

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

November 6, 2018

7:00 p.m.

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

Chairman: Alan Silverman

Commissioners Present: Bob Cronin
Will Hurd
Frank McIntosh
Stacy McNatt
Bob Stozek
Tom Wampler

Commissioners Absent: None

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Tom Fruehstorfer, Planner
Paul Bilodeau, City Solicitor

Mr. Alan Silverman called the Planning Commission meeting to order at 7:03 p.m.

1. CHAIR’S REMARKS.

Mr. Silverman: I would like to call to order the City of Newark, Delaware Planning Commission meeting for Tuesday, November 6, 2018.

2. THE MINUTES OF THE OCTOBER 2, 2018 PLANNING COMMISSION MEETING.

Mr. Silverman: The Secretary isn’t here so I’m going to ask the Department Secretary if there have been any additions or corrections to the minutes.

Ms. Michelle Vispi: None.

Mr. Silverman: Okay, the minutes have been distributed to the Commissioners and the draft minutes have been posted on the web. If there are no objections, the minutes stand as posted.

THE MINUTES OF THE OCTOBER 2, 2018 PLANNING COMMISSION MEETING ARE APPROVED.

Mr. Silverman: If anyone is here for Item 5, 6, and 7 on the agenda, they have been withdrawn from tonight’s agenda.

3. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FROM RESIDENTIAL LOW-DENSITY TO RESIDENTIAL HIGH-DENSITY, REZONING FROM RD (ONE-FAMILY SEMI-DETACHED RESIDENTIAL) TO RA (MULTI-FAMILY – HIGH-RISE APARTMENTS), AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL PLAN FOR THE PROPERTY LOCATED AT 209-225 HAINES STREET. THE PLAN PROPOSES THE DEMOLITION OF THE EXISTING STRUCTURES ON THE SITE AND CONSTRUCTION OF A FOUR-STORY HIGH-RISE APARTMENT WITH 24 UNITS (12 THREE-

BEDROOM AND 12 TWO-BEDROOM) WITH 22 GARAGE PARKING SPACES ON THE FIRST FLOOR.

Mr. Silverman: Moving to Item 3 on the agenda. Item 3 on the agenda is a continuation of a previous hearing. It involves application 18-05-02 for 209-225 Haines Street. That proceeding was tabled. The Chair entertains a motion to take application 18-05-02 from the table and bring it before this body for business. Is there such a motion?

Mr. Bob Stozek: So moved.

Mr. Silverman: Is there a second?

Mr. Will Hurd: Second.

Mr. Silverman: All those in favor, signify by saying Aye. All those opposed, Nay. The motion carries. We are back in session with respect to application 18-05-02.

MOTION BY STOZEK, SECONDED BY HURD THAT APPLICATION 18-05-02 FOR 209-225 HAINES STREET BE BROUGHT BEFORE THE PLANNING COMMISSION.

VOTE: 6-0

AYE: CRONIN, HURD, MCNATT, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCINTOSH

MOTION PASSED

[Secretary's Note: Mr. Frank McIntosh joined the meeting at 7:06 p.m. and did not participate in the vote to bring application 18-05-02 back before the Planning Commission.]

Mr. Silverman: One of the reasons why the application was tabled was by virtue of an upcoming workshop with respect to Focus Area 5 in which this application fell. The public workshop went on as advertised, and I would like the Director to report the Department's findings on the workshop.

Ms. Mary Ellen Gray: Thank you, Mr. Chair. This meeting, as the Chairman indicated, was advertised per the Code in the News Journal, posted on the web, and the posting places on the calendar. We also sent individual notices to all the property owners in the area, as well as all residents adjacent to the area, and the residents of the Kells Avenue neighborhood. We also posted the meeting materials on our website, as well, and we sent all this information to Councilman Clifton, who is the councilman for this area.

The meeting was conducted in a workshop format whereby the public could drop in. We had three stations of maps, and we have those maps posted in the back of the room. The three stations consisted of the current conditions, the planned conditions, and then, should the plan be approved, what it would look like after the rezoning and Comp Plan updates occurred. The mission of this workshop was to educate the public on this focus area and what the intentions were. Certainly, no decisions were made at this workshop. Should the Planning Commission choose to move forward with this area in a future date, then all the property owners would have to be officially notified per the Code and then we would do an ordinance and it would go through the ordinance revision process, which would involve posting, notification, going through the Planning Commission for recommendation, and then going to City Council.

We had 18 people sign in and there was likely about 6-10 people who didn't sign in, so we had a good flow of folks. We also had Commissioners Hurd, Stozek, and Wampler attend, and I thank you all for that because we got a little, Planner Fortner and I were the staff attending, and there

were more people than staff, so you all took on talking with some folks, which we really appreciated. And I would like to also invite you all to add your thoughts, as well, what you thought of the meeting. Most of the people that I talked with had questions about what this was about and so it was more of a what are you planning to do. The people I talked with expressed an understanding of the need to provide for student housing somewhere outside of single family neighborhoods. I didn't discern an overwhelming this is a great thing to do or this is a terrible thing to do. There were some expressed concerns about going to the RA, which is the high-rise zoning district. Here again, this is just my impression, that was articulated through more of a concern of height than anything else. And some folks did express that the proposed project on Haines appeared to make sense and that's about all of the comments that I had. We did have a note board that we invited folks to comment on, and the notes indicated, just as I . . . some folks were okay with . . . these are the comments that changing to the RM would be okay. Let's see, on South Chapel it seems to make sense to change some properties on South Chapel and south of Lovett Avenue on the west side to RA. Let's see, it might be better to change areas on Haines Street south of Lovett to RM. So, we had comments on both side. So, I would invite Commissioners Stozek, Wampler, and Hurd . . . do you have any other thoughts to add to the discussion?

Mr. Stozek: Yeah, the only other thing is that two people came up to me and were talking about an existing stormwater back-up problem at the corner of Lovett and Haines, which I don't know that we've heard about here, that the City has talked about. So, I don't know what the status is and wondered if the City has any comment about that problem.

Ms. Gray: Oh, I had not heard of any comment, any articulation, but a complaint like that would usually go to Public Works. That did not come up in any of the reviews in the recent projects that we've seen, including the Haines Street project that we're talking about this evening.

Mr. Stozek: Okay.

Mr. Hurd: The one thing I think that stood out, there was one person I was talking to, she didn't live in the area, but was curious, and she did kind of acknowledge that the City is growing, and that density is something we're going to have to get used to. So, it was good to hear some residents sort of looking at the bigger picture and seeing that growth is going on in Newark.

Mr. Wampler: I don't have anything to add to that. That would be my opinion, as well.

Ms. Gray: Okay, thank you.

Mr. Stozek: One other thing that just occurred to me. A couple of people that I talked to, when they were looking at the map and I was explaining what we had talked about doing relative to changing the zoning to RM for that, basically, RA where it borders South Chapel and RM property to the west, their questions were well why is this one property, this one proposed property, RA right in the middle of everything else that we're proposing to RM? And I didn't have a good answer for her. So, that was just a concern is that you're making a proposal and now you're changing it. So, that was the concern they had.

Ms. Gray: Okay. So, we're making a proposal . . .

Mr. Stozek: For RM.

Ms. Gray: Okay . . .

Mr. Stozek: And then here is this property right in the middle of that area that is being set up as RA. So why not, you know, either stay with RM or make everything RA. That was her comment.

Ms. Gray: Okay.

Mr. Silverman: Given the additional facts and circumstances that may have been brought to light as a result of the workshop, unless there is an objection from the Commissioners, I would like to extend the floor to the applicant's representative to comment on any information that he brought out or gleaned in that workshop.

Mr. Alan Hill: Make sure Frank gets the big one.

Ms. Gray: I'm good, thank you.

[Secretary's Note: During his presentation, the applicant's representative referred to a PowerPoint presentation being displayed for the benefit of the Planning Commission and public, as well as a handout. A link to the applicant's presentation and handout can be found at the end of this document. A link to the Planning and Development Department report for 209-225 Haines Street can also be found at the end of this document.]

Mr. Hill: So, just to introduce myself again, I'm Alan Hill from Hillcrest Associates on behalf of the Watts family, who is the applicant. This slide that we've put up on the screen tonight is a little hard to read for everybody so once we saw it on here we printed off copies, so the Commission could have them, and I have my own. I'm looking at one of the big ones, actually, because it's a little easier. But a couple of things that I took from the workshop was . . .

Ms. Gray: Because you were there.

Mr. Hill: I was there. I didn't sign in, but I was there. I didn't see the sign-in sheet. But it seemed that people couldn't separate this project from the Planning Commission's proposal and, just to remind people that our proposal was based on our discussions with our client and what the needs were for the client and what the property said to us was what the best use of the land for us in that situation, with it bordering onto the University's property, being close to the five-story dorms, being close to the old dorms that are there which, at some point, will probably go the way of the five-story dorms, and then also the science building, as people call it, which is enormous. So, for us, it was kind of a transitional zoning to use the RA to come down into the RM that other people are proposing off Benny Street, and not just Haines Street. So, we looked at that before approaching the Planning Commission or the Planning Department, to see what our best use for us was, and we came up with RA zoning with the four-story building with the parking underneath on our own. And in doing that, we know we gave up some things that we could have done if we'd have come to you with the RM, which is people seem to think that that's a better solution, but it is for some people, but for us in this project, the RA seemed to be the way to go.

So, this slide, it's really difficult to read but it basically comes out of the Planning Department's report. It's Exhibit F out of there and it breaks down other projects in the area, or recent projects, that show the density of the buildings, the land coverage of the buildings, and number of bedrooms. And I really want to focus on not necessarily the density because if we look at the density on here, our density is quite high at units per acre. We're almost 30 units per acre, but that's really misleading because when we're doing the student-type buildings, it's bedrooms per acre that really is the trigger on these things for most people. And when we compare what our bedrooms per acre are, compared with the other projects on the list, we're actually lower at 73.3 bedrooms an acre than six of the other eight projects on the list. So, our actual student density is not that high because we're doing two- and three-bedroom apartments. We only have 24 total units proposed, with two- and three-bedrooms on there. Our land cover, because of the building and not having a huge row of townhouses, we're at 30% coverage with the building, which is in line with most of the other projects on there, and certainly the ones that I'm familiar with from my experience in working with the City. So, while the RA is a little bit different, it works with what our client is looking to do. He is giving up bedrooms by doing this. If we were to do six-bedroom townhouses, which is common in the RM district, we'd have 72

bedrooms. With this proposal, we only have 60. So, we are giving up something to build something that's a little bit different and a little bit unique to add some variety to the area, but it also fits in with the client's business model of doing bedrooms. We have parking for all the units. We're not asking for any parking waivers or anything like that. So, we think that it's a good plan and a good design, and I really would like the Planning Commission to consider the RA zoning for this piece and for the proposal that we're doing. If there's any other questions, I'm happy to answer them. I do have the other PowerPoint with us if people want to see anything from it, but I think everybody except Commissioner Cronin, who wasn't here that night, has seen the rest of the presentation.

Mr. Silverman: Do any of the Commissioners have any questions of the applicant? I have a question for our attorney. Given that Mr. Cronin was not present during the initial presentation, is he permitted to vote tonight on this application?

Mr. Paul Bilodeau: It would depend on what he did to familiarize himself with the proceedings that went on before.

Mr. Bob Cronin: Well, I certainly had the packet and looked over it, and I read the minutes.

Mr. Silverman: I'm not raising that as an objection . . .

Mr. Bilodeau: I would say that if Mr. Cronin feels like he's sufficiently prepared for this, then he should be able to participate.

Mr. Silverman: Any comments or objections from any other Commissioners? Okay, that issue is settled. Are the Commissions read to vote? Mr. Stozek?

Mr. Stozek: I guess I'd like to go back and have a little discussion here. You know, we had a discussion about reformulating this area in which we made some logical, or what we thought were logical, assumptions, and that's where we came up with the area everything near South Chapel would be RA and everything to the west between that area and the University would be RM. We did that based on some logic that we thought was sound. And now, you know, the very first project that we're doing in that proposed area has an RA right in the middle of the proposed RM area. I guess my question is, because if this gets approved, you know the next project down the road is going to be another RA proposed in the RM area and asking for variances again. So, I guess my question is do we want to keep the plan that we originally had, where we had RA and RM, or are we just going to say everything in this area between the University and South Chapel is RA and be done with it. Because we're going to be doing it piecemeal or we're going to be doing it in a uniform manner. That's my concern, that we're just going to chop it up and doing it one after another. And then I say, again, why do we have a Comprehensive Plan and why do we have zoning restrictions when we never follow them? We always give variances for them. I'd like to hear a little bit of discussion about that.

Mr. Silverman: Commissioners' comments?

Ms. Stacy McNatt: I support your thought because I came from the notion and understanding that this area was, from our discussions and our logic, that RM was the most appropriate zoning in this location. And to see that the community also had some of the same concerns that maybe RA is not the most appropriate and RM, along our lines of thinking, was appropriate, I believe that the density does matter, and I believe that the height matters, and I believe RM zoning would be consistent with what's happening on Benny Street and is an appropriate zoning. I'm not comfortable saying RA in the middle of the RM is the best solution. I believe if the City wants it all RA, then let us know you want RA everywhere and let's discuss that point. But I don't like to be changing in the middle of our thought process and I also am not comfortable with it, how do I say this best, I guess, if that . . . and I know I'm using the word spot zoning . . . but, you know, doing it piecemeal. The piecemeal logic doesn't sit well with me, and we've been doing that a lot. I think we need to figure out what we want this area to be or

maybe the City decides or recommends, or something, and then we go with that, versus potentially in the future, doing spot changes. So, I'm supportive of an RM zoning at this point and I do believe that's consistent with what we recommended, and I think that that's the most appropriate.

Mr. Silverman: Commissioner, if you would look at this exhibit, you will find that there is a strip of RA recommended by the staff . . .

Ms. McNatt: But that was from the City. That wasn't our discussion as a Planning Commission. That was the City's recommendation for that one parcel, from what I remember.

Mr. Silverman: When you say City, you mean staff recommendation, correct?

Ms. McNatt: Staff recommendation, yes. From my understanding. If I'm wrong, please correct me. But that's what I remember.

Mr. Hurd: My recollection of the discussion is that it went both ways because I also sort of felt that we should do RM all over, and staff suggested that RA along Haines fronting on the University made some sense, separate from the RA in the middle. And I've been back and forth on this in my head. And there's a part of me that says that RA does a good thing at times that RM can't do, as the applicant has noted. And so I think, in some ways, the area identified as RA makes some sense because they're edge and they're fronting open space. I would agree that RA coming along Benny, for instance, would be really out of character. But, yes, how do we hold that if someone comes along or, you know, do we just have to remember that we had this conversation, so if the rezoning comes to us, we go we had all decided that RM was the thing to do.

Mr. Silverman: Commissioner Wampler?

Mr. Wampler: My concerns are similar in that I'm still concerned about the deviations. And my feeling is that the Code requirements are there for a purpose and I think that deviations from the Code, if they were minor, are something that we should consider, but I'm still hung up on the fact that the Code requires two acres and this is less than one acre, and the lot coverage should be 20% and this is over 30%. And I feel why do we have these guidelines, why do we have the Code if every project that's brought has significant deviations from it? And does that matter or does it not matter? I think these are significant and does that mean that the Code needs to be changed or the people need to do a better job of complying with the Code? I don't know, but I'm still uncomfortable with . . . you know, if it had been 1.82 acres instead of 2 acres, then you say that's not really a big change. But 0.82 acres instead of 2 acres, that, I don't know, that seems to me such a significant discrepancy that I'm uncomfortable with that.

Mr. Silverman: So, you're saying that it's well outside the balance of the site plan approval process?

Mr. Wampler: I'm just saying that I personally think that's an excessively large deviation.

Mr. Silverman: From the site plan approval process?

Mr. Wampler: Yes.

Ms. Gray: If I could, for clarification, Mr. Chair, the site plan approval process allows for variations of area and density regulations in exchange for distinctive and excellent design, and that's what this project was reviewed under. Not to be argumentative, but all the projects that are listed on this table were approved under the site plan approval process, which allow the deviations of the Code, just to be clear. In other jurisdictions that do not have the site plan approval process provision, I would totally agree that they would have to go to the Board of Adjustment and get these varied. The site plan approval provision allows for these variances in

exchange for distinctive and excellent design and there are six provisions that it's compared to, just to state that on the record. Thank you, Mr. Chair.

Mr. Silverman: Commissioner McIntosh?

Mr. Frank McIntosh: So, what you're saying, then, is that's okay as long as the site plan approval was given. Is that what you're saying?

Ms. Gray: Yes.

Mr. McIntosh: So, it's not an issue? Or it is an issue? Can it be an issue if this was already approved and then brought forward as such? Does that make sense? What I'm wondering is if I'm the developer and I've come and I've got the site plan approval and that's what I based my development work on, then how is it that we can then come back and say it says right here, and yet it was already approved. So that, to me, is part of the problem with virtually everything that seems to come in front of us. Not everything, but a lot of times there's been here and there and elsewhere, and we've said okay, well, do it this way this time and the like. And it does make it difficult for those folks that are trying to develop the area in a responsible way. So, and then for us, as Commissioners, to look at it and say, well, that makes sense. We understand what you went through and we accept that and we're not going to question it because it's already been done. We had times when parking waivers were given by . . . what's the other entity that can give parking waivers?

Mr. Silverman: The Commission is the only entity that can give a parking waiver.

Mr. McIntosh: No, there was some . . . maybe it was something different, but I think it was a parking waiver.

Mr. Stozek: Board of Adjustment.

Mr. McIntosh: Board of Adjustment. Thank you. And . . . am I correct?

Ms. Gray: Yes.

Mr. McIntosh: So, then, we spent a lot of time talking about that and it's already been done. We can't undo it. It was done. The Board of Adjustment said you can do it. The parking waiver is granted. And then we started talking about whether or not we should give a parking waiver, but it wasn't ours to give or take. It was done. So, anyway, that's just a viewpoint and I think that we need to be fair in our discussions here on both sides of the coin. The public certainly has a right to see that we do our jobs in an effective way and that the community builds out in a way that is, you know, prideful for the citizens in good property values and all that. But, at the same time, the people that are developing those lands are the folks that are actually making all that happen, you know. And instead of . . . I don't know. I don't know where that's all leading, but those are things that pop around in my head.

Mr. Silverman: Thank you. Commissioner Cronin?

Mr. Cronin: The preponderance of things that are developed here in the City during my time on the Commission have been under the site plan approval process which I think allows for, you know, distinctive projects that rise or fall on their own merits as they fit into, I guess, the pieces of the puzzle in terms of neighboring properties and the greater City and so forth. So, the fact that it doesn't, you know, meet some of the zoning standards per se for, you know, an RA or an RM, in this case RA, is somewhat historically overcome by events because nearly everything is done under site plan approval, which allows a range of deviation from that for distinctive development along the lines that Mary Ellen said. And I think that's just the nature of the economy and the nature of the marketplace. And I think it's fine to have the project rise or fall on its own merits under the site plan approval process.

Mr. Bilodeau: If I may, the report on page 4 says the Commission will need to consider these requested area regulation exceptions against the standards of distinctiveness and excellence of the site design outlined in Section 32-97. So, the Commission can certainly consider these deviations. They're not already considered. You would need to look at 32-97 for the standards for distinctiveness and excellence.

Mr. Silverman: I generally concur with Commissioner Cronin. Given the evidence that was presented to us that was outside of the specificity of what we considered when we were looking at focus areas, I think comments were made at the last meeting that the aerial photographs that were used clearly illustrated the industrial style of development that's across the street from this project with cooling towers and building facades that show the relationship with the five-story dormitories with respect to the area. And even though this district permits a substantial number of stories, I think the lesser number of stories that is normally permitted is a transition from the very intensive institutional and industrial scale that the University has developed across the street. So, I have no problem in supporting the RA zoning for this particular area. I believe that the site plan approval process is very appropriate for the kind of redevelopment that we have within the City. If this was an area that contained large tracts of open land, I'd be more concerned with conforming to the Code. But we have people who are redoing and redeveloping on parcels and land use patterns that were decided decades and, in some case, a century or more ago, and I think this allows the kind of flexibility that is needed. One of the things I observed with the site plan development process is we've become immune to the product that's being produced in the sense that outstanding we tend to look at as architectural. We tend to look at site plan development process as you must meet all of the little check blocks, which you don't. And I think the kind of development that we've seen has become the norm of what we're looking for. If we went literally by the Code, the building on this site could be a rectangular building with vinyl siding all the way around and a flat roof, and it would meet the Code. Here the applicant is proposing something with architectural detail. They've taken into account under-building parking, which when the original standards were brought about, was something considered unique. Now it's virtually the norm with any kind of intensive building. So, they are my observations on the applicant's proposal. I think it's appropriate and represents a step down in intensity and density from what the University has proposed.

Mr. Stozek: Question.

Mr. Silverman: Yes.

Mr. Stozek: In your statement you just referred to this area. Are you talking about RA for the entire area where we had previously discussed RM, or are you talking about this project?

Mr. Silverman: I'm talking about both. I support the Department's recommendation for the original Focus Area 5 that calls for RA in this area as a transition, and I also support the Department's recommendation report with respect to this project.

Mr. Stozek: That was my question. When you used the word area, I didn't know whether you meant the area of this plot of land where this project is proposed . . .

Mr. Silverman: No . . .

Mr. Stozek: Or you were saying the whole area should be RA, where we previously said RM.

Mr. Silverman: I'm sorry. I support this parcel . . .

Mr. Stozek: This parcel. Okay.

Mr. Silverman: This proposal being RA. And I intend to support the frontage as proposed by the Department to be RA as we move forward with the unadopted Focus Area 5.

Mr. Stozek: Okay. I don't want to make a big deal of it, but I guess I have a problem when we talk about balancing everything against unique or distinctive architectural or design elements when we don't define what they are. I mean, beauty is in the eye of the beholder. In the 1970s, the Rodney and Dickinson dorms were architecturally beautiful so, you know, things change, and I don't really understand how it's a balancing factor that should outweigh everything else, all the other concerns we have. If somebody says this is a distinctive project, then everything else goes by the wayside. That's just one issue that I have a problem with.

Mr. Silverman: And what's the thoughts of the Commission? Are we ready to vote? Oh, I'm sorry, we do have an individual, Norma Ringel, who would like to speak on this proposal.

Ms. Norma Ringel: Should I go up there or stand here?

Mr. Silverman: Please come to the microphone and identify yourself and either your street address or the district you live in.

Ms. Ringel: District 2. Norma Ringel. Yes, is the developer here?

Mr. Silverman: Ma'am, you will address the Commission.

Ms. Ringel: Okay, thank you.

Mr. Silverman: You don't address any . . .

Ms. Ringel: I wanted to say that I live three doors up from this property. Even though these developments are probably inevitable, I understand that the University needs housing, I am opposed to the density increase because I don't see that the City has prepared for the change. First, the City does not have enough policemen to control the density that we have now. Additional policemen and cameras, I believe, will be needed. Second, 20 or 60 cars will be more traffic for our little intersections. Third, 60 additional students will increase the foot traffic along Haines Street. City trash cans will be needed. Fourth, the City needs to upgrade the stormwater and sewer systems. And fifth, a plan needs to be established for snow removal on the sidewalks. Again, my house has already been hit by a vehicle, my property is used as a trash can, a public bathroom, and a party path. My basement has flooded from the City's poor drainage system and, this is going to sound rude, but I refuse to shovel my sidewalks for hundreds of young, strong students. I am requesting that the City and the developers give our homeowners the respect they deserve. And there are a few of us still right in that area. Thank you.

Mr. Silverman: Thank you.

Ms. Ringel: Did you get it?

Ms. Gray: Sure. If you wanted to hand that in, sure. Thank you.

Mr. Silverman: And we have a copy of the speaker's written statement. Thank you.

[Secretary's Note: A link to Ms. Ringel's written public comment can be found at the end of this document.]

Mr. Silverman: Is there anyone else from the public who would like to comment? Ms. White. Three minutes.

Ms. Jean White: Is this on?

Mr. Silverman: Yes, it is.

Ms. White: Okay. Jean White, District 1. This area of Newark is familiar to me because quite a while back my husband and I lived on an abutting street, Chambers Street, abutting to Haines Street. So, the general aspects of the applicant's plan, I like the idea of the two-bedroom and three-bedroom unit apartments and I agree with the Watts' family view that an apartment building has greater control over issues such as noise, security, parties, etc. As an aside, I feel it appealing to me that the applicants, the Watts siblings, grew up on one of the five houses on the street and that their father acquired or built other properties along there, so there's something more personal about the involvement with this. Where I disagree is their desire to build a four-story apartment house under RA zoning. This is a two-jump step-up from RD to RA, and I feel in light of the neighboring areas which will be RM, such as Benny Street, that this should not happen. It's too bad to lose these five houses there, but I can understand the way the neighborhood is going that that might be justified, but not to go up to RA and four stories. And, as was mentioned by a Commissioner, RA needs two acres and this is 1.18 acres less than it has to do that. It also needs the Comp Plan change from low-density to high-density. I would like to see an apartment house under RM zoning, which can be done, that's three stories in which all or some of the parking perhaps is under the first story. There are examples of this other places in town where this was done. And there could be two- and three-bedroom apartments or some four could be put in there, too, to get additional rent and all that kind of stuff. Anyway, I also thought that the whole idea of this, including the workshop, was that one would change the Comp Plan for this whole area, and I really feel that there should be a limit to the kinds of deviations that are allowed under site plan approval, and this is too much. Thank you.

Mr. Silverman: Thank you, Ms. White. Is there anyone else who would like to speak? Commissioners, are we ready to move to a vote? On page 12 of the written recommendation report, the Department has suggested a three-step process. The Chair will entertain a motion.

Mr. Hurd: Sure. We'll take them one at a time, I guess.

Mr. Silverman: Yes, please.

Mr. Hurd: I move that we recommend that City Council revise the Comprehensive Development Plan V land use guidelines for 209-225 Haines Street from low-density residential to high-density residential, as shown in the attached Exhibit H1 dated September 25, 2018.

Mr. Silverman: Is there a second?

Mr. Cronin: Second.

Mr. Silverman: Okay, it's been moved and seconded. All those in favor of the proposal as outlined in statement A . . .

Ms. McNatt: I have a question.

Mr. Silverman: Yes?

Ms. McNatt: It doesn't necessarily automatically, because the second vote is from RD to RA, correct? So, if we vote in favor from low- to high-density, that doesn't automatically presume that we're going to RA. Is that correct?

Mr. Hurd: Correct.

Ms. McNatt: I got a correct from over here.

Mr. Silverman: Okay. All those in favor, signify by saying Aye. All those opposed, Nay. The first part carries.

MOTION BY HURD, SECONDED BY CRONIN THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL REVISE THE COMPREHENSIVE DEVELOPMENT PLAN V LAND USE GUIDELINES FOR 209-225 HAINES STREET FROM “LOW DENSITY (RESIDENTIAL)” TO “HIGH DENSITY (RESIDENTIAL)” AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT H-1 DATED SEPTEMBER 25, 2018.

VOTE: 7-0

AYE: CRONIN, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: NONE

MOTION PASSED

Mr. Silverman: The Chair entertains a motion for paragraph B.

Mr. Hurd: Sure, I’ll take this one. Alright, I move that we recommend that City Council approve the rezoning of the 0.819 acres at 209-225 Haines Street from the current RD, one-family semi-detached residential zoning, to RA, multi-family dwellings, high-rise apartments zoning, as shown on the Planning and Development Department Exhibit E dated September 25, 2018.

Mr. Silverman: Is there a second?

Mr. Cronin: Second.

Mr. Silverman: It’s been moved and seconded. Are there any questions? Hearing none, we’ll move directly to the motion. All those in favor, signify by saying Aye. All those opposed, Nay. Chair requests a show of hands, please.

Ms. McNatt: For which version?

Mr. Silverman: Hang on. All those in favor, signify by a show of hands. I count four. All those in opposition, signify by a show of hands. I count three. The motion carries.

MOTION BY HURD, SECONDED BY CRONIN THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE REZONING OF 0.819 ACRES AT 209-225 HAINES STREET FROM THE CURRENT RD (ONE-FAMILY SEMIDETACHED RESIDENTIAL) ZONING TO RA (MULTI-FAMILY DWELLINGS – HIGH-RISE APARTMENTS) ZONING AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT E DATED SEPTEMBER 25, 2018.

VOTE: 4-3

AYE: CRONIN, HURD, MCINTOSH, SILVERMAN

NAY: MCNATT, STOZEK, WAMPLER

ABSENT: NONE

MOTION PASSED

Mr. Silverman: Paragraph C, the Chair entertains a motion. Will, would you do the honors?

Mr. Hurd: Sure. I move that we recommend that City Council approve the 209-225 Haines Street major subdivision and site plan approval plan as shown on the major subdivision and site

plan approval plan dated May 10, 2018 and revised September 5, 2018, with the Subdivision Advisory Committee conditions.

Mr. Silverman: Is there any discussion?

Mr. Hurd: There's no second yet.

Mr. Silverman: I'm sorry, is there a second?

Mr. Cronin: Second.

Mr. Silverman: Okay, it's been moved and seconded. Now is there any discussion? Hearing none, all those in favor, signify by saying Aye. All those opposed, signify by say Nay. The Chair would request a show of hands. All those who are in favor, a show of hands, please. One, two, three, four. All those in opposition. One, two three. The motion carries.

MOTION BY HURD, SECONDED BY CRONIN THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE 209-225 HAINES STREET MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN AS SHOWN ON THE MAJOR SUBDIVISION, SITE PLAN APPROVAL PLAN DATED MAY 10, 2018 AND REVISED SEPTEMBER 5, 2018, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS OUTLINED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED SEPTEMBER 25, 2018.

VOTE: 4-3

AYE: CRONIN, HURD, MCINTOSH, SILVERMAN

NAY: MCNATT, STOZEK, WAMPLER

ABSENT: NONE

MOTION PASSED

Mr. Silverman: Now, just a comment from the Chair. There continues to be an uneasiness as expressed at tonight's meeting with respect to the site plan approval process. I do not recall whether we put this on our work program. Is there a consensus among the Commissioners to consider discussion of the site plan approval process and its merits or demerits?

Mr. Hurd: Absolutely.

Mr. Stozek: Yes.

Mr. Wampler: Yes.

Ms. McNatt: Yes.

Mr. Silverman: Madam Chair, can we include that and maybe revise the work program. I'm sorry, Madam Director.

Ms. Gray: Sure. The concern I have is resources to devote to it. So, the work plan, as recommended, as was approved, is slated to go to the Council at the November 26 meeting. To add something on, certainly, if that's the pleasure of the Commission, I have concern about resources and whether we'd have to look back at the list to see if something comes off it, or whether this would be something that we could fit in. As it is, we're butting up to our available resources and, as Council approved last night, we were afforded additional consulting services so we're looking to contract out some of the work that's already on the work plan.

Mr. Stozek: Is the question of dropping other things off or just prioritizing?

Ms. Gray: Both.

Mr. Stozek: Either/or.

Mr. Hurd: If I might suggest, I know our agendas are often full but, if there could be blocked out in the next 2-3 months maybe a 20-30-minute block for discussion about the issues we've seen with site plan approval, perhaps just as a starting point . . .

Ms. Gray: Okay . . .

Mr. Hurd: That might tell us some idea of what we might be looking at in terms of revision and therefore what kind of work you might be looking at and what kind of staffing might be required if that . . . because, of course, I know it's going to require Zoning Code changes and such. But I think it's a useful thing to get on the table to just start discussing a little bit about it itself and not in the context of a particular development proposal.

Mr. Silverman: Is that the consensus of the Commission.

Mr. Hurd: I'd say yes.

Mr. Wampler: Yes.

Mr. Silverman: Frank, you're wrinkling an eyebrow.

Mr. McIntosh: What did I do?

Mr. Silverman: You were wrinkling an eyebrow. I know it's the eye operation.

Mr. McIntosh: I had cataract surgery.

Mr. Silverman: I understand.

Mr. McIntosh: Come on, leave me alone.

Mr. Silverman: That's not intended to pick on a handicapped person.

Mr. McIntosh: Thank you. An often-expressed concern of mine is the workload that the Planning Department has. And, so, in my heart, when we said we're going to add something, when you add something to something that you've already done, you subtract something. And I don't think it's reasonable for us to continually add on to the group's work. You know, the site plan approval may, in fact, be more important than many of the things that are on that list right now, and if it is, then it deserves our attention and something else doesn't deserve it as much. So, that's what I'm comfortable with. Because there's only so many people there and we're looking for . . . and they do a great job with limited resources, and we can't be the ones that are dumping more work on them. And I don't think it's our intent to do that but it's easy to do when you're sitting here and you're walking out, and you come back again a month later. So, that's what I think ought to happen.

Mr. Hurd: I guess my thought was that at the end of that discussion, we might have a sense of its relative importance, really, to other things on the work plan and such. So, I don't think we can, tonight, say it's on and something else is off until we sort of . . .

Mr. McIntosh: Well, I like that approach, Will. I truly do. But I think we do have to say there's only so much that we can expect . . .

Mr. Hurd: I completely agree.

Mr. McIntosh: And that's got to be our mind shift and becoming a mindset of this Commission as we go forward.

Mr. Silverman: Thank you.

Ms. Gray: So, to circle back here, the direction is on the next available agenda, we will include this as a discussion item. What would the Planning Commission like to see presented?

Mr. Hurd: I don't know that we need anything presented except, you know, just have a copy of the site plan approval section of the Code in front of us so we can kind of look at it. I see this more as a discussion about what its purpose is and where we see it being useful and where we see it may be falling down. Because I agree with the Chair that we're going to see a lot more development of parcels that don't actually fit the current zoning or anything nearby, so this may be the only mechanism that people have to redevelop parcels in the areas that we want redevelopment in. So, I think it behooves us to make a tool that encourages that in an appropriate way and doesn't hamper it and doesn't . . . because it doesn't look at it as sort of a different, you know, it's expecting this kind of development, and we're always getting this other kind. And, so, that's why I think we just need to talk it out from our, basically using our experience and our thoughts from what we found lacking when reviewing proposals.

Mr. Silverman: It's my recollection that an email was sent out explaining what the site plan approval process was and that might be a . . .

Mr. McIntosh: I think we should re-send that.

Mr. Silverman: Okay, if I can find it and I'm sure that the Director . . .

Ms. Gray: Did I send it out? I did?

Mr. Silverman: Yes, you sent it out. Perhaps if this is re-sent, it will refresh everyone's memory. That's where I got the idea that I commented on earlier that this is not a check-off list. You do not have to meet all the boxes in order to qualify. So, we need to have a better understanding of its application, particularly in the redevelopment context. It's easy when you say you want to preserve open areas and work with the topography and that kind of thing, but the rubber hits the road when we have a series of undersized lots and there's no way of easily assembling them. That being said, I believe we are ready to move on to the next agenda item.

Mr. Cronin: So, are you going to just re-send this memo or is there something beyond that? I wasn't sure.

Mr. Silverman: I think the memo could be a point of . . .

Ms. Gray: Maybe an introduction to the discussion.

Mr. Silverman: Yes.

Ms. Gray: Okay.

Mr. Cronin: What I would suggest, if I may, is to send the memo out and would it be appropriate to tie the discussion of the site plan approval process and time that with the next consideration of a Comp Plan redevelopment? Because, you know, we really get into the weeds there when we talk about Comp Plan updates. And that might be a better time to focus on the site plan approval mechanics and machinations at that time, and just have the memo come out now to clarify what's already there or re-establish what's already there, but perhaps not try to spend time on it until we coincide with another Comp Plan update. That's a thought I have.

Mr. Silverman: Thank you. Madam Director, are you caught up on your notes?

Ms. Gray: Yes.

4. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FROM RESIDENTIAL LOW-DENSITY TO RESIDENTIAL HIGH-DENSITY AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL TO DEMOLISH THE EXISTING STRUCTURES LOCATED AT 83-105 NEW LONDON ROAD AND 41 WILSON STREET, RELOCATE THE EXISTING STRUCTURE AT 87 NEW LONDON ROAD TO 41 WILSON STREET AND REPURPOSE IT AS A 4-PERSON STUDENT RENTAL, AND CONSTRUCT 28 GARDEN APARTMENTS (16 FOUR-BEDROOM AND 12 FIVE-BEDROOM) ON THE PARCELS FRONTING ON NEW LONDON ROAD WITH VEHICULAR ACCESS VIA THE ORIGINAL CAMPUS WALK ACCESSWAY AND FROM WILSON ROAD.

Mr. Silverman: Moving on to Agenda Item 4, application 18-08-01, review and consideration of a Comprehensive Plan amendment with respect to Campus Walk II. Is the applicant ready to make his presentation?

[Secretary's Note: During their presentation, the applicant's representatives referred to a PowerPoint presentation being displayed for the benefit of the Planning Commission and public. A link to the presentation can be found at the end of this document. In addition, a link to the Planning and Development Department report for Campus Walk II can be found at the end of this document.]

Mr. John Tracey: Good evening, Mr. Chairman. John Tracey from Young Conaway Stargatt and Taylor here on behalf of the applicant, Kevin Mayhew, who I think many of the Commissioners are familiar with. He is over here. You previously heard the dulcet tones of Alan Hill from Hillcrest. He, along with Tom Schreier, are the engineers and the architects for this project. I didn't know if, it seems like it changes each time I'm here because it's at about six-month intervals, whether Mary Ellen does any kind of overview or if it goes straight to me at this point.

Ms. Gray: I'd be happy to introduce the application.

Mr. Tracey: I wasn't sure what the . . . I had heard the protocol had changed again and I wasn't sure. So, that's fine. I'm fully prepared if you want us to go or if you want to give an overview, that's fine by me, as well.

Ms. Gray: Sure. This application is for a Comprehensive Plan amendment, excuse me, a major subdivision by the site plan approval provision process and a Comprehensive Plan amendment for 2.24 acres of property on New London Road. The applicant is requesting approval of the plans to construct 28 townhome apartments. The plan includes the demolition of nine homes on New London Road and one home on Wilson Street. One existing home on New London Road, which is 87 New London Road, will be moved to 41 Wilson Street to replace the existing home that is proposed to be demolished. Obviously, staff has reviewed this application and recommends approval.

Mr. Tracey: Thank you.

Ms. Gray: You're welcome.

Mr. Tracey: Having previously identified myself, I'll say so again. John Tracey from Young Conaway Stargatt and Taylor. Mary Ellen's staff has, of course, provided the usual very thorough examination of the project with the attachments, the exhibits and the like, so I will try my best not to regurgitate everything that's in there or we'll be here through the election recap and into the new Congress being seated.

Mr. Silverman: Just a reminder, 15 minutes is how long we will be here on your presentation.

Mr. Tracey: Thank you. The application that is before you represents a continuation of the adjacent project known as Campus Walk I, which leads into the very creative naming of this project as Campus Walk II. One thing that's different about this proposal and part of the conversation that you all were having before I stood up here, there is actually no rezoning requested as part of this proposal. The underlying zoning supports what we are seeking to do here. So, the site plan approval process here is being used more for the design elements of the project, as opposed to a carrot for purposes of seeking rezoning. But, the Comp Plan, for reasons that aren't quite clear, doesn't marry up with the zoning. The zoning is the RM garden apartment zoning, but the Comp Plan for these parcels is RD, which is primarily your single-family home development, which is why we're seeking the Comp Plan amendment as part of this. And then, as I mentioned, there's a site plan and a major subdivision plan.

I know you were handed a copy of the PowerPoint that's in front of you. What you see here is an aerial photograph of the entire site, with the parcels that are part of this. You'll note from the aerial photograph, a variety of different uses, including high-density, low-density, and institutional and university uses. You'll notice as you travel to the north you see higher density development. Obviously, right next to us is Campus Walk I. As I mentioned, you see some of the university uses and some of the higher-density on Cleveland Avenue that are in the process of being constructed now, pretty much at the intersection of New London Road and Cleveland Avenue.

The next slide provides an overview of the project, as I figure out how to get this over there. There we go. I'm going to walk through a couple elements of the project to highlight for you. You can see what we're doing here is basically interconnecting Campus Walk I with Campus Walk II, interconnecting that into Wilson Street, which continues around and connects into Corbit Street. As Ms. Gray mentioned, there are 11 homes . . . there's 10, but one of which is a duplex . . . on New London Road that are being removed and they are being replaced with 12 five-bedroom townhome apartments consistent with what is next door to it in Campus Walk I. Gone, of course, in addition to those will be the 11 driveways for those homes that currently exit out onto New London Road. Instead you'll notice a streetscape with sidewalks and walk-ups to the units but no vehicular access at that point. You'll note one of the things that's in the report, as you see Wilson Street at the bottom of the screen, is that the Police Department recommended that that be made no-parking on the street, which my client does not object to. I will simply note for the record that my client owns a number of the houses on Wilson Street but does not own all of the houses on Wilson Street. So, we're not making that lack of objection apply to any of the properties that we do not own. As you continue around to Wilson Street, you see on the left the four buildings with the reddish roofs. Those are all zoned RD. That's not proposed to change as a result of this. Those are incorporated into the application in large part due to lot line adjustments as part of the overall site plan process. In addition, you'll notice across the street from that, the single gray building. That is the relocated building that was previously on New London Road. We're relocating it here because it's actually not that old and so it makes more sense to kind of pick it up and move it and place it in a location as opposed to tearing it down and building another house there. My client has experience with that, having done that with a property on Church Street, as well.

There is an additional aspect of this application that I'm trying to get to here. There we go. Our neighbor to the immediate south is the St. John AUMP Church which, of course, has been here for a lot longer than most of us, and it is a church that, my understanding is, has been contemplating its future in terms of expansion moving forward. My client has been discussing his project with them and they've been discussing, I think, their ideals, desires, or perhaps future goals with him. And, so, as part of our proposal, we're taking that rectangular strip that you see in green, which is slightly more than 5,000 square feet, and we're proposing donating that to the church for incorporation into its parcel for whatever uses it wants to move forward with on that. In addition, we've been talking with the church about using its parcel for purposes of construction access with, at the end of our project, us repaving portions of that parking lot which we would be utilizing, which I think is currently kind of a stone and gravel aspect. This donation does have some minor impact on some of the site plan request. For

instance, our open area is slightly reduced because we don't count this. Some of the setbacks could be adjusted if this property weren't being donated to the church. Again, we would need a lot of the requests, but some of them would be reduced in scope.

Moving back and forth, what we have done, and you'll see this on your PowerPoint, we have highlighted where some of the deviations are from the proposal. A lot of these are internal deviations against properties that my client owns. I will note where you see the 7.8 in the bottom left of your screen, Mr. Mayhew had a brief conversation with the property owner adjacent to that and, as part of what we're doing with this proposal, we're going to be extending the existing fence that runs along the back of Campus Walk I onto this area and around the corner to continue it as a screening at the request of that property owner to discourage folks from walking in that direction from our community.

We have, again, the deviations show, I should actually . . . I mention the gray lot that's the relocated house. Where you see on your chart the RD deviations, those are all, with the exception of rear setback, actually less than what the existing house currently does. I will show you in a moment a comparison of the two photos. Basically, the difference is the existing house is wider which intrudes more into the setbacks. The house that's being relocated is narrower and therefore doesn't cause the impact. You can see there, again, just as we did with the RM portion of this site, we're highlighting the deviations of the RD and, again, with the exception of the rear setback, those are all less than what the current house that's on that property intrudes into the setback.

We've provided, and the Department has provided in Exhibit F, the density calculations. When you look at the area and you just look at the new townhouses, the density is within the parameters that are in Exhibit F, although we're trending toward the higher side. However, when the whole project is examined, including the RD and the relocated house, we're actually on the lower end of the density spectrum with the projects that have been approved in recent times.

This is the existing house that is at 41 Wilson Street. I mentioned in terms of comparison this is the house that's being relocated from New London Road over to Wilson Street. You can see the difference between the two. The one, as I said, is a lot wider, which causes more intrusions into the RD requirements than this house actually does with the exception of the rear setback. And, as I mentioned, it's being relocated because it's not that old of a house and it seems, as I said, to make more sense to recycle and reuse as opposed to tear down and build new, if you can do so.

The architectural renderings are contained in the packet. These are a continuation of what you see on Campus Walk I with, I think some more treatments, particularly if you look at the top, and Alan can correct me if I'm wrong, but that is the view from New London Road. Looking at the proposed construction there, there's a fine description in the Department's report that came from Hillcrest which describes it far better than a man with an attorney's degree as opposed to an architectural degree. What you see on the bottom would be the view of the four-pack that would be to the rear, looking at that from Corbit Street through the houses and stuff that's obviously in front of those areas.

Parking is exceeding what's required by the Code under this proposal. We have, I believe, what is 125 parking spaces and there is a Code requirement, I believe, for 87. I could be slightly off in the numbers but what I can tell you is that the combined is we're 25 over what the Code requires. There are 18 spots in external parking fields. There are two spots in each of the four- and five-bedroom units. The 41 Wilson has its own sufficient external parking on the site. And there are parking spots, as you can see, two spots in front of each of the garages for each of the five-bedroom units and there's one four-bedroom unit that has two spots in front of it. Or one each in front of two units. What I will note is you can see the area that's denoted as bike storage area. That is for the five-bedroom units. That space actually would qualify as a parking space in many jurisdictions. They have what's known as compact car parking spaces, and that

space actually meets it. So, there have been minutes in the past where that's been used because you have small enough cars to park them in there, but it's not advertised as a parking space and it's not counted as a parking space for purposes of this application.

This is the existing Campus Walk I community as you're looking down New London Road from south to north. This is what is currently in place. You'll notice the church in the far left, which is not part of the application and then you see the existing structures on New London Road, working their way down towards the Campus Walk community. And then you have the streetscape proposed with the new Campus Walk II community, again, with the architectural features that you see. We are, again, we tried to open up the front areas for purposes of visibility. Much as you heard with Benny Street, there is additional lot coverage in the back to discourage the congregation areas that you can see from the aerial photograph of the current property which have the large backyards, which sometimes for student rentals aren't the best idea. We do have exterior security cameras at the Campus Walk I community and will be carrying those through to the Campus Walk II community, as well.

A couple of closing points, the report submitted gives an overview at this stage of what the proposed stormwater management is for the project. Just as a brief overview, we're proposing, there's an existing 21-inch pipe that currently conveys stormwater run-off through the site from up-slope areas including West Main Street and fronting properties. Our proposed project will provide water quality by intercepting the existing stormwater run-off in the 21-inch pipe and treating the run-off in a bioretention area. Stormwater run-off will then be further managed for peak rate by utilizing underground chambers to temporarily detain the peak rate run-off. The proposed systems are designed to reduce the imperviousness of peak rate run-off per the current State of Delaware and City of Newark regulations. Obviously, Mr. Hill will be able to delve into that more, should the desire be there.

As I mentioned, we are utilizing the Site Plan process for part of this. I wanted to touch briefly on some of those criteria. While we do fall below the open area for the site, I notice again, as I mentioned this earlier, this design is following the design that you saw for the Benny Street RM properties where we were trying to discourage the congregation areas to the rear of the property and providing, of course in this instance, an interconnection from Corbit Street through our site, into our site, and then around back out through Wilson Street. In addition, we do have some area of additional open space however we're proposing to donate that to the church so it's not part of the application here. With regard to treatment of parking, as I mentioned, correcting my earlier number, the math was still right even though I got a D in my University of Delaware calculus class, but it was 112 spaces being provided and 87 spaces being required. So, we are 25 more spaces. Again, I mentioned there are up to 12 spaces inside the five-bedroom units which are not counted as parking spaces but, depending on the size car, can be utilized as such. The architectural design we covered earlier. With regard to the streetscape, I think you can look at what you see there, which is the proposed streetscape along New London Road and see that as a definite improvement, continuing the idea of making visual improvements to the gateway areas to the City. I know we've had conversations about South Chapel Street in the past, particularly the area between Cleveland Avenue and Main Street, not so much the area that was being discussed earlier, as one of the gateways. New London Road is obviously another one of the gateways into the City. Again, we think this is consistent with the character. It certainly builds upon what you find in the Campus Walk I community and this features, I think, some of the discussion in the prior application, taking older structures and certainly bringing a more modern yet fine architectural touch to these areas. And, finally, I don't know if I heard the thing saying that my 15 minutes were up, but we are also meeting or exceeding the LEED requirements for this, including adding the ability to charge electric cars in the garage, which is something that has lately been asked for. I think my project may have been the first where that was done. With that, I will stop and certainly open it up for questions. Again, Mr. Schreier and Mr. Hill are here, as well.

Mr. Silverman: Questions from the Commissioners? And I'd like to start with Commissioner Cronin.

Mr. Cronin: No questions at this time.

Mr. Silverman: Commissioner McIntosh?

Mr. McIntosh: No, thank you.

Mr. Silverman: Okay. Commissioner Wampler?

Mr. Wampler: I have a couple of things I'm not clear on. On page 5 of the information we were given, well, you're looking for, am I correct in understanding that you're looking for an increase in the density of 15%? Ten percent by the design and 5% for the common space? Is that right?

Mr. Tracey: Yes, and the underground parking, as well.

Mr. Wampler: Yeah, my confusion is that, by Code, it refers to an additional 5% for common open space and, on page 5 of the information we have, it says this project is not providing common open space. So, why is there a justification for the additional 5%?

Mr. Tracey: Well, I think the additional 5% is not limited to the open space, as well. It also has to do with, and I think the Department, and Mary Ellen can correct me if I'm wrong, it deals with the underground parking and some of those things, as well, as well as the site design. Additionally, we also have some open areas but, of course, those open areas are being donated to our neighbor for its use. And then we're also treating the stormwater management. I think all of that kind of weaves into that 5% matrix if I'm not mistaken.

Ms. Gray: Yes.

Mr. Tracey: In other words, it's not just open space. I know underground parking was one of the big things that the Department cited in its report when it was talking about the fact that we qualify for this and the fact that we have both two- and one-car garages which . . . actually two- and two-car garages, which some of the two cars can actually become three, if needed.

Mr. Wampler: Okay. Well, since you mentioned stormwater management, there are some concerns, again, in the documentation that we've been given that the proposed trench would be overrun and I'd like to hear a little bit more about the way the stormwater is going to be managed because it is true that, as of now, the kind of storms that we get are very different from the storms we're used to. You know, earlier this week there were areas of Pennsylvania that got three and four inches of rain in one day. And I couldn't tell from the drawings that we were given how water actually got into the storm management system other than through a ditch that was in the road or something. So, could you give us a little more information about that.

Mr. Tracey: Yes, I'm going to defer. Take the JD away from the microphone and give it to the PE, because they're the ones who do these things. And I understand, also, my son just started working as a meteorologist, so I get the storm and the weather stuff all the time now.

Mr. Hill: Alright, let me just flip back to the site plan just so we can . . . this way . . . it is what it is. This might be the easiest slide to show it. So, as far as the trench, because that was the first part of the question, we're proposing round about in this area here, a slotted drain that runs across the driveway to pick up all the run-off that's going down that driveway, because it does flow from the top of the hill that's here down to the bottom of the hill that's there. And you can see the stormwater management facility in Phase I down on the corner of Corbit Street here. So, all the water that's running down this way, we have a trench drain that runs across here that's picking up the water that's coming down the driveway. The comment that the Public Works Department put in there was more of a general comment to make sure that when we do the CIPs on it – the Construction Improvement Plans – that we size that so that we don't have bypass from it. Right now, there isn't a size on the plan. It just says slotted drain. So, it

was just more of a comment to make sure that that is picked up. And they come in varying widths. We can double them up if we need the extra to eliminate the bypass, because we do get that, even when you have inlets alongside the road, you often see a second inlet down below it and that's because the first one can't handle the amount of water that's flowing down the curb and it jumps to the second one and that collects it. So, that's the comment to do with the slotted drain.

As far as the stormwater management and the basin, so we have the basin up here, which is on towards the top side of the site here. The drainage area for that goes way off the map up into this area over here. There's a 21-inch pipe that comes down through from . . . I'm sorry?

Mr. Kevin Mayhew: West Main.

Mr. Hill: West Main, that comes down and enters into this area, as well, to pick up [inaudible] drainage area. So, we're intercepting that pipe and . . .

Mr. Silverman: Point of information, you're intercepting the water that's on the public right-of-way and public street . . .

Mr. Hill: Yes.

Mr. Silverman: That's being conducted onto private property from the City right-of-way.

Mr. Hill: That's correct. It's coming down, it currently pipes through the property and discharges down in the road on Corbit Street down here. So, we're actually intercepting that and treating that for quality in a biofiltration basin here and then for volume with chambers under the road here, and then that discharges down the backs of [inaudible]. So, that's where, so we're doing our stormwater management a little bit different, though we're picking up so much over [inaudible] site and treating that, as well as managing for what's on the site, as well.

Mr. Wampler: And you're confident that if we were to have three hours of a storm where we're getting an inch of rain an hour, that all of the water that was draining off of that . . . because that property is like 73% covered, right? So, there's a lot of water running off there. All that water could get into the system from what you're proposing?

Mr. Hill: Not at the proposed rainfall amounts that you suggest. There is no regulation that requires us to collect the rain. So, we're meeting all of the City's and the state's regulations on collecting the rainfall that's measured over a 24-hour period.

Mr. Wampler: I'm just making the point that regulations may have been drawn under a time when the kind of storms we had were significantly different than they are now, and in reality, is this going to be able to handle the kind of rain that we do get, not the kind of rain we used to get?

Mr. Hill: It's going to manage and treat the rainfall amounts that we're required by the City to accommodate. Because we don't analyze for the rainfall amounts that you talk about, I just can't answer that question on those rainfall amounts. But we are managing and treating the level that we're required to, which currently isn't being managed or treated.

Mr. Wampler: Okay. And I have just one more, it's sort of an administrative thing. I wasn't sure, a part of this is to re-designate part of the property from low-density to high-density, but my understanding is that all of this is now RM, and RM is already high-density. Is that right?

Mr. Tracey: Well, just to clarify, the four red-roofed buildings and the single gray building across, that's all presently RD and that's not changing as a result of this application, which is a low-density. Where we're showing the Campus Walk II, the zoning is high-density. It's just the Comp Plan has to be amended to catch up with that. In other words, you have high-density

zoning but the Comp Plan that's been in place for decades says low-density. So, it's marrying the two. We didn't request a rezoning as part of this. This was always zoned, as far as I know, RM, it's just the Comp Plan was never changed when the zoning was changed.

Ms. Gray: If I could clarify that. You are absolutely correct, Mr. Tracey. The way our zoning is written, the RM zoning allows for lower density development, so you can develop a parcel that is zoned RM at a lower density. So, the Comprehensive Development designation, you can develop it at a lower density under RM. But if you're developing at the highest allowable density to RM, it has to be, the Comprehensive Plan has to be designated to high-density.

Mr. Wampler: Thank you.

Mr. Tracey: Thank you. Commissioner McNatt?

Mr. Hill: I'll sit down now.

Ms. McNatt: To follow the . . .

Mr. Tracy: Don't sit down anywhere because I have a feeling she'll want to . . .

Ms. McNatt: Yeah, yeah, I have a couple. Just to clarify the stormwater approach, it looks like to me from the design on the plans provided that you are intercepting the offsite run-off and treating it through the bioretention facility and the underground chambers. What is interesting to me, and I understand why you're doing it and I think that it's great that you're assisting the drainage issues in that area, but what's interesting is that everything that's internal to the new development is going straight into the storm sewer system and not being treated at all. Because the way that the storm sewer network inside the drive aisles is collecting all that water and then discharging it down Corbit with no treatment. I understand you're probably Code-compliant for what you're trying to do but knowing our City's predicament with our drainage networks and our recent referendum and knowing that we have problems and not doing something internal to the development, seems a little frustrating to me, I would say. So, I believe it's interesting that you're not doing any treatment, you're just collecting and discharging in that location. Am I correct by understanding your plan that way?

Mr. Hill: So, we are treating the equivalent of our site.

Ms. McNatt: I said you're probably Code-compliant.

Mr. Hill: So, we are Code-compliant. So, we meet DURMM, which you're well aware, so . . .

Ms. McNatt: I'm sorry, because you're treating an off-site drainage area that's coming onto your property that's equivalent to your development?

Mr. Hill: Yes.

Ms. McNatt: And how much drainage area is that?

Mr. Hill: I don't recall off the top of my head. I know it's an equivalent area. I don't believe I have that information with me. Tom shook his head, as well. 1.91 acres.

Ms. McNatt: 1.91 acres is the off-site drainage area?

Mr. Hill: Yes.

Ms. McNatt: It's frustrating from a perspective that taxpayers were asked, you know, and the treatment is not coming from the new development. I understand it's equivalent and you're probably Code-compliant. It's just frustrating is what I'm saying. Parking spaces. Mr. Tracey,

can you re-describe the whole parking situation because the plan says 96 spaces provided, but I think you said 112.

Mr. Tracey: I was going from what the Department's report stated. There are 18 spots that are not in front of or inside of the units.

Ms. McNatt: Where are those?

Mr. Tracey: You'll see them at the bottom, where you see the 0 as you turn the corner on Wilson.

Ms. McNatt: Oh, okay, that little parking lot at the bottom.

Mr. Tracey: Yeah, and then there's four before you get into the project that are being added that weren't there previously. There's two inside of the garages of each of the units, so 2 x 12 is 24 and 2 x 16 is 32. There are two in front of each of the five-bedroom units, so that's another 24. And then there's two additional in front of the last four-bedroom units, which is another two. Not counted, but which, again, as I said would also technically qualify as what is called a compact car space, are twelve additional spots inside of the five-bedroom units.

Ms. McNatt: Is that the Wilson units? Which ones are the five-bedroom?

Mr. Tracey: No, the five-bedrooms are the ones facing New London Road.

Ms. McNatt: Okay, so that's the plan that showed the two cars inside the garage?

Mr. Tracey: Correct, plus two in front of each garage. So, 4 x 12 is 48.

Ms. McNatt: And the Wilson, even though they're in-line, you're still counting them as garage spaces? The ones that are in-line with each other? If you want to go to the garage parking plan ...

Mr. Hill: So, these are the lower level parking areas for the units. So, this is the four-bedroom unit, so it has two spaces in the garage and then one on the driveway. And then the five-bedroom units which front New London Road have two spaces that we count in the garage and then two spaces outside for a total of four, but there is this large area that doesn't quite meet the space requirements for a space, although it would meet compact car space requirements if the City had a compact car space. But we're not counting that. So, we have four on the five-bedroom units and three for all the four-bedroom units, plus the extra ones outside.

Ms. McNatt: And that's a total of 112?

Mr. Hill: Yes.

Ms. McNatt: So, I guess you have to update the plan to reflect the correct number. Is that correct?

Mr. Silverman: Commissioner McNatt?

Ms. McNatt: Yes?

Mr. Silverman: I don't think they can because there is an area within the building that, for practical purposes, could become a parking space, but for legal purposes does not qualify as a parking space.

Ms. McNatt: Okay, but I just, then please, how many ones are you legally providing per the Code? How many, total? 112 or 96?

Mr. Tracey: Start with 18 external to the site that are in new parking areas that have been constructed . . .

Ms. McNatt: The plan says 16.

Mr. Tracey: Okay, I've just been . . . the plan says 108. And the other four may be coming from the Wilson Street house that's being relocated to 41 Wilson Street.

Ms. McNatt: Alright, the large plan that we were provided, the parking tabulation says total provided 96. I'm on Sheet 1.

Mr. Silverman: Is there a date on your sheet?

Ms. McNatt: It's the one that came in our packet. Hold on.

Mr. Tracey: Tom and Alan are double-checking the numbers.

Ms. McNatt: With the revision date of 10/5/18, with the design date of 8/9/18. It's what was provided in our packet. I can look at the . . . and it's also the same sheet that was provided in our report, which says 96.

Mr. Tracey: I'm deferring to Mr. Fruehstorfer.

Mr. Silverman: Tom, if you'd like to speak.

Mr. Tom Fruehstorfer: If I could, there is a possibility that we missed the number on the drawing and it doesn't match what we actually counted. We can figure that out later and fix it. It seems clear that it's over the required number of parking. But if we have problems like this, it's a lot easier to figure it out ahead of time and not at the meeting, if you let us know.

Ms. McNatt: Well, I'd like to clarify because I know we're having a parking discussion on other topics and exceeding parking requirements I know is, I guess, a positive thing. But when we're trying to be a City of walkable, bike-able, trying potentially to reduce parking, I understand we're adding additional parking here, so I don't understand why in some cases we add more parking in some locations, even though the City's desire, potentially, is less parking. So, I'm just trying to understand the difference between what the plan says, what's being presented, and then what the intent of the City's goals are. That's why I'm trying to understand the parking numbers. Again, I assume the plan will be updated if it's not correct. I understand that.

Mr. Tracey: Yeah, I'm now looking to Tom, and Tom is saying 96 is correct. So, the 112 that I was reading from in the report was excess of what it actually is. What I don't know, Tom, and I'm looking at you, because I think it was part of the discrepancy, would we be, if you add to that the four spots that are available for each of the five Wilson Street properties, that takes it up to 20 spots additional, and that would take us to 116.

Mr. Tom Schreier: So, the 96 . . .

Mr. Tracey: Tom, step up here so we can hear you.

Mr. Silverman: Please identify yourself.

Mr. Schreier: Tom Schreier, Hillcrest Associates. The 96 spaces that are on the plan are for the front RM portion of the project. There are four spaces proposed for the relocated house down at the bottom, which would bring it to 100. The 112, I think, that is reflected within the Planning and Development report is those additional compact spaces in the front that are shown on the diagram. Initially, we called those out as a space but when we further got into

the architectural, they only measure 9' x 17', so they are 1-foot short of an actual space, which would bring it to the 112.

Ms. McNatt: Thank you. A couple of other questions. The stormwater facility is actually going to be located on the church property but with an easement. Does the owner, I guess this is maybe a City question, does the owner of the church have to sign the plan and acknowledge their understanding that this facility is going to be on their property? Or does an easement or some other documentation get recorded documenting this issue in some way?

Mr. Tracey: We would certainly be proposing, and I know the owners have had discussions and I think representatives of the church are here, but the proposal is through a documented easement.

Ms. McNatt: And that gets recorded?

Mr. Tracey: Yes.

Ms. McNatt: It will be recorded?

Mr. Tracey: Yes.

Mr. Tracey: And it's that small sliver that you see at the very top that would be on that property. You see the gray line that runs through the stormwater facility and the area to the right is off the property. Everything else is on our property.

Ms. McNatt: I guess that goes in the Subdivision Agreement, as well?

Mr. Tracey: I would presume that would be a requirement.

Ms. Gray: Yes.

Mr. Tracey: Typically, the Subdivision Agreement requires recordings of the deed restrictions, utilities, easements and things of that nature.

Ms. McNatt: And regarding easements, it looks like your picture on the slide shows the new house being relocated from 87 New London to the 41 Wilson location . . .

Mr. Tracey: Yes.

Ms. McNatt: It looks like a portion of the existing driveway is off, again, on another parcel. Is that going to remain and does an easement need to be created to allow that to remain? Or is the new driveway going to be . . .

Mr. Tracey: I think that may be a phenomenon of aerial photograph. I don't believe there's any portion of it that's off our property. If it was, and I'm looking at Mr. Mayhew, we would be . . .

Mr. Mayhew: I believe it was but we're not going to be building on their property.

Mr. Tracey: Yeah, okay, so . . .

Ms. McNatt: So, all of it then, when the new driveway gets built is going to be taken off the adjacent property and be solely on 41 Wilson?

Mr. Tracey: Correct. Correct.

Ms. McNatt: So, reflecting Mr. Wampler's comment, open space is required, I believe, by this zoning district and it looks like, as he read, and I understand, that there is no true open space being proposed other than the green space which is being deeded over or donated to the

church, or the stormwater facility specifically. So, there's really no open space. Is that a variance that's needed?

Mr. Tracey: It's part of the site plan approval process. Harkening back to some of the Benny Street projects that you all considered in the past, one from me as well as others, those also had a limited amount of open space under the same zoning district, RM, and the discussion points there were a desire to avoid the areas that had been congregation problems in the past for the student housing projects. Some of those, for instance, on Benny Street have been problematic in the past and the idea was that you open the site up, you have the impervious areas for parking or, in this case, actually extending an accessway all the way through, you eliminate those potential problem areas and open up the visibility so folks can see what's going on and can easily come in and deal with a situation in the unlikely event that one of Mr. Mayhew's places would have a situation, given the presence of the security cameras and the like.

Ms. McNatt: Which I completely understand the discussion of why, but with our future discussion about site plan approval process and how this is all linked together, I'd like to open the discussion of more impervious equals more run-off equals additional treatment. So, if the site plan approval process and the desire is to have less open space or green space on these types of parcels, which I understand the reasoning behind it, I think a good offset to that would be the additional treatment of run-off for all this new impervious cover that's going to be put in places which is not green. So, I'd like to have that discussion separately on the site plan approval future discussions. I just wanted to bring that up. And I believe I am finished at this point. Thank you very much.

Mr. Tracey: There's one other thing I wanted to add, not responsive to any of your questions, but as I was going through my notes and trying to make sure I made the 15-minute limit. As part of this, and this may have been reflected in the Department's report, there's going to be a historical marker added to the front of the property along New London Road, the language of which is presently being worked out between the Newark Housing Authority and HUD, to kind of denote the historic significance of this area in the past.

Mr. Silverman: Commissioner Hurd?

Mr. Hurd: Thank you. Two comments on the report itself. Well, three, I guess. One, thank you for putting the Subdivision SAC comments in sequential order. That made it very readable. One correction you'll want to make before it goes to Council, on page 7 you refer to the Haines Street development as opposed to the New London development.

Ms. Gray: Thank you.

Mr. Hurd: And then on page 5, when we're looking at the various sections and the discrepancies that we're looking at and the differences, I find I'm always calculating the actual percent difference because I think that tells a bigger story than the numerical difference. And, so, I would like to ask that we add that column, as well. Because it's more telling to say, you know, maximum lot coverage is 20% and we're going to 34.4%, that's a 72% increase, as opposed to saying it's 14.4% more. You know, it shows the scale of the change.

I'm actually going to take a different tack on the parking because one of the comments in the traffic and under the site plan and the discussions we've been having with the City is about reducing the amount of on-site parking and encouraging fewer cars on the lot and walking. And, so, I would offer that offering more parking on a lot is not a selling point to the current climate in the City perhaps.

Mr. Tracey: That's an interesting point because the last project that I had, and I'm not going to speak specifically of what was said here or what was said to me outside in the hallway and on the dais at the Council was the reverse of that, which was, now again, a lot of things can change

in six or seven months, but the tenor the conversation at that time was we don't want you seeking a parking waiver. Do you meet the parking and these types of things which, of course, we did. Because the concern there was, as I heard even from some of the folks on this Commission, not everybody, as well, where are people going to park if they come to the site? I agree with what Ms. McNatt was saying and what you are saying, as well, but there's obviously a lot of walking that goes along at University of Delaware. When you're here, very close to the campus itself, one would expect that certainly on the day-to-day life, people are going to be walking back and forth between these places. But we designed the parking, again, with the concerns and desires that have been expressed to us the last time we were coming through with one of these projects.

Mr. Hurd: I understand and I would say that I agree that the mechanisms aren't necessarily there to support either decoupling of parking or a mechanism for saying I'm going to offer this percentage less than Code because we're doing other things. So, I just wanted to point out that the traffic people are saying it would be best if you had less parking, and then the applicant is saying we have more.

Mr. Tracey: Well, the traffic people, I think, at least if I recall what the report said, were specifically talking about Wilson Street and talking about eliminating parking on Wilson Street.

Mr. Hurd: No, this was about parking because of the location . . .

Mr. Tracey: Gotcha. I apologize.

Mr. Hurd: And we want to minimize the needs of the automobile. I would say that that also goes a way to addressing some of the neighborhood concerns about traffic on Corbit and Wilson if you say we're now a 50% reduction . . . that's a huge number, I know . . . but a 50% reduction of cars is a big difference in terms of the neighborhood's experience by saying there are going to be fewer cars coming in and out.

Mr. Tracey: I understand.

Mr. Hurd: On the plan, and to that, I mean if I were looking at that and I were saying less parking, I would start by getting rid of the parking on the curve there coming up Wilson Street, but that's me. I did agree with the comment about bike parking. I don't think that just having parking inside the buildings on the one facing New London is as useful, and I guess I would like to see more bike parking like at the end there where the walkway comes through on the south end.

Mr. Tracey: I'm going to defer to Alan in a moment because I think we have added some external in response to that comment.

Mr. Hurd: Okay.

Mr. Hill: Yeah, so as far as the exterior parking, we have added bike racks down in this location here . . .

Mr. Hurd: Okay.

Mr. Hill: And we have bike racks there and bike racks there.

Mr. Hurd: Yeah, I would just say, yeah, I mean if you could put another one on the end of the second unit there or . . .

Mr. Hill: On this?

Mr. Hurd: On the south end.

Mr. Hill: The south end? Oh, there?

Mr. Hurd: Where Wilson comes in, basically.

Mr. Hill: Right in here? Well, we have one . . .

Mr. Hurd: Yeah, there or up . . .

Mr. Hill: We have one right there.

Mr. Hurd: Right, and maybe that's bigger or maybe there's one around the corner. I think that more and visible bike racks, external bike racks, is going to also encourage visitors and other . . . and maybe even residents might use it more because it's not behind the car or not behind the trash can. Just a general comment on the Existing Condition plan, nowhere is it indicated which is the house that is actually being moved, because they all say to be removed. So, I was kind of staring at it and trying to figure out which one was which. So, that was just a little thing from me.

Mr. Tracey: We can obviously revise that at the appropriate time and say to be relocated instead of to be removed.

Mr. Hurd: And then I think I'll just sort of bring up, as a discussion point because we've talked about this at other times, in Exhibit H, talking about the excerpts from the Comprehensive Development Plan, one of the things that they keep talking about is a mix of housing choices. And I think large developments like this are an opportunity to look at doing that, and when I see them basically sort of saying we have 12 five-bedroom units all in a row, we have 12 four-bedroom all in a row, it's a sameness and a uniformity that doesn't encourage that kind of mix of unit size and income levels and pricing and such. So, I'm just sort of putting it out there that I would love to see a project that came and said, okay, it's five-bedrooms and then there's this one unit that's split top and bottom or something, so that there is sort of this diversity of sizing and it's not so monotonous. And I believe that is it for my comments and discussion. Thank you.

Mr. Stozek: Okay, I have two questions. One is why did you decide not to have a public meeting?

Mr. Tracey: We were having individual discussions with the church and most of what you see in the immediate area is student housing and, quite frankly, my client owns a lot of it, through this entity or different entities. And to be very honest with you, we weren't seeking a rezoning because the zoning was correct, and the more stuff you seek, the more often you maybe consider doing the community meetings, depending on where you are and if something is being introduced. So, not seeking a rezoning and owning a lot of stuff in the area kind of was a large dictating of that.

Mr. Stozek: Okay, but you do have other neighbors.

Mr. Tracey: Correct, correct. I'm not saying that we don't.

Mr. Stozek: Of the four houses with the red roofs that you pointed out, you said two of them were owned by your client . . .

Mr. Tracey: All four of them are owned by my client.

Mr. Stozek: Oh, okay.

Mr. Tracey: I'm sorry if I mumbled but it's all four.

Mr. Stozek: Okay, because I was wondering if it was two northern-most since they were the ones whose lots were being truncated.

Mr. Tracey: Yeah, all four of those properties are owned by my client in one of his entities.

Mr. Stozek: My other comments really aren't for you, they're more for the City. I was really surprised that there were like three pages in the documentation here where there were issues about certain things being missing or certain things not being defined and it was just said, you know, this will be taken up later in the CIP process. And I guess if the City is okay with that, I just don't remember seeing this many items being in a document before that were questionable.

Ms. Gray: Well, this is an articulation of all of the SAC comment letters and all the comments from the Subdivision Advisory Committee letters. This is a compilation of them. And, actually, adding, I had asked staff to add what can be, what needs to be resolved at this part of the process, the Planning Commission process, and what needs to be resolved at the Construction Improvement Plan process because that process is a lot more detailed discussion and preparation and review. And if that doesn't need to occur at this point of the process, that type of review bog us down and also takes a lot more time than necessary, if staff is comfortable with the details that have been provided. That's why we have that list.

Mr. Stozek: Okay, but if we approve this and then through these discussions, you come up with some issues that are not resolved, then what happens?

Ms. Gray: Then it doesn't get approved. It would have to come back through the process.

Mr. Stozek: Okay. On the drawing, okay, that drawing there, on the southern group of apartments, where is the main pedestrian entrance into those apartments? Is it off the parking lot or is it off what looks like the rear of the building?

Mr. Hill: So, I think you're talking about these units here.

Mr. Stozek: Right.

Mr. Hill: Okay, so they have a front door entrance on this sidewalk here but they also, with the garage doors on this side, they also have a man door on that side, as well. So, they can access from the lower level on the garage side or from the main living level on the sidewalk side.

Mr. Stozek: Okay, I really can't imagine people going all the way around the building to get in the southern side, but that's up to the renters.

Mr. Hill: Yes.

Mr. Stozek: And I guess the last comment I have and, again, this is for the City, I know this one project would not make or break it, but all the stormwater is being collected, correct? It is either being collected or put into stormwater, existing stormwater sewers?

Mr. Hill: I thought you were asking a question of the City, actually.

Mr. Stozek: Well, I'll ask you first. I just wanted to clarify that. So, it's all being collected and taken away somewhere and end up in a stream somewhere.

Mr. Hill: It does end up in a stream somewhere, yes.

Mr. Stozek: Okay, and my only comment, again, to the City would be that another part, there's an issue of stormwater issues and getting rid of stormwater, but there's also an issue about recharging an aquifer. And as we continue through the City, and I've seen more and more of

these projects come through where they end up being 70% or 80% roof or parking lot, you know, how is the water getting back in the aquifer? We're just taking it all away and putting it into a stream somewhere. That's just something for you to consider going forward.

Mr. Silverman: This is not a natural resource protection area. It's not a natural recharge area, is it?

Mr. Hill: No, it's not.

Mr. Stozek: Well and I said this is not going to make or break it. I'm just saying we're seeing this across the whole City and all these developments that come forward and there's less and less open space. That's all my comments.

Mr. Silverman: At this stage, I have one comment, coming back to Sheet 1 of your drawings. It took me a while to figure out what the hashed area was, or the shaded area, for stormwater management. Could that be labeled?

Mr. Tracey: Yes.

Mr. Hill: Yes, I believe that's an area that's just used as part of the calculations.

Mr. Silverman: Okay, but it's not in the legend but it is described by hashing or additional markings.

Mr. Hill: Yeah, we can certainly add that.

Mr. Silverman: Thank you.

Ms. Gray: Commissioner Cronin.

Mr. Silverman: Commissioner Cronin?

Mr. Cronin: Yeah, I've got some more questions now. I didn't have them in the beginning, but if I may. I guess the building to the west, I guess with the twelve stories, it's got a 7.8 . . .

Mr. Hill: This building?

Mr. Cronin: Yes. With the land that's being donated to the church, it's what, close to 24 feet wide and 200 feet long, could that not be lessened in some fashion and take this back section away from New London Road and slide it closer to Hillside Road? I mean 7 feet, 8 inches, that's not even the length of a sheet of plywood, and if the property owner behind it puts up a fence, I can't see the firemen running around that corner of the building if they have to run around there to fight a fire between the building and the fence, and it's very, very short. So, perhaps the width of the property donated to the church could be a little less and this back number of units could be shifted closer to Hillside by at least 10 feet or so to gain a little more distance in that one tight corner. I'm also thinking of the firemen. I saw in your renderings in the beginning there's an existing hydrant on New London Road apparently from the photo around the W in New or the L in London, something like that, which is not shown on your . . . it's shown on the existing homes, but it's not shown on the elevation which you're proposing to build. I do see a hydrant between the two, between Campus Walk I and Campus Walk II, but do you really intend to remove that hydrant off the road?

Mr. Hill: No, we're not removing any hydrants. We are actually adding one at the end of Wilson Street, as well.

Mr. Cronin: I saw that.

Mr. Hill: Yeah.

Mr. Cronin: Okay. And then also if the units approaching New London were pushed up right along the edge of the 10-foot DelDOT easement, right now they're sitting back from it 2-3 feet, that could draw the structure in the back a little closer to New London and then you gain some space along the back where you have this rather narrow walkway to the actual fronts of this building. My primary concern is just that 7-foot, 8-inch space. It's just so tight and I think it could be troublesome in the event of a fire.

Mr. Hill: I don't want to comment on how a firefighter would get around the building. We're required, I think, 50% access to the outside of the building, so they can access that from both sides. But the Fire Marshal has reviewed the plan and hasn't had a comment about it that I'm aware of.

Mr. Tracey: And just the other, because you were talking about the donation to the church, I mean, Mr. Mayhew has been talking with the church for a while and this area that we've identified has been one that's been talked about as being donated to the church for its use. We'd like to be able to give them as much as we can for their purposes, as well. Obviously, these will all be sprinkled in accordance with the current Code. Mr. Mayhew also owns the four red roofs, which gives another ability for folks to get back to that area because he owns those properties, as well. And we also, and Alan can correct me if I'm wrong, the Fire Marshal over time has had different enforcement about that 10-foot area that's kind of in between, and this includes that 10-foot area. I guess they started requested expanding it out a little bit more, so we've done that with this plan in between the buildings.

Mr. Cronin: As long as they're happy, I'm happy. Thank you.

Mr. Tracey: If only the wife were that easy.

Mr. Silverman: Any other comments from the Commissioners? I'd like to open the floor up for public comment.

Mr. Edgar Small: Thanks. I just want to make sure I get the timer set because I'm very aware that I have three minutes here. My name is Edgar Small. I am a property owner and a resident of the property that is abutting this development. In the document, they say that I am one of the property owners that is omitted from the document. When they were talking about my property, it is abutting the stormwater retention pond where they are diverting stormwater from the City into that area. They are taking away a lot of, a number of high trees there and replacing it with, basically, the stormwater pond and some bushes. So, given my time, let me just say a few things. I'm not against development. I like when things are made to look nicer in the community. I think that adds value. But I think it has to be done in the context of what the regulations are and I think it has to be done with real data not pushing some of the limits. They're proposing to move from low to high, and by moving to high they're still going to be non-conforming with the regulations. I don't see why that is the case other than them saying that this is the case because of the distinctiveness and excellence, which you have brought up before, and the rationale for that is actually defined by six things. One is the open space which is not considered. One is unique treatment of parking facilities. I don't see anything unique about the treatment of parking facilities there. Outstanding architectural design. It looks pretty nice to me. But then you get into the association with the natural environment with landscaping. You're taking away a lot of landscaping and basically replacing it with impervious area. I don't see how that makes it distinctive and excellent. Relation to the neighborhood and the community. There hasn't been engagement with the community, so certainly the gentleman owns some of the properties which are kind of mixed up into this. And the sixth thing is LEED. And I've gone through the LEED regulations and there are a lot of questionable things in there that are being counted as credits. So, I don't see any basis that this is exceptional on any of those points. Yet, this is the basis for using such deviation from the requirements that you can see on page 5. I mean there's nothing even close to what the

regulations are in terms of setbacks, in terms of impervious area, in terms of the regulations. So, it just seems that it should be done in the context of something that is a small deviation, not a large deviation. It's not in the context of the approval. The document says on page 4 that basically this has de facto approval from the City and you, as the Planning Commission, may give quote related recommendations that the City could include. I hope that you have some oversight in this and not just a body that is maybe giving some recommendations to what the City has already done. So, there's things that the City has recognized that are just not on the plan, like putting buffer zones or evergreens and fences that are taken away. I think the stormwater issues, there's no way . . .

Mr. Silverman: You're up against your time, sir.

Mr. Small: Hmm?

Mr. Silverman: You're up against your time.

Mr. Small: How much time do I have left?

Mr. Silverman: You have none left.

Mr. Small: I have none left. I wish you would have given me at least a warning that I had a minute left. Can I take 30 seconds more just to wrap it up?

Mr. Silverman: Commissioners?

Mr. Hurd: Sure.

Mr. Silverman: Okay, go ahead.

Mr. Small: Okay. I think the stormwater is questionable. As I go through this document, there's the Traffic Impact Study. I don't see how that's justifiable that they're avoiding a Traffic Impact Study. Certainly, you're taking away from safety issues but introducing other ones. I think when you look at [inaudible] though, you do have to have a Traffic Impact Study. That's specifically [inaudible] and on and on and on. So, I encourage you just to look at it and say, well, maybe some more thought needs to be given to this. The timeframe seems to be very extensive. I'm in support of actually doing it but doing it the right way.

Mr. Howard Smith: I'm Howard Smith, I'm in District 4.

Mr. Silverman: Excuse me, Mr. Smith. According to our procedure, it's 9 o'clock. As Chair, I can extend until 9:30. Is there a consensus to do that?

Mr. Stozek: Yes.

Ms. McNatt: Yes.

Mr. Silverman: Okay, proceed. I'm sorry, I didn't mean to interrupt you.

Mr. Smith: I'm Howard Smith, District 4. I'm also a member of the Design Committee, however this project has not come before the Design Committee, so this is my own opinion. I think both Campus Walk I and II are some of the best architectural projects we've seen. Even though it's a long building, it's broken up into nice-looking townhouses where they all seem to look separate and it's certainly what I think is a good improvement over some of the other projects over time. So, I like what I see. Thank you.

Mr. Silverman: Thank you. Ms. White?

Ms. Jean White: Let me see here. I've got to find my place.

Mr. Silverman: Please identify yourself and your address.

Ms. White: I will. Okay, Jean White, District 1. This is a huge development and a member of the public only has three minutes to speak. Let me say, right off the bat, because I'm not going to get into it, but the second row of townhouses, I would like to see eliminated or severely cut back. I think there are many things you could do with that space, and I think they're all crammed together, and I won't talk about that more because I don't have time.

But as far as continuing Campus Walk, the development, up New London Road, the public and the Commission has an advantage because one-third to one-half of it has already been constructed and developed and so you can see how it will look because it's already there. I would like to read a paragraph or two from a letter that I wrote April 20, 2017 to the State Historic Preservation Office and the Newark Housing Authority. Because the developer, Mr. Mayhew, was buying all the houses there and wanted to buy 101 New London Road, 101 New London Road happened to be owned by the Newark Housing Authority, and in order for him, if they were to sell it, for that to happen, there had to be approval through HUD because it got federal money and also by the State Historic Preservation Office and Newark Housing Authority. So, there was a meeting of which two people were at that meeting beside me, and the public could put in comments and I did write a four-page comment, which I'm not going to read, but I'm going to read just a couple of paragraphs that relate to this.

So, I'm going to say . . . I said in this, I drive up and down this section of New London several times a week. I have always found it pleasing seeing these older style houses with their front porches lining the west side of the block of New London Road between Cleveland Avenue and Hillside and Corbit and Ray Street. It saddens me to see such a streetscape and others like it . . .

Mr. Silverman: One minute, Ms. White.

Ms. White: Okay. Let me just see. I went on to say, in fairness, this was all a part of my letter, I must say that his townhouses here . . . because I walked up and down and looked at them closely . . . are attractive with diverse architectural treatments, each unit with individual distinctive features, which I then detailed the exterior, the brick and stone siding, and the features of the different rooflines and dormers and so on. And most impressive to me of this architectural design . . . I'm skipping over some things I have here . . . is that each townhouse, they're all connected, of course, have a front porch shaded by the little roof, helping to reproduce the ambiance of the houses they replace which, by and large, had, and which those remaining still have, front porches. Perhaps the architect of Campus Walk, in putting in front porches, was inspired by the front porches of the existing houses on this block of New London Road. And like other features . . .

Mr. Silverman: Time, Ms. White.

Ms. White: Can I do my one last sentence, then? I'll skip over a whole paragraph.

Mr. Silverman: Yes.

Ms. White: This development, Campus Walk, is, to me, one of the most attractive redevelopments of the projects that have occurred in Newark, and better than other projects in Newark by this same architectural firm, skipping over a lot of other things that I would have said reading it, and then I listed my objections. I am going to give a copy of this letter to Kevin Mayhew. I was thinking about it and I'll give the whole letter to him so that he'll have it. Thank you.

Mr. Silverman: Thank you.

Ms. White: I do think that the public should have more than three minutes. This changed only about five or six years ago when the public had more time and I think it's unfair that you all get

to talk a really long time on a really big project like that and the public only has three minutes. Five minutes would be good. Thank you.

Mr. Silverman: Thank you. There are several members of the public who could not be here tonight who submitted written comments and I would ask the Director to read those into the record.

Ms. Gray: Actually, we only ended up with one because the other comment was on Haines Street and that person did give public testimony.

Mr. Silverman: Okay.

Ms. Gray: So, this was from Dr. Michael Greenberg of 226 West Main Street. He came into the Planning Department today at 10:20 a.m. to discuss the Campus Walk II land use proposal. He is unable to attend tonight's meeting and wanted to express a concern he had with the proposal. Per Dr. Greenberg, Corbit Street is a tiny residential street but it has a lot of traffic flowing through it, especially at peak times, with cars backing up along the road. A large development built there that is accessible via Corbit Street in addition to New London Road could make a real mess of Corbit Street.

Mr. Silverman: Thank you.

Ms. Gray: You're welcome.

[Secretary's Note: A link to Dr. Greenberg's written public comment can be found at the end of this document.]

Mr. Silverman: Are we ready to move to the vote?

Mr. Mico Slijepcevic: I'd actually like to make a comment.

Mr. Silverman: Okay, sir.

Mr. Slijepcevic: My name is Mitch Slijepcevic and I live at 7 Chippenham Drive. I actually own two of the houses adjacent to this project, the ones down in the lower left-hand corner on Corbit Street, and I think that what Mr. Mayhew is doing here is great for the community. I fully support the project and I think, you know, the changes that are going to happen from the look of New London Road are going to be significant, you know, similar to what he did on the first Campus Walk project. The look of that street is so much better in that section than it is between the church and where Campus Walk is now. Those are older houses and they're started to look rundown like some of the other older houses in the City and doing a redevelopment like this is really going to make that area look a lot better than it has before.

Mr. Silverman: Thank you. Did you sign in, sir?

Mr. Slijepcevic: No, I did not.

Mr. Silverman: Could you go over to our secretary and spell your name for us, please, for the record?

Mr. Slijepcevic: Sure, absolutely, just like it sounds.

Mr. Silverman: Thank you very much. Are there any other public comments? Hearing no more requests, I turn to the Commissioners. Are we ready to proceed to a vote?

Mr. Stozek: I'd just like to make one other comment and one of the speakers reminded me of something I forgot to say. Again, as a continuation of Campus Walk I, I think this is an

improvement. But my concern, again, is the density or the number of units and the number of Code variances for non-compliant codes. I mean there are like 15 things listed here and I would say only three of them are minor. That, you know, again, we see this over and over and over again. Why do we even have codes when we're constantly violating them? And that's just my question to the Committee and to the City. We pass these regulations and then we just ignore them.

Mr. Silverman: Okay, what I'd like to do is move on to the recommendations cited in the Director's report on page 16 with respect to action by the Commission. And if we wish to make further comments during the discussion period that would be appropriate to the reasons why we're supporting or not supporting this proposal. Okay, the Chair entertains a motion with respect to paragraph 1, recommendation that City Council revise the Comprehensive Development Plan. Will, would you like to do the honors?

Mr. Hurd: Sure, I'd love to. I move that we recommend that City Council revise the Comprehensive Development Plan V land use guidelines for 83-105 New London Road, Campus Walk II, from low density residential to high density residential, as shown on the attached Exhibit H-1 dated October 29, 2018.

Mr. Silverman: Is there a second?

Mr. McIntosh: Second.

Mr. Silverman: It's been moved and seconded. Is there any discussion?

Mr. Hurd: I'll say I'm in favor of it because I think, as we're seeing, the Comp Plan, by its nature, has to lag and sometimes has to support what's existing so we had RD style houses on an RM lot, which was a low-density usage. But I would agree that, as Campus Walk I is showing, that a higher density along New London Road is appropriate.

Ms. McNatt: I support, again, the increased density from a low to a high density. I do have some concerns regarding pushing it to the limits and having so much on the property that we're needing to have a lot of variances. So, while I support it, I support the interconnection of the Wilson Street and the Corbit Street, I just, I think that I support the change from low to high, but I think I have some concerns regarding the design itself.

Mr. Silverman: Commissioner?

Mr. Wampler: I'm in favor of increasing the density but I do support Bob's comments that these projects seem to have a lot of discrepancies from what's in the Code and I think that's something, long-term, we need to look at. Either the Code is wrong, or the plans are wrong. But to have a set of requirements in the Code and then ignore them every time, I think it demeans the process, so I'm against that.

Mr. Silverman: Okay, I'll comment on that. In my mind, it goes toward deficiencies in the Code. Perhaps the Code is obsolete with today's demands. And one of the things that, I believe, consulting services are being contracted for us to start reviewing the Code. Am I correct, Madam Director?

Ms. Gray: Not for 2019, no. Where we have consulting services ongoing now, which is to help organize the Zoning Code in adding matrices and use tables in preparation for reviewing and redoing the Code at a future time. And also, that will enable users to understand the Code a little bit more readily upon reading.

Mr. Silverman: Thank you.

Ms. Gray: You're welcome.

Mr. Silverman: Frank, any comments?

Mr. McIntosh: Well, I think of the Code as static. A lot of time goes into it and it's written. It's sort of like when you build a bridge. By the time you're through building it and painting it and all that, when you're done painting it, you have to paint it again and start over because it took so long. I think of codes that way. But the reality of the world that we live in is the market changes and the market demands more things. And we don't have, we have not done a good job of marrying those two things together. I'm not sure how you do it. I don't have an answer to that. But to suggest that a Code is going to [inaudible], to me you have to look at what makes sense. And that's why you keep seeing more of this kind of thing coming in front of us. These developments that are going in are replacing, in many instances, anyway, homes that are decrepit and falling apart, that are not something we want to hang a shingle on for the City of Newark. And they are making our city look a lot better. So, in that regard, you know, developers don't come in front of us looking to put a product out there that's shabby or a product out there that doesn't look good and it's not going to attract people. So, that's part of, I think, at least in my mind, why it is a challenge. But, you know, I don't think we can rely just on the Code. So, I will be voting yes for this.

Mr. Silverman: Commissioner Cronin.

Mr. Cronin: I think the project is, what concerns me is that I guess the depth and degree of density. The higher density, yes, but I think it's just too darn dense. I mean maximum lot coverage is 30% that's required and here's 72%. That's more than twice the maximum lot coverage we're supposed to have. You know, minimum open area 40% and this is well below, well, it's below 75% of that number. I think it's just squeezed in too much and too tight. I'd like to see, I mean, I like the visuals along New London Road and what they did there, but the rear density and units and how it's crammed into there is, in my judgment, out of order.

Mr. Silverman: I have another comment on this before we move to a vote. I think this represents a good faith effort to develop what is an extremely difficult site with respect to the jack-jaw land use patterns and very old property line layouts. It does take into account a significant area in excess of one acre of off-site drainage to take through the parcel and to process it. I know there seems to be a wash, all puns intended, with respect to water quality. The elimination of a significant number of driveways along New London Road adds to the safety of that intersection. I drive that every day and it's a real challenge when somebody wants to go in and out of a driveway for one of the existing housing. The density is comparable to nearby properties, taking into account the University and the University activity that's literally within sight. Even though we talked about parking and the use of cars, the location of this site and the number of students that I've witnessed walking up and down New London Road shows this is a significant walking area. In addition, there is a University bus route that traverses this area. So, even though there's parking places provided, the opportunities for not using an automobile during regular and peak travel times is significant because of both pedestrian walking and bus use. No parking on Wilson Street is a definite need with respect to public safety and I'm glad to see that the Police Department has specifically commented on that. And I will be voting in favor of this particular proposal on paragraph A. Are there any additional comments? Shall we move directly to the vote, then?

Mr. Bilodeau: You might want to wait until Frank is back.

Mr. Silverman: Okay. Sorry, I didn't see that. Let's stand at least in a stretch in place recess for two or three minutes until Frank gets back, and we'll extend our operating time since we're very close to our limit

Ms. Gray: Here's Frank.

[Secretary's Note: Mr. McIntosh exited the meeting briefly at 9:19 p.m. and rejoined the meeting at 9:21 p.m.]

Mr. Silverman: There he is. We shall continue. All those in favor of the motion with reference to paragraph A, signify by saying Aye. All those opposed, signify by saying Nay. Paragraph A motion carries.

MOTION BY HURD, SECONDED BY MCINTOSH THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL REVISE THE COMPREHENSIVE DEVELOPMENT PLAN V LAND USE GUIDELINES FOR 83-105 NEW LONDON ROAD (CAMPUS WALK II) FROM “LOW DENSITY (RESIDENTIAL)” TO “HIGH DENSITY (RESIDENTIAL)” AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT H-1 DATED OCTOBER 29, 2018.

VOTE: 6-1

AYE: HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK, WAMPLER

NAY: CRONIN

ABSENT: NONE

MOTION PASSED

Mr. Silverman: The Chair entertains a motion. Will, will you do the honors?

Mr. Hurd: Certainly. I move that we recommend that City Council approve the 83-105 New London Road and 36-42 Wilson Street, Campus Walk II, major subdivision and site plan approval plan as shown on the major subdivision site plan approval plan dated August 9, 2018 and revised October 5, 2018, with the Subdivision Advisory Committee conditions.

Mr. Silverman: Okay, and before I ask for a second, is there any additional wording that the Commissioners want added to that statement?

Ms. McNatt: Can we discuss it first?

Mr. Hurd: I'll add with the addition of the comments made by the applicants regarding some of the changes to the plan, specifically like bike parking, that don't exist currently on the plan in front of us.

Mr. Silverman: Commission McNatt, would you like to add to that?

Ms. McNatt: That was one of my topics that I felt we should address is that there were several items on the plans that weren't, maybe had been modified or changed before tonight that should be corrected on the plan.

Mr. Silverman: Okay. Is there a second?

Mr. McIntosh: Second.

Mr. Silverman: It's been moved and seconded. Is there any discussion? Commissioner McNatt?

Ms. McNatt: While, again, I support density and I think the Campus Walk look in continuing on New London is appropriate, I believe we're trying to put a lot on this parcel, which I don't see some of the distinctiveness and excellence that is noted. I think that as a responsible developer, things could be done to make it more distinctive, not just from an architectural standpoint, which I believe is true – the architectural standpoint is very distinctive and excellent – but from a site design. Site design includes more than just architectural. It includes stormwater treatment, it includes, not just from off-site drainage to the parcel, which you have to control, but internal to the parcel, which includes maybe some minimalization of parking or maybe just parking standards to the requirements, or do something unique for the parking,

which is one of the items – treatment of parking facilities. So, I’m frustrated on how the . . . I don’t know if the best . . . and the Wilson units seem a little excess. I don’t know if maybe reducing one unit to give a little more space between the adjacent parcels is best because I still think the density, while being high, can be done, I just think we’re doing a lot on this project and not doing something excellent. And so, I’m not 100% supportive. I don’t know if that makes sense.

Mr. Silverman: Is there any other comment or discussion? Hearing none, we’ll move directly to the motion. All those in favor or paragraph B as modified, signify by saying Aye. All those opposed, signify by saying Nay. The Chair asks for a show of hands. All those in favor of paragraph B with modifications, signify by raising your hand. One, two, three, four in favor. All those in opposition, signify by raising your hand. Three in opposition. The motion carries.

MOTION BY HURD, SECONDED BY MCINTOSH THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE 83-105 NEW LONDON ROAD AND 36-42 AND 41 WILSON STREET (CAMPUS WALK II) MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN AS SHOWN ON THE MAJOR SUBDIVISION, SITE PLAN APPROVAL PLAN DATED AUGUST 9, 2018 AND REVISED OCTOBER 5, 2018, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS OUTLINED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED OCTOBER 30, 2018, WITH THE ADDED CONDITION THAT SITE PLANS BE UPDATED TO REFLECT:

- A. LOCATION OF ALL BIKE RACKS;**
- B. LOCATION OF ALL FIRE HYDRANTS;**
- C. IDENTIFICATION OF THE HOUSE ON NEW LONDON ROAD THAT IS BEING RELOCATED TO WILSON STREET; AND**
- D. IDENTIFICATION OF THE HASHED/SHADED AREA TO BE USED FOR STORMWATER MANAGEMENT.**

VOTE: 4-3

AYE: HURD, MCINTOSH, SILVERMAN, WAMPLER

NAY: CRONIN, MCNATT, STOZEK

ABSENT: NONE

MOTION PASSED

[Secretary’s Note: Mr. McIntosh exited the meeting at 9:26 p.m.]

- 5. REVIEW AND CONSIDERATION OF AMENDMENTS TO ZONING CODE CHAPTER 32 ARTICLE XXV LANDSCAPE SCREENING AND TREATMENT RELATING TO LANDSCAPE AND TREE PRESERVATION REQUIREMENTS. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]**

[Secretary’s Note: Agenda Item 5, review and consideration of amendments to Zoning Code Chapter 32 Article XXV Landscape Screening and Treatment relating to landscape and tree preservation requirements was withdrawn from the agenda until a future Planning Commission meeting.]

- 6. REVIEW AND CONSIDERATION OF AMENDMENTS TO ZONING CODE CHAPTER 32 ARTICLE VII INDUSTRIAL DISTRICTS RELATED TO ALLOWABLE USES. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]**

[Secretary’s Note: Agenda Item 6, review and consideration of amendments to Zoning Code Chapter 32 Article VII Industrial Districts related to allowable uses was withdrawn from the agenda until a future Planning Commission meeting.]

7. DISCUSSION OF POTENTIAL REZONING AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FOR FOCUS AREA 2 – CLEVELAND AVENUE. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]

[Secretary's Note: Agenda Item 7, discussion of potential rezoning and Comprehensive Development Plan amendment for Focus Area 2 Cleveland Avenue was withdrawn until a future Planning Commission meeting.]

8. REVIEW AND CONSIDERATION OF NARRATIVE AND WORKPLAN FOR THE PARKING SUBCOMMITTEE STRATEGY. [ADDED OCTOBER 25, 2018.] [REVISED REPORT POSTED NOVEMBER 5, 2018.]

Mr. Silverman: Okay, Commissioners, we are within four minutes of the bewitching hour. Only with the Commissioners' permission can we extend for another five or ten minutes to discuss the Parking Subcommittee Strategy and move this document from the Commission to Council. Is there a consensus that we can proceed?

Ms. McNatt: I don't agree that there's enough time to have that discussion tonight.

Mr. Hurd: No.

Ms. McNatt: I think that this item is . . . I mean if you're wanting to say that we're done at 9:30, then I don't think we have enough time to discuss it. If you're thinking we need to extend it until the time to have a full discussion, that's fine, but I'm not comfortable with just a three-minute discussion.

Mr. Silverman: Madam Director, do you have a comment?

Ms. Gray: It is hopeful that we could have a discussion this evening so that we can move this forward to Council at their next available agenda, given that there are some implementation components in this and an articulation of requested funding. However, the funding was approved last night within the budget, so whatever the . . . I don't want to have a rushed discussion, but I'd like to move this forward.

Mr. Hurd: Question, is there a deadline imposed by Council or is it just as soon as possible?

Ms. Gray: As soon as possible. There's a desire to move this along now understanding that this has been on our staff's desk for a couple of months now. It has taken a considerable amount of time for staff to get to this point. So, that's kind of my thoughts on that.

Mr. Hurd: I would agree that this deserves space to discuss because it's a meaty document that, to Mike's credit, really fleshes out a lot of the stuff that the Subcommittee discussed, and we have the challenge that our Subcommittee Chair has left the meeting. So, while I could comment on some things, I think I would be in favor of, if possible, bumping this to the next agenda and giving us the space to discuss it.

Mr. Silverman: Mr. Stozek?

Mr. Stozek: Mr. Chair, has Frank left?

Mr. Silverman: Yes.

Mr. Stozek: I was going to say, I need to leave because I have to be home for a 10 o'clock phone call.

Ms. Gray: Oh, okay.

Mr. Silverman: Okay, so then it's the consensus of the group that we'll ask the Department to continue this discussion to a future meeting.

Ms. McNatt: Can it be on the next meeting's agenda?

Ms. Gray: Oh, sure. We're ready to go.

Ms. McNatt: So, like #1?

Ms. Gray: Sure.

Mr. Wampler: That's fair.

Ms. McNatt: Okay, thank you.

Ms. Gray: Sure, it can be first on the agenda.

Ms. McNatt: Thank you.

Ms. Gray: You're welcome.

Mr. Silverman: If there is no objection, we will stand adjourned.

[Secretary's Note: The Planning Commission meeting adjourned prior to discussion of agenda items 9 and 10, listed below.)

9. NEW BUSINESS.

10. INFORMATIONAL ITEMS.

- a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS**
- b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX**
- c. FOR...TOWNS, HAVING...UNIVERSITY IS A MIXED BLESSING [ADDED OCTOBER 25, 2018.]**
- d. LOT CONVERTED TO PAY-TO-PARK FACILITY [ADDED OCTOBER 25, 2018.]**

The Planning Commission meeting adjourned at 9:29 p.m.

Respectfully submitted,
Frank McIntosh
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

- Exhibit A: [Applicant presentation \(209-225 Haines Street\)](#)
- Exhibit B: [Applicant handout \(209-225 Haines Street\)](#)
- Exhibit C: [Planning and Development Department report \(209-225 Haines Street\)](#)
- Exhibit D: [Written public comment Ringel \(209-225 Haines Street\)](#)
- Exhibit E: [Applicant presentation \(Campus Walk II\)](#)
- Exhibit F: [Planning and Development Department report \(Campus Walk II\)](#)
- Exhibit G: [Written public comment Greenberg \(Campus Walk II\)](#)