

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

May 5, 2015

7:00 p.m.

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

Chairman: Alan Silverman

Commissioners Present: Bob Cronin
Willard Hurd
Edgar Johnson
Frank McIntosh
Robert Stozek

Commissioners Absent: Andy Hegedus

Staff Present: Maureen Feeney Roser, Planning and Development Director
Mike Fortner, Development Manager
Carol Houck, City Manager
Tom Coleman, PWWR Director
Tim Filasky, Deputy PWWR Director

City Officials Present: Polly Sierer, Mayor
Mark Morehead, District 1
Robert Gifford, District 3
Marge Hadden, District 4
Stu Markham, District 6

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

Mr. Alan Silverman: The first item of business are some administrative items. For those of you who have not been here before, in order to speak before the group we ask you to fill out a request card. Those are located on the railing by the door as you come in. Secondly, one of the items on today's published agenda, Item #4, Review and consideration of amendments to the Code regarding subdivision, review and recordation fees, has been withdrawn until a future meeting. So, we will be discussing Items 1, 2, 3 and 5 tonight.

1. THE MINUTES OF THE APRIL 7, 2015 PLANNING COMMISSION MEETING.

Mr. Silverman: The minutes of the previous minutes have been distributed. There was an opportunity to make minor corrections through email. Are there any additional corrections or additions to the minutes? Hearing none, the previous distributed minutes will stand as distributed.

2. A STAFF PRESENTATION ON THE CITY'S INTEREST IN PURCHASING RODNEY DORMS.

Mr. Silverman: Tonight's second agenda item involves a proposed stormwater management project called SWM on a 7.24 acre Hillside Road parcel also known as the Rodney Dorm Complex of the University of Delaware. Stormwater management is identified as an important issue in the Planning Commission's public hearing

process for the recent Comprehensive Plan update. From the prospective of the Comprehensive Land Use Plan and its implementation, the Planning Commission is a natural public forum for providing preliminary information on this stormwater management proposal. A briefing lead by City Manager Houck and professional staff from the Public Works and Water Resources Department will teach us about stormwater management. They will lay the foundation for the Commissioners to better understand the evolution of the Hillside Road site proposal as well as other future stormwater management proposals. We are here tonight learning how the Hillside Road stormwater management project can benefit our City. City Manager Houck, the floor is yours.

Ms. Carol Houck: I would like to take the opportunity, since I am not at your meeting very often, to thank all of the members of the Planning Commission for your service to our community and for the visitors who are here tonight participating.

We are happy to be here this evening to share some initial information regarding why the City of Newark has declared its interest in obtaining the property that currently makes up the UD Rodney Dorm site, the site shown here on the slide up on the screen.

First and foremost, our Mayor and Council have made no final decisions. They have, however, authorized the hiring of Special Legal Counsel Mark Dunkle to assist with negotiations regarding the possible acquisition of the site for the purpose of stormwater and open space. To that end, we are now engaged in efforts to have an appraisal of the site, and we are also in the process of obtaining prices associated with demolition of the structures on the site. The UD is fully aware of our current interest. Our staff from the Public Works and Water Resources Department are going to take you through the PowerPoint and we will respond to questions to the extent that we are able to at this time. This is necessary in association with our possible negotiation that may take place. As City Manager, I want to share with you that when we became aware of this site being available, our staff quickly realized it may present an opportunity for stormwater improvements in our community. More specifically, it was suggested that if we were able to select a site to help improve stormwater in our community in this area, this would be the site we would pick. That means that our community may well be facing an opportunity knocking type situation and an aha moment where we certainly need to take full advantage and explore this opportunity; and that is what we are doing, and that is what Mayor and Council have approved for us to do.

Now, to the details, it is my pleasure to introduce Tom Coleman our Public Works and Water Resources Director and Deputy Director Tim Filasky who is going give us the presentation of the PowerPoint. Thank you.

[Secretary's Note: The Public Works and Water Resources Director and Deputy Director, City Manager, Planning Commissioners and public referred to the PowerPoint presentation brought to the Planning Commission meeting for their presentation].

Mr. Tim Filasky: Thank you Carol. You will see that Tom will interject every now and again as I go through the presentation if there is something that he believes I may have missed or something that he can add. I also appreciate the opportunity to speak to the Commission tonight about this exciting opportunity for the City of Newark and its residents. As an engineer with strong stormwater management background, a project of this nature that can be both functional and attractive really excites me. Unfortunately, Karie took down every note in a meeting that we had with her and in the article it said that engineers kind of geek out about this kind of thing. And, it certainly is the truth, but I think you will see that this opportunity doesn't come along often and I think it is something that needs to be given its due diligence and full attention to make sure that it is going to be the right spot for us and that it is the right opportunity at the right time.

Flooding, as we know, has been an issue in the City for quite sometime and we've been asked to explore and continue to explore opportunities of this nature when they come along. As Carol mentioned, we identified this site early on when we heard that the University of Delaware was looking to shed some assets. We went back and looked through and we said this is an opportuned site and said, if this were to be built today with today's standards with the community of the Oaklands they likely would have put a stormwater basin, some sort of stormwater pond, at this location. It was built in different times with different regulations, it just didn't happen that way.

Before we get started, there was a little bit of confusion on the presentation when it was sent out with what is the difference between a detention and retention basin. The difference between the two when you talk about them in the field is probably interchangeable. For the purposes of this evening, we will refer to it as a stormwater basin. We haven't made any decisions and we have no idea what the final product will be, if there is a final product. So, we will call it a stormwater basin and leave it at that.

Community participation is going to be key to this project being successful and this is what tonight is basically about, to kick off that participation by letting the community know what we have been thinking and what we are looking at. You will notice that a lot of the slides are pictures. A Google search for stormwater management ponds brings back a lot of pictures. I have identified some that we don't know the location of and a few that we actually do know the location of and I have noted on there. So, with that we will get started.

As Carol noted, the reason for this meeting is, why is Newark interested in this site? Stormwater management, to begin with is what we are mostly concerned with here. If you look at the Rodney site, there is one pipe that crosses underneath the railroad tracks. Most of the Oaklands, which would be north of Hillside Road, drains into the Rodney Complex and if you talk to the UD folks, they will let you know that it actually drains across Hillside Road into the Rodney Complex and they may or may not have used tube float there in the underpass. So, it is 68 acres of mostly residential and, obviously, the Rodney Complex drains there.

The estimated peak runoff – and use some very generic terms here because we have not done full analysis, just some general analysis, to get us to this point – for the 100 year event is approximately 325 cubic feet per second, which is a substantial amount of water, but a 100 year event is a substantial rainfall. The potential detention during a 100 year event for a pond that would fit on the Rodney parcel is approximately 300 cubic feet per second, which is about a 90% reduction give or take. Again, these numbers are very preliminary. So, we have the potential to hold back a good portion of the water that drains to this point. To give a perspective, the drainage area flowing to the pipe crossing Route 4 or Christina Parkway just south of the STAR Campus is about 640 acres, which is roughly one square mile, and this is about 10% of that area. And, believe it or not all this drainage does drain through the STAR Campus to the Route 4, Christina Parkway, crossing. The peak runoff at that point, which is south of the Star Campus for the 100 year event is about 14,030 cubic feet per second. It is not a direct correlation but for about 10% of the area it contributes about 25% of the peak runoff, but there are some timing effects that need to be accounted for, so it is not a direct correlation. What does all this mean? It means 10% of the drainage area at Silverbrook, which is where the crossing is, is from the area upstream of the Rodney underpass. The pond has the potential to take this runoff out of the equation. If we can put it in a pond and hold it there, we could potentially help everything downstream of that point. Stormwater improvements could eliminate flooding at the Rodney underpass, which is substantial in current conditions and it would certainly improve conditions on S. Main Street. What happens is, there is a pipe underneath the railroad tracks and it is very difficult to increase the size of the pipe under the railroad tracks. So, what happens is when the pipe is overwhelmed the water comes through the underpass and then out onto S. Main Street and floods S. Main Street. Again, a formal engineering study will definitely be required before the design is finalized. Aside from an engineering

standpoint there are certainly other uses for the area, and I will show you the concept plan here in a bit if you haven't seen it in your packet.

Recreational amenities – currently there are a few basketball courts, there are a few tennis courts and there is a large grove of trees in the upper northeast corner along with the recreational amenities. In a perfect world, we would be able to maintain that and still have a sizable pond there for stormwater purposes. Habitat creation can certainly be a part of any plan that we come up with. Educational features – you all probably have seen boards and signs and things that you can bring school children out to show ecological features and how this helps the environment as well as flooding inconveniences.

We would be remiss if we did not mention the stormwater quality improvements. As a city, we are responsible for the quality of the stormwater run-off that enters our streams. Sometimes regulated and sometimes as part of development projects. A component of this project, we couldn't let that go without doing some sort of water quality inside of this area.

A list of interested parties and stakeholders – obviously, the City of Newark is a large part of that being the residents, Tom and I and Public Works and Water Resources Department, the Parks and Recreation Department if there is a parks component and community affairs because we would certainly want to make everyone aware of what this area is for and what it can do for us. Design consultants – I say to be determined – design consultant and landscape architect. We do anticipate this being some sort of either RFP or design build. Basically, the way we envision it, we would want people to come to us and bring us their best and then deliver it. As far as the way any kind of contract would be written is still months, if not longer, out, but I just wanted to make sure that we would certainly get it on people's radar that we were looking at this. UD faculty and UD research, obviously, the UD is a big part of not only our community but this site. Our negotiations, and Carol may want to touch on, any sort of negotiations would certainly revolve around the ability of UD faculty and UD research to take advantage of helping us out throughout the whole process. DNREC – because no matter what stormwater management pond or facility we would build would have to be built to DNREC and the State of Delaware standards and certainly the educational element and school partners and it could be elementary right through high school depending on what type of participation they want to have.

Here we have just a general workflow. In the process that we are at now is the top circle and arrow of due diligence and funding. We haven't discussed funding. We don't know what that would be until it becomes evident that our due diligence has paid off and may result in being able to acquire the site. As you can see on the left-hand side, it is some of the things that need to go on during the due diligence period. Certainly, a professional review. We have done preliminary numbers and we believe this is a site that would make a difference in the stormwater or flooding issues and problems that we have here within the City. As Carol mentioned, we are in the process of getting an appraisal and a demo cost estimate, and then, obviously, negotiations and site purchase.

In the second circle and arrow there, we would have the purchase and use determination, which would be what types of uses, what partners, what stakeholders, and obviously, the transaction that would either purchase, or lease to get the property under City control.

The final circle is design and construction. There are certain things we need to look at be it the stormwater design, the aesthetic design and operations and maintenance is certainly a large part of any project of this nature. You can build something beautiful but if you don't maintain it, which we found in a lot of different places, if you don't maintain it then it just becomes an eyesore and a burden, but we would certainly require that the operations and maintenance plan be on file as part of any design and construction.

This is just a slide that will show the anticipated opportunities for public comment that we think and, obviously, we are up for any other type of comment for us in the process that we need to be aware of and people we can work with. So, obviously, today we are talking to the Planning Commission. We can explore partnering opportunities and once we announce this program we've had some conversations about partnering opportunities. There is a potential for a steering committee. It isn't anything set in stone but a steering committee could help with some selection of consultants and where we go with this. Landscape design input, obviously, I'm worried about where the water goes, but everybody else needs to know it is going to be something that they don't mind looking at. A pond full of water doesn't look nice to most people. Council workshop – as we get further along we would have a Council workshop. Staff project leadership, which Tom and I would head up. Public workshop at any time and then that would help guide us to the potential uses for the property. As far as public comment goes, and I do see some familiar faces. I'm glad that some of the folks that have been here for some of our stormwater workshops are also here. Tom and I are very accessible and will certainly be happy to speak in any way we can and take any comments or concerns regarding this project.

A few representative projects that I wanted to bring out. Again, we don't have any ideas in mind. The only ideas we have is that it needs to function and it has to look nice and I have a few examples here and a small video on the Atlanta, Georgia Clear Creek Basin at Fourth Ward Park. Hopefully, that gives you an idea of what can come out of a project of this nature. Again, we don't have any ideas like that of what it could look like, but I just want to give ideas of what other places have done and how they can, again, be functional and beautiful. Again, these are some more examples. The one on the top right has a quarry nearby and has a lot of rock. I think the bottom right is likely what you would see this type of project to be. Believe it or not, from Hillside Road to the Rodney Dorm underpass is about a 14 foot elevation difference. Most people wouldn't see that. To get behind Rodney and see the train tracks a little taller, but I would anticipate something here would need some sort of grade control structure to make the grades work so that this could function as a stormwater basin. Again, just a few more examples of what it could look like. The one on the top left is actually several berms that the water filters through into a larger basin. The top berms would be the water quality portion and the bottom would be the storage or water quantity portion of the site. I think a lot of what you see in things that look the same in these photos are walking areas and useful park areas. I think bridges and sidewalks and accessibility is going to be key to anything that we may do. And, I wanted to give a few local examples. They are not exact replicas or they are not the exact uses but I wanted to make sure that these fulfill a public need but also an open space opportunity. Some of you may be familiar with the Hockessin Athletic Club or the HAC. They have some soccer fields that are within a stormwater detention basin. It is called a stormwater basin. They are used as soccer fields during the day when it is not raining and probably not for a few days after it is done raining. They tend to stay squishy. It is not a great example but it is an example of being able to use something that would otherwise be off limits. The project on the left, if you are familiar with the City of Wilmington, that is a cool spring reservoir. Years ago, probably before 2008 that was just an open water reservoir for drinking water. And, I'm not 100% sure whether it is treated or raw drinking water. But, what they did was they actually put in a reservoir system underneath of the bottom side here and left it open on the top side and then created a park in and around it. There are also pumping stations. So, that is based on drinking water, but they created a park out of something that used to be fenced off or not easily accessible. Again some more renderings.

When we get to the concept plan, it is kind of the concept I was looking at. On the top portion, the things in red which are the basketball courts, tennis courts, that is existing and the grove of trees we would not want to do anything with that, but improve the parking area that is there and, perhaps, introduce a playground area on the other side. Again, it is all open for comment and adding public input. All around it is an engineer's attempt at landscape architecture with a few trees that go around it. If you look on the bottom, that is actually the Oaklands pool that I wanted for

reference but it is certainly not part of our plans for the future. With that, if Tom has comments.

Mr. Tom Coleman: Tim covered most of the details, but I wanted to stress the importance of how strategic a location this is. During the stormwater utility discussions we have had in the past, frequently it comes up that if you put in bigger pipes it will address the flooding here, you create flooding downstream, which is correct. The way that you deal with that issue is you create additional storage upstream, you detain the water that is upstream in one location where you can and that allows you to release the water elsewhere where it is flooding in the streets. So, you move the flooding from a road to a pond. Ideally, the higher up in the water shed you can detain a large amount of water, the better because it improves the flooding everywhere downstream from that site. So, this certain property here, if you can't think of anywhere else 7 or 8 acres of open land in Newark upstream and a drainage area that floods, this is really a great location for this. In addition to that, it has a natural funnel. Right now there are two very large storm systems that come into this site and go out one small pipe that you can actually see there just south of the underpass. Right now it is somewhat acting like a funnel except that everything goes over the road and floods out South Main Street and we have to close South Main Street when it floods. Everything is already set up very strategic alley. The site is prime for this type of project.

Ms. Houck: We will respond to any questions from the Commissioners, anything that we did not cover or anything that was not clear.

Mr. Stozek: One of the activities on the chart was a steering committee. What do you envision the committee being and how is it going to be selected?

Mr. Filasky: When I added that to the presentation, I wasn't sure if I should add it because we haven't really thought through who would be on said committee. Obviously, we have commissioners, we have the Conservation Advisory Commission with several folks who I'm sure would be happy to be on a steering committee, and we would certainly need some at-large members from the general public, any of our residents that may be technical experts, as well as staff to chair the committee.

Mr. Frank McIntosh: I think it is a great idea and anything you can do to improve the overall effectiveness of how the City operates should be done, and you won't get an opportunity like this to come before you again for a long time. Maybe ever. All I can think of is Newark High School and how many opportunities there were to un-landlock that school and they let every one of them go by, causing issues for the school. This is something we ought to grab onto, it seems to me.

Mr. Silverman: I have a couple of observations on my part. If you can go back a couple of slides. I just want to emphasize that this is preliminary. There is not enough technical information to make any determinations to take this project in any particular direction, but two things that we need to think of here. This basin we are talking about can either be wet all year round continuously or it can be "dry." Which means it is like a bathtub. It fills up sometimes, it drains down. The soccer field is a good example of a multi-use. It is a standard grass field. There may be some subsurface engineering and drainage that is done to facilitate drying out the field a little faster. If we move forward into the next set of slides. The slide on upper right that says detention, that area that is that nice green with the possible flower type plants, water tolerant plants coming down the center, that entire area is designed to be submerged. It will fill up like a bathtub. It will go down based on what the design specs are on the discharge into the City's system. Those plants that are in there are called water tolerant plants. They are designed to be inundated for a short period of time, re-exposed, they dry out. So, it can function as the drawing on the left where it is continuously wet assuming there is a supply of water coming in at all times or it can be like the detention pond, the dry pond on the right where during periods of particularly peak rain, it will fill up like a bathtub. So, that is something that the engineers are going to have to work with the design specs to determine what combination or part of one and part of another is going to work here.

The graphic dealing with public comment with the multiple arrows. On the right hand side we talk about exploring partnership opportunities. I have worked on a number of projects with the New Castle County Conservation District. There was, I don't know whether it is still in existence, the Statewide Resource Conservation and Development Program, and when I was chair of that group we built \$5 million worth of these kinds of projects using USDA money and using the engineering expertise of the Conservation District, which has already been paid for by the public. So, these are the kind of partnerships that can be explored. The University of Delaware was mentioned. I'm sure there are a lot of engineering students at the University who could be brought together for a senior project with a senior PE (Professional Engineer) overseeing it for that individual engineering stamp, which is another way of containing cost. So, this very great program does offer us a lot of opportunities.

Mr. Stozek: Relative to retaining water and how much water we collect there, are there regulations with the City, County or State basically saying depending on the depth of the water, will this thing have to be fenced for safety reasons?

Mr. Filasky: DNREC does not like fences. They call it attractive nuisance and then once you are in, it is harder to get out. For a while there were fencing regulations and we have plenty of ponds here in the City that are fenced. In our opinion, it is not something that we would like to continue. There are also benching requirements and slopes that cannot exceed 3 or 4:1.

Mr. Silverman: By benching from the edge of the water out to a certain distance into the water is extremely shallow. It is deep enough to prevent mosquito problems but shallow enough that most children and adults can stand up easily and not have to swim.

Ms. Houck: I can also share, as any of you who have been to the reservoir know about the area that surrounds it and that it is considered a wetlands safety bench so if somebody happens to fall in, they are not falling into the entire body of the reservoir. It is in a shallower and more manageable area.

Mr. Silverman: Hearing no other comments from the group, I will turn it back over to the City Manager.

Ms. Houck: Since we have a group of people here, we would be more than willing to take some questions from members of the audience, if anyone has questions.

Mr. Howard Smith: Resident, District 4. In your preliminary drawing you are showing what looks like a continuously wet pond. Is that a preference?

Ms. Houck: We have no preference. Typically, a project like this would go through an RFP process similar to what we did with the reservoir where we brought design firms in and they were able to tell us about the projects they have worked on and then they're hired to do a design, possibly a design build, but there are lots of opportunities. I think we want to have input from the community to see what the community wants, especially the people that live closest.

Mr. Filasky: For illustration purposes, without it being blue, I just think it is a grass field.

Mr. Coleman: A more technical answer as well is that it depends on what your goal is for the basin. So, if it is a permanently wet pond, it doesn't provide much of a water quality benefit aside from settling out sediment in the water. If you use other options like stormwater wetlands, you get some nutrient removal effectiveness as well. So, there is a balance. You put in a big wet pond, you can do fishing, you might kayak in, you could do other active recreation types, but you forego that water quality benefit at the same time.

Mr. Kevin Hudson: 224 Dallam Road, about a block and a half up. I just want to say, I think it is a fantastic idea and you deserve credit for jumping on the ball here and getting this moving, and, as was stated, not waiting around for the opportunity to pass. So, you deserve a lot of credit for getting that started.

Ms. Houck: Thank you. We appreciate that.

Mr. Ed Worth: Arbour Park. I'm just wondering, you are saying that it relieves some of the water going into Silverbrook. How does that also affect the White Clay Creek that actually flows through Rittenhouse Park and through Arbour Park?

Mr. Coleman: The same benefits. The stream that runs through Rittenhouse Park is the Christina, and anywhere from where Silverbrook ties in downstream would receive a benefit. Once you get to larger streams, the proportional benefit gets much smaller because it goes into a larger flow. So, I don't think there will be a real sizable benefit once you got onto the Christina. That would probably be more related to timing than what we actually take out of it. But, it would provide a benefit down Silverbrook to the Christina.

Resident: Phillip Polner (sp?): How long will the project take?

Mr. Coleman: This project, due to the cost, will likely require a referendum. So, we would have to go through the full referendum process. The funding source that we would be targeting would be the Clean Water State Revolving Loan Fund. It is run through DNREC and currently the rates right now are 2%. We haven't borrowed through that program I don't think at all, possibly part of the reservoir. I would have to go check that. So, we are new to that program. We haven't done a referendum in a while. Carol might be able to shed some insight on the referendum part, but I would expect the design and construction, if it were accelerated, you might be able to get it done within a year to 18 months. It's not going too fast because there is a lot of public comment and it really depends on how much due diligence you want to do up front.

Ms. Sheila Anderson: I just wondered if anyone else was showing interest in the land.

Ms. Houck: We have had conversations with the University early on and they know that we are interested and I have been told that they will provide us opportunity to get through our due diligence phase and discuss this with the community. So, at this point in time, I do not know if they have had other interest but I know that they have at least had that conversation with me personally that they understand and the signal I have gotten is that they think it is a good opportunity as well for the community, and also can improve some things at the STAR Campus so I think there is a vested interest with the University for some things they may want to do there. I also wanted to mention the most important things we need to do, we are talking about time, the most important thing we need to do is get the appraisals done, get the demolition information done, and then be able to get into the negotiation stage so we all know where we may stand, and we are poised to do all of that right at this time.

Ms. Helga Huntley: Timberline Drive. I have a question about the cost estimate. What do you think the overall cost estimate would be?

Mr. Coleman: It will be in the millions. I can say that. The final cost is going to be driven by the property and demolition costs and then what design option we want to go with. The cheap option is put a big berm up and cut the pipe out and then you have a pond. That is not the option that I would imagine many people want us to take. It is hard to say. I would expect that it would be in the several millions probably.

Ms. Huntley: Early on, on the slide, you said that the potential detention is 300 cubic feet per second and I was curious why that rate? Intuitively, it seems like if you have

a bathtub that has a constant volume that it can fill, why is there a rate? Is that because of the size of the outflow pipe?

Mr. Coleman: That was the difference in the peak rate as a result of the pond. So, the inflow was coming in at, I think it was, 325 and it would be letting water out, theoretically, as slow as 25. So, it would knock the peak down by up to 300 cubic feet per second. Ultimately, the volume would be the same that would leave, but it would be stretched out over a longer period of time.

Ms. Huntley: My last question is a little bit related to what Carol Houck was just talking about that there might be some connections to what the University is trying to do on the STAR Campus. I would like for you to expound a little bit about how that is connected to the STAR Campus, and I was also wondering, connected to that, whether there are any thoughts about how the City's plans for the Rodney Complex could be connected or somehow facilitated with what is happening on the Dickenson complex or even with the pool in between.

Mr. Coleman: As far as the STAR Campus implications on their master plan I believe they have a plan to daylight Silverbrook through the site. Any amount that we reduce the peak rate through the site would reduce the floodplain area that they would need to reserve for the daylighted stream. Right now it runs through a pipe and an 84" culvert under the property. So, it is pretty much hemmed in by the pipe. It just runs under pressure. As soon as you remove the pipe, it will flood out into a floodplain. So, if the peak rate is lower, the floodplain is smaller, the buffer they need around the stream is smaller as well.

Mr. Silverman: I will translate here. Daylight means right now the stream is piped underneath the STAR Campus. The University intends to remove the pipe and recreate an open stream. By retaining this volume, the floodplain of that stream could be reduced.

Ms. Houck: Regarding the Dickinson Park, that is not an area that we focused on at this point in time. Certainly, things are possible. Everything costs money, of course, but there certainly is a possibility and I would think that if Newark were moving forward in this fashion if we as a community decide to do so, it could have an impact on whatever is done at that site as well.

Ms. Leslie Purcell: I am in District 1 and just up the hill on Old Oak. I have heard from some of the neighbors that they were really excited to hear that this was a possibility. So, I just wanted to convey that and tell you that as a kid we used to go down there before the Rodney Dorms were built, and we called it the swamp and we would play around down there and it was great. So, I think any restoration towards a more natural system would be great.

Ms. Houck: Seeing no more questions, we will turn you over to the rest of your meeting. We thank you for your time and for everybody's participation.

Mr. Silverman: Thank you City Manager Houck. I would like to recognize the elected officials from Newark who are here tonight: Mayor Polly Sierer, in the back; Mark Morehead; Rob Gifford; Marge Hadden and Stu Markham. That concludes our presentation for Agenda Item #2. We will take a moment if anyone would like to leave before we get into the more technical applications for land use changes.

3. REVIEW AND CONSIDERATION OF A REQUEST FOR AN EXTENSION FOR AN APPROVED MAJOR SUBDIVISION AT [1119 SOUTH COLLEGE AVENUE \(CANDLEWOOD SUITES\)](#), WHICH WAS STARTED BUT NOT COMPLETED WITHIN THE REQUIRED TIMEFRAMES.

Ms. Feeney Roser summarized the Planning and Development Department Report for the Planning Commission which reads as follows:

“On March 27, 2015, the Planning and Development Department received a request from Young, Conaway, Stargatt & Taylor, LLP on behalf of Shri Swami Narayan, LLC to extend the expiration date of the approved major subdivision and special use permit plan for Candlewood Suites. As you know, for major subdivisions, Subdivision Regulations Section 27-21(b)(2)j states that, if the subdivision plan is not fully completed within five years from the date of approval by City Council, the Planning Commission may require that the applicant reapply for subdivision approval beginning with the Subdivision Advisory Committee’s review of the uncompleted portions of the subdivision.

Candlewood Suites was approved on February 22, 2010. Specifically, City Council granted major subdivision and special use permit approval for the property located at 1119 S. College Avenue to allow construction of a six story, 101 room Candlewood Suites hotel. Subsequent to Council approval, construction was delayed. It was only recently that the project’s Construction Improvements Plan (CIP) was approved by the Public Works and Water Resources Department. Normally, the approval of a CIP allows a developer to move forward to the building permit stage of the process. However, construction was, once again, delayed because the applicant was not permitted to apply for a building permit until the dedication of 653 sq. ft. of right of way along S. College Avenue and 15 ft. permanent easement to the Delaware Department of Transportation (DelDOT) was completed. On December 4, 2014, the applicant submitted the required administrative subdivision plan to dedicate the DelDOT land, but objections to the administrative subdivision were received by the City, and therefore, as you know, the administrative subdivision plan was reviewed by both Planning Commission and City Council. Council approved the administrative subdivision on March 9, 2015. Because of the objection to the administrative subdivision and the delay associated with it, however, as per the City Solicitor, the expiration date of the original subdivision was extended from the date of the objection receipt (December 17, 2014) until the original subdivision expiration date of February 22, 2015 for a total of 68 days. Therefore, if an extension is not granted by the Commission, the Candlewood Suites major subdivision and special use permit will expire on May 16, 2015.

To assist you in your review of this matter, we have attached the applicant’s request, the administrative subdivision plan and the original approved major subdivision and special use permit plan.

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

Property Description and Related Data

1. Location:

1119 S. College Avenue (State Route 896); hotel shown at southeast corner of S. College Avenue and Welsh Tract Road intersection, on the Welsh Tract Road frontage.

2. Size:

Hotel property (including Howard Johnson’s)	5.02 acres
Friendly’s Restaurant:	<u>1.01 acres</u>
Total Site:	6.03 acres

3. Existing Land Use:

The 1119 S. College Avenue property contains the three-story Howard Johnson’s motel, and associated parking area and accessory uses, including a swimming pool. The proposed new hotel building is shown at the portion of the site that consists of mowed lawn and some paved parking.

4. Physical Condition of the Site:

The 1119 S. College Avenue property is a developed site containing commercial facilities, a parking area, and some landscaping.

In terms of topography, the site slopes primarily from its highest points at the eastern boundary of the property toward the south and southwest, with the lowest point at the southwest corner of the parcel.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, the 1119 S. College Avenue property site consists primarily of Keyport Silt Loam soil. According to the Natural Resources Conservation Service, such soils have "moderate" development limitations for the use proposed.

Please note that very small portions of the southwest corner of the Howard Johnson's Motel site and small adjoining segments of the Friendly's Restaurant parcel are located within the confines of the 500 year and 100 year floodplains of the Christina Creek. No new construction is proposed at these locations.

Planning and Zoning

The BC (general commercial) zoning at the site permits the following:

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

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

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

Subdivision Advisory Committee

The City's Subdivision Advisory Committee – consisting of the Management, Planning and Operating Departments – has reviewed the request to extend the expiration date to build the 101 room Candlewood Suites hotel and has the following comments:

1. The Planning and Development Department notes, regarding comprehensive planning, that the proposed Candlewood Suites Hotel continues to correspond to Comprehensive Development Plan IV's land use recommendations for the S. College Avenue location.
2. The Planning and Development Department adds that because of the site's close proximity to I-95 and other local motels, the proposed Candlewood Suites is an appropriate land use that corresponds to the development and roadway access pattern in the immediate area.
3. The Department notes, if the extension is approved, through the building permit process all applicable Zoning Code requirements, including the required 307 parking spaces and 2 loading space requirements will be verified.
4. Finally, the Department notes that should the Commission approve the extension request, all stipulations in the agreement between the City of Newark and SSN Hotel Management dated 12/29/10 and Resolution 10-D approved by Newark City Council on 2/22/10 (see attached Agreement and Resolution) will apply to the project, including but not limited to design conditions and deed restrictions. No other operating departments have comments regarding the request extension other than to indicate that if approved, they will work with the developer throughout the construction process to ensure that the hotel is constructed in compliance with the Construction Improvements Plan and the approved major subdivision and special use permit plan approved by Council on February 22, 2010.

Recommendation

Because the subdivision continues to correspond to the Comprehensive Development Plan IV land use recommendations for the location; because the extension as originally approved will not have a negative impact on adjacent and nearby properties;

and because through the recently approved Construction Improvements Plan process, the plan has been determined to meet all current applicable Code requirements, the Planning and Development Department recommends that the Planning Commission approve the applicant's request to allow the completion of the major subdivision and special use permit as approved by City Council on February 22, 2010, provided the subdivision plan is fully completed within 30 months from the date the Planning Commission grants the extension."

Ms. Feeney Roser: That concludes the summary of the Report. I will be happy to answer any questions the Commission may have for me.

Mr. Silverman: Are there any questions for the Planning and Development Director?

Mr. Johnson: When we were talking about DelDOT taking approximately 650 sq. ft., did not some community members talk about flooding in their homes and so forth? Has that been addressed?

Ms. Feeney Roser: It will be addressed when the construction is actually underway. Part of their objection was the fact that when the plan was approved they were promised improvements to the flooding and because the plan had not proceeded, they had not done it. After the Planning Commission meeting, they met with the engineers, discussed the matter and they did not object to the Administrative Subdivision at the Council meeting. So, as I understand it, the neighbors that had objected originally are content to let the plan go on because once the project is built out, their drainage concerns will be addressed.

Mr. Silverman: Are there any other Commissioners that have questions. Does the applicant have anything else to add?

Mr. John Tracy: Not unless you have questions for me. I think the Planning and Development Director summed up the status of things appropriately. You will recall that when we were here a couple of months ago, I went through the history of why we haven't been able to put a shovel in the ground. That history remains the same. Largely we were in the DelDOT vortex for about three years, which didn't help matters, but we are now proceeding with construction. We would like the opportunity to finish the construction.

Mr. Silverman: Do any of the Commissioners have questions for the applicant? I have one question. On the illustrations that were submitted, there is no signage visible. How does the applicant plan to provide signage for the use?

Mr. Tracey: I will defer to our engineer, Bruce Tease.

Mr. Bruce Tease: Landmark Engineering. We are the site engineers for the project. When the brand was originally contacted that is going to be here at the site, the idea was that all the signage would be on the building itself and there would be no other signage down on the ground. As you know, as we discussed, several years have gone by since that concept and the brand has made some subtle changes in how they want to do the signage. So, they are pursuing that with the architect and design team right now, and if they do want to make any changes, of course, we will have to submit to the City, follow the appropriate ordinances and get the appropriate approvals.

Mr. Silverman: So, right now there are no ground signs planned.

Mr. Bruce Tease: Right now the plans that are approved do not have any ground signs.

Mr. Silverman: Nor do I see any signs on the face of the building because I believe there are City limitations on the square footage of signs and the style of signs.

Mr. Shawn Crowley: With Teavebaugh Associates. Like Bruce said, there are no ground signs currently. The drawings representing the brand do have a sign on the front face of the building – the south facing towards I-95 – and then there is one other sign that is on the west face of the building adjacent to S. College Avenue (Rt. 896).

Mr. Silverman: Are there any comments from the Commissioners? Is there any member of the public that would like to speak for or against this project?

Ms. Virginia Jenson: I am representing Robert Loyd, property owner next door to the complex. I have a question about the traffic study in that area. What was the outcome of the traffic study for the addition of all this traffic on that little road?

Mr. Silverman: We are talking about the access road from 896 to Old Cooches Bridge Road?

Ms. Jenson: Yes.

Mr. Bruce Tease: At the time that the subdivision was proposed there was talk about having the consultant and the owner do their own traffic impact study like is commonly done, but concurrent with that discussion, DelDOT was reviewing traffic for the whole 896 corridor themselves and there was a lot of discussion at Council – that is the meeting I remember most – and the decision was made rather than have the consultant do a smaller independent study that the owner and consultant would go out and count all the existing traffic that is out there and the information would be given to DelDOT. DelDOT actually took the existing traffic count generated new trips based upon what was the proposed development and DelDOT actually did their own traffic study. It wasn't the traditional traffic impact study but it was a traffic study and they ran the trips through, not only with the existing conditions on 896 but what their proposed improvements might be for the future, and they did the study and reported the results back to the City. They found with mostly pedestrian oriented improvements that the traffic situation was going to be acceptable to DelDOT and they actually did the study themselves. The only input was County traffic. To help them there is a similar hotel built below Aberdeen just off of I-95 so on our own we sent a crew down there and they also counted that traffic so that you could see an actual operating facility. It was pretty much identical to the one that we want to build and that would also be included in the study.

Mr. Bernie Jenson: I am Virginia's Jenson's husband and Robert Loyd is her dad. He is 97 and we are here to represent him because he can't hear. I'm assuming the owner of this property is the same one that owns what is now called the Red Roof Inn. Is that correct? For probably the last 10 or 12 years we have been trying to get them to put up a fence between Mr. Loyd's property and the hotel because we were getting traffic through there, beer bottles. They never did. I see in this proposal they are supposed to put a fence up around that property. I just want to make sure that if this gets approved and this gets built that the fence gets built. We have put up our own fence on our property but, I'm assuming they are going to put this enough feet onto their property so that there is drainage and whatever in between and I want to make sure that the fence gets put up because they have been promising a fence for 10 years and it never happened.

Mr. Tease: As you know, there are specific Code requirements for screens especially adjacent to residential uses. A landscape plan was prepared and reviewed by the City and reported with the other documents, and there is a mixture of fencing in the appropriate locations and landscape screening. I'm not sure where his property is but it is all shown on the landscape plan and where fences are shown, fences will be built and where the landscaping is shown, the landscaping will be in place.

Mr. Jenson: It is shown currently as a fence.

Mr. Tease: If it shows that on the landscape plan, that fence will be built. As you all know, there will be no occupancy permit granted to the occupant until it has been inspected and approved that it has been built in accordance with the plan.

Mr. Silverman: Any other comments? Seeing no indication of anyone else planning to speak, I will move directly to the motion.

MOTION BY STOZEK, SECOND BY JOHNSON, TO APPROVE THE APPLICANT'S REQUEST TO ALLOW THE COMPLETION OF THE MAJOR SUBDIVISION AND SPECIAL USE PERMIT AS APPROVED BY CITY COUNCIL

ON FEBRUARY 22, 2010, PROVIDED THE SUBDIVISION PLAN IS FULLY COMPLETED WITHIN 30 MONTHS FROM THE DATE THE PLANNING COMMISSION GRANTS THE EXTENSION.

VOTE: 6-0
AYE: CRONIN, HURD, JOHNSON, MCINTOSH, SILVERMAN, STOZEK
NAY: NONE
ABSENT: HEGEDUS

MOTION PASSED UNANIMOUSLY

4. REVIEW AND CONSIDERATION OF REVISED PLANS FOR THE LOFTS AT CENTER STREET COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING, MAJOR SUBDIVISION AND SPECIAL USE PERMIT FOR THE PROPERTY AT 21- 49 CENTER STREET (WEST SIDE OF CENTER STREET).

Mr. Stozek: Mr. Chairman: Since we got these new elevations, I noticed on the prints that I received, the date on the print is 5/5/14. Are these the correct prints?

Ms. Feeney Roser: On the side it should have the revision dates. Do you have the correct plan? 1/9/15 should be the last revision date.

I will apologize in advance. This is fairly lengthy report and while I will try to summarize, some of it is very complicated so I am going to take some time to go through it.

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

“On May 14, 2014 the Planning and Development Department received an application from 21 Center Street Associates, LLC represented by the Lang Development Group for the rezoning, major subdivision, and required special use permit for the .846 acre property located at 21–49 (odd addresses only) Center Street. At the time the applicants were seeking approval to combine six RS zoned parcels on the west side of Center Street, from the entrance to the Municipal Parking Lot #3 to the University of Delaware lands abutting New Street, and to rezone the parcels from RS (one family detached residential) and NCV (New Center Village) to BB (central business district). Further, the applicants requested major subdivision approval to demolish the existing single-family dwellings at the site and build a four story, mixed-use building with 3,000 square feet of commercial office space and parking on the first floor, and 30 two and three bedroom apartments on the three floors above. The required special use permit for apartments in the BB zone was also sought for this development, as well as the required Comprehensive Development Plan amendment.

As you know, Planning Commission considered this application at its regularly scheduled meeting held Tuesday, October 7, 2014. At the meeting, after considering the Planning and Development Department report, the applicant’s presentation, plans and elevations, and hearing public comment, the Commission voted 5-1 to:

- A. Not Recommend that City Council revise the existing Comprehensive Development Plan IV land use guidelines for this location from “single family residential (medium density)” to “commercial (pedestrian oriented)”; and,
- B. Not Recommend that City Council approve the rezoning of the .846 acres from the current RS (single family residential detached) zoning to BB (central business district) as shown on the attached Planning and Development Department Exhibit A dated October 7, 2014; and,
- C. Not Recommend that City Council approve the Lofts at Center Street major subdivision and special use permit plan as shown on the Karins and Associates

Engineering plan dated May 5, 2014 with revisions through August 29, 2014, with the Subdivision Advisory Committee conditions.

Since that time, the applicant has revised the plan and has voluntarily agreed to return the project for Planning Commission review. The applicant is still requesting the Comprehensive Development Plan amendment, rezoning, major subdivision and a special use permit but in a reduced footprint and with a reduction of 6 units (previous 30; current 24).

The Planning and Development Department Report on the Lofts at Center Street follows:

Property Description and Related Data

1. Location:

The properties are located on the west side of Center Street from the entrance to municipal parking lot #3 and University of Delaware owned lands to the north at New Street.

2. Size:

.846 acres

3. Existing Land Use:

The site presently contains single-family dwelling rental units, with associated driveways, garages and accessory structures.

4. Physical Condition of the Site:

The property contains five single family style dwellings which are currently rental properties. These homes are a combination of masonry and siding, and are served by accessory garages – some attached and some detached – and access driveways. The property has several large trees and grassed areas in the front and rear of the dwellings, as well as side yards. The site is relatively flat with a gentle slope north to south and from east to west, which becomes more pronounced as you approach Center Street. A chain link fence along the rear yards of the properties separates the site from UD’s Frazier Field.

Regarding soils, according to the subdivision plan and the United States Department of Agriculture’s Natural Resources Conservation Service, the site consists of Up (Urban Land) with 0% to 8% slopes. The Conservation Service indicates that these soils present no limitations for the development as proposed.

5. Planning and Zoning:

Currently the site is zoned RS (one family detached residential) and NCV (New Center Village).

RS is a single-family residential zone that permits the following:

- A. One-family detached dwelling.
- B. The taking of non-transient boarders or roomers in a one-family dwelling by an owner-occupant family resident on 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. An owner-occupant taking in more than two boarders, however, must apply for and receive a rental permit.
- C. 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 a matter of right, but is a conditional use, provided there is no display or advertising on

the premises in connection with such use, provided there are not more than two boarders or roomers in any one-family dwelling, with special requirements including the requirement for rental permits.

- D. Churches or other places of worship, with special requirements.
- E. Public and Private Schools.
- F. Municipal Parks and Playgrounds; non-profit community centers for recreational purposes.
- G. Municipal utilities; street rights-of-way.
- H. Public and private swimming pools.
- I. Temporary construction and real estate buildings.
- J. Private garages as accessory uses.
- K. Other accessory uses and accessory buildings, excluding semi-trailers and similar vehicles for storage of property.
- L. Cluster development subject to Site Plan Approval as provided in Article XXVII.
- M. Public transportation bus stops.
- N. Bed and breakfast, with special requirements
- O. Student Homes, with special requirements

RS zoning also permits, with a Council-granted special use permit, the following:

- A. Police, fire stations, library, museum, and art gallery.
- B. Country club, golf course, with special requirements.
- C. Professional offices in residential dwellings for the resident-owner of single-family dwellings, with special requirements.
- D. Customary home occupations, with special requirements.
- E. Electric and gas substations, with special requirements.
- F. Day care centers, kindergartens, preschools, with special requirements.
- G. Public transportation bus or transit shelters.
- H. Swimming club, private (nonprofit).

Area regulations.

- (1) *Minimum lot area.* RS—9,000 square feet.
- (2) *Maximum lot coverage.* The maximum lot coverage for any building, exclusive of accessory buildings, shall be 20%, and the total maximum lot coverage with some exceptions, shall be 44%.
- (3) *Minimum lot width.* RS—75 feet.
- (4) *Height of buildings.* Three stories or 35 feet.
- (5) *Building setback lines.* RS—25 feet.
- (6) *Rear yards. Interior lots:* RS—30 feet.
- (7) *Side Yards: Interior lots:* RS—10 feet, with a minimum aggregate width of the two side yards of 25 ft.

New Center Village (NCV) is an overlay district, which permits the uses in the underlying zoning district (RS), as well as other uses under a parallel set of special provisions. NCV allows the following:

- (1) One family detached dwelling; except that student homes shall not be permitted.
- (2) One family, semi-detached dwelling.
- (3) One family, town or row house.
- (4) Garden apartments.
- (5) High rise apartments.
- (6) Professional office and customary home occupations in a residence on ground floor locations only, with the following special provisions:
 - a. Professional office and customary home occupation shall be permitted in a dwelling provided the person so engaged is a resident thereof.
 - b. The professional office and customary home occupation shall be clearly incidental to the residential use of the dwelling.
 - c. No exterior alterations inconsistent with the residential use of the dwelling shall be permitted.

- d. No more than one employee shall be employed by the practitioner or said profession or customary home occupation.
- e. One display sign affixed to the building not exceeding a total of two square feet, nor projecting more than one foot beyond the building, and not illuminated, shall be permitted.

Area regulations and other special requirements in NCV are as follows:

- (1) All permitted uses in this district shall be subject to the following design, building and procedural requirements in Article XXVII, site plan approval, of this chapter:
 - a. Section 32-97, Purpose, (a)
 - b. Section 32-98, Procedure, (a) through (i)
 - c. Section 32-98.3, Review criteria and performance standards. (a) through (d)
- (2) All permitted uses in the district shall be subject to all other applicable municipal code standards and procedural requirements, except as modified herein, including the requirements in chapter 27, Subdivisions, and chapter 32, Zoning.
- (3) With site plan approval as stipulated in this section, the maximum number of dwelling units per gross acre shall not exceed thirty.
- (4) All permitted rental dwelling units shall be limited to occupancy by one family or up to two unrelated tenants.
- (5) Open space and parkland stipulated in Article XXV, Landscape screening and treatment, and chapter 27, Subdivisions, shall not apply to any NCV zoned property, except that the Parks and Recreation Director shall require appropriate landscape screening, landscape treatment and tree planting through the site plan approval review process.
- (6) Regarding building design, the following additional standards shall apply:
 - a. Detailed elevation drawings of all proposed buildings shall be submitted including all signage; building materials; building height; the location, height and material of screening walls and fences; outdoor trash and recyclable material storage areas; and electrical, mechanical and gas metering equipment.
 - b. The architectural features, materials, and articulations of building facades shall be continued on all individual facades visible from public streets and sidewalks.
 - c. New structures or additions to existing structures shall not exceed four stories or 48 feet in height.
 - d. Large building facades shall be designed to appear as separate buildings; in other words, buildings shall avoid long, monotonous, uninterrupted walls.
 - e. All buildings shall have well-defined front facades with clearly articulated main entrances facing streets, and shall be aligned so that the dominant lines of such façades parallel the street line.
 - f. Buildings at intersections or corners may employ special architectural features including corner towers, cupolas, clock towers, spires, balconies, or similar ornamental features to emphasize their location; such features may exceed the height limitations established in this section.
 - g. Buildings shall be topped with pitched roofs, including overhanging eaves; flat roofs with articulated parapets and cornices may be permitted. Pitched roofing materials shall include natural or manmade slate, shingles (wood or asphalt composition) and metal formed to resemble standing seams. fascias, dormers, and gables are encouraged.
- (7) Regarding site design, the following additional standards shall apply:
 - a. Required off-street parking shall be determined on a case by case basis, with a minimum of one space per dwelling unit.
 - b. Off-street parking shall be located in rear or side yards only.
 - c. Off street parking for shared uses shall be encouraged; such parking and parking access ways may be required to be dedicated to the City for public use. Payment in lieu of required parking, to be determined by the City, may also be required.

- d. Exterior lighting shall be minimal and shall not exceed lighting typically required for residences; such lighting shall not spill-over or cause glare on adjoining properties.
- e. Rear or side yard service alleys for access to parking, to accessory buildings and or trash collection may be permitted.

The applicant has requested BB zoning. BB is our central business zone which permits the following uses:

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

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

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

In addition, at Council's recent request, a summary of the area requirements for BB zoning have also been included for your information.

Area regulations.

- 1) *Minimum lot area.* The minimum lot area shall be 3,000 square feet.
- 2) *Maximum lot coverage.* Buildings or other structures may occupy the entire lot, with conditions and subject to rear yard requirements.
- 3) *Minimum lot width.* The minimum width of a lot shall be 20 feet.
- 4) *Height of buildings.* Permitted uses in a BB district may be erected to a height of three stories or 35 feet, with bonus floors for projects meeting certain requirements.
- 5) *Building setback lines.* No setback is required for all structures three stories or 35 feet in height or less. A 20 foot setback shall be required for all buildings above three stories or 35 feet in height.

- 6) *Rear yards.* A rear yard of 15 feet shall be provided for all structures in the BB district. The rear yard may be used to meet the applicable parking requirements.
- 7) *Side yards.* No side yards are required for buildings up to 35 feet in height. For buildings with floors above 35 feet in height, a minimum side yard of eight feet is required when contiguous to another lot in the same zoning district. When a side lot line forms the boundary line with any residential district, a side yard shall be required equal to the minimum side yard required for that residence district.
- 8) *Parking.* As required in Code Section 32-45.

In terms of comprehensive planning, the Comprehensive Development Plan calls for single-family residential (medium density) uses at the site. Single-family residential medium density is defined in the Comprehensive Development Plan as “areas designated for dwellings occupied by one family, either detached, semi-detached, or townhouses, with overall densities of 4 to 10 dwelling units per acre.”

In addition to the Comprehensive Development Plan’s land use guidelines for the area, the properties are also located in the Plan’s Economic Enhancement Strategy section which identifies the site as recommended for housing rehabilitation. Specifically, the Plan notes that “housing rehabilitation and affordable housing redevelopment should be concentrated in areas located in the north central and southeastern portion of downtown development framework. Efforts to encourage affordable and market rate family owner- occupant type projects should be emphasized and expanded. The City may also consider reducing the permitted downtown density in projects in this district for residential projects.”

In conjunction with this designation as a “Housing Rehab District” within the Economic Development Strategy of the Comprehensive Development Plan IV, action item commentary is included, which reads as follows:

“Regarding the City’s review of downtown mixed use redevelopment projects with housing components, the intent is to make it abundantly clear that the City seeks positive impacts from such residential uses. One key positive impact for an individual project, for example, might include the potential at the site for affordable housing for owner occupants. In particular, and perhaps most importantly, to implement this action item, Council may need to actively consider density reductions for projects of this type, on a case-by-case basis depending on the location, other site conditions and the nature of the project. Through the City’s multi-year effort to limit the proliferation of off-campus student housing in traditional neighborhoods, we have learned that one of the best zoning tools to promote affordable owner occupant housing is to significantly limit permitted density in approved residential projects to individual families or to no more than two unrelated tenants, or with similar specifications.” The commentary goes further to indicate “this zoning and development approval tool can be packaged with other incentives to encourage owner occupancy. In sum, we want Newark, especially downtown, to become a “destination city” featuring affordable housing for owner occupants, with an emphasis on occupancy for young couples and families, singles, recent University graduates, retirees and other individuals desirous of making downtown Newark a permanent home rather than a transitory residence.”

The applicant’s Comp Plan amendment requests “commercial pedestrian oriented” uses for the site, which the Plan defines as “shopping and commercial uses of all types, including retail facilities for buying and selling of goods and services, as well as administrative and professional offices, personal service establishments, eating establishments, and shopping centers typically included in

central business districts with customers, to a lesser extent, relying on the automobile to patronize these businesses. Residential uses . . . may be permitted under certain limited circumstances.”

Regarding this amendment, please note Plan IV indicates that for residential uses “. . . professional administrative and commercial offices, churches, schools, nursing homes, funeral parlors, community centers, daycare centers, police and fire stations, bed and breakfasts, office research facilities, and similar light industrial uses, and various residential use types, may be accommodated very satisfactorily within areas not necessarily designated for such uses, depending upon the specific use involved, site design considerations, proposed site amenities, and the availability of adequate services and facilities.”

The requested “commercial pedestrian oriented” land use designation is recommended for the downtown Core District which is defined in the Plan’s Economic Development Strategy as:

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

Finally, regarding the requested Comp Plan amendment, please note that in the purposes and plan design section of the Plan, it indicates that the Comprehensive Plan is “not proposed as a warranty against alternative decision making when public needs or experience change – which, of course, may require Plan amendments – but, rather, it is intended as an officially adopted legally required public document designed to establish strategies and policies to ‘guide’ our community’s growth over approximately the next five to ten years.” As you know, the City is currently in the process of updating the Comprehensive Development Plan IV, which was adopted in 2008. The update (Comp Plan V) also calls for residential, low density uses (defined as 10 or fewer units per acre) for this section of Center Street, but given the NCV zoning overlay district would allow more density (30 units per acre) at the site, a hybrid designation might be more appropriate. Under Comp Plan V, the requested amendment land use designation would be Mixed Urban.

Additional information about the requested Comp Plan amendment may be found under Departmental comments.

Regarding adjacent and nearby properties, the lands to the north and northwest of the site are zoned “UN” and owned by the University of Delaware. To the south are two RS zoned parcels. One is the entrance to Municipal Parking Lot #3, which is owned by the City; and the other is a duplex dwelling with two 3-bedroom apartment units, which is a nonconforming use in the RS zoning designation. Further south, fronting on E. Main Street is the BB zoned US Post Office. Just to the west and southwest, the site is adjacent to a municipally owned parking lot zoned BB. Across Center Street from the site is the entrance to another municipal parking lot (Lot #4) zoned BB; north of the parking lot is a 6 unit apartment building which is nonconforming to its BB zoning designation; and further north are several single family dwelling rental units zoned RS.

Regarding gross residential density, please note that the revised Lofts at Center Street Comprehensive Development Plan amendment, rezoning, major subdivision and special use permit plan calls for residential uses at a density of 28.36 dwelling units per acre. By way of comparison with recent, and somewhat recently approved BB zoned projects along Main Street, please note the following densities:

<u>Development</u>	<u>Units Per Acre</u>
Newark Shopping Center	47.79
Campus Edge	25.88
Kate’s Place and Choate Street Townhomes	25.02
Washington House	36.10
102 E. Main Street	20.83
108 E. Main Street	14.71
129 E. Main Street	35.29
132 Delaware Avenue	34.78
One South Main	37.27
58 E. Main Street	44.28

As noted above, the Commission should weigh this requested density against the overall contribution of the project to the quality of the downtown economic and aesthetic environment.

Based on recent discussions at both Planning Commission and Council meetings, the following density calculations are also provided. In terms of bedrooms per acre, the 59 bedrooms proposed for the Lofts at Center Street plan calculate to 69.74 bedrooms per acre. For comparison purposes, recently approved multi-unit developments have the following bedroom densities:

<u>Projects</u>	<u>Bedrooms Per Acre</u>
Newark Shopping Center	95.6
Campus Edge	103.5
Kate’s Place & Choate Street Townhomes	59.3
58 E. Main Street	95.3
102 E. Main Street	62.5
108 E. Main Street	58.8
129 E. Main Street	105.9
132 Delaware Avenue	104.3
One South Main	83.6

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

recommendations that City Council could include in the subdivision agreement for the project.

Be that as it may, as you can see from the Lofts at Center Street Comprehensive Development Plan amendment, rezoning, major subdivision and special use permit plan, supporting letter and applicant's color building elevations, the proposal calls for the demolition of the existing buildings on the site to allow for the construction of a new mixed use building with first floor parking and 3,000 sq. ft. of office space, and 24 two- and three-bedroom apartment units on the second, third and fourth floors. The apartment mix proposed is: 13 two-bedroom units and 11 three-bedroom units for a total of 24 units. Parking is proposed underneath the building on the first floor and on the north and south sides of the building. Parking is accessed via Center Street for the 11 spaces fronting on Center Street including two handicapped spaces, and the remaining spaces are accessed via a new entrance on the south side of the property and a 22 ft. wide private driveway to reach the parking in the rear, underneath of the building and the five spaces situated north of the building. A total of 58 parking spaces are provided, which meets Code for the uses proposed.

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

Please note, in this regard, that on a voluntary basis, the applicants had previously reviewed the proposed project's elevation drawings with the Downtown Newark Partnership's Design Committee. The Committee used the Downtown Newark Partnership's Design Guidelines for mixed use buildings in downtown to evaluate the project. In general, the Committee assessed the development as meeting the Design Guidelines, except for two criteria in the base layer: height and overall proportion. For these, the Committee notes that while the height and the overall proportion of the site meets the zoning requirements of the BB district which is sought, the building is much taller than the nearby buildings and is a large, single mixed use commercial/residential multi-family dwelling in a predominantly detached housing area. Having noted these differences, the Committee indicated that in particular, that liked the bike storage opportunity created by the plan, and that the architecture was a good use of bays and materials to break up a linearly large building. Overall, the Committee endorsed the project, but recommended that pavers or other materials be used for the driveways on Center Street, instead of the proposed blacktop. After the Design Committee's review, the applicant reduced the length of the building by approximately 55' (from 280 to 225), although it remains a 4-story structure. As the project had already received a positive recommendation from the Design Committee for the larger version, the revised project elevations were not re-reviewed by the Committee.

Special Use Permit

Please note that the applicant needs a Special Use Permit for the 24 proposed apartments in downtown.

Zoning Code Section 32-78, Special Use Permits, stipulates that Council may issue a special use permit providing that the applicants demonstrate that the proposed use will not:

- "A. Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- B. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- C. Be in conflict with the purposes of the Comprehensive Development Plan of the City."

Fiscal Impact

The Planning and Development Department has evaluated the impact of the Lofts at Center Street project on Newark's municipal finances. The estimate is based on the Department's Fiscal Impact Model. The Model projects the Lofts at Center Street

development plan's fiscal impact; that is, the total annual municipal revenues less the cost of municipal services provided. Based on the Model's estimate, we project the annual Lofts at Center Street net revenue to the City to be \$6,588.

Please note that the current fiscal impact of the site is not calculated into this estimate. In other words, the impact is calculated from the complete proposed project, and not the difference between what is currently generated and what will be generated if the development is approved. In addition, please note that there is no difference between the first and future years' estimates because the applicant already owns the properties, and therefore, there is no anticipated real estate transfer tax revenue in the first year from the sale of the Lofts at Center Street properties.

Traffic and Transportation

At the request of the Planning and Development Department, the Delaware Department of Transportation (DelDOT) has reviewed the Lofts at Center Street Comprehensive Development Plan amendment, rezoning, major subdivision and special use permit plan. The Department indicates that the project does not meet the warrants for a Traffic Impact Study (TIS), which is 400 trips per day and 50 per peak hour. Having said that, and recognizing that Center Street is a City owned and maintained street and therefore, beyond DelDOT's jurisdiction, they recommended that the City require the engineer to demonstrate, using turning templates, that the site can accommodate the largest vehicles that would circulate through it. Of particular concern to DelDOT in this regard would be delivery vehicles for the commercial portion of the building, and the residential vehicles entering and exiting the rear garages of the area. (Note: the plan reviewed by DelDOT showed an 18' wide access drive in the rear of the building. Based on comments for Public Works and Water Resources, the driveway was widened to 22' and should, therefore, eliminate the rear garage existing concern).

Subdivision Advisory Committee Comments

The City Subdivision Advisory Committee – consisting of the Management, Planning and Development and Operating Departments has reviewed the proposed Lofts at Center Street development plan and has the comments found 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. No trees over 18 feet at maturity may be planted under power lines.
2. If the building interferes with the City's smart metering system, the developer must pay to remedy the issue.
3. The Developer must pay \$17,300 towards transformers, meters and on-site materials. One half or \$8,650 of this fee is due before the first building permit is issued. The remainder will be due prior to the first CO. In addition, there will be a \$300 fee for commercial meters. All costs are subject to CPI adjustments.

Parks and Recreation

1. For the trees located in the sidewalk easement, tree pits and a grate system to mirror those on Main Street are required. The "up-lighting" (in Main Street tree pits) will not be required.
2. The tree in the narrow area in front of the building should be moved to the "west" landscape easement. Likewise, the tree in front of the building with the transformer and bike rack should also be relocated to the "west" landscape easement.
3. In order to ensure species diversity in the area, the ten (10) Emerald Sentinel trees should be changed to Vermeulen Yews; and the eleven (11) Crepe Myrtles to either Franklin trees and/or Sourwood trees.

Police Department

1. The Department acknowledges that the plan meets Code for parking, but notes that residential parking is a concern in the area. Further, the Department indicates that residential parking permits will not be issued, nor will guest passes be provided for this development.

Public Works and Water Resources

Water/Wastewater

1. Water meters for each unit must be centrally located and installed at the developer's cost.
2. STP fees are due prior to the issuance of a CO for each unit.
3. The applicant will need to run a flow test on the water system to confirm that there is adequate flow available for the fire protection system. This needs to be confirmed prior to City Council review because if there is not adequate flow, City Council must be aware of method proposed to provide it.

Public Works

1. Trash pickup will be privately provided. More details on how the dumpster area will function and how it will be enclosed and screened will be necessary prior to Council consideration. (Note: more discussion on the dumpsters is included in the Planning and Development Department comments).
2. Due to the multiple utility patches necessary and the long linear patch in front of the proposed building, the developer will be required to mill and repave Center Street from the storm tie-in to the end of the property line, including all curb along the property's frontage (or escrow or bond the monies to do so) before the issuance of the first Certificate of Occupancy for the project.
3. The engineer for the project has indicated that the plan has been verified to meet truck turning radii using an Aetna Hook & Ladder Company aerial tiller model truck (11' inside turn radius and 28' outside turn radius). A copy of this analysis should be forwarded to the Department before Council consideration.
4. The mid-block handicapped ramp proposed will require a reciprocal ramp opposite it on Center Street and south of the Linden Street intersection. The developer must install this ramp and the associated striping as part of the project.
5. The department will have additional comments during the CIP process.

Planning and Development

Code Enforcement

1. The building 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. Likewise, the IFC or DE State Fire Prevention Regulations, whichever is more restrictive, will apply. Plan Note #4 should be updated to reflect this requirement (2015 DSFPR) before Council review.
2. Three (3) handicapped parking spaces are required for the development, one of which should be located under the building. Only two exterior handicapped spaces are identified as provided. The plan should be revised to show all required handicapped spaces prior to Council review.
3. Clarification of how many floors the elevator will service is needed. The location may also need to be adjusted as it appears the elevator opens into the storage room, which is not permitted.
4. All egress doors shall open in direction of egress travel.
5. A 6 inch minimum fire line is required to service the building sprinkler system. The domestic water service may also need a booster pump. (See PWWR comments above).
6. An easement and access agreement to place the trash compactor on the adjoining property will be required prior to the issuance of a building permit.

Planning

1. As previously noted, the parcels are zoned RS and part of the New Center Village (NCV) overlay district. The overlay permits the underlying RS zoning uses, as well as other uses under a parallel set of special provisions and conditions. When the NCV overlay was adopted by Council on June 14, 2010, the long-term goal for the overlay district was “ ... to create a relatively high-density, attractive residential neighborhood for owner-occupants seeking a college town urban lifestyle with immediate proximity to shopping, services, nightlife and a lively downtown ambience.” Further, the proposed optional overlay zone was intended to link zoning flexibility with rigorous design criteria rather than adding or modifying the restrictions in the underlying (RS) zone in the New and Center Streets area. NCV allows a maximum density of 30 units per acre, and requires that all new development be subject to site plan approval. Site plan approval permits area regulations to be waived, with Council approval, for plans with excellence in site design and arrangement. In addition to the above, all properties redeveloped under the overlay district are limited to a maximum of two unrelated tenants.

In addition, and as previously noted, the Comprehensive Development Plan's land use guidelines, which, in general, follow the zoning of properties, call for medium-density single-family detached residential units at the site and advises caution when adding more residential units downtown. Further, the Plan's economic development strategy report designates the area for which the Lofts at Center Street proposal is planned as a rehabilitation area for single-family homes.

Therefore, the requested rezoning and comprehensive development plan amendment are a significant departure from both the current zoning and the comprehensive development plan guidelines. A policy decision is, therefore, necessary to determine how to proceed. Previously, the city slated this area for higher density residential uses than the RS zoning would permit in exchange for owner occupancy; and indeed, the Comp Plan reflects this through land-use recommendations and the economic development strategy. On the other hand, the New Center Village overlay district has been in the City's Zoning Code for nearly five years (approved June 2010) and no one has yet to take advantage of it. When the department has discussed the overlay zone with potential developers the response has routinely been: 30 units per acre are not enough to fund an owner-occupied (condo) development at the site, especially given the site design conditions – or more often, the banks are not lending money for owner-occupied developments.

In addition, as one looks at Center Street, its composition and its proximity to Main Street, a portion of the street is already zoned BB. Specifically, the south west corner (the post office fronting on Main Street), the mixed-use building at the corner opposite the post office (southeast corner), municipal parking lot #4 which has an entrance off Center Street, and the non-conforming, six unit apartment building across Center Street from the site are all already zoned BB. While the remainder of Center Street is zoned RS, it contains a nonconforming duplex of two apartments with three bedrooms each and another municipal parking lot entrance (Lot #3) on the west side, and single-family residential rental units. There are presently no owner-occupied dwelling units on the street, and given the current economic conditions and property sales values within this proximity to downtown, a return to owner-occupancy, even with the increased density of 30 units per acre permitted by NCV, seems unlikely in the foreseeable future.

From a planning perspective, the proposed use, regardless of the zoning requested, is mainly a residential use in that the proposed office space is only 3,000 square feet of the four story, approximately 11,250+/- square foot footprint building. The Department's concerns, therefore, would be for allowable density and permitted commercial uses, both of which are addressed in comments below.

Therefore, the Commission, and ultimately, City Council will need to determine if expansion of the BB zoning designation, and a change in the land use guideline's designation in the Comp Plan makes sense at this particular location. As earlier noted, the verbiage in Comp Plan IV makes it clear that as a tool the Plan is "... not proposed as a warranty against alternative decision making when public needs or experience change ..." "and therefore, Comp Plan amendments and rezonings may be necessary from time to time." In other words, if the Commission, after review of this report and consideration of the applicant's presentation and public comment, believes that the development as a whole is of benefit to the Newark community beyond the existing single family rental uses at the site, the Commission should recommend approval. The reverse is also true.

2. Regarding the proposed office use, should the Commission recommend approval of the development, to insure the residential nature of the building, the Department recommends that the property be deed restricted, prior to the approval of the Construction Improvements Plan, to prohibit the following BB zoning permitted uses:
 - (1) Retail and specialty stores.
 - (2) Retail food stores
 - (3) Restaurants of any type
 - (4) Finance institutions, banks, loan companies.
 - (5) Personal service establishments.
 - (6) Repair and servicing, indoor and off-site, of any article for sale which is permitted in this district.
 - (7) Related indoor storage facilities
 - (8) Photo developing and finishing.
 - (9) Motels and hotels.
 - (10) Commercial indoor recreation and indoor theaters.
 - (11) Tower, broadcasting and telecommunications installed on existing buildings or structures
 - (12) Church, or other place of worship, seminary or convent, parish house, or Sunday school building.
3. Regarding the requested density, the Department notes that the applicant has reduced the number of units requested by 20% (original request was for 30; and the revised plans are for 24 units) making the development roughly equivalent in density (28.36 units per acre) to what the NCV overlay zoning allows (30 units per acre). The proposed development is also less dense than several recently approved BB zoned mixed use developments (One South Main – 37.37; 58 E. Main Street – 44.28; and 132 E. Delaware Avenue – 34.78) and a little more dense than the BB zoned mixed use buildings in the general vicinity of the site (102 E. Main Street – 20.83; 108 E. Main Street – 14.71; 124-126 E. Main Street – 16.5; and Kate's Place and Choate Street Townhomes – 25.02). Further as one considers these less dense developments in the vicinity of the Lofts at Center Street (used for the density comparison) it is important to note that these developments required significant parking waivers to accommodate their development. The Lofts at Center Street proposal meets Code for parking at the density requested (which, frankly, is unusual for a BB zoned project), and the Department suggests that the revised density in terms of units per acre is near what it should be. You may remember that the Department had originally suggested 22 units per acre for the site, should the development be approved.

Having said that, however, because the applicant is proposing an increase in density from the five rental units currently at the site with the RS zoning occupancy restriction of three unrelated residents (resulting in 15 +/- individuals residing there) to 24 units, with a BB zoning district restriction of one family or four unrelated individuals for the two-bedroom units only (or 13 of the proposed 24 units), resulting in a minimum of 96 people allowed to reside there; and, further, because the NCV zoning would have restricted rental units there to two unrelated individuals; the Department believes, the entire site, regardless of the number of bedrooms provided in an apartment, should be deed restricted to permit

only four unrelated tenants per unit. The Department believes that this limit will help reduce the impact of the potential occupancy on the surrounding area.

4. Regarding parking at the site, the Department has previously noted that the 58 spaces provided meet Code for the uses as proposed. Having said that, double stacked parking is only suitable for residential uses, and should be assigned as such. In addition, because no guest parking spaces are available for the residential uses, the 10 spaces required for office use, should be reserved for those uses during hours of office operation. A parking assignment plan should, therefore, be presented as part of the CIP.
5. The Department indicates that consolidation of the trash and recycling area with the residential and commercial trash and recycling of the 102 E. Main Street development and the residential portion of the 108 East Main Street property is a benefit of the proposed development. Trash compactors for this area will be required and will significantly clean up the north east corner of municipal lot #3 and result in at least one, possibly more, parking space(s) added back into the municipal public parking inventory. In addition, to limit insofar as possible the trash and recycling needs of the commercial space in the 108 E. Main Street building (which is under different ownership) on municipal parking operations, the applicant should discuss combining trash and recycling services with the owner (of that commercial space) to provide a consolidated trash and recycling center for all uses at the Lofts, 102 and 108 East Main Street. That consolidation would result in additional parking spaces returned to the municipal parking inventory. Regardless, the trash and recycling needs for the Lofts at Center Street, when combined with other holdings will not be permitted to impede any parking spaces in municipal lot #3. In other words, should negotiations with the owner of the commercial space of 108 E. Main Street fail, trash and recycling to serve the new development cannot take up any more room than is currently allocated for such purposes in the municipal parking lot; and a location on the Lofts site to accommodate trash will be required. Finally, concerning trash compactors the applicants should consider front loading compactors like the one currently being used at the renovated Mc Donald's building on Main Street. Front loading compactors will allow trash service via the new Lofts at Center Street drive from Center Street, thereby saving wear and tear on the municipal lot – another added benefit of the development. Finally, as noted under the Code Enforcement Division comments, an easement agreement will be necessary to accommodate the trash plan.
6. The Department notes that the reduction in the length of the building is an improvement, not only for unit density but for the additional green space over the previous plan, and because it saves at least one valued tree which was previously slated for removal.
7. Finally, 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 plan area lighting should be designed to limit impact on adjoining and nearby properties.
 - The building should be designed to allow for future conversions to condominiums.

Recommendation

Because with the Comprehensive Development Plan amendment, the project will conform to the land use guides of the Comprehensive Development Plan IV, and because

the rezoning, major subdivision and special use permit, with the Subdivision Advisory Committee conditions, should not have a negative impact on adjacent and nearby properties, and if following the Planning Commission's review of this report and consideration of the applicant's presentation and public comment, the Commission determines that the project as a whole is of benefit to the Newark community and is compatible with downtown Newark in terms of design, scale and intensity of development, the Planning and Development Department suggests that **the Commission take the following actions:**

- A. Recommend that City Council revise the existing Comprehensive Development Plan IV land use guides for this location from "single family residential (medium density)" to "commercial (pedestrian oriented)"; and,**
- B. Recommend that City Council approve the rezoning of the .846 acres from the current RS (single family residential detached) zoning to BB (central business district) as shown on the attached Planning and Development Department Exhibit A dated October 7, 2014; and,**
- C. Recommend that City Council approve the Lofts at Center Street major subdivision and special use permit plan as shown on the Karins and Associates Engineering plan dated May 5, 2014 with revisions through January 9, 2015, with the Subdivision Advisory Committee conditions."**

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

Mr. Silverman: Do the Commissioners have any comments on the Department's report?

I do have one comment on the internal Subdivision Advisory Committee report. I looked at one of the Tsionas' property off of Chapel Street that was just built behind the 7-Eleven, I believe, that faces on Delaware Avenue.

Ms. Feeney Roser: Continental Court.

Mr. Silverman: This Commission went to a lot of trouble, the Department in convincing the owner went to a lot of trouble, and the owner went to a lot of expense to wrap the face of the building around the side that is on Chapel Street – brickwork, detailing, more than standard windows. The City Electric Department in its desire to locate meters has completely cluttered up the side of that building with electric meters, large diameter conduit and it appears to me that all of that could have been moved around the corner out of sight, out of mind on the back of the building. I would hate to see this property, assuming it moves forward, with the work that has gone into the architecture with the high visibility as part of our downtown, to have the same thing happen to that project with the electrical power provided to the building being located to neutralize some of the detail work that has gone into the face of the building. I am particularly concerned with damaging trees that a number of people and groups have been involved along with the developer through redesign in saving with respect to underground trenching or the famous Delmarva, let's cut a hole through the center of the tree and have the branches go around it, kind of thing. So, if that message can be conveyed back to the City Electric Department, from my point of view, would be appreciated.

Ms. Feeney Roser: Mr. Chairman, I would like to respond. Not to contradict you, but in that case, we have had the conduit buried on Continental Court so it is not coming down the wall. The meters are still there and we are working with the owner to have them screened. But, it is an issue that we will take back to the Electric Department.

Mr. Silverman: It is something for all parties to keep in mind, if that can be worked through. Are there any questions from the Commissioners? We will hear from the applicant.

Mr. Jeff Lang: Recently relocated to W. Park Place. It is a pleasure to be here this evening. Thank you for your time.

As you know, we started this process with our original application back in May of a year ago, hence, the dates on the original submission plan that were delivered this evening.

We arrived at Planning Commission in October and for reference what I have done and given you this evening is the original building design and the redesign. As Ms. Feeney Roser commented at length about some of the issues relating to this project, I want to highlight what we have done to address some of the concerns of the Planning Commission, and some of the concerns of other people we spoke with regarding our project, to try to make it a more palatable project for the community. We thought originally that the first building design – and we were enamored with the architecture. As you can see, we thought the building gave it a very nice residential feel but still maintained the downtown idea of mixed use – commercial space, a nice residential space above and garage units. As we continued to move through the process we started to think about the site design. Obviously, this is a long linear site. It is about 93 ft. by 400 ft. and as you dealt with the parking dynamics, and as Maureen pointed out at length, the fact that we do meet Code. Even our original building met Code, but it was due to the fact that we put a driveway behind the building. When you put a driveway behind a building to access garages in the back of the building, your building gets thinner, which, hence, means your building gets taller. Many people believe that development should actually get taller instead of getting wider when you think about site design. Obviously, as we went through this process, we started thinking about the trade-offs when we heard about the size and scale of the building. So, some of the dynamics of the process were to think about Planning Commissioners' comments and should the building get smaller, take a floor off or should we actually keep the size of the building but make the building shorter. Another one of the big concerns was the trees. We were very concerned about the two large trees on one side of the property. We, actually, have designed this site many, many times with different types of buildings. As you know, when we get to your level here we have made a submission of a proposed plan, but we have worked through three or four or five different ideas. On this site we had two towers with a park in the middle, parking on either side, parking underneath, we have had multiple individual buildings. We felt really that this was the best transition from what we feel is the downtown Main Street area to what we call Center Street, Choate Street and Chapel Street. Obviously, we were here on a project on Chapel Street a number of months ago. We really feel that this is the growth area for our downtown. We think it is very important to continue to have projects that have the opportunity to transition the commercial component into another area other than continue to redevelop on a linear basis of our town. We have Delaware Avenue, Choate Street, Center Street and Chapel Street, as we have talked about.

To get a little bit more into the site design, we made the building 20% smaller, but it depends on ratios. It is either 25% or 20% smaller. It depends on how you calculate it. We created a nice green space here. A nice park-like area keeping two large trees. We actually discussed at length with the Electric Department the ability to save one of those trees because one of the plans was to request us to eliminate one of them even though we were proposing to save it. But, after discussions with staff and the Director of the Electric Department, he agreed that he thought it was logical to save. The new elevation shows the introduction of the trees. The trees, in our opinion, are going to greatly enhance the view of the building. They are going to make the massing of the building much smaller and they are going to shield it much from Main Street. So, as you walk down Main Street – and I have a picture of this – you are going to see the trees, maybe a little piece of the back of the building, and then this is going to be the turf field back here. So, the nice thing about it is you are going to create this great open space – green space and then open space behind. The turf field feels like green area. Obviously, it is Astro Turf so it is green but it's not naturally green, but it is still a nice benefit to the community – the field connected to that space. As many parks, even though you can't access some of the parks, just the massing and the openness of it really assist in the scale of a lot of your urban settings. Eventually, the post office, the area behind the post, you have one house, if the house was ever not there, you would actually be walking down Center Street seeing straight through to the turf field with the two beautiful trees there buffering it, with a little grass area, park area and our building. We really think it is a great, logical transition from our Main Street and really a nice addition to the community.

Conversely, to give you our original submission, this kind of exemplified what it would have looked like. This is the massing of the building. No trees, no green space. I have been doing this a long time, as has Chris, a collaborative effort really after we started thinking about the concerns of the Planning Commission and how to make this project work better, I really think this is a better project. It is hard when you are at our end of spectrum to

look at what can we build here, what is going to make sense, but ultimately, I think this is a nice compromise and nice redesign and I think will be a benefit for many years to come.

With regards to any of the other comments, we are here to discuss them. There were a couple of comments with regard to the deed restrictions and density and some other things, but we don't need to address them presently. We can wait for your comments and then address them as we go through the meeting. We appreciate the time and we are here to answer any questions. Thank you.

Mr. Silverman: Do any of the Commissioners have any questions for the applicant?

Mr. Stozek: Two quick technical questions. Right now parking is allowed on both sides of Center Street. Correct?

Mr. Lang: Yes, Sir.

Mr. Stozek: I am looking at the south entrance driveway. I know you said the fire company looked at access of the trucks. I guess I'm just wondering about what appears to be concrete bump outs both on the front and also back towards the dumpsters. Are you sure that has sufficient turning radius? I'm assuming if they came in the south side.

Mr. Lang: Our engineer has provided some preliminary turning radius information to the Public Works Department and we are confirming that, but according to the information that we have reviewed and supplied that will, in fact, allow a fire truck to turn there. The other plus we didn't really point out – and Maureen did talk about it a little bit – the difficulty is really the two-sided parking that presently exists. Our project will actually eliminate parking on our side of the street. So, there would be no parking allowed on our side of the street for the entire frontage of the property.

Ms. Feeney Roser: That is residential permit parking only. So, it serves only the rental properties that are there.

Mr. Lang: Presently, that is what is there. Fortunately, we won't have any of that anymore because all the parking will be either in our building or outside of our building on our site.

Mr. Stozek: What is the height of the building? On the original elevation, it showed a height. I don't see it here.

Mr. Lang: It really depends on how you measure buildings, but the building is 14 feet-first floor, 12 feet, 12 feet, 12 feet. So, it is a 50 foot structural building. Now there are pieces of the building that do stick up above that point, but they technically are not part of the measurement process when we build a building. So, we have a 14 foot clear floor-to-floor and then three 12 foot clear floor-to-floors.

Mr. Stozek: But, that is not to the peak.

Mr. Lang: The roof is not a true joisted roof. It actually is peaked and has flat areas in the middle for mechanical.

Mr. Stozek: I'm just curious, looking at the front of the building what is the perceived height of the building.

Mr. Lang: Probably somewhere around 8 feet because floor-to-floor the top of this window is going to be about 9 feet and then there will be an area in there where you will have structure and then you will have another, probably, 8 feet.

Mr. Stozek: About 58 feet +/-?

Mr. Lang: I would imagine – yes.

Mr. Stozek: I'm looking at the location of the dumpsters. What do you see as the typical egress from the building for the residents to go to dumpsters? Where do they come out of the building?

Mr. Lang: The residents will egress through two stair towers. There is a stair tower here and a stair tower here. They will walk down here cross and then access the dumpsters on their way to Main Street which is where they typically go to class, if they would be residents that utilize the University.

Mr. Stozek: So, they would be coming out of the front of the building and then go back around to the dumpster.

Mr. Lang: They can't come out of the back of the building because, in theory, would get run over by a car. That is why you are not allowed to dump stair towers into fire lanes. We could put them on the ends of the building. The problem with putting them on the ends of the building is they take away some of the best spaces within the building and the aesthetics of the building do not look as well.

Mr. Stozek: Approximately, what is the travel from the exit doors out the back to the dumpsters?

Mr. Lang: I'd say it is about 150 to 200 feet.

Mr. Hurd: In the question of the rezoning, what do you feel is the benefit for getting a BB zone for this building?

Mr. Lang: What do I think? I think the logical growth of our community is not linear, so I think that there needs to be growth from the BB district into some of the adjoining side streets be it down Haines towards what would be Continental, and Benny or would it be Delaware Avenue to continue to be linear or would you try to expand your growth into this district in here? I really envision this area as being a nice mixed use type of environment where you could have support office, maybe some eventual support retail, on a limited basis, and it is really a confined area. You are really dealing with three streets, but it is a great growth area. You are confined within that district there. So, that is why I think the logical zoning is BB. If we just did all residential here, would you really add any long-term benefit to the growth of your downtown? We could have done just all residential. You have the University next door. They have a big turf field. It is a very active recreation area. This is an area adjacent to your post office, adjacent to your main drug store. We're within 600 feet of a number of very nice restaurants. I think it is a nice infield area as you go up Choate Street and eventually up Chapel Street, which really would create a nice dynamic walking environment for your downtown rather than having to be at Newark Shopping Center and walk all the way up to the Deer Park. It is a much more confined growth area. That is my continuing thought on how that area should be developed.

Mr. Edgar Johnson: My concern, Jeff, is that we seem to be with all these projects, not only yours but other developers, losing the RS zoning in the center core of the City of Newark, and I am concerned about that. And, then, you talk about the benefit of what you are doing compared to the benefit of leaving it residential. Can you define benefit for me as you used it in that term?

Mr. Lang: Single family residential has its merits in many semi-urban settings. No doubt about it. I think this, unfortunately, has been encroached upon many, many years ago from a true single family residential ownership perspective. So, the trade-off is do you want to have rental houses or do you want to have a more organized development which is able to be managed and professionally built and maintained and be a nice opportunity for one type of resident now and maybe an owner occupant later. The nice thing about this design is we are building a building that has garages. Every unit has its own garage. Even the Washington House doesn't have their own garages. So, if there was a logical reuse of this in the future and there were market conditions that existed for this to turn into a condominium building, then there is an opportunity, but it has to be built first. I think the true single family residential in Newark that needs to be thought about is all the houses from Kent Way down to Ritter on that side of the street where there is a tremendous amount of opportunity for single family continued ownership over there. There are a lot of rentals over there, but as we hear from our housing consultants, we need to continue to build housing to support the University growth. If we don't build it here, where is it going to be built? You're going to see it built either much more remotely and students don't want that or you build in locations

like this and then when more of it gets built then there are opportunities to reuse it. I just don't want see our true present single family houses turned into rental houses because the rental value is higher than the single family value. Edgar, it is frustrating when I look over, even where I live, there is a family trying to buy a house over there and the house is \$280,000 - \$300,000. I am looking at it and going, I could buy it and rent it and make the numbers work, but I don't want to buy it because I want families to buy it. I'm on both ends of the equation here because I am looking at it going, it is an economic benefit to turn that into a rental project and you are hoping that people don't want to do that. Students only support that because there are no other options for them. So, we need to create options for them to stay in one area so that they don't creep into the areas that we want to retain or maintain as our real core. I don't think that this street is our core single family neighborhood any more.

Mr. Johnson: I'm concerned that we keep talking about student housing, we don't talk about rental housing for young professionals downtown. Let's be frank, young professionals can't afford to live there.

Mr. Lang: Edgar, we actually looked at this and we talked a little bit with Maureen about it, but we actually could redesign this building for young professionals because the units would be smaller. Instead of being 1,000 or 1,100 sq. ft., they would be 600 sq. feet, but they would be one bedroom or one bedroom with dens, but we would need 80 parking spaces. So, we would need 90 parking spaces and we only supply 58. We would have to come back to you and say, look, we need a parking waiver for 35 parking spaces. The discussion really has to take place and where are the Zoning Code requirements going to drive that? Young professionals, as we all know, don't want to live with two or three or four other people. They want to live with themselves or maybe one other person. They want smaller places, they want more co-sharing places. We have been working with the entrepreneurialship program at the University of Delaware with the Business Department and we have been talking to some of their recent grads. They all want to stay around Newark and where do they get housing. One of the problems with trying to build them housing is there is a concern about unit density. There is a concern about parking and how do you balance that as a developer and where do you build it? So, there has to be a cohesive effort by the entire City to try to promote that, not just tell you they want to build that and I need a parking waiver. Everybody will go, why do you need 40 units? You can do 24 units. So, there are ways to design those buildings, but there needs to be a cohesive plan on how we are going to do it and where we are going to do it.

Mr. Johnson: Would it be your opinion that it would be in the best interest of the City of Newark to get rid of RS zoning downtown say, between Cleveland Avenue and West Park – just eliminate it and make it all BB?

Mr. Lang: One of the problems we all fall back on is this Comprehensive Plan, which is really a guideline. It is really a planning guideline to look at what we want to do with our town and there is a lot of input at that level. Now, is RS part of the Comprehensive Plan? Definitely, but is it part of whatever you consider to be downtown? Years ago we determined that Main Street was our downtown core and it went up and extended down South Main Street. Maureen was much more involved with this than I was exactly in the definition of where that area was, but this area, I really think is part of that real downtown district that should either be BB or some form of commercial that promotes commercial and residential growth. It is almost a mixed urban that you are talking about in the Comp Plan V, but what is mixed urban? Is mixed urban BB? That's more of a direction from a zoning person talking about it vs. practical person looking at the reuse of this property. That is what I think that reuse area should be. It should be BB, and is RS part of that? Not in today's present economic model in Newark, it's not with what houses cost and what rental values are worth. Very few houses are actually worth more than their rental value in town, Newark, presently, which is a shame, but that is the economics right now.

Mr. McIntosh: Do you have any idea when there was a time where there was an owner occupied building/house on that street or any street in the downtown area?

Mr. Lang: Well, to my knowledge there are none on Center Street at all anymore and there is one in that whole district.

Ms. Feeney Roser: There is one on Linden Street.

Mr. Lang: There is one on Linden in that whole three block district and, obviously, at some point there will be a desire for him to relocate for the economic benefit of relocating because he will be able to buy a house in Oaklands and make money on his house and end up with a better house, but that is economics.

Mr. McIntosh: I'm just trying to get my hands around talking about residential in the downtown area. There are some downtowns that scream for that kind of thing. I'm not so sure that Newark does because the people that live here have actually chosen not to do that and I don't know that we are going to change their mind on that going forward. In the meantime, what do our streets look like? How viable is our downtown? I can remember when we first moved here the downtown was not much and now it is very vibrant and that has been over about a 30 year period and I think that is good. It is good for the community. It probably helped grow the University. I'm less concerned about the residential area downtown knowing that you could change this to owner occupant facilities if things change and people say, you know what, why don't I live downtown and own a piece of property downtown. If you had enough demand for that then many of these places, I'm sure, could be turned into condos.

Mr. Lang: Frank, I think if everyone's perception went downtown, I moved from Valley Road, which is 5 minutes away to West Park, I was moving downtown. So, I think of West Park, Winslow, Sunset, Orchard, I think of that being part of our downtown fabric. That is the downtown fabric I think about as being single family, Kells Avenue, even East Park. I can see, hopefully, E. Park Place maybe even converting at some point because it is still entrenched as a big student rental area but there are a lot of people that are reinvested in these parts, and W. Park also. So, those are the areas that I think of as downtown single family. I don't think about Center Street or Haines Street. Haines Street has four or five houses on it. Businesses are all in them. Even upper West Main Street is a street we should think about trying to maintain as a single family ownership because the lower part of West Main Street is starting to roll over into student rentals because it is so close and the students have an option to live there because they don't have other options. So, it goes back to the study they presented last night to Council and, actually, last night they talked about occupancy in our market is down to 1.4% vacancy from 1.9%. So, it is even much lower than they even thought it was and a healthy market is 5% vacancy. So, we actually need a tremendous amount of additional supply just to meet a healthy vacancy rate. So, as Edgar talked about young professional housing, we need to create more and more housing opportunities to allow other properties (whichever properties they are) to be converted to properties that provide opportunities for a different economic strata, let alone the strata that is not even being handled for a more affordable side of the equation, which is a whole other equation to talk about. That is what I think about when I think about downtown. I think about downtown being anything that is adjacent to the core of the University, not necessarily one or two streets in a random location.

Mr. Cronin: But, do you think this site on Center Street, if you were to build townhouses like you have off of Casho Mill Road, would appeal to young professionals and first time homeowners and would have the single family occupancy? Perhaps it is a question of the product and the design and the perception of what is being built as to who chooses to come and occupy them. Of course, those would be for resale if they were built there, but wouldn't that give us the young professionals we seek in this RS site and living close to downtown. It is a different mix, a different product but I think there could well be a market for that.

Mr. Lang: I think one of the issues is, and we have even seen it in some of the townhouse communities that we have recently been involved in, even as remote as they are, they are being bought and rented. So, at this location, they would be bought and the economic benefit would not be to live there, it would be to rent it because you would be able to get such a good rental number, so instead of having one owner of 24 units you would have 24 owners and then how do you manage that? As a city it is very hard to manage all these random rental units all over the place. It is unfortunate because rates are down so low that you can afford so much as a rental owner buyer. So, the amount that you would pay for a townhouse, you would pay such a small number for such a great rental income, they would

all become rentals, unless you tried to deed restrict it. The land value is so expensive that they would have to spend so much money to buy one they would be priced out of the single family young home buyer anyway. That's why they buy in more remote locations because the land value is much cheaper. So, an acre of property in downtown Newark is probably somewhere around \$2 million. An acre out further is worth \$200,000. So, the dynamic of the economics doesn't lend itself to young homebuyers. What it does lend itself to, if we had buyers in the million dollar price range, you could build 10 row houses here and sell them for a million dollars and you would have your homeowners, but you can't build that in Newark. You can build that in Chicago. You can build that in New York City. You maybe build it in Philadelphia. You can't build it in Newark. We actually looked at these types of units and said, oh, we can build these things, but they are going to be \$800,000 - \$1 million. Who is going to buy them? Bob, you know more about the residential market than anyone as far as sales. That is the unfortunate dynamic of this location. There is an opportunity in other places, it just doesn't happen in your central business core. This is a half a block from your most expensive commercial space in your downtown area. So, it doesn't lend itself well to a lower priced housing product.

Mr. Stozek: I guess where my main concern with this comes is, the City and the Council in their wisdom has already looked at this area and created this overlay called NCV, which they were talking about. From what I've read, since I wasn't on this Commission at the time, part of that is driven by wanting more diversity downtown, congestion, traffic, all those kinds of things. Last night I was here to hear the report of the housing study that was done and there were a myriad of things discussed at that meeting, some of those topics about millennials, and I guess those millennials are the young professionals you are talking about. Although, I sometimes think of millennials as new families just starting out. Where can they go? What the Council said last night was they were going to authorize a Phase 2 of this housing study because the Phase I primarily looked at just student housing. That is like 90% of what the study was. Phase 2 is going to look at other types of housing. It is going to look at what other cities have done to promote diversity in housing. In theory, they are supposed to come back in three or four months with some sort of recommendations of what we could do for a long-term plan. There were some comments last night that said we should just let the market drive everything and let students fill up the center of town. So, there is a lot of diversity in thought here, but I'm thinking that since the Council has already talked about this NCV area they came up with that for some apparent good reasons, and I have heard that nobody wants to finance, nobody wants to build that kind of housing. Like Bob said, it depends on what it is you are proposing. What has the City done going out to look for proposals for different ideas? It has nothing to do with your project. I'm just thinking what are the long-term ramifications of this. This is like another domino of more student housing in the center of town. Maybe it is too late to do anything about it. That might be the reality. I would hope that it's not.

Mr. Lang: What we have been talking about and striving to do with all of our new designs is to design buildings that have flexibility for reuse and that is one of the reasons why we have been talking about floor heights. We actually have had a commercial tenant in one of our buildings who asked us if we would eliminate the apartments above so they could expand into it. Unfortunately, they didn't want to sign a long enough lease to justify eliminating all the improvements that you just put in, but there is that opportunity and if you build buildings that are convertible from an architectural design and from a basically overall appeal factor. Could this building be converted easily to additional commercial space? Possibly because you have the 12 ft. floor-to-floor on the upper floors. It is not ideal. You want a little bit of 13 or 14 ft., but still, it is much better than a 10 ft. floor-to-floor like you would see in a typical old apartment project. Also, with this design of these garages, these apartments are about 1,000 to 1,100 sq. ft., so they would be very easily converted to owner occupant condominium units if the market supported that. We have been involved in a condominium project for 12 years that we haven't been able to get out of. We are dealing with the reality of how it doesn't work and we are dealing with the reality of how banks are saying, are you crazy, you guys want to build a condominium project. This building could be converted if the market dictated it and if the units dictate it. But, as we just talked about with the values, the rental value has to get lower because you have to add additional supplies then the rental numbers come down. Then, the value of it as a single family or a condo would go up as time goes on because more people would be appealing to who wants to live down in the area. If you have lived in the Washington House or anything to do with that,

the price points were there. They came down. Hopefully, they go back up and it is really a supply and demand issue as it relates to what else is available and what the ultimate economic value of rental vs. owner is. The overall for this project is, we've designed it so that it does have a tremendous amount of flexibility and that is what we were thinking towards. We even thought about, even in our design, you could actually split these units. Because of the way they are designed, this building is very thin and very long. So, the units are about 22 by 55 ft. You could divide them in half and you could actually create two units at some point. So, you could create the studios and the one bedrooms out of a two bedroom unit if the market dictated that to us. That's really the ultimate flexibility with any building you build. You want to have that opportunity.

Mr. Stozek: Have any apartments been converted to condos in Newark in the last 20 years?

Mr. Lang: It is all market driven. We just talked about it. If the vacancy wasn't 1.4% and there was an oversupply then people would be converting them. People would be buying them, like myself, and converting them for sale because there is a market for them. You have to let the market evolve.

Ms. Feeney Roser: Actually, Villa Belmont was a rental apartment complex. It is now condominiums. I'm not exactly sure when that happened. It may be a little more than 20 years ago, but that is the only one I can think of.

Mr. Silverman: Also, what I'm hearing, even though you have the potential to convert from 800 ft. to two 400 sq. ft. units, the thing with our codes that really stops that outside of the banking interest is the parking. I believe that you or another applicant was describing it in an earlier meeting that the way you build in Newark is you find out what your parking requirements are, see if you can get a big enough parcel and see whether you can derive a profit out of the building that you can put on the area that is left after you meet the parking requirement, which is kind of backwards for an urban area, but that is the way we do it. So, I'm getting by inference that additional parking through a parking building downtown where in an ideal world a developer on Center Street wouldn't have to worry about parking for those extra people who can only afford the \$500 a month who are starting out, they park their car literally remotely as they would in any other city or choose not to have one.

Mr. Lang: That would be a long-term opportunity for the city to really capitalize on with some of these buildings that are being built with parking underneath of them and/or buildings that could be converted and/or modified to smaller units for young professionals, graduate students or other people that would like to live by themselves or with only one other person. So, that is what we have been thinking about because we deal with that market every day.

Mr. Hurd: I want to commend you first on coming back and looking at the building and shortening it. I think that that has improved on how it sits on the site, and such. One thing that I observed when I was looking at the revised building is that it is now much more in line with the NCV design criteria for a high-rise apartment in terms of height and density. Did you consider looking at getting a couple of variances to get that commercial block and something else in there and still keeping your NCV overlay zoning as opposed to going all the way to a BB zone?

Mr. Lang: I think we didn't look at the variance process and the complications associated with it because we were dealing with a number of other issues to try to figure out and we didn't really get directed into that box because we didn't get any endorsement from anyone on this type of level to say, hey, look, we think that would work. The NCV issue does lend itself much more to an owner occupant under thought process vs. a rental thought process. I still think that the commercial piece is an important piece of this building even though you may or may not agree with that because I think as our town continues to grow, one of the ways it grows is have additional businesses that hire employees and those employees now need places to live for those people who want to live above where they work and then that is the opportunity here. Young professionals only stay in town because there are places to work. And, if we don't have the businesses, not just the restaurants, but all of the other support businesses be it the University or University related people. I think that commercial component is a very, very important component is a very, very important component

because that is what is going to allow some of our housing dynamic to change because we are going to get demand from those people to be here because they are getting jobs here.

Mr. Hurd: And, I agree. I think that the downtown is underserved in terms of the additional office and other commercial spaces. It seems to me that the building now is sort of straddling that kind of gray zone between an NCV and you could sort of say, if you broke up that commercial into smaller pieces and called it home occupancy, it is borderline is sort of what I am saying. So, if you pulled it all together and said it is office space it's not restaurants, it's a low impact commercial space inside a high-rise apartment building, could you pull it off without getting into BB, the density and the rezoning issues that come with that.

Mr. Lang: It is a process that would have had to be organized in the reapplication. When we applied, we didn't get direction and/or thought that that should be the direction we should go.

Mr. Hurd: Agreed. Your original scheme, obviously, was much more in a BB mindset.

Mr. McIntosh: All I want to say is that first of all, I think that your response to your last session is pretty good. I am of the opinion that we cannot dictate the market forces. They are there. We may wish that there would be owner occupied places in the downtown area but people that move into the Newark area are not of that mindset and they are not buying property downtown unless it is to rent it. Given that, I think the building that you are proposing to put on that street will make that street look significantly better than it does in this moment of time which will, in fact, bring more people to Newark one way or another because you look at it and you say, yes, that is a place I want to live because there are a lot of things going on down there, etc., and it looks nice. And, I'm also very happy that I have taken the initiative to make sure that that building can be changed if the market forces change. So, we can say, well, geez, let's not have this building here, we want residential and that is it and then you are left with what is there or you can allow the building to be built and if the market changes, it will change and you can change with it. It would make sense for you to change with it. And, to me, that is the best of all worlds. In the meantime, the downtown area has been significantly improved by what you have done. That is my opinion.

Mr. Silverman: I am ready to open up the floor to comments and before anyone comes up under ex parte, which is a requirement of the board which means we disclose any information that has been shared with us that has not been shared with the public. All of the Commissioners, as well as, I believe, some of the Council people have received a communication from Pamela Bobbs who lives in the Washington House and I will very quickly summarize her three comments that have been sent to the commissioners. One is, quoting from her letter, "the last hope for eventually having some owner occupied or nontransient residents in downtown Newark." If BB type zoning development is allowed, my words, "the development will decimate," her words "the last possible downtown location for single family or village type housing" and then her third concern was removal of the large trees that exist on the property. That is a technical thing that I prefer to get on the record.

Mr. John Hornor: Washington House, 113 E. Main. I didn't know what I was going to say tonight. I wrote up a whole three or four page thing, but actually with Mr. Lang bringing up his vision, I know where I want to go now. The big concern I had with this project was the changing of the zoning going to BB. It is mainly because, I understand what Mr. Lang just said about making the whole area BB and I could even latch on to that a little bit. It gives me more places to go living downtown. I like being able to walk to get to different things. However, what you also heard is because of the way the market place is right now, if you end up taking this property and converting it to BB, you are setting a precedent that could send the whole rest of that district to BB and what you are going to have is student housing. You may have some commercial underneath it, but you will have student housing. The only way you can get around that because of the market forces is the City has to come up with some way to incentivize people to live there year round. Other people, not just young professionals, older people, some people that just don't want to live in developments any more, they want to live a downtown life may want to come to this city. But, nobody wants

to live in an apartment building with college students that seems like a dormitory. So, I really think that this area can still meet those needs. Maybe it doesn't have to be the New Center Village, but as Commissioner Hurd just recently said, you could easily, with some stipulations, make this under the NCV banner. You have to realize that the market forces are the University. The University is not building a lot more housing so it is relying on the developers to put more housing in for the students. Remember, two thirds of the students at the University of Delaware come from out of state. A lot of them come from New Jersey, Connecticut, New York, much more prosperous areas than Delaware. So, the parents there have no problem paying whatever the market will bear. I don't know how we get around that but that is what sets up the pricing structure here in Newark, but I'm sure there are plenty of people that would like to live downtown but can't afford it because they can't afford the rents that the students are willing to pay and live with each other. So, this area represents the last area we can try to do something different. Maybe RS isn't right and maybe NCV isn't right, maybe BB isn't right, maybe there is some combination, but I think as a community we should work together to try to figure out what that is. I think we know that Newark has become a very nice restaurant community, but I wouldn't say it has become a great shopping district. I think it was a better shopping district 10 or 15 years ago than it is now. Why is that? Not just because a lot of restaurants went in. It's because you have a population that lives above all these buildings that aren't here four months of the year. So, if you are a small business, you have to survive on eight months of income. The restaurants can get away with it because people come from out-of-town now because it is a restaurant destination, but Newark is not a shopping destination. I think if we had more people that lived year round downtown, it would become more of a shopping destination. Mr. McIntosh, you said that nobody lived downtown but there are quite a few families in the Washington House. There are 54 units. There are some rental units. We only allow 20% and the rest of the people are residents that are just living downtown. Walgreen's is our convenience store. No doubt. It is across the street, but we use a lot of restaurants and we would use more of the stores if they were there. So, I think there is a need to have more diversity downtown. We have plenty of student population downtown now. I think we've hit that floor. I think we need to try to figure out a way to get more of everybody else.

Ms. Leslie Purcell: I have a couple of questions. I didn't quite understand from the discussion and the diagram where the entrances and exits are for the vehicles going in and out of the property because I think that is a real safety issue and traffic issue. It looks like you drive right up to these little garages, but I don't think that is actually true probably.

Ms. Feeney Roser: I will try to answer that for you. There are 11 spaces that will be entered from Center Street on the north side of the building. On the south side of the building there is an entranceway and a parking area that will serve the office and then it goes around behind the building to enter into the parking garage. There is a driveway that goes all the way around the back.

Ms. Purcell: I have enjoyed this discussion and I'm sorry I didn't come to the Council meeting last night to hear the housing report. I just have a lot of questions about the process for this project coming back up again because I came to the hearing in October and there were a lot more people here. Obviously, people knew about that hearing more than this one. I don't know if the notification process was different.

Ms. Feeney Roser: The notification was the same. The signage went up as appropriate and the mailings were all mailed out just as they were the last time.

Ms. Purcell: I looked online to see if there was a staff report and I didn't find it. There was a diagram, sort of a schematic of the project. I called to the Planning Department and whoever I talked to said there wasn't anything online as a staff report to read. I don't know if that is true or I couldn't find it. So, I am just bringing that up as a question.

Ms. Feeney Roser: I know the plan was there. I'm not sure the staff report was linked yet. That is something we are working on, but certainly, at any time we can supply the report to the public. As soon as it goes out to the Commission it becomes public information.

Ms. Purcell: I just think it would be helpful if people could access it online.

Ms. Feeney Roser: Yes, we agree with you.

Ms. Purcell: I don't know if that is a requirement. I just kind of wonder about whether we do need to support the University's growth. I think Mr. Lang said that the City and the building policy and what is allowed is a real question. When I have heard them, I don't know if they said anything different last night, they pretty much say they're not growing very much and yet it certainly seems like they are. It is a question to me and it is a question to you and Council but, what is the vision that we have for the town?

Mr. Silverman: I think you are getting beyond the discussion of this particular site.

Ms. Purcell: It kind of came up with the zoning change.

Mr. Silverman: We heard that the vacancy rate is somewhere less than 2%. A healthy vacancy rate is 5%. So, whether it is the University impacting the town or people who are coming in because they want to live or rent in a college town, it still shows that our housing market is way out of whack and that the opportunities for lower income, elderly and other nonstudents is being impacted, and the only way to deal with that is to have the market, essentially, right itself and rates to come down because of supply being available. So, unfortunately it is a real chicken and egg. Do, you have any other comments specifically dealing with this site?

Ms. Purcell: I think it is great that they are going to save the trees and add a little more green space because when you look from above from on Google that side of the street is very green. It certainly seems like there is going to be a lot more hardscape, a lot more runoff, it also increases the heat quotient down there also when you get rid of that open space. It is just another issue in terms of the quality of life and the character of the neighborhood. I personally would like to see solar on every roof. I think we have an issue with climate and I don't know if that is a policy the City could encourage.

Mr. Silverman: We are getting off topic here. Do you have any additional problems with that specific site?

Ms. Purcell: Well, I would like to see more green space. I think it is a much better project.

Mr. Silverman: It meets the requirements of the Code. There was additional green space provided particularly over the previous plan and it is a downtown urban area that we are dealing with.

Ms. Purcell: Right, but you are having to do a zone change to make this conform.

Mr. Silverman: That is correct.

Ms. Purcell: That is still an issue.

Mr. Silverman: So, you are saying that you are in opposition to the rezoning.

Ms. Purcell: I think so and I think as the gentleman before said, it sets a precedent and if there is a way to do it without the zoning change and to keep more of the character of the neighborhood, I think that would be preferable.

Mr. Silverman: Thank you very much. Is there anyone else who would like to speak?

Ms. Pamela Bobbs: Washington House. I am concerned about the housing plan that the City has paid to have done that says there is enough student housing until 2019. So, I'm not sure we need too much more of that. I'm also concerned that the idea that owner occupied or permanent residents nontransients, these can be rental people, have to live in million dollar condominium. I think something in the neighborhood of \$250,000 to \$300,000 home, if they were available, the same way Washington House got built was to have a good faith effort. We put up \$500 back when, sometime in 2006, to say we would be interested in living downtown as an owner occupant and we put up our \$500 and eventually it got built. The last issue is, I have lived in places where they have done apartment conversions into

condominiums and if you think owner occupants want to take their garbage 200 feet, you are wrong. You are going to need to build them to be converted which means garbage chutes on each floor so that somebody would want to live there permanently fulltime. I would feel much happier about this really being an effort to say this could be turned into owner occupied housing if we could see floor plans that suggested, in fact, that that would be a feasible possibility and this includes things like garbage and storage. So, I hope it gets better.

Ms. Sheila Anderson: Oaklands. To say admittedly it is a little more dense as Maureen read in her statement I feel is an understatement. This is very dense. It is interesting to note that Mr. Lang is often, and in this case, again, very slow to provide elevation figures for his projects. I notice this one was late tonight. I'm not sure that you have an accurate one yet. When asked tonight what the elevation was, he came up with 14 ft., 12 ft., 12 ft., 12 ft. about 50 feet and then when he was pressed a little more by Mr. Stozek about the exact what is the height of this, well another 6 ft., 8 ft. I think we are up to 58 feet now. I recall the Washington House was something around 72 feet. Let's do a little memory picture here. Think of the University garage across from the Deer Park and the little church that is called Sharp Hall and that monstrous white elephant that is between those two structures. Got a visual? I see this having the same impact in the area that is being proposed for that that building has at that intersection of our city. It is not attractive. If it has to be for whatever market reasons they are stating tonight, I would suggest you not allow the rezoning. This does not have to be perpetuated. We've got to stop some of what is going on. Well, here's your moment. You can drop these 14 ft. on the first floor. Get rid of that commercial aspect, bring this down to three levels, brings the elevation down. I would like to see it at 16 units, but we get into the money issues. I think that is a valid proposal, though. I also agree with two people here tonight who are saying we need to start thinking longer term. I remember when Washington was all the thing. We are eight years out now. This is going to be downtown residential. This will help for the 12 month calendar year when the kids are gone and the small businesses need the business. We are just perpetuating it. Every time we keep passing these things we perpetuate this whole notion of having to take care of the students and it is not helping the long-term investment of the citizens who live here. Also, I would think it would be very smart when the City pays money to have these urban planners come in and do all their data collection and so forth and maybe wait down the lane. What is another 5, 8 12 months. Hear what they come up with. Maybe they can come up with some good ideas of how we can come up with, as Mr. Hornor said, some other incentives about how you do rejuvenate this. I think there is some need for some other kinds of housing besides student housing. So, I think there are some things to think about here. Thank you.

Mr. Silverman: If that is all the public comment this evening, we will move to a vote on the recommendation.

Mr. Cronin: Mr. Chairman, can we have some more comment from the Commission, perhaps?

Mr. Silverman: If you would like.

Mr. Cronin: I would, thank you. I guess I would feel more favorably inclined toward this if the applicant and maybe other developers of, say, student oriented housing had come to us when we were revising the Comp Plan V and shared some ideas and visions for this sector of town as to maybe what it could be in relation to what it currently is zoned as, which is really pretty similar to what Comp Plan IV is rather than come back now at this point in time and individually piecemeal try to do things that are of this nature. It says the Comprehensive Development Plan in Maureen's report earlier and it calls for medium density single family detached residential units, advises caution when adding more units downtown, the Economic Development Strategy Report designates this area as a rehabilitation area for single family homes. So, if we have the Comp Plan, I know it can be amended, but it is supposedly amended for public needs or experience and I don't know that even the existence of market force necessarily overrides public needs and the direction this whole sector between Center, Choate and N. Chapel Street is going to proceed if this particular project is approved. To approve this it is supposed to be, as a whole, beneficial to the Newark community beyond the existing single family rental uses at the site. I think it is questionable in my eyes as to whether that might be the case. The Downtown Newark

Partnership Design Guidelines assessment says of the development that it meets the Guidelines except for two criteria, the base layer, height and overall proportion. So, even though that committee went ahead and finally endorsed the overall project, those are two key components, I think, of their thinking on this 4 story, 50-60 ft. structure on the west side of Center Street. For the special use permit aspect of this, it stipulates that Council may issue a permit providing the applicants demonstrate the proposed use will not be in conflict with the purposes of the Comprehensive Development Plan, not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. That could be argued both ways about improvement and beneficial to the neighbors because some people might think it is going to increase their property values and other people might think it is going to decrease their quality of life and have somewhat opposite thinking on that. It seems to me that, again, it is economic forces that are driving this and maybe an applicant could come in and if I acquire these parcels as an applicant, what do I have to do, what is the contorted path I have to go down to make a success out of something that was heretofore been allowed to run down by the property owners and become overgrown and not nicely landscaped because they may need a lot of TLC on the outside and I'm sure some of them do on the inside. But, I personally think it is the wrong direction for the City to go for this sector of the City and to approve this is going to be a big step and we will be seeing an endless number of proposals like this, as a Commission, for Choate Street, Chapel Street and the rest of Center street. If that is our wisdom, and that is what we want to do as a City then A-okay, but given the Comp Plan and the desires that have been expressed earlier I'm not ready to go down that direction. I just wanted to share that view more openly.

Mr. Silverman: I was going to save my comments for discussion under the motion, but I will give them now. We look at the area of Center, Choate and Chapel Streets as if it were a vibrant single family community, as if this proposal was going to be developed in the middle of the Oaklands or Binns. That area is not a vibrant community. Somebody took a guess, a gamble was mentioned in an earlier proposal. In 2007-2008 when they were looking at the community developed a proposal, and it takes time, and finally in 2010 an idea was put forth for the New Center Village concept. It has been sitting there for five almost six years. Instead of reinforcing single family development, I am going to guess there was quite an exodus of single family owner occupied and as a result we have an area that was virtually formerly single family residential units that have been converted into income property. Those units are coming to the end of their design life. Some of the people in the audience mentioned that maintenance can be an issue. Well, we have rental properties in worn out houses that are being occupied in a very high rent market so the whole ownership maintenance of property, I think, is terribly distorted in that area. We talk about family units, we talk of in that area, they're not. They are units being occupied by unrelated individuals. Somebody mentioned the transient population; it is already a transient population. I made a side remark about the people who really do planning in this world are the bankers. We can have ideas. The developer can come in with ideas. They can guess about markets, but somebody sitting in, and now, London, Paris, Seattle is going to take five minutes to look at Newark and decide whether they want to lend money on that. So, there has to be a trend at least going in the direction that they are thinking. As I understand it, virtually no applications have been made for the, I'm going to call it the 3C area (Choate, Center, Chapel Streets), involving family occupied housing or the desire to have family occupied housing to the current City housing programs. There are monies available for owner fix up, for low interest loans for roofs, there are other kinds of programs. We haven't seen that nor am I aware of any private sector housing activities involving Federal or State moneys. I don't see Newark Housing Authority moving into this area wanting to build housing for lower income people. The kind of housing that it identified in this village concept. And the area, from my point of view, has been severely impacted by the intensive active recreation use of the University, particularly with their outdoor stadium lighting. When I came in this evening, we are 100 yards, 200 yards away from the ball diamond over here, I could hear the cheers and umpires loud and clear. I wouldn't want that echoing into my neighborhood on those multiple athletic courts, let alone the stadium lighting that is produced on the adjacent property. It sound ironic, this use may be the transition use between that intensive recreation and whatever is going to develop in the 3Cs area.

Just touching on the site specifically. If this site were proposed in the middle of the 3C area, I may have doubts about it, but it isn't. It is on the westerly edge. It is separating an active recreation area of the University of Delaware and it is adjacent to Main Street. It is

not in the middle of the activity that is going on there. I, too, believe that the applicant has substantially complied with the earlier critique, even to the point of coming up with a residential density similar to what the City and Council called for in the NCV. I believe the number is 30, if I heard correctly. So, from a density point of view, this meets the density. The Director and her staff report has made recommendations to Council on limiting the commercial uses to relatively low impact commercial uses. I don't think we are going to see a resurrection of the Stone Balloon underneath this building, but we may see office space, we may see realtors offices, we may see a barber shop, who know, but the recommendations on uses to be worked out in deed restrictions are on the low impact side. We have talked about the individual residential units being designed to be converted at a later date. There is off-site parking available in the adjacent public parking lot, although I understand from the last discussion we had it may be reaching limits. And, this site location is highly desirable. I think if someone had a choice of living in a single family house out on Valley Road vs. being located here and they were a transient college student from just a convenience point of view, they would probably want to rent within the downtown core. We keep criticizing the development of more apartments. I don't care who the apartments are for at this point, but I see it as taking pressure off of people buying and then renting in predominately single family communities. There have been some claims, and I don't know if the housing report brought it up last night or the new work if Council approves it, will show the withdrawal of transients from predominately single family areas as a result of the development of other rental opportunities away from those areas.

My conclusion is we rely on the private sector and this conforms for the most part, and the commercial is the only really iffy part with respect to the overlay. We have an applicant who is ready to commit their resources to the continued redevelopment of Newark as opposed to, as we tried five, almost six years ago, to setting the table but nobody came to dinner. We can't control those reasons. And, I will say it here, from a property owner perspective, it is a private revenue source for the City. It is real property taxation and that is something we are losing. So, this is contributing to the overall tax base of the City. Those are my comments.

Are we ready to consider a vote? From a procedural point of view, do we want to divide the motion into voting Item A, Item B and Item C?

Ms. Feeney Roser: I recommend that you don't do that because if you approve the rezoning and the Comp Plan amendment, but you don't approve the subdivision then you have rezoned land for which you don't know how it will be developed.

Mr. Silverman: Good point. So, we will consider all parts as a single motion.

MOTION BY MCINTOSH, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION RECOMMEND TO CITY COUNCIL:

- A. THAT CITY COUNCIL REVISE THE EXISTING COMPREHENSIVE DEVELOPMENT PLAN IV LAND USE GUIDES FOR THIS LOCATION FROM "SINGLE FAMILY RESIDENTIAL (MEDIUM DENSITY)" TO "COMMERCIAL (PEDESTRIAN ORIENTED)"; AND,**
- B. THAT CITY COUNCIL APPROVE THE REZONING OF THE .846 ACRES FROM THE CURRENT RS (SINGLE FAMILY RESIDENTIAL DETACHED) AND NCV (NEW CENTER VILLAGE) ZONING TO BB (CENTRAL BUSINESS DISTRICT) AS SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A DATED OCTOBER 7, 2014; AND,**
- C. THAT CITY COUNCIL APPROVE THE LOFTS AT CENTER STREET MAJOR SUBDIVISION AND SPECIAL USE PERMIT PLAN AS SHOWN ON THE KARINS AND ASSOCIATES ENGINEERING PLAN DATED MAY 5, 2014 WITH REVISIONS THROUGH JANUARY 9, 2015, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.**

Mr. Silverman: The motion has been moved and seconded. Is there any discussion?

VOTE: 2-4

AYE: MCINTOSH, SILVERMAN
NAY: CRONIN, HURD, JOHNSON, STOZEK
ABSENT: HEGEDUS

MOTION FAILS

Mr. Silverman: For the benefit of the people present, we have a report that is in addition to the agenda. It is something that occurred last night so we did not publish it on the agenda and the Planning and Development Director would like to give the Commissioners a summary of the activity that took place last night with respect to the Rental Housing Survey and what role, I believe, the Commission may play in it.

Ms. Feeney Roser: Thank you Alan. I think giving a report is a little bit beyond what I'm prepared to do. I just wanted to let you know that Council did review the Phase I report from Urban Consultants and decided to move into Phase II. That had been something they were going to wait to decide after they saw the results of Phase I, and during the discussion of who should be on the steering committee, Council decided that what they would like to have the existing Technical Advisory Committee, which were six people who worked on the Phase I report to, hopefully, if they are willing to serve to serve again, and they would also like to ask that two representatives from the Planning Commission participate on that steering committee as well. So, what I thought I would do is just let you know that tonight. You can't take any action on it tonight because we did not have an opportunity to advertise it, but to think about it. I will be happy to not only send you the Phase I report but the RFP that is put together that explains what Phase II is and send that out to you and then see what your interests might be so that at your next meeting we might add that as an agenda item.

Mr. Silverman: Are you going to send that out in an electronic form?

Ms. Feeney Roser: Yes. That is just what I wanted you to know and I would hope that you would take it under consideration. It is a very important committee on a very important topic and I would appreciate it if you thought about it. I will get back in touch with you and we will talk about it next time.

Mr. Silverman: Is there any other business to come before the Commission? Hearing none, the meeting adjourned at 10:00 p.m.

Respectfully Submitted,



Elizabeth Dowell
Secretary, Planning Commission