in November.

Mr. Cronin: It is only October that has five Tuesdays in it.

Ms. Feeney Roser: We have to get started.

Ms. Dressel: How about October 15th, October 29th and then November 5 is our normal Planning Commission meeting so then November 19th.

Ms. Feeney Roser: Mike and I were looking at the November schedule. The Wednesday that we have Planning Commission, is that because of elections? If there isn't an

election, do we go with the regular day or is that just standard that in November we always do Wednesday just in case.

Ms. Dowell: I will check on that for you and let the Commissioners know.

Ms. Hegedus: I am open to anything. I can't be here September 24th. There are miscellaneous travel dates I have that I have to be out of town so the best thing to do is to pick some dates, lay it out in email and we will reply.

Mr. Fortner: I hear a preference that we start on October 15th, 29th as opposed to the 8th and the 22nd. Does the 8th work?

Mr. Cronin: Do we have to have the meetings on a Tuesday?

Mr. Fortner: No. I have been picking Tuesday because I thought Tuesday would work since Planning Commission meetings are on Tuesday.

Mr. Hegedus: I am personally out of town on the 8th.

Ms. Feeney Roser: It is really hard to do this. Do you want to plan the October dates at this meeting and then at the next meeting we will pick November dates. Can we do that?

Mr. Fortner: We can just pick October 15th and not pick any after that, if you want and then, we can decide how it goes. After the 15th you may decide that we need a lot more meetings than we are having. Or we may whip right through this. I don't know.

Ms. Dressel: I would like to make a recommendation. The last time we did this, we just picked a set of dates and then we made as many as we could and went along with it.

Mr. Fortner: You met several times a week some weeks.

Ms. Dressel: I think we met once a week or once every other week. We were meeting in the summer time so we may have had two days in one week because we were up against a time crunch. We don't want to postpone this process for ever and, it seems to me that we should pick the dates for October and November and then see where we are. Does that work? So, October 15th, 29th; November 5th and 19th, and then it will be December 17th if we went into December and that would give us four meetings because of Thanksgiving week.

Mr. Fortner: We will get through October 15th and 29th and then we will talk about how the schedule is progressing and whether we need to meet more. Is that good? Are there any questions, anything we want to talk about concerning the visioning.

Mr. Hegedus: There are only two other things that I thought about at this meeting tonight. One was the inclusive community piece has got me kind of sparked a little bit. So, the parks and open space offering a range of activities. I can see that landing in a couple of places, but the big deal about that for me is how we became community with community. We knew our surrounding neighbors but it was through Parks and Recreation activities that my kids were involved in that I was assistant coach in where we met all the parents and we got to meet people from all over Newark through that. So, that part, in terms of inclusive community, was huge. So, the range of activities, I think, is important. I'm not sure that those activities are there to help build the community but I just wanted to mention that.

Mr. Fortner: You are right, it does build communities. I put it there because it is inclusive and I am still thinking of the multi-generational part. So, the parks would have things like a skate board spot in some parks, and that would be for younger kids, then it would have gazebos for family gatherings, and have playground equipment for different appropriate ages, and then there would be things that adults would enjoy about being in the park – tennis courts, and things like that. So, I meant it more as our parks targeting all age groups, not just saying, parks are for kids. Parks are for adults, too.

Mr. Hegedus: And, I agree. I think that is a fine point. The concern I have is that you have a park with a soccer field that is going to be turned into something else and we will lose something that would help build communities with kids and that would help the adults. So, I agree that we should be targeting activities and open space for all ages. I just wanted to reinforce how important that one was to me.

The other thing that is not in here has to do with the other place that was big for us to build a community was having a vigorous, lively public education in the schools. I was looking at your housing and community development, your economic development, your land development, all those things impact schools or schools impact them. But, I don't see something about schools in here anywhere and I know we are supposed to be working with Christina District and the Charter School as part of this Comp Plan having the agencies work together somehow. Somewhere in here in the visioning part, I would like to make sure we talk about schools.

Mr. Fortner: In a healthy active community we have schools that are neighborhood schools that we can have a choice for many to have the option of walking or bicycling there and we have safe routes to schools and certainly some that we want, in terms of our transportation active community. In an inclusive community, it is good for all generations, and it has to be good for the school kids. So, we want to have good schools for the school kids, if you are between 6 and 18.

Mr. Hegedus: Even in that open space and activities part, I played volleyball over at West Park in the gym.

Mr. Fortner: The schools are part of the community.

Mr. Hegedus: So, I think that is a piece that should be in there.

Mr. Fortner: Thank you.

Mr. Cronin: The previous page, I am perplexed at the reference to sea level rise projections and how that is really going to impact Newark.

Mr. Fortner: Sea level rise has to do with a sustainable community that we live in a place that is going to be acceptable for generations to come. DNREC has a modeling program that they would like to work with us on in terms of how certain projections of sea level rise will affect Newark. It might not affect us much at all. In fact, I don't think it necessarily would. But, there are other things like flooding that would.

Mr. Cronin: Stormwater management or heavy storms is different from sea level rise. I see a member of the public looking at this and saying, sea level rise, you've got to be kidding. Elevation distance from the sea is so far, particularly for a five year Comp Plan. I question whether it conveys the caliber of the level of information we want to have there.

Mr. Fortner: We work with DNREC to see how sea level rise affects us and we use their modeling system. It would be a paragraph saying that we are looking at that, that we are conscious of the way certain environmental factors could impact Newark and how would climate change and sea level rise impact Newark. So, it would be valuable within the next five years, I think, to at least study how it would impact us, not that we would take actions and correct it, but we would start to think about it. Maybe it doesn't impact us at all in terms of sea level rise. It might not, but we do have 100 and 500 year floodplains that could become more active and the types of flooding we have could change the community.

Mr. Cronin: That is flooding and stormwater runoff, high water levels, floodplain this and that, but maybe you can ask somebody at DNREC if they really think sea level rise is germane to our Comp Plan for the next five years.

Mr. Fortner: They think it is, but all it is, is a model that illustrates how it would. If fact, it would not be a real implementation of a policy unless it did change something. I have no idea, but in 20 years certain areas of the town might be under water.

Mr. Hegedus: What is really interesting about this is that complex decisions can be guided by this, so I know absolutely nothing about the Data Center and the proposed power plant that we are not in the meeting about because we are at this one, but it is interesting because that falls into public utilities and infrastructure and what our vision is it for that. It falls into environmental quality and natural resources – air quality issues. It falls into economic development. It falls into land development and redevelopment. So, there are pros and cons that you can look at from here on the visioning, to try to figure out whether this is a good thing for us or not.

Mr. Mike Fortner: It is exactly what it is for. Reasonable people can come to different conclusions, perhaps, on a certain development. Does, the project we just saw today fit into our vision? Maybe you could disagree on whether it does or doesn't. The Data Centers is an example. It fits into some categories and maybe it doesn't fit into others. I don't know, but policy makers have to look at these things and we don't solve this through the Comp Plan, we set a vision and we try to follow that vision.

Ms. Feeney Roser: To talk about the Data Centers for just a moment. The information session for the Data Centers was set to meet the Data Centers availability this month, and I looked at moving this meeting so that you could participate in that but it turned out that since we cancelled the last meeting for lack of a quorum, it was important that the developer was available for a different date. They could do Wednesday, which meant I had to displace the Community Band, which was also doable, but when I saw that Wednesday was Rosh Hashanah beginning at sundown, and we try not to do public meetings during religious holidays. So, we are having the Data Centers meeting professionally video recorded so it should be on the website and on Channel 22 by the end of the week. Therefore, you will have an opportunity to view that. Also, today I heard that there may be a series of those meetings and we will make sure they are not set at the same time as the Planning Commission.

Mr. Bowman: Is there anything else for Mike?

There being no further business, the Planning Commission meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Elizabeth Dowell
Secretary, Planning and Development