

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

November 5, 2013

7:00 p.m.

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

Chairman: James Bowman

Commissioners Present: Bob Cronin
Angela Dressel
Andy Hegedus
Alan Silverman

Commissioners Absent: Patricia Brill
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 7:05 p.m.

Mr. Bowman: If you happen to be here for item #4 that is shown on the agenda which has to do with 58 E. Main Street, that item has been withdrawn from this evening's agenda. And, also, for item #6 we will have a brief discussion for the reworking of the Comprehensive Plan.

1. THE MINUTES OF THE OCTOBER 1, 2013 PLANNING COMMISSION MEETING.

The minutes of the October 1, 2013 Planning Commission meeting were approved as submitted.

2. REVIEW AND CONSIDERATION OF A MAJOR RESUBDIVISION AND SITE PLAN APPROVAL FOR THE 4.53 ACRES LOCATED OFF OF PAPER MILL ROAD BORDERING DEAN DRIVE, MARGARET AND ANNABELLE STREETS IN ORDER TO CONVERT THE EXISTING PUMP HOUSE BUILDING INTO FOUR TWO-BEDROOM APARTMENTS AND TO CONSTRUCT TEN NEW FOUR-BEDROOM TOWNHOUSE STYLE APARTMENTS AT THE MILL AT WHITE CLAY.

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

"On August 26, 2013, the Planning and Development Department received an application from Lang Development Group for major resubdivision and site plan approval for the 4.53 acres located at the top of the hill bordering Dean Drive, Margaret and Annabelle Streets. The applicants are requesting development approval in order to convert the existing pump house building used by Lang Development Group (LDG) as a leasing and management office into four two-bedroom apartments and to construct ten new four-bedroom townhouse style apartments at the site.

The Planning and Development Department report on the Mill at White Clay resubdivision and site plan approval request follows:

Property Description and Related Data

1. Location:

The property is located at the top of the hill on the east side of Paper Mill Road, south of Creekview Drive and bordered by Annabelle and Margaret Streets and Dean Drive.

2. Size:

4.53 acres

3. Existing Land Use:

The property contains 40 existing apartment units in two buildings, and 2,400 sq. feet of office space in a one story building.

4. Physical Condition of the Site:

The site currently contains 40 apartment units in two buildings, the LDG leasing office in the renovated pump house building and associated access ways and parking. The property is bordered by Annabelle Street to the northwest and separated from the street by a retaining wall which runs along the border of the existing parking lot. West of the parking lot are several trees which are at the top of a steep embankment leading down to Paper Mill Road. The northern portion of the site also slopes down to Creekview Drive. Across Creekview Drive are the renovated old NVF Mill buildings with the White Clay Creek beyond.

5. Planning and Zoning:

Please note, the existing site is zoned RM. RM is a multi-family residential use that permits the following:

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

- P. One-family town or rowhouse subject to the requirements of Sections 32-13(a)(1) and 32-13(c)(1).
- Q. Student Homes, with special requirements

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

- A. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.
- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

Regarding adjacent and nearby properties, currently the site is bordered by Creekview Road and the adaptively reused NVF Mill buildings which are zoned BN and OFD, and contain Timothy's Restaurant and offices in two buildings. Immediately adjacent to the east and south are RM zoned single family homes in single and semi-detached format along Annabelle Street, most of which are rentals. West of the site down a steep embankment lies Paper Mill Road

In terms of comprehensive planning, the Comprehensive Development Plan IV calls for single family residential (medium density) uses at the site. The Plan defines single family residential (medium density) as “. . . areas designed for dwellings occupied by one family. . . with overall densities of four to ten dwelling units per acre.” Please note that the Mill at White Clay resubdivision plan calls for 11.9 units per acre. While this density is more than what is called for in the Comp Plan, it is less dense than the current RM zoning permits (16 units per acre).

Based on discussions at both Planning Commission and Council meetings, the following density calculations are also provided. In terms of bedrooms per acre, the 48 proposed new bedrooms associated with the Mill at White Clay resubdivision plan, when added to the existing 75 bedrooms currently at the site, total 123 bedrooms and calculate to 27 bedrooms per acre. While the same bedroom information for the immediate area is not available for comparison purposes, recent Council approved RM zoned development densities calculate as follows:

Rupp Farm (Chambers and Benny Street)	88
South Main Commons (S. Main Street)	61
Campus Walk	77

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

Rupp Farm	48
South Main Commons	78
Campus Walk	72

The Mill at White Clay original subdivision was deed restricted to a maximum of four unrelated individuals permitted to reside per unit. Should this restriction be applied to the new units, a total of 216 individuals will be permitted to reside in the 54 apartments at the site, 56 of these residents will be associated with the new development.

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 Mill at White Clay major resubdivision and site plan approval plan calls for the conversion of a one-story office building into a two-story building with four apartments and the construction of ten townhouse style apartments to the southwest of the existing office building and located in between Annabelle Street and Paper Mill Road. Access to the site is via Woolen Way. The developer proposes two-bedroom units for the four apartments in the converted office building and four-bedroom units in the townhouse facilities. The plan shows an associated 118 spaces to serve as the development which meets the Code mandated parking requirements for the proposed uses.

Regarding area requirements, please note, the applicants are requesting site plan approval for the Mill at White Clay major resubdivision. 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 the minimum distance between buildings; the minimum distance from parking space to lot line; and, the minimum distance to a lot line. In particular, RM zoning requires a minimum distance between buildings of 25 feet and the plan measures 23 feet between the existing office building and townhouse unit #1. RM zoning also requires a minimum distance from a parking space to a lot line of 10 feet and three parking spaces shown on the plan are less than 10 feet away from the northwest lot line. Finally, the minimum distance required

between buildings and the lot line in RM zoning is 25 feet. The plan shows the townhouses are 15 feet from the lot line and the existing office building is 17 feet from the lot line. In other words, the plan is deficient from meeting Code by 2 feet for the minimum distance between buildings; and the new townhouses are 10 feet short of meeting Code for minimum distance from buildings to lot lines and the existing pump house building proposed for four apartments is 8 feet deficient from meeting Code for distance to lot lines. In addition, three parking spaces are less than 10 feet away from the northwest lot line.

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

Fiscal Impact

The Planning and Development Department has evaluated The Mill at White Clay resubdivision project's impact on Newark's municipal finances. The estimates generated for net return are based on the Planning and Development Departments Fiscal Impact Model. The Model projects the Mill at White Clay's fiscal impact – that is, total annual municipal revenues generated, less total cost of municipal cost provided. The Planning and Development Department's estimate of net annual revenue for the additional units requested at the Mill at White Clay is \$2,878. 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 account existing conditions. In other words, the estimate provided is for the additional units proposed, and not for the total existing and proposed developments combined.

Traffic

At the request of the Planning and Development Department, the Delaware Department of Transportation (DelDOT) has reviewed The Mill at White Clay major resubdivision and site approval plan, even though the planned development is not on a State maintained roadway. The project does not meet the DelDOT warrants for a Traffic Impact Study (TIS), which are 400 trips per day and 50 trips per peak hour. And, while the Department did make comments regarding the project, none of them relate to traffic impact. DelDOT did, however, make some comments regarding the design of the proposed underground stormwater management facility which have been forwarded to our Public Works and Water Resources Department. DelDOT also made requests for right-of-way along Paper Mill Road and a permanent easement which have been forwarded to the developer.

Subdivision Advisory Committee Comments

The Subdivision Advisory Committee – consisting of the Management, Planning and Development and Operating Departments – has reviewed the proposed Mill at White Clay major resubdivision and site plan approval 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

- The developer must pay \$4,000 towards the cost of meters and the aerial transformer.
- Electric meter and switch gear must be approved by the Department.
- If the development interferes with the City's smart metering system, the developer must pay all costs associated with mitigating the problem interference.

Parks and Recreation

- A revised landscape plan is necessary to coincide with the revised subdivision plan with revision date of September 18, 2013 and must be submitted prior to Council

review. Also, regarding the landscape plan, the plantings shown around the site need to be labeled and coincide with the planting schedule.

- A “Tree Protection Zone” (TPZ) for two trees on Woolen Way and the Red Maple located near units 4 and 5 is required and should be shown on the plan. The developer should refer to Landscape Screening and Treatment Article XXV(g)(e).

Planning and Development

Planning

- The Planning and Development Department notes that The Mill at White Clay major resubdivision plan and site plan approval plan is compatible with the Comprehensive Development Plan which calls for residential uses at the site.
- Regarding site plan approval, the Department notes that the requested variations from the bulk area requirements for the zoning district are relatively minor. The Department also notes that the original Mill at White Clay subdivision plan was approved using site plan approval. The development’s original site plan approval was approved for the development because of its sensitivity to the architectural and historical context of the area. In this case, the sensitivity to the history of the site is demonstrated in the renovation of the existing pump house building and the construction of new townhouse style apartment buildings which are reminiscent of the old mill buildings located to the north and northeast of the site, and is, therefore, harmonious with the surrounding area. Further, if approved, the Department notes that Note #18 on the plan should be revised to use the site plan approval variation verbiage used in this report to avoid future confusion.
- The Department notes that the original Mill at White Clay subdivision was restricted by deed to the number of unrelated tenants allowed to reside in a dwelling unit on the site to four. The Department notes that this restriction shall also apply to the new units proposed at the site. If necessary, the recorded instrument will have to be edited to include the 14 new units.
- 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.
 - 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 planned lighting should be designed to limit impact on adjoining and nearby properties.
 - The building should be designed to allow for future conversions to condominiums.

Code Enforcement

- Separate water services are required and should be marked at the curb stop.
- The plan will be reviewed based on the 2012 ICC Codes, including ANSI 117.1 for accessibility and the City’s LEED-like requirements.
- As currently designed, there is no direct access to the outside for the proposed basements in townhouse units 7-10, even though the plan shows a 4 foot wide lower level metal walkway for these units. Without direct access to the outside, the basements may be used for storage only. In other words, the basements of units 7-10 will not be habitable space.

Public Works and Water Resources

- A geotechnical evaluation for infiltration for the proposed underground stormwater system and the geologic and hydrogeologic conditions of the steep slope area will be required. This evaluation will need to be submitted and approved by the Department prior to City Council review of the development.

Recommendation

Because the Mill at White Clay major subdivision and site plan approval plan conforms to the Comprehensive Development Plan IV, because the 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 take the following action:**

Recommend that City Council approve the Mill at White Clay major resubdivision plan as shown on the Karins and Associates plan dated July 11, 2013, with revisions through September 18, 2013, and with site plan approval and with the Subdivision Advisory Committee conditions.”

Ms. Feeney Roser: I will be happy to answer any questions the Commission may have for me and the developer is here and would like to speak with you.

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

Mr. Andy Hegedus: I think as some of you may remember, when Lang Development Group was here a couple of months ago for development on S. Main Street, I excused myself from the process because at the time my son was being employed for a summer job by Lang Development. Currently, he is no longer employed but he is living in a Lang Development apartment on Delaware Avenue. I don't view that personally as a conflict of interest so, I think I am okay to stay and participate. I wanted to get that on the record and let everybody know, if there are no objections from Planning Commission or the developer.

Mr. Bowman: Are there any questions on the Planning and Development Department report?

Mr. Hegedus: Just to make sure I understand, Maureen, the last part where you said “approved with the Subdivision Advisory Committee conditions,” the one about making sure the stormwater infiltration testing passes, is that is one of the conditions?

Ms. Feeney Roser: Yes.

Mr. Silverman: I would like to see the developer coordinate very closely with the City Fire Marshal and the local Fire Chief with respect to locating the Fire Department connection that will be serving the sprinkler system. This is a very difficult site. I'm not sure of water main sizes and water flows in this area and it may be advantageous to possibly remotely locate the Fire Department connection, possibly in lieu of placing the fire hydrant in the vicinity of the to-be-converted office to residential structure.

Mr. Bowman: Are there any other questions or comments on the report from the members of the Commission? The applicant is here. Please state your name and address, if you would, please.

[Secretary's Note: The developer, Commissioners and public referred to visuals brought to the Planning Commission meeting for their presentation to the Planning Commission].

Mr. Chris Locke: 604 Cambridge Drive, Newark, Delaware. I am general counsel to and Vice President of Lang Development. I will be making the presentation tonight on this project.

I want to give some brief history of the project. As Maureen had mentioned, this is part of the old NVF Plant which was a Brownfield that Jeff Lang during his employment at Commonwealth back in 1998 designed this and rezoned it; and it is a wonderful development project for both retail and office space and residential space.

The current apartments that we have right now are called the Mill at White Clay Creek. You see the two buildings here and this is Woolen Way, which is the road that leads

to the apartments. The site that we are talking about this evening is at the end of Woolen Way, which is the office building that we currently use for leasing and then, of course, the vacant parking lot that is behind there where we are proposing to put the ten units.

What we wanted to do was be sensitive to the historical integrity of the property. So, rather than just put up ten townhouses, we wanted to kind of reflect the history of the property as it pertains to the City of Newark. You will see the smaller building right in the corner of that picture is currently our office. That is where we are proposing to have four two-bedroom units and then this is the building we are proposing to put in the vacant parking lot.

This is the front entrance of it. This is the view from Annabelle Street and then this is the view from Paper Mill Road. As some of you may know, Annabelle is that street that everyone has forgotten about here in the City of Newark, and it really hasn't been part of the resonance that we have seen on Main Street, Delaware and South Main Street and East Cleveland Avenue. So, we are hoping that this project will kind of bring Annabelle to where it needs to be. It is a beautiful street. It has some nice homes in there, but the majority of those homes are rentals. I think there are only two owner occupants on that street.

What we also wanted to do with the design of the building, we wanted to give it that kind of New York loft type of feel so we wanted to have large windows with a lot of natural light going into the apartment. All of the units have garages so they can park their cars in there. That is something that is very popular right now with tenants. We also wanted to take into account the park that is right across Paper Mill Road and so what we did for the design of the back of the building which backs up to Paper Mill was to give them balconies so that people could sit out on their balconies and enjoy parkland. We also have also installed a walkway that will connect to the steps that lead down to Paper Mill so they can go right over to the park and enjoy Pomeroy Trail, etc.

Maureen had also mentioned the uninhabitable space on the lower level. We have corrected that by putting doors in each of those units so that space can now be used rather than just for storage.

That is the essence of the building. We feel that this will be the beginning of a resonance on Annabelle Street and we are hoping it will be a positive thing for the City.

I did also want to mention that we are requesting site plan approval. The three issues are minor issues and are setback requirement issues. We think the benefit of the architectural plan, the use of current common open space, that the design is a definitely an enhancement to the community, and will improve stormwater impact. As you know, it is a parking lot right now, so by doing this we will reduce the amount of open concrete, so to speak, with parking lot and we are going to have this building and then, of course, what we have done at 132 Delaware Avenue will also be done here, which is the installation of a green roof that minimizes the stormwater impact as well. We have agreed to do the certified LEED requirements per the Building Code as well.

I am available to answer any questions.

Mr. Bowman: Do the Commissioners have any questions for the developer before we entertain any questions or comments from the public?

Mr. Silverman: If I were to look down on this building, would it be a U-shape or is it a roofed over atrium in the center?

Mr. Locke: It would be a U-shape.

Mr. Silverman: Can you elaborate on the living space for the first level on Paper Mill Road?

Mr. Locke: You will park your car in the garage area. You will walk up some steps and the living room area, the dining room area and kitchen would be up there and then all four bedrooms are up on the second floor.

Mr. Silverman: The space that is below the parking deck that is facing Paper Mill Road that in your original application is described as a basement, you talked about converting that into habitable space.

Mr. Locke: The definition of inhabitable is not bedrooms. I want to make sure of what we are talking about. We are talking about space that they can put weights in to use as a weight room, if they want to put a pool table down there and play pool. Something like that. Something like a recreational use. As storage, you can only use it as storage so we want to at least make that space usable.

Mr. Silverman: So, it will be usable rather than habitable.

Mr. Locke: Exactly. Usable is habitable.

Mr. Silverman: Is there any way of restricting the contents of that storage area – flammables, explosives, liquid propane?

Mr. Locke: Are you asking me or Ms. Feeney Roser?

Mr. Silverman: I don't know whether that is part of the City's Housing Code.

Mr. Locke: Our lease agreements – we are pretty fanatical about what they can and cannot do. One of the things in there is we do not allow any flammable materials, we don't allow any grills, we don't allow them to barbeque.

Ms. Feeney Roser: That may answer your question.

Mr. Silverman: That is where I was heading. I generally concur with the site plan approval thought process that went on through the City's review. I like the design of the building. I think you took a very difficult site and did a nice job with it. The idea of the parking not standing out. I see this building, not only as an anchor to future development along Annabelle street, but I think once it is in place and some of the overgrowth is scrubbed out of there, it will be a gateway building coming into Newark from Route 72. It does nicely compliment the Timothy's.

Mr. Locke: That is what we are trying to do. We want people coming from the Hockessin area to say what a great building this is for the City of Newark. I think you are right, if we remove all of that undergrowth and do some nice landscaping it is going to make the property look really nice.

Mr. Silverman: I see it as being a gateway building.

Mr. Locke: Thank you very much.

Mr. Bob Cronin: I see on your elevation four balconies. Is that current? We have two balconies on what we have here. Is the four more recent? This is older. I do like the four better. And, units #5 and #6, which are at the bottom of the U seem to have one parking space each.

Mr. Locke: Correct. The concern was from the Public Works Department that they did not feel that having two-car garages in that area would make it available for the people to pull out. So, they asked us to limit it down to one garage parking. So, that is what we have done. We have enough parking spaces to accommodate those tenants.

Mr. Cronin: The entrance to each of the ten units in this building are only from inside the garage?

Mr. Locke: No, they will have a door, obviously.

Mr. Cronin: We don't see any elevations of the inside of the U, but presumably I guess there is a door there.

Mr. Locke: If you look inside the U here, you can see a door. This is the garage area.

Mr. Cronin: I do see that now. It looks very attractive. If I have any concern at all, it might be that we have had some earlier experience with U-shaped buildings on Main Street in terms of gatherings inside the U and noise and people overlooking that area and things it might lead to.

Mr. Locke: And what we have done here is make sure this is not a courtyard per se. We did not enclose it. We just made this a place where you drive your car in and put it in the garage. There are no balconies inside that interior use.

Ms. Dressel: I also think it is a beautiful looking building from the outside. Since I would see it every day, it would be very nice. I have a couple of questions about the parking. Can you switch to your other diagram. It looks like at the end of Annabelle Street, you are going to take out the wall to add additional parking. Is that correct?

Mr. Locke: I don't believe that is correct but we do have Tim Anderson from Karins and Associates.

Ms. Dressel: Because, I can't figure out how you are getting to those additional parking spots.

Mr. Tim Anderson: Karins and Associates, Newark, Delaware. There is right now at the end of Annabelle Street and means to pull into the site and there is a turnaround as well that exists. We are leaving that as it exists in size and in function, but adding some additional parking which will be accessed off of that existing access way.

Ms. Dressel: So, you are taking some of the green space that is there right now and making that into parking at the end of Annabelle Street.

I do really like the look of the building. I have a few concerns about the setbacks being reduced. Comments in the documentation says that it is minor, but it seems pretty major to me to go from a 25 ft. setback to a 15 ft. setback and so, I'm wondering what the reasoning is for that dramatic of a setback from the property lines.

Mr. Locke: Are you talking about the 25 ft. vs. the 23 ft.?

Ms. Dressel: No, the 25 ft. vs. 15 ft. from the Paper Mill side and from the Annabelle side to the townhouse building.

Mr. Anderson: So I understand your question, what is the purpose of that? Why do we need to? It is really based on the area of the space that we are proposing the project. If we lost 10 feet on both sides and at the end, it wouldn't fit very well. It is as simple as that. So, the alternative of providing the 25 feet would not allow the project to fit.

Ms. Dressel: What about reducing the size of the project so that you would be able to have the setbacks that are required for that lot?

Mr. Locke: It is 10 x 10 so you start really decreasing the size of the building, and so that the marketability of the units to prospective tenants really makes it very tough.

Mr. Silverman: I would like to verify, when I was out on that site, there was a considerable elevation difference between Annabelle Street and the parking lot, part of what that wall was for, if my memory serves me. And the same thing with the drop-off on the Harold Prettyman property to the southwest. So, we are not dealing with a flat site here and I think you very well represented placement of the building to take into account that topography without having to do a lot of cut and fill and impact other people's property and impact Annabelle Street.

Mr. Locke: The other thing we wanted to be sensitive to was the height of the building. We wanted to make sure it blends in, not only respecting the historical nature of the site and the manufacturing aspect but also there are also residential homes on Annabelle Street so the

height of this building is somewhere between 31 and 32 feet so it kind of blends in with the homes that are there.

Mr. Silverman: If I recall, they would sit down at the elevation of the existing parking lot, not the elevation of Annabelle Street.

Mr. Locke: Exactly.

Mr. Hegedus: In the letter that you sent along, there was something on the back page that sparked my interest because as part of the Comprehensive Plan we have been talking a lot about traffic and partnering with the University and the use of University buses and those kinds of things. Part of what you say here is that, “not only do we have the sidewalks but a new bus route that we have partnered with the University on to transport our residents to the main portions of campus.” Please tell us about this.

Mr. Locke: We already have that agreement. We have had that in place for over a year. We are in the second year of that. If you are familiar with the site, you know there are some steps that go down onto Paper Mill. There is a bus stop there that students can use and then at the top of Woolen Way, right here, there is a bus stop as well. It has been very well received by the tenants and has helped the marketability of this property because they now don’t have to drive into town, it reduces the traffic of students going to class, the bus is well used by the students and it has been a great feature. We have also used it at another one of our properties and has been well received as well.

Mr. Hegedus: Was it difficult to get that established with the University? Was there a lot of give and take?

Mr. Locke: It was making a phone call and say we would love for them to do it and they said they would like to put us on the stop. They had to do an analysis to make sure they were going to have enough people using the buses, but we had enough people and they embraced with open arms.

Ms. Dressel: They also have buses going up there to the Pine Tree apartments.

Mr. Locke: That is right.

Mr. Cronin: It looks like you have basically a flat roof on the Mill building, is there any likelihood there is going to be any roof top decks or any access to the roof for the tenants?

Mr. Lock: No.

Mr. Bowman: If there are no more questions from the Commissioners, we will open it up to the public. I don’t have any written requests, but if anyone would like to speak to this proposal, please come to the microphone and state your name and address if you would please.

Being no pubic commenting on the project, we will bring it back to the Commission for your action.

Mr. Cronin: Mr. Chairman, I like what I see, the discussion we have had, the points that have been raised and the answers that have been given.

MOTION BY CRONIN, SECONDED BY SILVERMAN, THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

RECOMMEND THAT CITY COUNCIL APPROVE THE MILL AT WHITE CLAY MAJOR RESUBDIVISION PLAN AS SHOWN ON THE KARINS AND ASSOCIATES PLAN DATED JULY 11, 2013, WITH REVISIONS THROUGH SEPTEMBER 18, 2013, WITH SITE PLAN APPROVAL AND WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 5-0

AYE: BOWMAN, CRONIN, DRESSEL, HEGEDUS, SILVERMAN

NAY: NONE

ABSENT: BRILL, JOHNSON

MOTION PASSED UNANIMOUSLY

3. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, THE REZONING OF .26 ACRES OF LAND LOCATED AT 49 S. CHAPEL STREET FROM BC (GENERAL BUSINESS) TO RA (MULTI-FAMILY DWELLING – HIGH-RISE APARTMENTS), AND MAJOR SUBDIVISION TO CONSTRUCT SIX NEW TOWNHOUSE STYLE APARTMENTS TO ADD TO THE EXISTING CONTINENTAL COURT SUBDIVISION AT 65 S. CHAPEL STREET.

Ms. Dressel: Before we start Mr. Chair, may I make a comment please?

Mr. Bowman: Sure.

Ms. Dressel: My daughter currently lives in Continental Apartments and she has a contract with the apartment and my husband and I pay the rent on that. We write the checks, so I do not wish for there to be any reason for an ethics complaint and even though I do not believe that there is any conflict of interest because I am just like any resident doing business with another business in town, but I am going to recuse myself because of past problems with ethics situations.

Mr. Cronin: Mr. Chairman, along similar lines in the interest of full disclosure, I make my living in real estate, as many of you know, and earlier I brokered a transaction between one of the other entities of the applicant between a buyer and a seller. The compensation that I received did not come from the applicant or her entity, but it did occur and with that bit of history, I don't feel that there is a conflict of interest for me to continue as a member of the Commission in this vein. But if anybody in the room might object, I would like to know whether it is among the Commission or a member of the public.

Mr. Bowman: The Chairman has no objections.

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

“On August 22, 2013, the Planning and Development Department received an application from Continental Court LLC for rezoning and major subdivision to add six townhouse style apartments to the existing Continental Court subdivision at 65 S. Chapel Street. Specifically, the applicants are requesting to rezone .26 acres of land located at 49 S. Chapel Street from BC (general business) to RA (multi-family dwelling – high-rise apartments), add it to the property at 65 S. Chapel Street (Continental Court) and build six new four-bedroom townhouse style apartments at the site. If approved, the development will result in 47 units on the 2.64 acre site. The applicants are also requesting the required Comprehensive Development Plan amendment.

The Planning and Development Department's report on Continental Court resubdivision follows:

Property Description and Related Data

1. Location:

The property is located on the west side of S. Chapel Street approximately 78 feet south of the intersection of S. Chapel Street and Delaware Avenue.

2. Size:

Existing Continental Court:	2.38 acres
Proposed Addition:	<u>.26 acres</u>
Total Site:	2.64 acres

3. Existing Land Use:

The lot is currently a vacant grass and dirt area. Previously it contained a single family nonconforming rental unit with a two-car detached garage and associated driveway. The home and garage have been removed by the owner, Continental Court LLC, in anticipation of development.

4. Physical Condition of the Site:

The site is currently vacant open land with chain link fence separating it from the properties to the north and west. The remainder of the site contains the three-story, 41 unit Continental court apartment building and associated access way and parking.

Regarding soils, according to the subdivision plan and the U.S. Department of Agriculture's Natural Resources Conservation Service, the site consists of Urban Land (Up) and Elsinboro-Delanco Urban Land Complex (ErB). The Conservation Service indicates that these are previously disturbed soils with only slight to moderate limitations for the proposed use.

5. Planning and Zoning:

The 49 S. Chapel Street parcel is zoned BC (general business). The BC zone is a general commercial zone that permits the following:

- A. Auction
- B. Automobile, truck, rentals, retail, and wholesale sales with special requirements
- C. Crating service
- D. Frozen food locker
- E. Ice Manufacture
- F. Sign painting and manufacture
- G. Warehousing with special requirements
- H. Wholesale sales with special requirements
- I. Photo developing and finishing
- J. Veterinary hospital
- K. Cleaning and dyeing plants
- L. Commercial laundries/dry cleaners
- M. Laundromats
- N. Outdoor commercial recreational facilities with special requirements
- O. Swimming club, private or commercial
- P. Social club, fraternal, social service, union and civic organizations, except on ground floor locations
- Q. Studio for artists, designers, photographers, musicians, and sculptors
- R. Offices for professional services and administrative activities
- S. Personal service establishments
- T. Finance institutions, banks, loan companies
- U. Retail and specialty stores
- V. Repair and servicing, indoor and off-site, of any article for sale, which is permitted in this district
- W. Related indoor storage facilities are permitted as an accessory use to any of the permitted uses in this district
- X. Accessory uses and accessory buildings
- Y. Restaurants, taverns, bakery-restaurants, and delicatessens
- Z. Public parking garage and parking lot
 - a. Parking off-street
 - b. Public transportation facilities, including bus or transit stops for the loading and unloading of passengers; station and depots
 - c. Street, right-of-way

- d. Utility transmission and distribution lines
- e. Water tower, water reservoir, water storage tank, pumping station, and sewer
- f. Retail food stores up to 5,000 square feet in maximum floor area, limited to bakeries confectionery, candy, gourmet shops, small convenience grocery, and meat sales facilities. Goods produced on the premises shall be sold only on the premises

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

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

The applicants are requesting rezoning of .26 acres to RA (multi-family dwellings – high-rise apartments) to match the existing zoning of the Continental Court subdivision located next door. RA zoning allows the following:

- 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
- K. 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

In terms of comprehensive planning, the Comprehensive Development Plan IV calls for “commercial (pedestrian oriented)” uses at the site of the requested rezoning, with a “residential multi-family (medium – high density)” designation for the remainder of the Continental Court site. Therefore, the requested Comp Plan amendment requests a “multi-family residential (medium to high density)”

use designation for the entire 2.64 acre parcel. “Residential – multi-family (medium to high density)” are defined as “Areas designated for dwellings designated for and occupied by more than one family, living independently of each other in apartments, condominiums, townhouses, with a density of 11 to 36 dwelling units per acre.” Please note, should the development plan be approved, the Continental Court resubdivision plan will result in 17.8 dwelling units per acre.

In addition, regarding this amendment, please note that the Comprehensive Plan IV designation of “commercial” mirrors the existing zoning of the 49 S. Chapel Street property (BC), and its location adjacent to the Delaware Avenue 7-Eleven site. However, the previous use at the property was not commercial; it was a nonconforming residential unit on a commercially zoned property. The proposed rezoning and Comp Plan amendment will allow the use, the zoning and the Comp Plan to be consistent with each other at the site, and reflect the zoning and Comp Plan designations for properties to the south and east of the site.

Regarding adjacent and nearby properties, the land adjacent to the north is zoned BC and contains a 7-Eleven convenience store. Adjacent to the west (rear) is a parking lot associated with the Calvary Baptist Church. To the south of the site on the west side of Chapel Street is the RA zoned Continental Court apartments, and across Chapel Street from the intersection of Delaware Avenue to the Holly Woods townhouse style apartments site is the RA zoned University Courtyard development. To the north across Delaware Avenue are the TD Bank and Burger King properties, zoned BB and BC respectively.

Regarding density, as previously noted, the total combined proposed density for the site is 17.8 dwelling units per acre. This density is less than both the 36 units per acre permitted in the requested zoning district and the density suggested by the Comp Plan for multi-family residential developments.

Regarding area requirements please note that the Continental Court resubdivision plan meets all applicable area requirements in RA zoning.

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 Continental Court rezoning and major resubdivision plan calls for the construction of six, three story townhouse style apartment units on the north end of the combined site. Each unit is proposed to contain four bedrooms. Each unit will also have two garage parking spaces. All other required parking spaces will be provided as surface spaces within the lot. 100 spaces are required and 100 spaces are provided. (Note: the data column for parking analysis is incorrect. There are 88 surface spaces and 12 garage spaces shown on the Plan.)

Based on discussions at both Planning Commission and Council meetings, the following density calculations are also provided. In terms of bedrooms per acre, adding the 24 bedrooms associated with the proposed development will bring the total number of bedrooms at Continental Court to 98, which calculates to 37 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:	88
South Main Commons:	61
Campus Walk:	77
Cleveland Station:	57

In addition, the proposed East Village at S. Chapel Street development calculates to 85 bedrooms per acre.

Based on Council imposed restrictions on residences 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

The East Village at S. Chapel Street proposes 60 occupants.

In this regard, it is important to note that the existing Continental Court apartments are restricted to four unrelated individuals per unit. This restriction means, if approved, 24 more unrelated individuals will be added to the 164 individuals currently permitted to reside at the site.

Fiscal Impact

The Planning and Development Department has evaluated the Continental Court rezoning and major resubdivision plan on municipal finances. The estimates generated from net return are based on the Planning and Development Department’s Fiscal Impact Model. The Model projects the Continental Court’s resubdivision fiscal impact – that is, total annual municipal revenues generated, less total cost of municipal services provided. The Planning and Development Department’s estimate of net annual revenue for this project is:

First Year	\$9,092.94
Second Year and Thereafter	\$1,592.94

The difference between the first and second years is the real estate transfer tax in the first year. Please note that the fiscal impact is calculated for the six additional units only, and does not include the existing Continental Court apartment building.

Traffic

At the request of the Planning and Development Department, the Delaware Department of Transportation (DelDOT) has reviewed the Continental Court rezoning and major resubdivision plan. While the development does not meet DelDOT warrants for a Traffic Impact Study (TIS), which is 400 trips per day and 50 trips per hour, the Department does have some recommendations for this specific project as follows:

- 1. South Chapel Street is classified as a major connector roadway and requires a minimum 40 ft. of right-of-way from the center line. If the right-of-way is less than the minimum, a dedication will be required and should be shown on the plan.
- 2. A 15 ft. permanent easement along S. Chapel Street is also to be provided. The width of the easement can be reduced by the amount of the right-of-way in excess of the minimum.
- 3. A traffic generation diagram should be shown on the plan.
- 4. A stop bar at the egress only onto S. Chapel Street will be necessary.

These items can be addressed during the Construction Improvement process.

Subdivision Advisory Committee Comments

The City Subdivision Advisory Committee – consisting of the Management, Planning and Development and Operating Departments – has reviewed the proposed Continental Court rezoning and major resubdivision 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

1. The developer must pay \$1,300 towards the cost of electric meters, aerial wires and materials necessary to service the development.
2. Electric meters should be grouped in one location and metering equipment must be approved by the City.
3. The developer must pay costs associated with repairs to the smart meter system, if the building interferes with communication.

Parks and Recreation

1. The Department does not have specific comments regarding the resubdivision plan's landscaping plan at this point. Comments will be provided to the developer during the CIP process.

Planning and Development

Planning

1. The Planning and Development Department notes that the proposed rezoning and Comprehensive Development Plan amendment conforms to the development pattern in the area, and will result in coordinated use, zoning and Comp Plan designations.
2. The Planning and Development Department notes that the original Continental Court development has been deed restricted to a maximum of four unrelated individuals to reside in each unit. This deed restriction will apply to the six apartment units to be added by this plan. (See Plan Note #22)
3. The Department notes that while the plan indicates there are 101 parking spaces provided there are only 100 spaces shown on the plan. This number of spaces does meet Code, but provides no guest parking for the development. The Department notes the Data Column will have to be revised to reflect the actual number of spaces provided.
4. The Data Column (#7) should also be revised to reflect the proposed gross density: 47 D.U./2.64 +/- acs. = 17.8 DU/AC.
5. The Planning and Development Department suggests that the Planning Commission recommend that the subdivision agreement specify that the proposed units be designed so they can be easily converted into condominium units.
6. The Planning and Development Department suggests that the Planning Commission consider the following conditions of subdivision approval:
 - The architectural design for the proposed building should be carried out on all portions of the facility visible from public rights-of-way. (Plan Note #6)
 - Mechanical equipment and utility hardware be screened from public view with materials harmonious to the proposed architectural design or such equipment shall be located so as not to be visible from adjoining streets or public rights-of-way. (Plan Note #6)
 - Exterior lighting be designed as an integral architectural element of the proposed architectural façade. All such lighting to be shielded to limit visual impacts on adjoining property.

Code Enforcement Division

1. All buildings shall be designed and constructed in accordance with the IBC Codes as amended and adopted by the City at the time of submittal for plan review.
2. Two complete sets of architectural/structural drawings with details and sections are required to be submitted for construction review.
3. The driveways in front of the proposed townhouse units are not deep enough to be used as parking spaces. The required 9 x 18 parking space size will encroach into the fire lane, therefore, there will be no parking permitted outside the provided garage space. Posting of no parking signs in front of the buildings in addition to appropriate fire lane striping is strongly recommended.
4. Two hour shaft walls between units will be required if conversion into condominium units is proposed for the future, and therefore should be included in the initial design.

Public Works and Water Resources

1. The Public Works and Water Resources Department indicates that individual meters will need to be provided for each unit.
2. The Department acknowledges that notes 23 through 24 have been added to the plan to address the Department's comments regarding individual water meters for each unit being in a central location and the payment of STP fees due at the time of Certificate of Occupancy.
3. The Department notes, as Electric did above, that the proposed building cannot negatively affect the performance of the City's wireless meter reading system.
4. During the CIP process, the developer will need to provide a set of water system drawings in accordance with the State of Delaware Department of Health Drinking Water Standards for review and approval.

Police

1. The Police Department had no comments regarding the subdivision.

Recommendation

Because with the proposed Comprehensive Development Plan amendment, the Continental Court rezoning will conform with the requirements of the Comprehensive Development Plan IV, and because the rezoning and major subdivision, with the Subdivision Advisory Committee's recommended conditions, will not have a negative impact on adjacent and nearby properties, because the proposal meets all applicable Code requirements, and because the proposed use does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that **the Planning Commission take the following actions:**

- A. **Recommend that City Council revise the existing Comprehensive Development Plan IV Land Use Guidelines for this location from "commercial (pedestrian oriented)" to "multi-family residential (medium to high density)"; and,**
- B. **Recommend that City Council approve the rezoning of .26 acres from the current BC (general business) zoning to RA (multi-family dwellings – high-rise apartments) zoning as shown on the attached Planning and Development Department Exhibit A, dated November 5, 2013, and,**
- C. **Recommend that City Council approve the Continental Court resubdivision plan as shown on the Landmark Engineering plan, dated August 22, 2013 with revisions through September 12, 2013, and with the Subdivision Advisory Committee conditions.**

I will be happy to answer any questions that you may have for me and I know that the developer is here to speak.

Mr. Hegedus: I'm just curious that I reviewed this one and the one we just approved, both of these have sub-surface stormwater management facilities, and in the previous one there

was a condition from Public Works and Water Resources that a geotechnical evaluation for infiltration be done first; and, on this one there isn't.

Ms. Feeney Roser: I believe the difference is the elevation. It was the hill in the other project that they were concerned about. They have reviewed the stormwater management report for this and Public Works and Water Resources didn't have that comment.

Mr. Silverman: I believe the technical report from staff suggested that the building be designed for condo conversion. Was that taken into account?

Ms. Feeney Roser: Fire walls? Yes.

Mr. Silverman: Also, is there going to be any anti-vandalism lights on the outside of the tract? They should be designed or limited in such a way to cut off any light shine towards Delaware Avenue.

Ms. Feeney Roser: That is in our report, "the exterior lighting is to be designed as an integral architectural element and should be shielded to limit visual impacts on adjoining property."

Mr. Silverman: Even though the 7-Eleven provides lots of lighting on that corner, I'm a little concerned about the idea of no parking with respect to the driveways. Is that fire lane no parking where you can stop and stand or is that absolutely no vehicles permitted at any time?

Ms. Feeney Roser: That should be no vehicles permitted to park at any time. I assume that if you are backing out, there may be times when a vehicle may idle there, but it is no parking. We can be more specific about that and the developer might want to address as well.

Mr. Bowman: Only two minutes in idle, though, right?

Mr. Cronin: Do we know what the rear setback is? I couldn't see that on the drawing. Did you mention that in your report.

Ms. Feeney Roser: I don't believe I mentioned it because it must meet Code.

Mr. Cronin: One of the thoughts I had, given how it backs up to the 7-Eleven, I would be in favor of moving the footprint a little further north, diminishing the rear setback and allowing parking in the driveway because you almost have enough distance right now to park on the driveway. And, as a neighbor, 7-Eleven and that commercial use would not object to a little closer proximity with the footprint of this townhouse. I just wonder whether any consideration was given to that.

Ms. Feeney Roser: We will let the developer address that.

Mr. Bowman: If there are no further questions or comments from members of the Commission, the developer is here so you may step to the microphone and present your case.

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

Ms. Lisa Goodman: Young, Conaway, Stargatt & Taylor here on behalf of Continental Court LLC, which is owned by the Tsionas family. Angela Tsionas-Matulas is here representing the applicant tonight. Joe Charma of Landmark is the project engineer and John Winkler is the project architect.

This is, I think, a very straight forward project so I am going to present it as such and then will be happy to answer any questions, including those you have already raised.

This is an application to rezone a quarter of an acre - .26 acres – next to the existing Continental Court Apartments which were built in 1998 by the Tsionas family who has owned them all of this time, from BC which is commercial to RA which is the same as Continental Court Apartments. The property has not been used for BC. As Maureen indicated, it was a nonconforming single family home with a detached garage being used as a rental unit. That has been demolished and is currently vacant. Briefly and simply, this is to add a quarter of an acre and six units to an existing and well established apartment complex.

If you look at the handout that I provided you, the first three pages are simply some photos of the existing Continental Court as you drive by. The next page is a foldout of 49 S. Chapel Street which is labeled. It is the actual parcel in question. You can see that this picture was taken prior to the demolition of the little house and the garage. So, that is what you are looking at. And immediately below that is the existing Continental Court Apartments. And, then the next satellite page is simply a close up view of that, just to get you oriented.

The current Continental Court Apartments has 41 apartments, each of which are two bedrooms. It is, in fact, deed restricted to permit no more than four unrelated tenants per unit. That restriction will carry over to this new section. So, these are proposed to be four bedroom units which essentially means one person per bedroom, which is as restrictive as Council is going anyway on new units. I don't think you can get any more restrictive than one person per bedroom.

There will be Code compliant parking. We can talk about parking. Continental Court currently has excess parking spaces and when we combine the proposed additional 12 garage spaces that will be constructed with this new proposal with the few extra that we have, the entire project remains Code compliant.

This application is proposed to do the following, and if you turn to the next page on your handout, which is also this that we have mounted here on the board, you can see our proposed plan. Very simply, this is the existing Continental Court Apartments and this is the additional .26 acres here to the right of it to the north of it according to the points of the compass. We are proposing six townhouse style apartments. Each will have a two-car garage and each will have one surface space in the existing lot to be Code compliant. Each has four bedrooms, and as I said, they will be deed restricted by definition of the existing restrictions.

If you turn your next sheet, you will simply see what the property looked like prior to the small house being demolished. Again, just for informational purposes. Currently, that site is actually vacant.

The next page in your packet shows you what we are proposing the townhouses to look like. And, the idea here is to match the materials and the colors with the existing Continental Apartments but not to exactly match them because, of course, a different design, a different era, to be more complimentary. I think you will see that this has a nice variation of roof lines and materials. There is a second view, as well, on the next page of your handout.

Finally, the next page shows you the details of the sides and the rear. I do want to note that the rear on the page that I'm showing you here on the bottom currently shows all siding and we will be modifying that to include some brick as well so that from all of the elevations we have similar elements because we are aware that because of the orientation of this perpendicular to S. Chapel that elevation will be somewhat visible as well. So, that will be a modification that will be made to the drawings.

As Maureen indicated, when this is combined with Continental Court, we will have 17.8 dwelling units per acre. RA permits up to 36. So, we think we hit the exact sweet spot in terms of being in the middle of the 11 to 36 that RA is designed to accommodate. We will have 37 bedrooms per acre, which is also on the low end of the projects that have been recently approved. Again, some numbers from Maureen's report: Rupp Farm – 88 bedrooms; Campus Walk – 77 bedrooms per acre; South Main Commons – 61. Again, this

project is proposed to be at 37. So, well below. That makes sense because we are adding on to an existing and older project.

Finally, let me very briefly address the legal standards. We are seeking a Comp Plan amendment because, as Maureen indicated, the current Comp Plan mirrors the BC zoning even though this parcel wasn't used for BC. So, the Comp Plan amendment which will take us from commercial pedestrian-oriented to multi-family residential is actually more in keeping, not only with past use, but obviously isn't keeping with the proposed use.

As to the rezoning, the standards, again, consistency with the character of the neighborhood and zoning of nearby properties, if you look at the last sheet that I handed you which is a colored representation of the surrounding zoning, you will see that we are proposing zoning that exactly matches Continental Court in the beige and exactly matches University Courtyard across the street. An interesting historic fact, which I'm sure you all know, Continental Court was, in fact, the Budd Plant parking lot. The University Courtyard was the Budd Plant itself. So, we are talking simply about unifying this little piece of zoning and it is very consistent with the other apartments in the neighborhood. Suitability of the property for the use. It is perfect. We are not proposing any variances. The question was raised, should we push it closer to the 7-Eleven to get more room to pull a car in? Interesting idea. We are always preached at not to seek variances. So, you could go either way on that. We, I think, would prefer not to come to the Board for a variance or to you for a site plan approval. Ms. Dressel just questioned why the previous plan requested site plan approval. Sometimes you can comply. We can.

The Tsionas family does an amazing job with their complexes in terms of security and monitoring. So, they have a security company that monitors either stationary or rounds this property Thursday, Friday, Saturday and Sunday and they have security cameras. They have no issues, I am told, with parties, no issues with over parking, no issues with the existing fire lane and are not going to have any issues with this fire lane because they have security up one side and down the other. And, that is how they roll as my teenager would say. They are very confident that this will work well having the 25 foot Code required buffer between this and 7-Eleven, probably not a bad idea given the nature of those uses. Maybe you could make an argument either way but I think the decision that the owner made here to keep that buffer is a perfectly sensible one and one, I think, they would like to stick with.

Affect on nearby properties, nothing but positive, make this property zoning and the use consistent with it historically, and the recommendation of the department is favorable.

We are happy to answer any other questions that the Commission may have.

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

Mr. Silverman: I have a question that is more out of curiosity. Why wasn't the building rotated 180 degrees to have the active front of the building facing the residential side as opposed to overlooking the 7-Eleven?

Ms. Goodman: I think the thought was because of the access coming off of the fire lane. They wanted the rear where the cars come in and the garage is to come off of the existing fire lane so that that other side could have a more traditional back yard feel. Otherwise, if that was the rear, we would have to have additional paving back there so we would be increasing our pervious cover and I think that didn't feel like the right thing to do.

Mr. Cronin: The five dormers and the gable windows on the level above the second living level, to what extent are they accessible to the units below? Are there going to be at all access hatch panels in the closet for running wires like you would find in a house?

Ms. Goodman: Just for the record, the architect is saying, yes, there will be panels as required by the Code for access for wiring, but it is not accessible space for human use other than construction and maintenance.

Mr. Cronin: I really like the visuals of the flower boxes on the two units on the second floor windows, but I'm curious to whether we will see nice looking flowers there. maintained, and so forth, as opposed to weeds. I guess I have confidence in the applicants other properties that it will be well looked after.

Ms. Goodman: They do a lovely job.

Ms. Hegedus: I just have to say the pictures that you have made amuse me. I got a good chuckle out of looking at them tonight. This is clearly student rental. That is what these are for and there are grandmothers welcoming their children, there are moms and dads and strollers in front of the buildings. This issue of no parking in the fire lane, no parking in the driveways, there are cars shown parking in the fire lanes and parking in the driveways. So, if you are going to have these for marketing purposes for the students, you might want revise these so that they know what they are getting themselves into.

Ms. Goodman: I think that is a great comment. I think this is the architect being artistic and we will clean these up.

Mr. Hegedus: That was a good chuckle on my part but a little more serious is the parking. I will be very surprised if you don't have people park beyond the driveways in front of the garage doors. It is the natural thing to do. Even with no parking, if you can police that that is going to be impressive if you can pull that off. I understand that you are going exactly to the 25 ft. setback on the other side so that is why you can't get more space unless you just shrink the building. The other part that concerns me, though, is that for the Continental Court Apartments you had extra spaces. Right?

Ms. Goodman: A few, yes, I believe we had six extra spaces.

Mr. Hegedus: Which would be guest parking, essentially.

Ms. Goodman: That is an interesting question. The Code does not have anything called guest parking. So, we all assume that the parking for a unit is only for residents, but in fact, it is a blended number. It is how many spaces do you need per unit, which when you add that all up for an apartment complex takes into account that, of course, an apartment complex is going to have some guests. Ms. Matulas tells me that they do not have issues with parking overflow right now. And as with almost every complex there is a variable number of cars that students bring. You provide two per unit, but not every unit brings two, and it works out. The Tsionas family is very vigilant about parking.

Mr. Hegedus: I understand. I don't know how you get around it but having even eight spots for "guest parking," and I understand it is a blended number, but if you have four kids per apartment and you are only offering them two spots, generally those get pretty filled up has been my experience. You had eight left over. Now those are gone. So, now kids who have friends coming over, where are they going to park? In the driveways except that there is no parking when they come to visit to watch a football game in the afternoon, right. So, where else can they go to park that is close by? There are not too many other parking lots that are a reasonable walk away. My only concern with the whole thing is the reality and feasibility of parking with students and guests and those coming in. I don't know what you do about it in this particular case, but when I was reviewing all this that was the thing that got me kind of stuck.

Ms. Goodman: I understand you pointing that out. I think in town, sometimes Council approves apartments with no parking. If you think about, for example, the building going up next to Kate's, all of that parking was given to the City for public parking. So, all of those units, technically, have no parking. Anyone who is going to visit those people know there either is parking or isn't parking and they very quickly adjust accordingly. And, frankly, they don't bring their car if there is no parking. They walk, they take the bus. I have lots of clients who have parking fields and clients who don't and every complex handles it differently, but they all manage to manage in such a way, that I think Maureen would agree that the Police are not being called all the time because there are cars triple parked in the street or that they are blocking fire lanes. The tenants figure out where they

can and cannot park legally and they match. And, otherwise the City gets rich on parking fines and everyone is happy.

Mr. Bowman: The security company that you use, do you post your properties with tow away zone signs?

Ms. Angela Tsionas: Yes, it is actually reserved parking so they know where they should be parking.

Mr. Bowman: To help answer your question Andy, it is amazing what having to retrieve your car after two days parked in a private impound lot at \$150 will do for that. I think they can manage it.

Mr. Hegedus: There is move-in day. Knowing what you are getting into with this, if you can manage it and still stay compliant with the fire lane and keep the kids compliant, it will be an impressive feat.

Ms. Tsiona: We have been managing it for about at least 20 years so, I think they know what they are getting into and do we, but thank you.

Mr. Bowman: Are there any other questions from the Commission for the developer?

Mr. Hegedus: I would like to say also I did like the elevation views with the gables and the interest in the front. Thanks for putting the additional little touches on it.

Mr. Bowman: We will open for comments from the public. I have no written requests to speak. If there is anybody from the public who wishes to address this application, please step to the microphone and state your name and address.

Mr. Matthew Vento, 718 Lehigh Road. My main concern with this expansion is that currently Continental gets some of the worst reviews online through various avenues of social media. As far as the buildings, complex, safety, security, if you look at the actual tenants and their responses through social media they are not up to par. So, I guess my main question is, are your current properties filled to a capacity that would warrant the expansion that we are looking into?

Ms. Goodman: Mr. Chair, I don't exactly know how to respond because, if I understood it correctly, I don't where that gentleman lives, I don't know whether he has ever been in the apartments; frankly, I'm not certain what his interest is other than he has read some reviews that purport to be online reviews. So, it is a little hard to know how to respond. I am also not certain that we want to go on a back and forth with this gentleman.

Mr. Bowman: No, we don't.

Ms. Goodman: So, I think the Tsionas family has many great properties. They are very well respected. They have no track record of issues with the City. And, if they did, the City would be the first to inform both this board and Council of that. So, we think this will be a quality project coming from a quality owner with a long track record.

Mr. Bowman: Is there anyone else who wishes to comment?

Mr. Chris Locke: 604 Cambridge Drive. Only out of my friendship for Gus Tsiona I want to say as a competitor of the Tsionas family, nothing could be further from the truth. They are quality landlords. We welcomed them to the City. They have been a great citizen and a good landlord. And, any complaint on the internet is always suspect anyway.

Mr. Bowman: We will bring it back to the Commission for any further questions and if there are no further questions from the Commission, what is your pleasure?

MOTION BY CRONIN, SECONDED BY HEGEDUS THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. RECOMMEND THAT CITY COUNCIL REVISE THE EXISTING COMPREHENSIVE DEVELOPMENT PLAN IV LAND USE GUIDELINES FOR THIS LOCATION FROM “COMMERCIAL (PEDESTRIAN ORIENTED)” TO “MULTI-FAMILY RESIDENTIAL (MEDIUM TO HIGH DENSITY)”; AND,
- B. RECOMMEND THAT CITY COUNCIL APPROVE THE REZONING OF .26 ACRES FROM THE CURRENT BC (GENERAL BUSINESS) ZONING TO RA (MULTI-FAMILY DWELLINGS – HIGH-RISE APARTMENTS) ZONING AS SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED NOVEMBER 5, 2013, AND,
- C. RECOMMEND THAT CITY COUNCIL APPROVE THE CONTINENTAL COURT RESUBDIVISION PLAN AS SHOWN ON THE LANDMARK ENGINEERING PLAN, DATED AUGUST 22, 2013 WITH REVISIONS THROUGH SEPTEMBER 12, 2013, AND WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 4-0

AYE: BOWMAN, CRONIN, HEGEDUS, SILVERMAN

NAY: NONE

RECUSED: DRESSEL

ABSENT: BRILL, JOHNSON

MOTION PASSED UNANIMOUSLY

4. REVIEW AND CONSIDERATION OF A REZONING OF A PORTION OF 52 BENNY STREET FROM RD TO RM, AND THE MAJOR SUBDIVISION OF 1.21 ACRES LOCATED AT 163, 171, 175 AND 179 S. CHAPEL STREET, TO CONSTRUCT A 12 UNIT APARTMENT BUILDING.

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

“On June 2, 2013 the Planning Commission denied a request from Delta Etta Corporation to extend the expiration date on an approved subdivision plan for Pike Park, located at 163, 171, 175 and 179 S. Chapel Street. As reference for this decision, for major subdivisions, Subdivision Regulations Section 27-21(b)(2)j requires that, “If the subdivision plan is not fully completed within five years from the date of approval by City Council, the Planning Commission may require that the applicant reapply for subdivision beginning with the Subdivision Advisory Committee’s review of the uncompleted portions of the subdivision.” Therefore, subsequent to the Planning Commission review, on September 9, 2013, a new applicant (Wooden Apple, LLC) submitted a major subdivision application for a 12 unit apartment building at the site, and the rezoning of a portion of the rear of the property located at 52 Benny Street. The Benny Street piece is proposed to be added to the Pike Park development plan to help meet the parking requirements for the 12 unit apartment building with a mixture of 3, 4, 6 and 7 bedroom units. The Benny Street parcel is zoned RD (one family semidetached residential). The applicant requests .08 acres of this parcel be rezoned to RM (multi-family dwellings – garden apartments) and added to the Pike Park plan.

The Planning and Development Department report on the Pike Park rezoning and major subdivision plan follows:

Description and Related Data

1. Location:

163, 171, 175, and 179 S. Chapel Street on the west side of S. Chapel approximately 150 ft. north of Chambers Street; and the rear of 52 Benny Street which is adjacent to the southwest portion of the site.

2. Size:
1.13 acres (18-026.00-140)
.08 acres (portion of 18-026.00-132)
1.21 acres. Total site

3. Existing Land Use:

The northern portion of the site contains three single family detached homes, and associated access way, parking and open lawn. The Benny Street parcel contains a single family rental unit, which is proposed to remain.

4. Physical Condition of the Site:

The Pike Park site is essentially a developed property with three single family dwellings, an access way and parking. The property is level with almost no slope. Access is provided to the development via Pike Way off of S. Chapel Street, which separates the three single family style rentals from the currently grassed area along S. Chapel Street proposed for the apartment building. Parking for the development is provided at the rear of the property and in the driveways of the single family homes. Likewise, the rear portion of 52 Benny Street is a grassed area which is relatively level with several large trees along the property line. The remainder of the parcel contains a single family rental house.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, Pike Park consists of Aldino-Keyport-Mattapex-Urban land complex soil. According to the Natural Resources Conservation Service, this is a disturbed soil that does not have limitations for the development proposed.

5. Planning and Zoning:

The 52 Benny Street property is zoned RD. RD zoning permits the following uses:

- A. one-family, semidetached dwelling.
- B. Accessory uses and accessory buildings subject to special requirements.
- C. Cluster development subject to site plan approval as provided in Article XXVII
- D. A one-family detached dwelling.
- E. The taking of nontransient boarders or roomers in a one-family dwelling by an owner-occupant family resident of the premises, provided there is no display or advertising on the premises in connection with such use and provided there are not more than three boarders or roomers in any one-family dwelling.
- F. The taking of nontransient boarders or roomers in a one-family dwelling by a non-owner-occupant family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than two boarders or roomers in any one-family dwelling.
- G. Church or other place of worship, seminary or convent, parish house, or Sunday school building.
- H. Public and private elementary, junior, and senior high schools.
- I. Municipal park, playground, athletic field, recreational building, and community center operated on a noncommercial basis for recreation purposes.
- J. Municipal utilities; street rights of way.
- K. Swimming pool, private; swimming pool, public.
- L. Temporary building, temporary real estate or construction office.
- M. Utility transmission and distribution lines.
- N. Public transportation bus or transit stops for the loading and unloading of passengers.
- O. Student Homes, with special requirements

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

- A. Nursing home, rest home, or home for the aged, subject to special requirements.
- B. If approved by the Council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- C. Police and fire station, library, museum, and art gallery.
- D. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- E. Professional office in residential dwellings for the resident-owner of single-family dwellings, with special requirements, including the requirement that the professional office is permitted only for the resident-owner of a single-family dwelling.
- F. Customary home occupations subject to special requirements.
- G. Substation, electric, and gas facilities, subject to special requirements.
- H. Day care centers, kindergartens, preschools, day nursery schools, and orphanages, subject to special requirements.
- I. Public transportation bus or transit shelters.
- J. Public transportation bus or transit off-street parking facilities.
- K. Swimming club, private (nonprofit) subject to special regulations.

The proposal is to take a .08 acre portion of the Benny Street site (tax parcel #18-026.00-132) and rezone it to RM; and add it to the Pike Park parcel (tax parcel #18-026.00-140) which is already zoned RM and permits the following uses:

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

- L. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for

- one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.
- M. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- N. Physicians' and dentists' offices, subject to special requirements.
- O. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- P. Police and fire stations, library, museum, and art gallery.
- Q. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- R. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- S. Customary Home occupations with special requirements.
- T. Public Transit Facilities.
- U. Private (nonprofit) swimming clubs.
- V. Day Care Centers with special requirements.

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

In terms of zoning area requirements, except for the height of the unbuilt apartment building and the required distance between the relocated units, the Pike Park subdivision meets all RM zoning area requirements.

Regarding these area requirements, on February 21, 2002, the Delta Etta Corporation (previous owner) applied for and received variances from the Board of Adjustment for building height (3 ½ stories and 39.95 feet high) and for distance between the relocated single family units (20.84 ft. rather than the required 25 ft.). With these variances, the plan meets all RM zoning area requirements.

Likewise, the remaining RD zoned parcel at 52 Benny Street meets all RD area requirements.

Regarding adjacent and nearby properties to the north and south along Chapel Street are RM zoned single family homes, most of which are rental units. Across S. Chapel Street is the proposed East Village at South Chapel development, potentially zoned RA and proposed to contain 10 townhouse style apartments; and an MI zoned property containing one legal but nonconforming residential rental structure, as well as UN zoned facilities, owned and maintained by the University of Delaware. Adjacent to the rear of the property along Benny Street are RD zoned single family homes, which, again, are mostly rental units. The recently rezoned to RM Rupp Farm townhouse development is on the corner of Chambers and Benny Streets.

Regarding comprehensive planning, the Newark Comprehensive Development Plan calls for "multi-family residential (medium/high density)" uses at the Pike Park location. "Multi-family residential (medium/high density)" is defined as 11 to 36 dwelling units per acre. The density of the Pike Park major subdivision is 12.4 units per acre.

Based on discussions and both Planning Commission and Council meetings, the following density calculations are provided.

In terms of bedrooms per acre, the 65 proposed bedrooms associated with the Pike Park project calculate to 53.7 bedrooms per acre. While the same bedroom information for the immediate area is not readily available for comparison purposes, recent City Council approved development bedroom per acre 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

In this regard please note that the East Village at S. Chapel proposal to be reviewed by Council later this month calculates to 85 bedrooms per acre and 60 unrelated individuals (1 per bedroom) proposed to reside in that development.

Status of 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 Pike Park rezoning and major subdivision plan calls for .08 acres at the rear of an RD zoned parcel at 52 W. Benny Street to be rezoned to RM and conveyed to the tax parcel containing the Pike Park development and the proposed three-story apartment building. The 12-unit apartment building is proposed to contain the following mix of apartments: 9 four-bedroom apartments, 1 six-bedroom apartment and 2 seven-bedroom apartments and fronts on S. Chapel Street. In addition to the north of the proposed apartment building are three existing single family three-bedroom dwelling units for a total of 15 units on the site. Access is proposed through existing Pike Park entrance and exit to the site (Pike Way), which also functions as the fire lane. Parking is proposed on either side of the parking lane behind the apartment building including eight double stacked places on the northwest corner. The remainder of the parking requirements are met with parking spaces in the driveways of the existing single family dwellings. A total of 43 spaces are provided. This number exceeds the parking requirement by one space.

Fiscal Impact

The Planning and Development Department has evaluated the Pike Park project 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 Pike Park fiscal impact – that is, total annual municipal revenues generated, less total cost of municipal services provided. The Planning and Development Department’s estimate of net annual revenue for Pike Park is:

First Year: \$14,572.17
Second Year and Thereafter: \$ 1,072.17

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. Also please note that the difference between the first year net return and that of future years is the anticipated impact of the real estate transfer tax in the first year.

Traffic

At the request of the Planning and Development Department, the Delaware Department of Transportation (DelDOT) has reviewed the Pike Park rezoning major subdivision and rezoning 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:

1. A 40 ft. minimum right-of-way from the center line should be provided, if the right-of-way is less than the minimum, a dedication will be required.
2. Provide a 15 ft. permanent easement along S. Chapel Street. The width of the easement can be reduced by the amount the right of way is in excess of the minimum.
3. A traffic generation diagram should be shown on the plan.

Subdivision Advisory Committee Comments

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

1. The developer will be required to pay \$4,300 towards transformers and smart meters.
2. Meters must be grouped in one location and switch gear must be approved by the department.
3. The Electric and Public Works and Water Resources Departments indicate that the developer will be responsible to pay all costs associated with restoring proper operation of the City's smart meter system if the new building interferes with radio coverage.
4. The Public Works and Water Resources Department indicates that green technology measures need to be incorporated to the maximum extent practical for at least the change in covered areas for this project. Measures will be reviewed during the CIP process.
5. The Public Works and Water Resources Department notes that each unit shall have a water meter which shall be located in an area approved by the Department; and STP fees are due at the time of issue of CO for each unit.
6. The Public Works and Water Resources Department notes that during the CIP process, the developer will provide a set of water system drawings in accordance with the State of Delaware Department of Health Drinking Water Standards for review and approval.
7. While recognizing that it is not required by Code and that the plan meets Code for parking, the Police Department suggests that more parking is desirable for the development. In addition, the Department notes that residents of this address will not be provided with residential parking permits.

8. The Planning and Development Department notes that the proposed rezoning and major subdivision plan conforms to the land use recommendations of the Comprehensive Development Plan IV.
9. The Planning and Development Department indicates that 12 apartments at the currently vacant site will significantly increase density in the area, specifically when two of the units are seven bedrooms and one six. Therefore, to minimize the overall impact of the development, the Department believes the applicants should voluntarily deed restrict the property to a total maximum number of unrelated tenants permitted to reside in the development. The Commission may want to review this matter with the applicant at the meeting.
10. The Planning and Development Department also indicates:
 - The architectural design of the proposed facades should be carried out on all building elevations visible from public ways.
 - Storage areas, mechanical and utility hardware shall be screened from view from all public ways and nearby properties in a manner consistent with the proposed architectural design.
 - Lighting should be designed to limit impact on adjoining and nearby properties.
 - Buildings should be designed to allow for future conversion to condominium, should market conditions change.
 - The units should be designed to be easily converted into condominium units should market conditions change.
11. The Code Enforcement Division of the Planning and Development Department notes all buildings shall be designed and constructed in accordance with the International Building Code, the International Fire Code (IFC), as amended and the Delaware State Fire Prevention Regulations (DSFPR), whichever is more restrictive, in place at the time the building permit application. In addition, the division indicates that two complete sets of architectural/structural drawings with details and sections are required to be submitted for construction review.
12. The Parks and Recreation Department indicates that while they do not have specific comments at this time, the applicant should consult City of Newark Code Chapter 32 – Zoning, Article XXV – Landscape Screening and Treatment and Chapter 27 – Subdivisions – Appendix VI – Parks, Playgrounds, Recreation Area Requirements for CIP submittal.

Recommendation

Because the Pike Park rezoning and major subdivision plan conforms to the Comprehensive Development Plan IV and because the rezoning and major subdivision plan, with the Subdivision Advisory Committee recommendations, will not have a negative impact on adjacent and nearby properties, and because the proposed plan does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that **the Commission takes the following actions:**

- A. **Recommend that City Council approve the rezoning of .08 acres from the current RD (one family semi-detached residential) zoning to RM (multi-family dwellings – garden apartments) as shown on the attached Planning and Development Department Exhibit A, dated November 5, 2013; and,**
- B. **Recommend that City Council approve the Pike Park major subdivision plan as shown on the Landmark Science and Engineering plan dated August 15, 2013, with revisions through October 3, 2013, with the Subdivision Advisory Committee conditions.**

I will be happy to answer any questions you may have for me. I know the developer and his engineer are here and will happy to answer your questions as well.

Mr. Bowman: Are there any preliminary questions for the Planning and Development Department from the Commissioners?

Mr. Silverman: Maureen, in reviewing this parcel, why wasn't the entire brown Schweizer parcel recommended to have the zoning requested for the back parcel.

Ms. Feeney Roser: You mean, why didn't they include the entire 52 Benny Street in the project?

Mr. Silverman: Correct, and just take it right to the other street.

Ms. Feeney Roser: That would be a question for the developer. I believe it was because they didn't need any more land to meet Code.

Mr. Silverman: And what is the balance of that parcel going to be used for? It looks like it was used to pick up some additional parking.

Ms. Feeney Roser: Right.

Mr. Silverman: Is it going to be lawn, landscaped, open space?

Mr. Bowman: We can get their answer on the record when they come up.

Mr. Cronin: Do we have other rental units in town that have six or seven bedroom apartments?

Ms. Feeney Roser: There are some, yes. East Village that you reviewed not too long ago, the ten units there have six bedrooms each. Also, Rupp Farm has six bedrooms in each units and there are some others that are larger. They escape me at the moment, but there are some.

Mr. Hegedus: Is East Village the one that is across the street? That is the one that we didn't like, right, that we said was too big. We approved it but with the comments to say it was too large?

Ms. Feeney Roser: There were site plan approval variances from Code that you thought should be smaller, yes. The bedroom count wasn't one of the things that was a concern, or was it?

Ms. Dressel: It was.

Mr. Cronin: Do you know in a six or seven bedroom apartment, the number of bathrooms that are in a unit like that?

Ms. Feeney Roser: I don't know off the top of my head for this project. I assume the developer knows.

Mr. Bowman: It sounds like we have some questions for the developer. Please step to the microphone and state your name and address.

[Secretary's Note: The applicant, Planning Commissioners and public refer to visuals brought by the applicant for his presentation to the Planning Commission].

Mr. Hal Prettyman: 163 S. Main Street. I am here tonight as an owner and representing the other owners of Wooden Apple, LLC who, in turn, own Pike Park. I am also joined here with Joe Charma who is with Landmark Engineering and we are seeking approval for the rezoning of this parcel that you see right here. The rest of this parcel is a conforming building lot with a house on it and has all the right setbacks and proper things that it needs, and we are going to have parking and open space in that area. Therefore, we are going to revise the site plan that was approved in 2005.

First, I would like to talk a little bit about the location. I think you are pretty familiar with the location since you have had two projects here in the last several months. One of them was Rupp Farm which is on Chambers Street. The other is, of course, East Village which was here a few months ago. We also have the new student dorms which is about a block or two away. This particular area is about 95% students. This is a very student oriented area. All of the streets that surround this parcel of land are on the student home ordinance and they are listed there. This location is idea for students. They can walk to class. They can walk up to Main Street. They can walk and visit their friend because they live all around them. So, it is ideal for students.

Just to talk briefly about the data. I am not going to repeat what Maureen said, but this now makes the site come up to 1.21 acres. It breaks down to be only 19% building. I know there has been concerns about open space. There is 45% of open space left. It meets the setbacks on all sides front, rear and sides. It meets the required parking spaces for the location.

The project itself, I talked to the Tax Revenue Office yesterday, will generate another \$7,000 a year in taxes. So, I think that is a significant tax increase. The plan meets the Comprehensive Plan for what is projected to be there. And, we are Code compliant.

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

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

Mr. Cronin: Mr. Prettyman, the number of bathrooms that you may have with a six or seven bedroom apartment?

Mr. Prettyman: I would say a minimum would be three. I am not saying there will be three, but, at a minimum, there will be three. The layout of the interior of the building, this is different than the other projects that you looked at here earlier that are townhouses. This is an apartment building with apartments in it. So, we didn't want to come forward and tell you that we were going to have all four bedrooms and then end up coming back with having six bedrooms or something like that. So, we were going to go high and once the layout of the interior of the building is done, then it will end up the way that it is going to end up. The seven could end up being six, the six could end up being five. It is going to depend on the layout of the building.

Ms. Dressel: Since you don't have a plan for the apartment layout, six or seven bedrooms in an apartment building just seems exorbitantly high. I know that there have been projects. They have usually been townhouses and we have from the Planning Commission, I think pretty consistently made the recommendation that that is just too large, that we are recommending that projects be made smaller. Four bedrooms seems to be reasonable. Having experience with some of the college kids who are living in these five or six and seven bedroom places, it is like a dorm but not with enough space. So, it seems to me it would behoove you to agree to reduce the size of the units to between three and five bedrooms at the max. How would you respond to that?

Mr. Prettyman: We own a lot of property in town. We have six-bedroom style apartments and rent those with no problem at all. We don't have a limit on the number of people. That wasn't placed on us by City Council. They know how we manage our property. If anyone has a problem, they call us and we respond to it. We just got approved, now it's been about a year, South Main Street Plaza which we are going to actually break ground on that in March. Those units a lot of them are five bedroom and no one had a problem. This is a student area that students like to live in. Students are a lot pickier than people think and people are going to find this out in the next year or two with all of the units that are coming on board. Students aren't going to live on top of each other. We already know as landlords, they don't want to live without having their own bedroom. Some projects are giving them their own bathroom so there will be four bedrooms and four bathrooms. We are not interested in building something that we don't think we can rent or manage. We are talking two apartments out of 12.

Ms. Dressel: No, you have three.

Mr. Prettyman: Two are 7 and one is 6.

Mr. Silverman: I am satisfied with this project. I think the question that was just raised is a marketing and management issue. It is not a land use issue. The densities work. The capacities work. The site plan works. It meets all of the parameters of the Code. It meets the City's basic requirements – your floor plan layout, the number of units, and the ratio of bathrooms. A lot of that is already determined by life safety codes and building codes. How you arrange all that is the landlord's prerogative and a marketing issue. It is not an issue, as far as I am concerned, with this board.

Mr. Prettyman: If I could say one last thing. The other thing is that we bought this project and we didn't get to develop it from the very beginning. We tried to come in and continue with the project and it actually was a bit smaller than what it is right now. But, we are still staying within the same footprint as what we originally came here with before. The BOCA Code has regulations on how big a bedroom can be, how many bathrooms, and everything that you just pointed out. So, this project is confined and is managed with those type of things. I can't stand here and give you the specifics because it hasn't gotten far enough down the road that I have the complete layout of the inside. But, that is the maximum parameter that you have in front of you.

Mr. Bowman: It sounds like a dormitory and that is kind of different for many of us who lived in an apartment. But, I agree with Mr. Silverman that it meets all the parameters for the land use. The issue before us is land use.

Mr. Hegedus: I think when you came here in June, we talked about the nonconforming pieces of it and I must admit I was surprised at your solution to that. Congratulations on being able to come up with that and pull that off to get the extra parking spaces and give an extra green area for people in the apartments to use is nice. I did make one other comment and that still holds now and it wasn't something that was necessarily going to hold up approval but one of the things that is required when you submit a project is you give us the drawings about what it is going to look like. If I remember from June, and I didn't go back and look, this is essentially the same exterior view that we saw at that time – pretty close.

Mr. Prettyman: No, it's not. It is the same footprint. The stormwater system on this parcel is in. It cost \$750,000 to put the stormwater system in. It is there today. It is approved by the City. It is open and functioning. It just doesn't have a building there. So, we either stay with that footprint or we take this parcel and we redevelop it. If we redevelop it, we are going to end up with a Rupp Farm or we will end up with something that is going to be much more dense in there. So, we are trying to stay with that. Having said that, we have to work with that parameter. This plan that you see in front of you, like, I think, Maureen had said, the general site design and the architectural character of the project is what we had to show. So, it is going to have brick or a stone where you see the darker colors. It's going to have the siding and it is going to be three stories high. It is basically going to have a flat roof but it is also going to look like it has a slanted roof. The building is going to look a lot better than that photograph, I'll guarantee you that. We did build the townhouses on Cleveland Avenue and I have gotten a lot of positive feedback about that. We just finished the rehab of what was the old Hadley Plumbing building, and I think that turned out really nice. We have our other apartment complexes on North Street, which is Cider Mill Apartments which are brick and a siding. What you are going to see is, that is the shape of the building, but it is going to look better.

Mr. Hegedus: That was exactly my issue. I understand your staying with the (inaudible) plan and I understand the parameters you are living with and I got from this that there was going to be some brick and stone, but really, this just looked like the Double Tree Hotel that I just stayed in on my last business trip. It is not as attractive a building as I think that property deserves or that the community deserves in that area. And, so, this architectural rendering didn't meet my standards.

Mr. Prettyman: Didn't excite you, is that what you are saying?

Mr. Hegedus: Not at all. So, I am glad to hear that it won't look like this when you are done. This left me pretty flat.

Mr. Bowman: Are there any other questions or comments from the members of the Commission?

Ms. Dressel: I am going back to the bedrooms because it comes back to the number of unrelated people and it is a major issue and it comes back to being an issue for the community. So, we have had restrictions on projects before as to the number of unrelated people and the way I calculate it would be 56 unrelated and that is for your 9 four-bedroom. That would be one person per for this six-bedroom and one person for the two seven-bedrooms. I hope that it will not be that large with that many bedrooms but that gives you the one per bedroom which you have already said you would be most marketing.

Mr. Prettyman: I didn't say I would do one per bedroom. I didn't say that. Let me put this in perspective for you. The Comprehensive Plan says that this should be medium or high density. That is 11 to 36 dwelling units on this parcel. I am proposing 12.4. That is clear down on the low end. If you take the bedrooms of what has been approved in just my neighbors. Rupp Farm – 88 per acre; East Village – 84.75. I have 1.2 acres. If you used their numbers, that would allow me 106 bedrooms and if you used East Village numbers that would allow me 102. I'm proposing 53.4. There is no need for a restriction on this. Council has passed my projects before and I haven't had a restriction on them. I don't have a restriction on Cleveland Avenue and I don't have a restriction on South Main Street. I don't feel that it is necessary. This project is a great project the way it is. The only reason it is the density it is because I am trying to finish the project from the previous developer.

Mr. Bowman: Any other questions or comments from the members of the Commission before we open it up to the public? Thank you, Mr. Prettyman. Anyone from the public who wishes to address this project may come up to the microphone and state your name and address please. Seeing and hearing none we will bring it back to the table.

Ms. Dressel: I feel very strongly that there needs to be a restriction because if we are going to have units that are seven bedrooms, that could essentially end up being 14 people in that apartment and it is like a dorm then. These are supposed to be apartment buildings. They are not supposed to be dorms. If they were dorms then they should be brought to us that way as part of the University. I don't know why there wasn't a restriction on the other property. We have almost always put restrictions on large townhouse complexes and everything else for the meetings that I have been to on the Commission. It may have gotten passed if I missed a meeting which has been very rare. So, I feel very strongly that we need to put that restriction on it. It is nice that there is green space. I appreciate that. It is a very bland project coming to us as well. I would like to say this was an exciting project but it just doesn't have any of the pizzazz. It's not that it has to have a lot of pizzazz but on other projects in that area even with the new dorms at UD, those are beautiful buildings and this just doesn't have that.

Mr. Hegedus: I understand what Ms. Dressel is talking about. I think when we have asked about the deed restrictions in the past, it has been voluntarily done by the developers as part of their presentation and our questioning for it. I don't think it was something that we imposed in the past but we did feel strongly about it and the developer was willing to do it. And, I understand also that I wouldn't want 14 kids living in a seven-bedroom apartment. With that said, I'm comfortable with the plan as presented to us because it does meet the Code requirements for land use with the additional acreage to allow for parking and extra space and when you compare the density here to other places, the fact that Mr. Prettyman is keeping this moving forward rather than saying, I'm just going to reengineer the entire project and start over, which would get significantly higher density. And, more kids is kind of the other option that we would get to and I don't see that as being any better for our city than this one moving forward, hopefully, with a more appealing architectural feel and look to it than what is proposed here.

MOTION BY HEGEDUS, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- C. RECOMMEND THAT CITY COUNCIL APPROVE THE REZONING OF .08 ACRES FROM THE CURRENT RD (ONE FAMILY SEMI-DETACHED RESIDENTIAL) ZONING TO RM (MULTI-FAMILY DWELLINGS – GARDEN APARTMENTS) AS SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED NOVEMBER 5, 2013; AND,
- D. RECOMMEND THAT CITY COUNCIL APPROVE THE PIKE PARK MAJOR SUBDIVISION PLAN AS SHOWN ON THE LANDMARK SCIENCE AND ENGINEERING PLAN DATED AUGUST 15, 2013, WITH REVISIONS THROUGH OCTOBER 3, 2013, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

Mr. Bowman: It has been moved and seconded. Does everyone understand the motion or is there any further discussion on the motion?

Ms. Feeney Roser: I have a question. Is that with the Subdivision Advisory Committee conditions except for the one about asking the developer to consider voluntarily deed restricting the number of people? Is that what you meant to do?

Mr. Hegedus: I think it should be with the Subdivision Advisory Committee conditions. I think we did just ask the developer to voluntarily commit and I think the developer said no.

Mr. Prettyman: I don't mean to say no. If I was sitting here with a project and this whole place was maxed out and it was great. Before I can move forward, I need to know that I have a viable plan and I can extend that kind of money for an architect and architecture (inaudible). If you took the building and you worked it out, you cannot put two people in every bedroom in the entire building. And, the two seven-bedroom units aren't big enough to have two people in any of the bedrooms because of the square footage of the way the building is. It is not far enough along that if you asked me to pull a number that would be even more than would be in there, I don't know what the number is, but I do know what the Code says and I do know where the project falls as I'm proposing it. And, it falls way below what has been passed by my neighbor – 88 bedrooms – and across the street – 85 bedrooms. This project is 53.5. It is substantially less, not just 5 bedrooms or 10 bedrooms. We are talking 20 to 25 bedrooms less than those two projects on 1.2 acres of ground. They didn't even have an acre of ground. One of them had 3/4 of an acre and I don't know what the other. They couldn't meet their open space. They couldn't meet other things. I just don't want to put a limit on the number of people because I don't know how it's going to fall. That's all. But, I can tell you what Maureen has said in her report. It is 53.5 bedrooms for the acre and that is low. That should give you some confidence.

Mr. Silverman: You mention that those bedrooms were too small. Is that because the Building Code restricts the number of square feet per person in a room and window areas and widths of hallways that it is just theoretically mathematically impossible to have another person stay in there. And, then it becomes an enforcement issue if two people turn up occupying the space that only one permitted by Code.

Mr. Prettyman: The City of Newark Building Department has adopted the 2012 Building Code. Not only does it stipulate the size of the bedroom, it stipulates the size of common area. This is a far thing from the dorm. You couldn't take and just make it into all bedrooms and make it into bathrooms. It stipulates that you have to have a kitchen that is a certain size, you have to have a living room or common area that is a certain size. I am not sure how many bathrooms you have to have per person, but it does stipulate that. With the size of this building and what we are proposing, we are under everyone else. And, we are not by just five or ten bedrooms, we are under 20 some bedrooms on less land. And, then the other project is 85 and 54. So, 21 bedrooms less. I think you should have some comfortability.

Mr. Bowman: Let me help you in terms of understanding here. If the motion were to go forward with the Subdivision Advisory Committee recommendation to consider deed restriction, if we were to allow that to go forward as a recommendation to City Council,

your option is that you would certainly make the same statement to Council because I have a pretty good feeling that that same question might come up from Council.

Mr. Prettyman: I'm sure they will have the same position.

Mr. Bowman: Whether we push it forward with that recommendation or not, that question is going to come up. You will have to deal with it in front of them. As you well know, we are an advisory body. City Council can say, we thank you for your recommendation but you don't know what you are talking about. They can do that. That is where I think we are, with all due respect.

Mr. Prettyman: Everybody likes you guys and they would like to have you on their side.

Mr. Bowman: Sure, at least partly anyway.

Ms. Feeney Roser: They say that to me, too.

Mr. Bowman: Let me bring it back to the table, if I may please. We have a motion on the floor and is that motion to include all the Subdivision Advisory Committee recommendations?

Mr. Hegedus: Yes it is.

Mr. Bowman: We also have a second. Is there any question about the motion?

Mr. Cronin: One question, perhaps a point of order, Mr. Chairman. When I look at Exhibit A that we received with this, it seems to me that the .08 acres to be rezoned is misplaced on the drawing. I am going to pass it to Maureen and see what she thinks.

Ms. Feeney Roser: I see what you mean. It is the second one in, not the third.

Mr. Cronin: If we are going to reference Exhibit A in our motion, I think it might be appropriate to note that adjustment.

Ms. Feeney Roser: Sorry, that is our mistake, not Mr. Prettyman's. We will fix that.

Mr. Bowman: Hearing no further comments, we will call for the question.

VOTE: 4-1

AYE: BOWMAN, CRONIN, HEGEDUS, SILVERMAN

NAY: DRESSEL

ABSENT: BRILL, JOHNSON

MOTION PASSED

5. REVIEW OF THE CURRENT STATUS OF THE COMPRHENSIVE PLAN UPDATE

Mr. Mike Fortner: Maureen and I were talking before the meeting and we were afraid the meeting was going to go until midnight, but we still have plenty of time until midnight so I thought we could extend it.

At the last meeting, we had an ambitious agenda where we tried to cover the Vision chapter, the Housing chapter and the Transportation chapter. We got through visioning and about half way through housing, so we scheduled another meeting for November 12th. I have a revised agenda that I will email to you. I also have the three chapters that we discussed and will email it to other community members. I also wanted to note that tomorrow, November 6th between 4 and 7 at the Embassy Suites, DART is having a public workshop where they are reforming some of their routes and they are doing some fare structure changes and also some changes to Paratransit; and they will have an open workshop during the first part of the meeting and after 5:30, they will have

some presentations they will give. I will be going to the first part of that to learn more about what they are proposing. Everyone is welcome to come.

Mr. Hegedus: There have been a couple of things that have happened since last we met, one of which kind of disturbed me a little bit, which is the development that we approved for Suburban Plaza. We were told that it was primarily professionals to support the STAR Campus and other housing. It has been sold to a developer and that developer is clearly going after student rentals now. They have an office on Main Street where they are trying to rent to kids. All of a sudden, right before our eyes, is a huge complex with lots of bedrooms and big places. Ms. Dressel spoke up about her concern about how big some of those units were at that meeting. I know we have the whole study underway about the amount of student rentals and they are going to make some recommendations. One of the things that I was thinking about with the Comprehensive Plan since we go and look at zoning and changes in zoning was, I was wondering if the Planning Department could look into the legality or feasibility of creating a new zone for Newark that would be rental zoning but would restrict it to some small percentage of student rental vs. other rental. And, then offer some sort of incentives to developers who would want to go use that zoning as opposed to a student zoning as a way to bring more young professionals or have more housing that would be suitable for aging population, as our demographic shows. As part of developing the Comp Plan process, I would like us to take a look and see whether that is legal or not, feasible or not, and is that something we can put on the table for consideration?

Ms. Dressel: I am increasingly concerned about the parking that we are having issues with at complexes and, while the developers are saying they are not having any problems with parking, I can tell you that as a visitor to multiple complexes, there is no visitor parking and so people park behind other cars, anywhere that they can find a spot. And, it seems to me that we need to really think about having a visitor's parking section in these larger complexes and somehow develop that into our Code because I think with the number of projects coming online, we are going to have more and more issues of this. With having just a few parking garages in town, I don't think this issue will be reduced. I think it is just going to grow and grow. So, I would like to see . . .

Ms. Feeney Roser: To create a visitors parking requirement?

Ms. Dressel: Yes.

Ms. Feeney Roser: Would you also think it was time for us to look at the number of parking spaces that are required per apartment? At this point, we have two spaces per unit unless there are more than three bedrooms and then it goes up to three maximum.

Ms. Dressel: I think having a seven bedroom apartment with three parking spaces is ludicrous because they are bringing those cars. Gabrielle is in a two bedroom apartment and each of the girls has a car. She works and has to drive down to Milton once a week. So, she has to have a car. And, then the other girls are finding parking other places, but I don't know if they are parking on the street. They have the two spaces available but I think we have to take this into consideration.

Mr. Silverman: Along that same line, I would hope that the market would respond to those problems. I know when I was here at the University and had an automobile, I parked in a private parking lot, paid a monthly fee and walked several blocks from where I lived in a dormitory.

Ms. Dressel: There aren't that many private lots.

Mr. Silverman: I am saying it is a market issue and it is a marketing issue. I'm not going to be in an apartment complex where when I come home from work I can't find a parking place. My lease will last one year.

Mr. Hegedus: There is a chapter under Economic Development, is that correct?

Mr. Fortner: Yes, and that is where parking would be addressed.

Mr. Hegedus: When do we get to that?

Mr. Fortner: That is on November 19th – two weeks from today.

Mr. Hegedus: I am out of town for that. Can you be sure to send that my way to look at? Thank you.

Mr. Bowman: Is there anyone from the public that would like to comment?

Ms. Purcell: I just got here so I don't know how you voted on the previous developments that were proposed but I just had a thought. With doing this study that I guess is going to last about six months as to the need and/or possible overbuilding of apartments. I just wonder is there something that the Commission or the City would consider to put a temporary moratorium on permitting all of these new units because I just don't know how many are in the pipeline already. Just going around town I see a lot things being built and there were three different projects tonight and one more that was tabled.

Ms. Feeney Roser: That would have to be done by Council.

Mr. Bowman: It is a legislative issue.

Ms. Feeney Roser: Council could put a moratorium on that would stop new applications from coming in for a period of time, but it would not stop what was in the pipeline.

Ms. Purcell: Is there a way to find out exactly how much is in the pipeline at this time?

Ms. Feeney Roser: I can tell you. I can't tell you off the top of my head, but if you want to stop by I can show you.

Ms. Purcell: Thank you.

Mr. Bowman: Is there anybody else that wants to speak?

There being no other business the Planning Commission meeting adjourned at 9:04 p.m.

Respectfully Submitted,

Elizabeth Dowell
Planning Commission Secretary