

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

February 5, 2019

7:00 p.m.

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

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 7:00 p.m.

Mr. Silverman: The Tuesday, February 5, 2019 Planning Commission meeting will come to order. For those of you who have copies of the agenda, Item 6 on the agenda with respect to application 18-10-01, 92 and 96 East Main Street, has been withdrawn from tonight's agenda. So, if there is anybody here who came to hear about the Green Mansion, it will not be on the agenda for tonight's meeting.

1. CHAIR'S REMARKS.

Mr. Silverman: Moving on to Item 1, the Chair's Remarks, the material for this meeting has been posted on the City's website for seven days as required by law. All the background reports of the consultants and the City Planning Department have been available to the public on that particular site. The Commissioners have their own individual copies that were mailed to them. Because of the time constraints established by the Rules of Procedure of the Commission, we will be moving right along tonight, and I will be changing how we do business with the concurrence of the Commissioners to economize time. What I am proposing tonight is we will hear a brief report from the Director, there will be no questions. We will hear from the applicant, there will be no questions. We will hear from the public, we'll hear their comments, and then we'll open the floor up to the Commissioners to ask questions based on the information that they've received from both the public and the applicant. The dialog will be between the Commissioners and the applicant. This is a public hearing, it is not an information session, it is not an education session. We are here to hear comments, not dialog back and forth among individuals or groups. There will be no individually questioning the applicant by the members of the public. The Commissioners will question the applicant as a group. In order to economize, again, on time, the Commissioners will be given a single opportunity to ask their list of questions and receive answers from the applicant. We can deviate from this depending on the character of the hearings tonight and how it moves along.

2. THE MINUTES OF THE JANUARY 2, 2019 PLANNING COMMISSION MEETING.

Mr. Silverman: Moving on to the second item. The minutes have been posted and have been available for public comment. The Commissioners have copies. Madam Secretary, have we gotten any additions or corrections for the minutes from either the Commissioners or the public?

Ms. Michelle Vispi: We have not.

Mr. Silverman: Okay. Hearing that there are no additions or corrections, the minutes stand as posted and distributed unless I hear an objection. Hearing no objections, the minutes have been adopted.

THE MINUTES OF THE JANUARY 2, 2019 PLANNING COMMISSION MEETING ARE APPROVED.

3. REQUEST FOR A PLANNING COMMISSION MEMBER TO SERVE ON THE ARTICLE XXV LANDSCAPE SCREENING AND TREATMENT ORDINANCE REVIEW COMMITTEE.

Mr. Silverman: Moving on to Item 3, we have a request with respect to the participation of the Planning Commissioners involving a landscape screening ordinance review. Madam Director?

Ms. Mary Ellen Gray: Thank you, Mr. Chair. The Parks and Recreation Department, at the direction of Council, is putting together a work group to examine and make recommendations on a landscape screening and treatment ordinance, as found in Chapter 32, Article XXV regarding general provisions, definitions and tree-mapping requirements. It is anticipated that, similar to the Parking Subcommittee, this group will meet one or two times a month for six months and then they will compile a set of recommendations to bring to Council for potential changes to this ordinance. The Parks and Recommendation Department is looking for a representative from the Planning Commission to be on this committee so if anybody would like to serve on that committee, please let me know either this evening or in the near future. Thank you, Mr. Chair.

Mr. Silverman: Thank you, Madam Director.

4. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING FROM BL (BUSINESS LIMITED) TO AC (ADULT COMMUNITY), AND MAJOR SUBDIVISION AT 924 BARKSDALE ROAD (PR#17-11-06) TO CONSTRUCT A 3-STORY, 115-UNIT ASSISTED LIVING AND MEMORY CARE FACILITY.

Mr. Silverman: We're going to move into the major portion of our business tonight with respect to public hearings. A reminder, we do have a sign-up sheet that's over by the door. If you wish to speak, you should sign up on that sign-up sheet. This does two things. It affords you a place in line and it also gets a correct spelling of your name for the public record. If you choose not to sign up, you'll be offered the opportunity to speak spontaneously from the floor. When you come up, we request that you state your name. If it's an unusual spelling, spell your name for us, and give some idea of where you live with respect to street address if you choose to do that, or councilmanic district.

Moving on to Item 4 on our agenda, this is application 17-11-06, an adult care community at 924 Barksdale Road. Madam Director, if you'll introduce it.

Ms. Gray: Thank you, Mr. Chair. This proposed project is for the, otherwise known as PR17-11-06, as Chairman Silverman indicated, is a rezoning and major subdivision for a 6.95-acre property at 924 Barksdale Road. The applicant is requesting a rezoning of the property from BL business limited to AC adult community and approval of the plan to construct a 115-suite and 137-bed assisted living and memory care facility. The proposal also requires a Comprehensive Plan amendment. Because the Comprehensive Plan amendment, rezoning, and major subdivision plan, with the Subdivision Advisory Committee recommended conditions, should not have negative impact on adjacent and nearby properties and because the proposed use

does not conflict with the development pattern of the nearby area, the Planning and Development Department suggests that the Planning Commission recommend to Council that the revision of the Comprehensive Plan V from commercial to high-density residential, the rezoning of the subject parcel from BL business limited to AC adult communities, and the approval of the major subdivision as submitted and revised on January 28, 2019, with the Subdivision Advisory Committee conditions. And I believe the applicant is here to discuss the project.

Mr. Silverman: Okay, please come up to the mike. Commissioner McIntosh will be our timekeeper tonight. The applicant has fifteen minutes, with a five-minute warning. Members of the public have three minutes, and the Commissioner will give a one-minute-ish warning as to the end of their time. Please begin.

[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. A link to the applicant's presentation as well as the Planning and Development Department report for 924 Barksdale Road can be found at the end of this document.]

Mr. Greg Elmore: Thank you, Commissioner, and thank you, Planning Commission. My name is Greg Elmore, I'm representing the applicant. Again, in the interest of time, I do have some information about who we are and what we do but I will skip through that. If there are questions at the end, I'm more than happy to go back. We will get right into the meat of this, so we can enjoy some discussions. There goes half my presentation.

Here we go. So, again, approximately a 7-acre lot zoned business limited and accessed, currently access to Barksdale Road. We are requesting site plan approval. The minimum required lot for our use is 93,000 square feet. Our lot size is 302,000. The maximum lot coverage is 30%. Our lot coverage is 14%. Allowed building height is three stores, and we're proposing a three-story. I think everybody knows kind of where we are but there's the description of where our site is located right now.

Just real quick, here are some things that are allowed outright in that zone and when we change this over to the adult care, it actually reduces some of the uses and lot coverages allowed, and we meet all of those requirements as well. Meet or exceed all of those requirements as well. A big question that we have that we've been getting from the neighbors is traffic generation. Based on what is allowed in that location, we're going to be far less traffic and far less peak traffic. Our peak times, our shift changes happen off-peak, so our peak travel is about 24 at most, and that's in the afternoons.

Quickly, here is the proposed site plan. Just to kind of give you an idea, across the north side of this site, there is a 125-foot building setback that was written into the deed of this piece of property. We meet that. There's a 50-foot conservation easement on the back, and we exceed that, as well. You can see our setbacks along the sides, they're called out, and we exceed all of those building setbacks. We have one access to, I just lost the name, we have one access to this site and we're lining up with the access across the road. As mentioned, it's a three-story building with 115 units, 14% building coverage, 61% of the site is landscaped and open space. We're preserving and enhancing the landscape areas along the back and up against the neighbors as well.

This is the proposed plan discussing stormwater. As we get into that, if there are any questions on that, we've worked extensively with staff engineering to . . . the reason this project has taken us so long is we've gone back and forth with staff engineering to make sure that our stormwater, we meet the stormwater requirements. And our civil engineer, Jim, who is here if you have any questions, has worked tirelessly with engineering and we have now accomplished what they were asking us to accomplish.

Right quick, this is just a landscape plan. We have some street trees across the front that we're going to be required to do. There is existing vegetation that happens all around this site. We're keeping a majority of that vegetation as-is. You can see the limits of our disturbance right there. So, that top northwest corner of that site we won't even be disturbing. And then we recognize that there may be some holes in this and these are all of our single-family neighbors up front. We recognize that there might be some holes in that and we've been working with the neighbors and others to increase evergreen buffers there, so we buffer the neighbors. The rest of the tree counts that you see, street trees and other trees for the parking, all meet or exceed.

Right quick, this is just the, we kind of go around and this is the color palette that we're looking at. We like the earth tone palettes. We do use a red brick for accent and the darker gray and it's called weathered wood roof, architectural comp roof.

The view from Barksdale Road, you can see, I don't know if everybody can see it on the bottom right here, you can kind of see where we're standing looking at the building. These are renderings that just have the very early planting of the trees, so I would imagine in a few years there's not a whole lot that's going to be seen because of the street trees required.

Another view from Barksdale Road from the other direction.

This is kind of a fun one to present to everyone. This is from the back and the neighbors. This is what the building would look like if there was nothing in front of it. And this is what it's going to look like once we finish planting and the existing trees that are there now. So, we've worked, that's that 50+ foot green space that we've got in the back planted.

The same with this one. You can see where we're standing here. We're on the northeast corner of the site. This is the one-story portion of our facility on this corner right here, and you can see the trees, the bottom shows you what it's going to look like when we put the trees in it.

I did want to just present these. This is what the, this is an actual finished building. This is in Farmington, Connecticut. This is kind of the finish that we will have on this building. We're not just drawing pretty pictures and telling you what we will do. This is how we present them. This is actually the back of the building. We kind of pride ourselves on not having a back of the house because our residents experience the building all the way around. That is our commercial kitchen in that location right there. We do a good job of maintaining all façades around the building.

Another quick view of the front of that building, as well. We've got a lot of play in the façades of the building so it's not just a big flat building.

A quick facility overview. I am representing Columbia/Wegman. It's 115 suites, three-stories, 89 suites of assisted living and 26 suites of memory care. We've done our due diligence. They don't send me out here unless we know that there's a need for this facility in the area, so we feel that we're doing this . . . we appreciate the service that you guys are providing, and I think that you're going to appreciate the service that we can provide as well. Twenty-four-hour care with a licensed staff. I didn't get into all that but if there are questions about that, let us know. And our residents get served meals and snacks all day.

We're a low impact on City services, low traffic generation, compatible use to the neighborhood. We're long-term neighbors committed to the seniors in Newark and families that have parents that live away and need to come into the area. We're providing infill development, construction jobs to the area, and when we're done, we hire 50 plus or minus, well over 50 staff. Our max staff shift at full capacity of the building is anywhere from 26 to 28 and, again, those shifts come in before breakfast, they leave before lunch, and then we shift again after dinner. And we are a for-profit, so we'll be paying our fair share of taxes as well.

That is my presentation.

Mr. Silverman: Mr. Elmore?

Mr. Elmore: Yes, sir?

Mr. Silverman: Deed restrictions?

Mr. Elmore: There were some deed restrictions that were listed. We've worked with staff and we issued some comments on some of the deed restrictions that we would like to get removed. The last that we spoke with staff, everything that we had talked about we were in agreement with. Some of the ones that had come up, there was a restriction for not providing alcohol or something to that effect, and the discussion we had with staff was that we're not selling alcohol but we want to be able to, if family members come in and they want to celebrate anything, we're not selling anything to the public, it's just going to be allowed. It's not provided but it would be allowed onsite.

Mr. Silverman: Thank you.

Mr. Elmore: Absolutely. Thank you.

Mr. Silverman: Any other comments? How are we doing on time, Frank?

Mr. Frank McIntosh: Well, we could chat for a little bit longer.

Mr. Silverman: Okay. Thank you, and what I'd like you to do is respond to comments from the Commissioners and from the public after we hear from the public.

Mr. Elmore: Yes, sir.

Mr. Silverman: I'd like to open the floor up now to the public. One person signed up to speak from our sign-up sheet and I'd like to offer the floor to Ms. Jean White.

Ms. Jean White: I have a bunch of questions and I hope that if any of these are ones that the Commission would like to ask, they can do so at their time. My name is Jean White and I live in District 1. I wanted to know who the owner and the management company would be. It says Kercher Group and Columbia Pacific Real Estate. You mentioned Columbia/Wegman and I wondered if that was both the owner of the property and the management company, or they were two separate entities? I did wonder how many other such assisted living units, well not units but places the company owns. One was mentioned in the introduction, Farmington, Connecticut. I would like to know how many others and their locations.

The retaining wall on the back side of the complex near Briar Lane and Oaklands, I was wondering what it is going to be made of and its height.

Regarding the declaration of 2000 about wanting to remove the sale of alcohol, the speaker has given an explanation for that. My mother-in-law who just passed away was in assisted living in a different state for ten months and there no alcohol was for sale in the facility, in the dining hall or in any of the public rooms, so I do find this a little interesting that this would be something that would be wanted.

In terms of the delivery of food and supplies, when I looked at the blueprint, I had difficulty understanding where that was going to be. I presume it's going to be in the back and I saw a place that said loading dock, but it didn't seem like it was touching the building itself unless I read this blueprint wrong. And also that same loading dock where all the food and other supplies for such a reasonably large facility would be coming in? Also, where the trash would be picked up? Presumably, the same general area.

Mr. Silverman: Ms. White, one minute.

Ms. White: One minute. I think that would be of interest to those who are living sort of bordering it in terms of noise and sound from both delivery trucks and also for trash pick-up. So, if that could be gone over.

Let me just see here, the applicant's spokesman had said it's a profit-making company and I was wondering if there would be any slots, a small number of slots, for low-income or Medicaid patients, even if the vast majority were not.

And let me just see here. At the end, I also wanted to commend the Planning Department for the excellent work in consolidating the report which I think is excellently put together and makes it certainly good for those at the Commission and Council meetings, and even for people in the public like myself. Thank you.

Mr. Silverman: Thank you. Is there any other member of the public who would like to speak? If you could come to the microphone and identify yourself, please.

Ms. Catherine Ciferni: Yes. Good evening, my name is Catherine Ciferni, C-I-F-E-R-N-I, for the record. And my question is, you have them listed as suites, and are they a single occupant, are they dual occupant? How are the suites divided? That would be my question. Like, how many clients will be in the facility? We have the number of suites, but I was just wondering what the number of clients is. And as for low impact on the area, I do think an assisted living facility is needed based on some of my friends having difficulty finding places for their parents, but what is the impact to 911 and to ambulance service? Because our ambulance service is largely volunteer, and that's a question I have.

Mr. Silverman: Thank you. Is there anyone else who would like to speak? If the applicant would like to respond, Mr. Elmore.

Mr. Elmore: Did you guys want to talk about it and ask me or did you want me to respond to these? I'm sorry.

Mr. Silverman: We'll open it up for the Commissioners and for your responses.

Mr. Elmore: Okay.

Mr. Silverman: If you'd like to go through the earlier questions.

Mr. Elmore: Sure. So, the owner and the service provider. The owner is Columbia/Wegman Acquisitions. Columbia is out of Seattle. The Wegmans are out of New York. It is not the grocery store Wegmans. I've been asked that several times and not even family members, so I can't even explain. The provider, there are two national providers they use. Most likely out here it will be Leisure Care that they use but that has not been decided yet. They will vet both of those when they get here.

The retaining wall in the back is probably going to be more of a decorative cottage stone retaining wall. The heights vary anywhere from, it goes down to grade and up to a maximum of eight feet, but those have all been, that has been screened with landscaping.

The alcohol, we do not plan on selling alcohol. I'm sorry if I made that incorrect. We are not selling alcohol. If family members want to come in and bring . . . we were concerned with the requirement of not allowing alcohol onsite at all. That was the only reason that we asked to have that changed. We will not be selling alcohol, not in an assisted living or memory care facility, no.

Delivery of food, if I may I'll go back to the site plan right quick. So, right here is the 125-foot line. This is our trash enclosure. So, the trash enclosure is outside of the 125-foot. The deliveries happen here in this area and this right here is the commercial kitchen. So, they come in here and they're just carted in here. Our deliveries happen typically twice a week. We typically don't allow the bigger trucks to come in and they have to come in between breakfast and lunch. They don't come in at odd hours of the time. We have to be staffed properly for those deliveries and they don't come in before breakfast because we're prepping for the day and the kitchen staff needs to be available to do that. Trash is going to be probably picked up with, it's going to be worked out with the commercial buildings that are just to the east of us and whatever that pick-up might be for them would be the same for ours unless that is an early morning pick-up. Our residents don't want to hear trash pick-up at 4:00 a.m. any more than the neighbors next to us. So, any time the trash is going to come, it's going to be a mid-day pick-up for us. We'll have that discussion with the provider.

Low-income, right now it is not set-up to be a low-income. If they do move in though, state laws require us, we can't just say you've run out of private money, we can't just move you out. So, private money to move in and then if you . . . we hope that you outlive your private money and we're more than happy to accommodate at that point. I believe that was all of Ms. White's comments.

Catherine, I'm really sorry, I did not get to your last name. But suites, so I will go back to a slide here. So, this is our typical, our assisted living. A typical one-bedroom suite is on the side there. There is a kitchenette in each one of these. It has a microwave, a sink, and a full-size refrigerator. We are not allowed to put any cooking appliances in these units, assisted living or memory care, by state license. This is our one-bedroom. We do studios, one-bedrooms, and two-bedrooms on the assisted side. Imagine a two-bedroom would just flip this onto the other side of that living room and it would be two-bedrooms on either side of the living room. A studio is really just a little bit larger box right here and it's a living/bedroom combined. The only people that can stay in there if you want to have more than one person in that room is they have to be blood-related – sisters, brothers – or they have to be married. We can't put people into those rooms that are not blood-related.

Memory care, we're a little bit different than most people, than most groups that use this. This is a typical what they call a semi-private unit. They each have their own private entry, they each have their own private space, and they share a bathroom. And that is a two-bed unit. There are private options and actually we're providing sixteen private and ten semi-private units, so we have a total of 36 beds in this project.

The 911 and ambulance services, we've kind of discussed that with staff, we've discussed it with neighbors in the neighborhood meetings that we've gone through, as well. Typically, once we're fully occupied, all 115 suites, we'll get about four, maybe four to six emergency calls a week. We have in this facility a nurse-call system, so our staff is trained . . . you're not going to get 911 calls from residents who need to go to the hospital. We have staff, we have a transport van, and all of that is onsite. So, if the nurse-call system is pulled, it rings back to our nurse-call station, the staff is trained to go recognize whether that is an actual emergency or not, and then they will be the ones that call the emergency services if required.

Mr. Silverman: Commissioners? And we'll start with Mr. Stozek.

Mr. Bob Stozek: I guess my main question is you know this is a very wet site as it exists now. And, in fact, on the southern edge is a pretty large swale there that goes to a drainage system. What are your plans to deal with that water and underground water?

Mr. Elmore: I'm actually going to bring up our civil engineer to help us with that one.

Mr. Silverman: Your name for the record, please.

Mr. Jim Lober: Good evening, my name is Jim Lober, I'm with the Kercher Group and I'm the civil engineer on the project. We are aware that the site is very wet. There's the wetlands ditch that runs along the back. One of the goals when we get into any stormwater project is to try to infiltrate as much water as we possibly can to try to support the groundwater but also to try to just get rid of water so that we're not adversely affecting the surface water system. When we did our geotechnical investigations below grade here on this site, we literally got zero, the number that we use in the industry is inches per hour. The depth of water that will infiltrate into the ground over the course of an hour. The number was 0.00 at seven different test pits around the site. So, the stormwater has been quite a challenge. So, what we've done is we've put in a large number of what everybody likes to call rain gardens . . . we refer to them as bioretention areas . . . which are going to grab all the water that comes off the building and some of the water that comes off the parking lot, infiltrate it through some planting media, some things that DNREC specifies and then inevitably because it won't soak into the ground once it gets to the bottom of that system, that water will be collected in underdrains and then outlet off of the site. So, what we're hoping, what the design is intended to do . . . I shouldn't say hoping, this is empirically decided, we know how this stuff works at this point . . . it's going to take so long to infiltrate through that planting media and then trickle out so slowly through those underdrains that we provide that we will effectively reduce the peak rate run-off in accordance with the Code, even though we can't get the water to disappear into the ground.

Mr. Stozek: Okay. The other question that I had, you said you're going to try to retain as much of the landscaping as possible. I mean you're keeping the woods in the back corner, right? And a lot of that area is what I'll call meadow for lack of another term. Are you going to keep a lot of that, as well, if you can? The reason I ask, there's a lot of wildlife that lives back there. There are deer back that I don't where else they migrate, but I've seen deer there in the morning. I've seen fox, lots of birds, you know, as much as I like gardens, I wouldn't like to see it all be cultivated gardens. I'd at least like to see some natural areas.

Mr. Elmore: Sure, we are, well 61% of this site is going to be left open. So, of the 7 acres, 61% of that is going to be left open. We do have open green spaces here. There is grading that we're going to have to do to create this pad. I need a level pad for these residents, as well. I can't have changes of elevation inside the building. So, we do have some grading that we have to do. Let me . . . this entire area here that abuts the park is all going to be left natural. This area where there were temporary buildings and the existing access right now, all of this right in here is probably going, it will be disturbed but we'll be putting landscape back in there. And then 125 foot and the 50+ foot green space that runs the entire north border will be left as natural as it can be.

Mr. Silverman: Commissioner Hurd?

Mr. Will Hurd: Thank you. I have some general questions and some comments. The first actually from here, when you opened, I just want to get this clarified for the record, you're saying site plan approval, but I don't believe you're looking for approval under our site plan approval process.

Mr. Elmore: That's correct.

Mr. Hurd: Because that's a key word around here and I don't like the title any more but it's what, it's a key word here. Can you talk a little bit about your elopement system that you use because I know the police had a concern with memory care residents leaving and there was a comment that was early, and it went away but I didn't see how it was addressed?

Mr. Elmore: Sure. So, our memory care is in this, for lack of a better term, donut shape. We don't like to use the word lockdown, but it is secure. There is delayed egress, so residents can't move in and out. We provide outdoor areas. There is an internal courtyard which is obviously secure. This is another courtyard out here. It has an 8-foot fence around it. All the furnishing

in that outside courtyard is all bolted into place so we fully recognize the potential for wandering. So, that is . . .

Mr. Hurd: So, it's a physical system that . . .

Mr. Elmore: I'm sorry?

Mr. Hurd: You're using physical systems to keep them in there?

Mr. Elmore: Yes, sir.

Mr. Hurd: Okay. Just a comment on the presentation package for the architects, the elevation key on the second sheet was wrong. You had the numbers flipped so it took a moment to figure out which one I was looking at. On the renderings and specifically the landscape plan, it doesn't show any of the mechanical equipment that's out front and the screening that's going on around it. And the renderings fail to show the transformer and the generator and how they're being screened, nor are there any details in the packet. And I know that was brought up as a concern that the details need to be provided both for the deed restrictions and for general comments. So, can you talk a little bit about what's going on there?

Mr. Elmore: So, we have the electrical transformer that we, you know, we're showing it right here. We still have to confirm that location with the provider, but we fully intend to screen that. This is the generator for the building and it is completely, it will be in an enclosure, basically for sound, and also it will be landscaped around that as well.

Mr. Hurd: And is it located there, so it's near the transformer. Is that why it's located in the front?

Mr. Elmore: Yes, sir, there's a certain draw down.

Mr. Hurd: My last comment on the deed restrictions is regarding noise. You had asked for basically a removal of the noise restriction and I guess if we remove that limitation of the 8:00 to 4:30, then the noisy time sort of goes back to where the noise ordinance covers, right, which is like 7:00 to 9:00. Do we allow trash pick-up before 7:00 a.m. in the City?

Mr. Tom Wampler: I don't think so.

Mr. Hurd: Because if not, then I think you're probably going to be covered in terms of noisy trash and other things.

Mr. Elmore: Sure.

Mr. Hurd: Okay. Thank you.

Mr. Silverman: Commissioner McNatt?

Ms. Stacy McNatt: Some of my questions have been somewhat answered but I do have comments as well as other questions. If you want to go to . . . your site plan doesn't really show it and maybe you should bring up the site plan, the one . . . correct. Okay. So, to hit on the other issue regarding stormwater management, and I completely understand the situation, but my concern is your discharge point in the back, left corner of that bioretention facility directs that water, which will be point discharge, directly at a playset. And my kids play there a lot. As well as I understand stormwater management and I know this entire park is wet because there's a stream that runs through it that floods and we have other drainage issues that go on in that park that floods the road and has other implications, which we will not necessarily get into because you seem to be trying to address the drainage issues that are associated with the street as well, per DelDOT's comments. But, I do not think that that's the most appropriate

discharge point. I think that that investigation needs to be reevaluated and I don't disagree that that's probably the general location that it probably should be going based upon the topography, but directly at the playset is not appropriate in my opinion. So, if we could research that and reevaluate that location. I strongly recommend it.

My other concern, and this is where I disagree, and I hope you take this into consideration, is that the daycare across the street uses the crosswalk multiple days during great weather to utilize to go to the park and that crosswalk, I think, was discussed to be removed and to be using the crosswalk down at Colton Court or whatever that other road is.

Mr. Wampler: Colonial Court.

Ms. McNatt: Colonial Court, yeah. I disagree that that crosswalk should be removed at all because it provides safe passage for the kids to go across the street, use the existing sidewalk and then walk into the park directly from the grass instead of down the street, across the crosswalk, and then back up the sidewalk to get to the playground. I understand why maybe somebody wants to remove it, but I think you might want to talk to the daycare across the street because, again, my kids went to the daycare and they used it a lot in a very . . . so I think that should stay. That's my two cents. I know I can't make you do it but, again.

To bring up the last, one of the last requirements that we're going to be required to vote on, a lessening of the deed restrictions. If you're not going to sell alcohol, I don't think the deed restriction needs to change. I think it's a valid deed restriction and I think that it's important to keep it there and it kind of goes along with the request for the Comp Plan amendment change, so I think that if you're not going to sell it anyway, just keep it. There's no point in necessarily changing it. So, I would not support your request to have that specific deed restriction lifted.

The other one which you want to change, let me get to that one real quick, would be the delivery pick-ups. It seems like you're already addressing that because of your facility residents that don't want it to be at off-hours anyway. So, again, I don't know why it's necessary to change the deed restrictions specifically, because I think you would abide by it in general based on what you have described. So, again, I don't know that that was necessary. That one specifically I'm not going to say either way, I just don't think it's necessary. But the sale of alcohol, I think it should stay and I don't think it needs to be changed.

Then, the last one is the, and I'm kind of partial to this situation, one of the items we're going to be requested to vote on is the Comprehensive Development Plan change from a commercial use to a high-density use to address your resident care units, which I understand why you want to do it and I'm not suggesting you're never going to build this, but if this gets approved and Council passes but you never build this and then say somewhere down the road this now becomes, and my understanding is that this actually becomes attached to the property, and I want some comfort that says to me that if you don't build this plan XX amount of time after it gets approved or this plan never happens, the Comprehensive Development Plan use as commercial reverts back to commercial and not high-density residential. And my biggest concern is that this could turn into, and I'm not suggesting you're going to do it . . . I fully believe this is what you want to do and you're going to build this, but my concern because I've seen it in the City, that this never gets built and magically somebody else comes in and says, oh, I have high-density Comp Plan residential and we're going to do student housing. So, if there's some way, I would support this and vote yes if there's a way to put a restriction that says if you never build, it reverts back to commercial. Is that possible?

Ms. Gray: Are you asking me?

Ms. McNatt: I'm asking somebody, I guess. Is that possible from a legality subdivision agreement/record plan/something?

Ms. Gray: No.

Ms. McNatt: Okay, that's what I need to know.

Ms. Gray: But the request is also to rezone this property to AC, adult community, so . . .

Ms. McNatt: But that's not the first request. My first request is you want, I think we're going to individually vote on these?

Ms. Gray: Yes, ma'am.

Ms. McNatt: Correct. And that's where my concern is.

Ms. Gray: Okay.

Ms. McNatt: So, if you're asking me to vote to AC but to get to AC you also need to change the Comp Plan to high-density, correct?

Ms. Gray: Yes. Correct.

Ms. McNatt: That's correct. And then I'm not supportive because of that concern.

Ms. Gray: Okay.

Ms. McNatt: But I'm supportive of the project. Like I think that's a great project. This is my concern is the high-density residential if this never gets built.

Mr. Paul Bilodeau: I will add . . .

Ms. McNatt: I think that's my last one.

Mr. Bilodeau: I will add that, you know, with the Board of Adjustment, with variances a lot of times if somebody is building let's say a deck in their back yard, those variances, there is a time on them that they have to build by in order to have that variance. I don't know if this is different.

Ms. McNatt: Yeah, I think this is different. It's goes along with the land in perpetuity and I don't agree with that. I agree with the project in general. I don't disagree with what you're doing here, I just have an issue with that.

Mr. Silverman: Commissioner Wampler?

Mr. Wampler: I have just a couple of quick things. First, I want to agree with Commissioner McNatt about the crosswalk. That crosswalk really goes right into the daycare center and I think relocating that would be a mistake. I hope you reconsider that because I think that's used and it's in its position there to make it safer for the kids in that school. And I think it should stay there.

Mr. Elmore: Can we address that right quick?

Mr. Silverman: Sure, go ahead.

Mr. Elmore: So, it's not our intent, I just want everyone to know, it's not our intent to move that crosswalk. We were required to move that crosswalk by DeIDOT.

Ms. McNatt: They only recommended, I don't think they say required.

Mr. Lober: And . . . well, we had no dog in the fight to be honest. If it was going to remain, we were going to allow it to remain. The City Police Department asked us to move it and DeIDOT agreed.

Mr. Silverman: It was the Police Department that initiated it.

Mr. Lober: Right.

Ms. McNatt: Did anybody talk to the Police Department about the kid situation?

Mr. Lober: I'm under the impression the Police Department is aware of what's going on. To be honest, I think the understanding is you either cross and then walk down to the park, or you walk down to the park and then cross. And then by localizing one crossing opportunity as opposed to two, you've just minimized the amount of opportunity for bad things to happen essentially.

Ms. McNatt: I disagree. I'm allowed to disagree.

Mr. Lober: No, that's fine. The only thing I want to make people aware is that it was not our idea. We were directed to do that by the Police Department and then DelDOT agreed that multiple mid-block crosswalks are a bad situation.

Ms. McNatt: Have you talked to the daycare about this issue and brought it to their attention?

Mr. Lober: The daycare is aware. They've been to all the meetings we've had so far.

Ms. McNatt: Thank you.

Mr. Silverman: Have you established the travel distance? It must be more than 1,000 feet between those . . .

Ms. McNatt: Six hundred and fifty. I think that's what it says in the report specifically to that other crosswalk.

Mr. Silverman: That's a substantial distance.

Ms. McNatt: For little kids and their little legs, you're absolutely right.

Mr. Lober: But, to be honest, they either cross there and then they walk that 650 feet to the park or they walk the 650 feet to the park and then they cross.

Ms. McNatt: No, they walk from the, when they get to the corner of this property and the grass of the park, they literally cut across the grass. They don't walk down to the parking lot and go in because their little, I'm telling you . . .

Mr. Lober: No, I believe you.

Ms. McNatt: Their little legs go straight from there to the playground that you're discharging that water to.

Mr. Elmore: Probably at a full sprint, too, right?

Ms. McNatt: Pretty much. And honestly that's what happens and that's where it's safer because to get the, I've seen it, the daycare providers have to put them in a little line. You've got to hold their little hands. To do it the other way is completely ridiculous, and I would like somebody to go back to the Police Department and talk to them. But that's my two cents.

Mr. Lober: Well, maybe the end all situation is that the one at Colonial gets removed and that this one gets embellished.

Ms. McNatt: I like that idea.

Mr. Lober: And maybe we can discuss that.

Mr. Elmore: Yeah, we're completely open to that. We've already got money set aside to enhance the one that's down there, so if the decision is to leave the crosswalk where it is now or discuss that further with the Police, we're on your side. We don't need to remove it.

Mr. Silverman: Good place to stop.

Mr. Elmore: Very good. Thank you.

Mr. Silverman: Mr. Wampler, I'm sorry, we kind of took it away from you.

Mr. Wampler: No, this is all good stuff. My other question is, in discussing this, we haven't really talked about the wetlands and I know the wetlands are sort of right under where your loading dock is going to be, the existing wetlands, and that's going to be filled in. But I haven't seen any response to a comment, and maybe I've missed it, in a letter from the City, February of last year on page 4, the question is asked are additional wetlands proposed to be created to offset the removal or filling of the wetlands? And I want to know is that something you've considered? I know there's a lot of bioretention and a lot of landscaping, but I've gone back and looked at that area. First of all, I think the wetland is larger than 700 square feet, but maybe the designated area is. But there are specific species of animals that like those wetlands and I'm just asking in the landscaping was any consideration given to taking back in the corner to reestablishing some wetlands for the animals that live there now?

Mr. Lober: Sure. We honestly did not intend to reestablish any wetlands. We have a nationwide permit that permits us to fill that small pocket, which does not carry a mitigation requirement. So, the stormwater that is proposed to be on the site is the stormwater that is Code-compliance, and none of it is a, quote/unquote, wetland.

Mr. Wampler: That's an answer. I'm not thrilled but okay. Is it too late to reconsider?

Mr. Lober: Not necessarily.

Mr. Wampler: I mean I don't know if anyone else is interested in that, but it seems a shame to me to, I mean wetlands are sensitive areas and they play a really important part in the ecosystem. If it were possible to just relocate that so that the animals weren't displaced, I think that would be a good thing.

Mr. Lober: Well, unfortunately, our wetlands specialist is not here tonight and I don't want to speak out of turn because it's not my area of expertise, but I do know that we qualified for that nationwide permit because they were considered to be disconnected from the wetland ditch in the back that's actually part of the larger ecosystem in the trees and the woods back there, and they were not considered to be a high-quality wetland. It's essentially a low spot in the grade that catches water and holds it and therefore the wetland condition had developed over the years. So, we're not, it's out into the open portion of the site, the portion that we're filling in. It's not part of the larger area that protects the animals in the rear so, in my opinion and in the opinion of the nationwide permit, it was not a quality wetland that needed to be protected or mitigated at the end of the day. For what it's worth.

Mr. Wampler: Thank you.

Mr. Silverman: Commissioner?

Mr. McIntosh: A while back, I'm not sure exactly when, we approved a memory care unit for a different company off of Possum Park Road. That, I'm going to say, was at least two years ago and that was approved as part of an existing facility, Millcroft. So, the land next to Millcroft, if you're familiar with it it's got signs on it and what-not. That was all approved and it was for

memory care. So, I don't remember the number of units, but it was three buildings, so it was a fair amount of units. So, one, does that have any impact on your own market? But more to the point and more to the comment about not building, they haven't built a thing there since they got that permit to go ahead and do it. And, you know, I happen to live next to that, or in that development there. What's the name of it? I don't know, memory care. Well, it's the big development, I don't know, not that big.

Mr. Silverman: Frank, the residence is your home now.

Mr. McIntosh: Oh, good. I'm feeling better about that. Do they have a tv? Okay, so it is possible that you won't build there I guess is what I'm trying to get at. Why they went ahead to the great expense that they did and then have done nothing. And we have made several inquiries to them as to what they're doing. Frankly, I couldn't care less if they build it, and I don't mind it being built. It's immaterial to me. But the idea is that for whatever reason, they're not building and they don't seem to have any intentions of doing so in the near future. So, what is your estimation of . . . did you know that that existed and what assurance do we have that you're actually going to build the project that you're submitting to us?

Mr. Elmore: Good questions. We were aware of it. We've also seen that happen several times where somebody will come in and say that they'll pull permits or they'll get approvals to add those to try and adjust market. I can tell you that this client is very conservative. The number of beds that they're putting in here typically is less than one-third of what the demographics say is needed in the area, and if it creeps even closer to that 50%, they don't even bother. They like to come in and know that when they build it, that they know that there's a demand and they will fill it. There's a purchase and sale agreement, I don't know how I can alleviate . . .

Mr. McIntosh: Well, when you build it . . .

Mr. Elmore: But there's a purchase and sale agreement on this. This client does not bank land. The question that came up earlier, this new prototype, there's a two-story and a three-story for this, this new prototype we've built 36 of them in the last 7 years. They're either built, under construction, or in the same or similar process right now, and I've worked on all of them. They have done over 350 senior housing from memory care all the way up through independent apartments across the country over the last 35 years. If we get our approvals, then my next job is to come down here and ask where my building permits are because as soon as we get our approvals here, there's a purchase and sale agreement, and we need to buy the land. And we don't buy the land and sit on the land. They'll be pushing me to pull a building permit. I will tell you now that this will be under, as soon as you allow us to start pushing dirt, we'll start pushing dirt and in 12 months, this will be built.

Mr. McIntosh: Fair enough. Thank you.

Mr. Silverman: Commissioner Cronin?

Mr. Bob Cronin: I like the comments I've heard from the other Commissioners, but I do share the concern that the AC designation would travel with the property and if it wasn't built, I think we should explore this issue for some effective way to lock that in for this developer. And if they don't build it, it has to be revisited for anybody else to go forward with AC.

Ms. Gray: If I may? One suggestion would be to amend the deed restriction, and I'm looking at legal counsel, to perhaps add a deed restriction regarding that concern. Nothing is coming to mind at the moment. I'm looking to you for your sage advice.

Mr. Bilodeau: Well that's what I was talking about with Mr. Cronin. Deed restrictions that the property would always be used for assisted living or memory care.

Ms. Gray: There you go.

Mr. Elmore: Please, if it's that simple, that's what we're in the business of doing. We do multi-family but not here. Not on this type of a setting. We like this type of a setting because, for this senior housing, because of the residential and the commercial. We like to be that buffer. This is exactly what we want to do here and if we need to deed restrict that, add that to the restrictions, we're more than comfortable with that.

Mr. Silverman: I'll conclude the Commissioners comments here. With respect to ambulance activity on the site, I'm just going to reiterate you said for non-911 ambulance calls, that the facility provides medical transportation. Is that correct?

Mr. Elmore: Yes, sir.

Mr. Silverman: Okay, so the local ambulance service will not be burdened by non-emergency responses?

Mr. Elmore: Correct.

Mr. Silverman: Okay. Secondly, I support keeping the crosswalk. If anything, the traveling public has been aware of that crosswalk for probably 10 or 15 years. They're used to seeing a crosswalk there. It does service the daycare center. I believe the Police Department should reconsider its original objection and I don't know where Highways is coming from with respect to 650 feet distances between crosswalks. I know it wouldn't work on Main Street in the City of Newark.

With respect to deed restrictions, there was a deed restriction that has not been commented on and that prohibits signs on the site except for those that are incorporated into the architecture of the building. Now if I'm a literalist, I would see that you cannot comply with the DelDOT signage requirement at your entrance for stop signs. You cannot put up signage indicating handicapped parking. You cannot put up signage indicating employee parking. And you can't even have a sign on the site that says after 9:00 p.m. push this button for admission. So, if deed restrictions are being modified, that's one that you might want to consider eliminating so you can properly respond. Now if City Council wants to get into ground signs and that kind of thing with respect to the City Code, that's another element. But with respect to deed restrictions, I think that very general statement of no signage except signage that's part of the architecture on the building should be eliminated.

I am not so concerned about the Comprehensive Plan change locking in future high-density residential because the tip-over point is the fact, as the Director mentioned, that this site would be zoned for adult care and would require any activity to go through the zoning process, so there is a safeguard. However, saying that, the fact that the proponent seems to be leaning toward siting a deed restriction that would restrict the activity on the property to adult care, I would support the proposal.

Discussion? Mr. Stozek?

Mr. Stozek: Yeah, one other comment about the crosswalk. I remember being at one of your public meetings and one of the things you talked about was some sort of collaborative efforts between the daycare and your residents that people seemed to be excited about. Whether your residents could visit and participate in programs at the daycare or vice versa.

Mr. Elmore: Yes, sir.

Mr. Stozek: So, I think keeping that crosswalk in close proximity to both sites makes that even more important.

Mr. Elmore: We do not disagree.

Mr. Silverman: Commissioners, are we to the point where we can take a vote on this proposal?

Ms. McNatt: Depending on where are we going to potentially add additional language into one of these motions for the deed restriction that it can only be memory care or assisted living?

Mr. Silverman: Let me consult with our legal counsel here. I believe the way the Code is laid out, we must vote on the Comprehensive Plan change and then if that's in the affirmative, continue to vote on the rest of the proposal. Is that correct?

Mr. Bilodeau: That's correct.

Mr. Silverman: So, to answer your question, we do have to vote on the Comprehensive Plan change, however I think there's the consensus that we would modify the rezoning to recommend to City Council that the deed restrictions be amended to limit the use to an adult care facility. Would that satisfy . . .

Ms. McNatt: So, that would be in our second motion. Is that correct?

Mr. Hurd: Or would that fall under C for the subdivision plan? Because I think the deed restriction is included in that.

Ms. Gray: It would fall under C.

Mr. Hurd: Because I think the concern here is that all of that is, the Comp Plan could pass and the other two could fail. If the zoning fails, then we don't do the subdivision, which means we never get to the deed restrictions, which means we never get to put a limit on the timeframe for the Comp Plan amendment. That's the concern.

Mr. Silverman: Do we have advice from Counsel where the appropriate place would be in the three proposals we're going to be voting on? We're on page 12.

Mr. Bilodeau: Thank you, sir. The applicant has already voluntarily agreed to, as part of their application, to have those deed restrictions imposed on the property, so I believe it could be at the end. You could do it at the beginning if you really wanted to and say based upon the voluntary amendment of their application to impose the deed restrictions, we recommend revising the Comprehensive Plan.

Mr. Silverman: Does that satisfy the group? The Chair will entertain a motion to deal with the recommendations on this proposal as expressed by the Department on page 12 of its report, Paragraph A. Madam Director, I'm going to put you on the spot, if you would read it.

Ms. Gray: Yes, sir. Oh, okay. The . . .

Mr. Silverman: And add the agreement for the deed restriction.

Ms. Gray: The first suggested motion is to recommend that City Council revise the Comprehensive Development Plan V Land Use Guidelines for 924 Barksdale Road from commercial to high-density residential as shown in the attached Exhibit H-1 dated January 29, 2019, with the recommendation to amend the deed restrictions to restrict the use of the property to adult community.

Mr. Silverman: Is there a second?

Mr. Hurd: I so move.

Mr. Silverman: Okay, all those . . .

Mr. Hurd: Now you need a second. Madam Director can't actually make the motion . . .

Ms. Gray: Right. I'm not making the motion. I'm reading it into the record.

Mr. Silverman: I understand.

Mr. Hurd: So, I'm moving.

Mr. Silverman: We have a motion. Is there a second?

Mr. Stozek: Second.

Mr. Silverman: Okay, we have a motion and second. All those in favor of the motion as . . .

Ms. McNatt: I do have a question. Are we allowed to discuss it before we vote?

Mr. Silverman: Yes. Go ahead.

Ms. McNatt: I do have a question. Is there a . . . when is the next Comp Plan to be adopted?

Ms. Gray: The Comp Plan was adopted by Council in September of 2016 and by State law it is to be updated every 10 years with a 5-year revision or review every 5 years for potential updates.

Ms. McNatt: So, potentially 2026 would be the new Comp Plan?

Ms. Gray: Yes.

Ms. McNatt: Thank you.

Ms. Gray: You're welcome.

Mr. Silverman: Any other questions? All those in favor of recommending the Comp Plan change as described, signify by saying Aye. All those opposed, signify by saying Nay. The motion carries.

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

THAT CITY COUNCIL REVISE THE COMPREHENSIVE DEVELOPMENT PLAN V LAND USE GUIDELINES FOR 924 BARKSDALE ROAD FROM "COMMERCIAL" TO "HIGH-DENSITY RESIDENTIAL" AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT EXHIBIT H-1 DATED JANUARY 29, 2019, WITH THE ADDED CONDITION THAT:

1. DEED RESTRICTIONS BE AMENDED TO LIMIT THE PROPERTY TO ADULT COMMUNITY USE.

VOTE: 7-0

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

NAY: NONE

ABSENT: NONE

MOTION PASSED

Mr. Silverman: Madam Director, if you would read the second recommendation.

Ms. Gray: Yes, sir. Recommend that City Council approve the rezoning of 6.95 acres at 924 Barksdale Road from the current BL business limited zoning to AC adult community zoning, as shown on the Planning and Development Department Exhibit F, dated January 29, 2019.

Mr. Hurd: I so move.

Mr. McIntosh: Second.

Ms. McNatt: Second.

Mr. Silverman: Okay, it's been moved and seconded. Discussion? Okay, hearing no discussion, we'll move directly to the motion. All those in favor, signify by saying Aye. All those opposed, Nay. 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 REZONING OF 6.95 ACRES AT 924 BARKSDALE ROAD FROM THE CURRENT BL (BUSINESS LIMITED) ZONING TO AC (ADULT COMMUNITY) ZONING AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT F DATED JANUARY 29, 2019.

VOTE: 7-0

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

NAY: NONE

ABSENT: NONE

MOTION PASSED

Ms. Gray: Recommend that City Council approve the 924 Barksdale Road major subdivision plan as shown on the major subdivision plan dated September 26, 2017 and last revised on January 28, 2019, with the Subdivision Advisory Committee conditions, including the revisions to the deed restrictions as described in Exhibit J.

Mr. Silverman: Along with the recommendations per the discussion of the Planning Commission, the crosswalk, etc.

Ms. Gray: And the recommendations would be good if we could articulate what those recommendations are.

Mr. Hurd: I'll move and then I'll offer some amendments.

Ms. Gray: Okay.

Mr. Silverman: Please. Make it part of the main motion and then you won't need amendments. This is just a reading for the recommendation of the motion.

Mr. Hurd: Okay. So, I recommend, blah, blah, blah, as stated by the Director, with the recommendations that the existing crosswalk be maintained, that the deed restriction on the sale of alcohol be retained, and that an edit to Item 9 of the deed restrictions that signs that the City regulates shall be designed as integral architectural elements of any proposed buildings. Did I miss anything.

Mr. Silverman: Commissioners, anything missing? Is there a . . .

Ms. McNatt: Oh wait, we did say that we're going to include the proposed deed restriction of limiting the parcel to adult community, as well, to that.

Mr. Hurd: It should be included into this as well as the . . . an additional deed restriction limiting the property to adult community zoning.

Mr. Silverman: Okay, is there a second?

Ms. McNatt: Second.

Mr. Silverman: Okay, it's been moved and seconded? Any discussion?

Mr. McIntosh: Excuse me, didn't we already do that?

Mr. Silverman: Hearing no discussion, we'll move directly to the motion. All those in favor, signify by saying Aye. Those in opposition, Nay. The motion carries.

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

THAT CITY COUNCIL APPROVE THE 924 BARKSDALE ROAD MAJOR SUBDIVISION PLAN AS SHOWN ON THE MAJOR SUBDIVISION PLAN DATED SEPTEMBER 26, 2017 AND LAST REVISED ON JANUARY 28, 2019, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS, AND THE ADDED CONDITIONS THAT:

1. THE EXISTING CROSSWALK LOCATED IN FRONT OF THE NEWARK DAY NURSERY BE RETAINED;
2. THE DEED RESTRICTION ON THE SALE OF ALCOHOL BE RETAINED;
3. THE DEED RESTRICTION REGARDING SIGNS BE AMENDED TO ALLOW INSTRUCTIONAL SIGNS (E.G., TRAFFIC SIGNS, PARKING SIGNS, ETC.) THAT ARE NOT DESIGNED AS INTEGRAL ARCHITECTURAL ELEMENTS OF PROPOSED BUILDINGS;
4. THE PROPERTY BE DEED RESTRICTED TO LIMIT IT TO ADULT COMMUNITY USE.

VOTE: 7-0

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

NAY: NONE

ABSENT: NONE

MOTION PASSED

Mr. Silverman: That concludes our hearing on this particular application #17-11-06.

5. **REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, MAJOR SUBDIVISION WITH SITE PLAN APPROVAL, AND SPECIAL USE PERMIT FOR THE 46.18+/- ACRE PROPERTY AT 100, 115, AND 121 COLLEGE SQUARE (PR#18-05-04). THE PLAN PROPOSES REDEVELOPMENT OF THE COLLEGE SQUARE SHOPPING CENTER TO INCLUDE DEMOLITION OF PORTIONS OF THE EXISTING SHOPPING CENTER AND CONSTRUCTION OF NEW RETAIL SPACE AND APARTMENT BUILDINGS WITH 305 DWELLING UNITS.**

Mr. Silverman: Okay, the room has had a chance to reorganize itself. Is the College Square applicant ready? Let's move on to Agenda Item #5, application 18-05-04. Madam Director, would you introduce the topic?

Ms. Gray: Yes, sir. This proposed project, PR18-05-04, is for a major subdivision by site plan approval and a special use permit for 46.18 acres of property located at 100, 115, and 121 College Square Shopping Center. The applicant is requesting approval of plans to demolish 106,009 square feet of existing shopping center, construct 57,800 square feet of new shopping center buildings, and construct two apartment buildings with 306 apartment units. Because the special use permit and major subdivision plan with site plan approval with the Subdivision Advisory Committee recommended conditions should not have any negative impact on adjacent and nearby properties, and because the proposed use does not conflict with the

Comprehensive Development Plan V, the Planning Department suggests that the Planning Commission recommend to Council the revision of the Comprehensive Development Plan V for this project from commercial to mixed urban, the approval of the major subdivision and site plan as submitted and revised January 7, 2019, with Subdivision Advisory conditions, and the approval of a special use permit for fast food restaurant, cafeteria style restaurant, drive-in restaurant, and apartments at the density requested and as shown on the submitted plan and revised on January 7, 2019, with the Subdivision Advisory Committee conditions. Mr. Chair?

Mr. Silverman: Thank you very much.

Ms. Gray: You're welcome.

Mr. Silverman: Please begin.

[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 applicant's presentation as well as the Planning and Development Department report for 100, 115, and 121 College Square can be found at the end of this document.]

Mr. Mike Hoffman: Good evening, Mr. Chair and members of the Planning Commission. Michael Hoffman, an attorney here tonight on behalf of the property owner and applicant, Fusco Management. With me tonight is Frank Vassallo, the president of Fusco Management. We also have our project team here as well. We have David and Don, David Della Porta and Don Tracy of CornerstoneTracy. They are the developers that will be assisting with the residential portion of the project. We also have Matt Clark of LandDesign, Drew Romanic, the project architect, and Eileen Thorp, our civil engineer. We also have Alex Meitzler of TPD, our traffic consultant. So, we have everybody here. I know my time is limited so I will get to the point, but we did try, there is a lot involved here as the Commissioners understand. We tried to be thorough and provide all the information within the material, but I am also going to try to hit high points tonight to assist the Commission.

To orient the Commission, we are talking about 46 acres that is formerly known as, or currently known as the College Square Shopping Center. It is located in between Library Avenue, Marrows Road, Wyoming Road, and then Route 273, with some properties to the north.

The project does sit across from Delaware Avenue and as we zoom in here, there's approximately 200 and, sorry, drawing a blank on the total existing square footage, but there's approximately 373 existing square feet of retail space located throughout the center. Right now, due to grading difficulties, you cannot get directly across the center here. And, again, you can't directly access here. The property is zoned BB, central business district, as shown on the City's zoning map.

Briefly, the property's history, it used to be a horse race track. So, this is an aerial from 1968. It was constructed as a shopping center in the early 1980s and it acts and looks a lot like an early 1980s shopping center even to this day. In 1992 you can still see the aerial showed much of what it was, the property as it remains today with existing retail to the northern portion and the southern portion as well.

This is an angled view. You can see that the property really is dominated by a sea of pavement. There are some trees but it's basically a shopping center with supporting parking. This really was the style back then, where you drive your car to the shopping center and take advantage of the retail shops. As the Planning Commissioners probably know, this is the Acme right here and then you have a lot of vacant space. This is the former K-Mart space.

The Comprehensive Development Plan does anticipate this being developed into a mixed-use project. The land development core principles, just to highlight a couple pieces, encourages

establishing unique Newark places. Weaknesses are half-built, unattractive shopping centers. I don't mean to denigrate my own project, but right now it is a half-filled, unattractive shopping center. Newark's vision, again, in terms of inclusive community, sustainable community, that's what the Comprehensive Development Plan calls for.

Interestingly, this is one of those rare instances where the property is actually specifically called out in the Comp Plan, specifically called out to extend Delaware Avenue to Marrows Road for a mixed-use and transit, pedestrian- and bicycle-friendly community. That specific recommendation is, in fact, what we are proposing here tonight. The Comp Plan recommends that because there is a lot of literature that talks to the benefits of mixed-use communities, all the benefits and value in terms of energy efficiency, better planning and transportation impacts. There is a lot of material there and it's actually a trend that is gaining some traction here in New Castle County, as well.

This is Linden Hill Station, a vertical mixed-use community that's been constructed. This is an actual photo. Concord Plaza off of Silverside in North Wilmington is a vertical mixed-use community. Our neighbors to the north in Pennsylvania, this is the King of Prussia Town Center. This is a horizontal mixed-use community. This is very similar to what we're proposing for College Square in terms of the uses. This is a Wegmans and you have your core kind of central place, and then use is kind of spread out in a horizontal. But it's still walkable and still has the benefits of being a mixed-use community. A lot of these communities, in order to create that sense of place, you have this different use of hardscaping and different unique elements to really highlight the attractiveness of the location. Regarding residential, these are Class A residential units with Class A amenities. Again, this is from King of Prussia, just to give you a sense.

So, this is College Square as it exists today, and this is what we are proposing. Just to toggle back and forth, this retail is remaining. It's getting a facelift. Many of you have probably seen the facelift as it's been undergoing renovations to-date. We are proposing an interconnection along Delaware Avenue, or that connects to Delaware Avenue. We are proposing this to be the central green, kind of that hub, that unique place, and that will provide a traffic calming benefit, but you do have the interconnection. We also are proposing, even though this is a single shopping center, a north/south spine. So, you start to get a grid-like pattern within your property to, again, create that sense of place.

So, you can see some perspective photos of what the property currently looks like. A lot of asphalt, a lot of storefronts. This is the bank. And then you start to see what the renovations are looking like to integrate the site. Acme will be undergoing a façade renovation as well to tie in and really take advantage of the overall renovation. This is what's there today and the intent is to then match it to this central green. This is where it would connect to Delaware Avenue with that traffic calming feature and you can see the walkability and the use of hardscape and different elements to really create that sense of place. You can see the architecture, the use of landscaping, again, to really highlight that.

This is the residential portion. So here, to orient the Commissioners, you come through, this is Delaware Avenue on this side and as you come through, you're on the corner looking towards the residential space. The residential space consists of 306 apartment units. They are about 60% one-bedroom. So, this is predominantly a one-bedroom community. There is between one-bedroom and two-bedrooms, they are 98% of the units. So, again, this is really intended to be kind of those small bedroom uses. We do not anticipate or intend this to be student housing. We do expect the market, with the Class A amenities, to be your empty nesters and your young professionals at this property. I showed a picture of what the King of Prussia Town Center and that is their market, by the way. Again, you can kind of see the amenities that we are going for here.

Just to highlight a couple of points in the next five minutes, bikeability, pedestrian interaction and interconnectivity are two high points of this project. I mentioned the north/south spine

and the east/west connection, the sidewalks along this north/south spine on this side is a 10-foot sidewalk so there is plenty of room to accommodate bicyclists and pedestrians. The east/west connector, you have an 8-foot sidewalk here and you have a 6-foot sidewalk here, and 8-foot sidewalks on either end. The intention is if you are a road warrior, you are comfortable staying on the road coming through. If you are not, the sidewalks are large enough to connect into the central green to really allow the connectivity. Bike racks and the like will be prevalent.

Stormwater management. The prior project, as it exists today, has this as your main stormwater management feature. That is being shifted down over here. We are also adding underground stormwater retention to assist with the stormwater management. But where we have these functional elements, we are also allowing a dog park here and allowing it to really kind of be a community amenity, a community feature. This plan, despite there not being a requirement of open space in the central business district, 20% of the property will be dedicated to open space. You have your central green, you have your landscaping, you have your stormwater management, and then this community area that is a functional space that can actually be used and is usable open space.

We have submitted and been working with DelDOT. One of the issues, and that is in your packet, but one of the comments that DelDOT had pertained to street trees that are located in the DelDOT right-of-way outside of the property. So, this dotted line represents the property line and then this is what we are proposing. The biggest effect of that DelDOT comment is down on Wyoming Road where these trees are proposed on the southern portion outside of the property line. They are not located there because we cannot locate them there. But as far as design impacts, entrances, boundaries and the like, we've been working with DelDOT and have received positive feedback from them on those elements.

A couple of points, in your packet there are some examples of these kind of unique features, the hardscaping. This is illustrative. It's meant to kind of show the inspiration in the plan. The final design will ultimately decide where we land specifically, but this kind of gives you a sense of the spirit of the intent.

Regarding signage, one of the difficulties when you have a mixed-use community and a community such as this, is the sign code doesn't always match up perfectly clear. So, what we tried to do in your packet, we identified the specifications, the materials, kind of the inspiration of what we are intending with signage. What this represents is on the retail buildings where we intend to kind of put those flush-mounted signage or the potential. And the key is when you have a community that's integrated, the multiple sides is important to be able to see that.

One thing, I believe strongly that a picture is worth a thousand words, so we do have a video here. And the intent of this video is to really show you what it's like to kind of fly through this central green here, turn and then come down the north spine. So, if I can get this to connect here. Easier said than done. Bear with me, I'm usually more technologically literate, but here we go. This is the apartment building coming through on the corner and as it spins down, it will spin and show you that north/south spine which, again, this is a street that's located inside of a shopping center trying to create that grid pattern.

And just if I could, in the remaining time that I have, we are seeking site plan approval for some relief from various Code requirements that are specified in the material. We tried to outline exactly why we believe site plan approval is appropriate for this project. One important thing, I think this really is the quintessential project where site plan approval is appropriate. The Comp Plan specifically calls for a mixed-use community, but the Code really deals in a single-use Euclidean-style code. And so, when you have that kind of juxtaposition, it's an opportunity in order to take advantage of the benefits of mixed-use, take advantage of all of the benefits under site plan approval. It's an opportunity to really utilize that and that's again, we went through the specific items in our submission and material.

That's the overview. I know there's a lot of information, but I'd be happy to get into it with the Commissioners' questions. Thank you.

Mr. Silverman: Thank you very much. Ms. White, you are signed up to speak.

Ms. White: Jean White, District 1.

Mr. Hurd: I don't think it's on.

Ms. White: Is this working okay?

Ms. Gray: Yes.

Ms. White: It's okay or it isn't okay?

Mr. Silverman: Is it working?

Mr. McIntosh: The green light is on.

Ms. Gray: Yep, it's good.

Mr. Silverman: It's working.

Ms. White: Okay, I'll start again. Jean White, District 1. There are a couple of positives about this. One is that the College Square Shopping Center does need to be improved. I think we could all agree with that. And secondly, I'm glad to see that the chain-link fence detention pond on Marrows Road, which is sort of part of it, is going to be eliminated. I always thought it would be nice if they could at least put daffodil bulbs around the outside of it.

I strongly oppose allowing the drive-through restaurant and the drive-through retail. I think it's a Building G, Building I, and maybe possibly Building C. I do not think there should be drive-through restaurants or drive-through retail. On the one hand, the developer is touting all the walkability and the environmental good and everything. On the other hand, it's not good to have drive-throughs. Idling cars for drive-throughs adds to pollution. There are towns in other parts of the country that actually do not allow drive-through of whatever type.

Let me just see, also, let me just see here. The apartments. I also disagree with allowing the apartments to be on the first floor. A BB-zoned area you cannot have apartments on the first floor. And I think here they shouldn't be allowed because I do feel that there's a security problem, just as there are other places where we have BB, that because we are going to have so many people coming in here, that in fact some of those people who would be ill-mannered or something like that could break windows or try to get into apartments there. If there were someplace else, maybe not. But I feel that shouldn't be allowed. Now I understand, I was thinking why not put shops there, but of course if you put shops on the first floor, you need customers and presumably the people in the apartments wouldn't be enough customers and they'd have to come from the other parts of the shopping center.

Mr. McIntosh: One minute, Jean.

Ms. White: Excuse me?

Mr. McIntosh: One minute.

Mr. Silverman: One minute.

Ms. White: Okay. The swimming pool. A swimming pool is really only useful outside for five or possibly six months of the year from May to October. I think it would be better to have an indoor swimming pool with maybe a dome on top that let the light in and then it could be used

all through the year. And also I think there's an additional security thing that outside people who shouldn't be using the swimming pool not to get in to swim but they could get in and other things could happen to them. So, I think that's a safety issue, as well.

Let me just see, and finally, I feel that some stores in the shopping center should cater to basic needs, not all be, what should we say, not just boutiques. The Acme, of course, is a basic need of food, and there are others such as a hardware, which Sears Hardware and K-Mart had many things for that. There was housewares and kitchenware, clothing stores, shoe stores, auto supplies, which I guess you're getting rid of Pep Boys, but whatever. Anyway, so along with the more fancy kinds of stores that you might think are you going to put in, there need to be basic things that the people who are living in these apartments, and those of us who come there as well, can get. Do I have time? That's it? Okay, thank you. I'll leave out all the other things I was going to say.

Mr. Silverman: Is there anyone else from the public who would like to speak?

Ms. Ciferni: Catherine Ciferni, C-I-F-E-R-N-I. I have a comment. I feel like there's a little bit of a disconnect between the other projects we were shown and the plan that's going here. And some of that disconnect, I'm trying to think how to, in some other areas where I've seen mixed-use in other parts of the country, the types of retail that are put in act as an anchor for the types of rentals or occupants they want to have in the units that are going there. And so, I'm concerned that the type of retail that's there now is going to be geared toward students. And it doesn't, somehow what's there now doesn't, or what's being renovated now doesn't feel quite the same as what we're being shown in say King of Prussia.

And the other concern I have is the land particularly that the Pep Boys is on, is that going to be checked for remediation purposes? Is there any oil that's been spilling or gasoline or anything like that?

And I know that theft in the past has been a huge issue for that shopping center and I know many people who have worked there complained about theft. I don't know how the thoroughfare is going to help that and it may create more theft.

I disagree with Ms. White on the ground floor apartments because, particularly in Delaware, it is often difficult to find ADA-accessible units. So, if you can have a ground floor access for assistive devices or for people who have a little bit more difficulty ambulating, that may be useful. I'm skeptical as to who this will ultimately be for though. Thank you.

Mr. Silverman: Is there anyone else who wishes to speak? On this particular project, fellow Commissioners, do you want to ask your questions and then the applicant can respond to the basket of questions?

Mr. Stozek: Sure.

Mr. Silverman: Okay. Mr. Stozek?

Mr. Stozek: Okay, at this point my major question is for the residential buildings, how many apartments are there total?

Mr. Hoffman: There are a total of 306, two of which are guest suites.

Mr. Stozek: And where is the parking for all of those?

Mr. Hoffman: Sure, the parking in general for this plan is integrated through the site. You do have down here, I failed to mention, there are 18 garages, but then the residential parking, and you do have parking spaces kind of in your core area around here, but there is overflow parking elsewhere on the site. It does operate as a mixed-used with kind of shared use parking, and

there's actually a surplus of 67 spaces against Code-required parking versus the total number of spaces we're providing.

Mr. Stozek: Go ahead.

Mr. Hurd: Okay. I wanted to start by just commending you both on the bedroom mix and on the design. It's nice to see a more modern design coming to us. Can you point out where are the non-conforming landscape strips that you're asking for approval on because I didn't see a drawing that highlighted the site plan approval issues.

Mr. Hoffman: Sure, and that is, I apologize for that. The existing site is non-conforming in many areas just by the nature of the existing site. So, where we are getting the relief is really on the Marrows Road side. This really here is existing. It's really related to the addition because currently the site plan kind of shows this with your stormwater management and when you're adding paving, that's where you're introducing the non-conforming.

Mr. Hurd: Alright. In your application for site plan approval, you talk about sort of meeting the LEED requirements in the Code. You are aware that by site plan approval it requires a LEED-certified project and we have often seen a checklist being submitted to sort of show the general idea of the credits that you're going to attempt to go for, and I didn't see one for this project, so I wasn't sure from the language if you really understood the criteria that you're going after.

Mr. Hoffman: And that's an important point. And to be clear, we are not advocating or suggesting that we're receiving site plan approval based on the LEED standards here. What the, and I can pull it up here . . .

Mr. Hurd: No, I mean the site plan approval process. The criteria for energy use specifically says certified level for LEED as opposed to the standard 25 points under the Building Code.

Mr. Hoffman: Correct, so there are the different elements in terms of what the applicant is submitting in terms of obtaining site plan approval.

Mr. Hurd: Okay.

Mr. Hoffman: And so, one of the elements is if you are submitting on the basis of exceeding the LEED certification requirements. And I want to be clear that's not the basis under which this application is submitted. The summary that we've offered in terms of the, you know, the LEED-related elements are offered just in terms of as a modern building there are some environmental benefits. But we are not suggesting or requesting approval on the basis of exceeding the LEED certification.

Mr. Hurd: Okay. I'll just add my comment, I guess, at this point that I'm okay with the drive-through because I know that there's times when that's needed and there are few drive-through options within the City. And I also think the apartments on the first floor is something that is new that is coming in because there are people who are finding themselves hamstrung by being in a, other places that have the same zoning, it's like the first floor has to be commercial use and then residential above, and then they find they can't the commercial in there and they're locked in and you end up with a dead street. So, a lot of places are finding that even having people living there and effectively screening the entrances or protecting them along the street works and keeps the building active. So, thank you for doing that.

Mr. Silverman: Commissioner McNatt?

Ms. McNatt: I have several, I guess, questions and then a few clarifications maybe.

Mr. Hoffman: Sure.

Ms. McNatt: It says that the sewer on this site is New Castle County, however there is a note on the plan that says, on November 19 that says all, an open utility easement is hereby granted to the City of Newark for utilities on the site. But that means that if it's not City of Newark sewer, it's New Castle County sewer. So, are there going to be easements on this property for sewer for New Castle County? So, should there be some notes regarding that?

Mr. Hoffman: And I'm happy to defer to the Solicitor or Director Gray. In the City of Newark there is a standard comment that for the plans you have to provide open utility easements depending on where the City's easements fall, if my summary is correct.

Ms. McNatt: But wouldn't you have to say something specifically that the sewer, or there are some easements for New Castle County access or something? Right, because it's not sewer by the City, correct?

Mr. Hoffman: So, for the specific in terms of for the City easements, you have the open City easement. You're asking specifically about the county. The county . . .

Ms. McNatt: I guess. Wouldn't they need a note or something on here so they can get access to the sewer because wouldn't, they're providing sewer into the property or just to the property?

Mr. Hoffman: And for that question, I'll call Colm. Colm, are you aware, the specific question is, as far as a county sewer connection, sewer easement, that would require an easement. Colm, you have to come up to the podium.

Mr. Silverman: Identify yourself, please.

Mr. Colm DeAscanis: Colm DeAscanis, civil engineer with CDA Engineering. My understanding is the onsite is City, but it ties into a New Castle County in the right-of-way. But we can review that with New Castle County and confirm and deal with the easements that will be required.

Ms. McNatt: I think that should be clarified specifically . . .

Mr. DeAscanis: We'll clarify that on the note, too.

Ms. McNatt: Because I know there's been some conflict between private ownership of sewer and the City, so maybe that could be cleaned up some way on the plans. Relating to the drive-through, I don't particularly have an issue with drive-throughs. I have a particular issue with the location of how the drive-throughs are situated along roadways and viewsheds. And if you're trying to do distinctive architectural and excellence in site design, I think that putting the drive-through of the single structure to the left along 72 and having the double stacking and having all those cars and situating the structure such that you're looking at cars maybe not a nice-looking structure could be revisited maybe. I'm not against the drive-through but I think there's a better way to do a layout that makes it distinctive and excellent that you're just not looking at two lanes of double-stacked cars. I'm sure you're going to try to landscape it, but I'm sure that owner is going to want visual access of his buildings so he or she won't want landscaping that rises up either. So, it just seems like that layout specifically could be a little more, especially because that's going to be high-use in and they're going to want to come around and it's going to be one crazy loop-de-loo and I get sensitive to drive-throughs, and I think that that could be a better situation in that location. So, I think that's important.

So, the infiltration basin that has the dog park down in the bottom right-hand corner, I like the idea of a dog park but my concern is that this is going to be private use only and I know that the City has no dog parks which I think is a shame, in my opinion, that there's no dog parks that residents can use to take their dogs. Because we have a lot of dogs and a lot of residents that walk their dogs. So, is that going to be a privately owned and maintained dog park that no one else can use?

Mr. Hoffman: I don't know if we have specifically discussed use. What I will say is this, obviously, the site itself it's a private site. However, the intent here is kind of create a community green, a community destination. The intent is to have this kind of be accessible to the public. So, that is the intent of the property and so as far as the public being able to access this, we have not specifically discussed it, but we would be happy to do so.

Ms. McNatt: I think it's very important. Like I said, we don't have dog parks in the City, and I believe we should, put that on record, but I just don't want to limit, like you said, it seems like this is supposed to be a community of space and place and to gather. If I brought my dog or I wanted to run in the area and come back and, you know, have my dog, I don't want to be limited. And I think you're not limiting parking either, right? You're trying to allow, other people can come and park here. There's no restriction for parking, as well, right?

Mr. Hoffman: Correct, it's a public site. I mean, again, you want the public to be able to patronize the retail and the restaurants.

Ms. McNatt: And my other comment is I think those garages should be removed or eliminated because if you're trying to create this viewshed and, as an engineer, I do understand planning principles, so there's a viewshed through the central core of the two buildings to the infiltration basin which will probably be planted and look nice, and then you have these hideous, I'll call them hideous, garages that are just three sitting there randomly. I understand maybe why the owner wants them, but I don't think they're necessary. And I think you can relocate them somewhere else to eliminate that viewshed because you're going to see these three random garages sitting there when you come to that, instead of seeing these just nice new buildings. It's going to be very odd. So, I suggest either, if they're not required, to eliminate them and get rid of them.

My other concerns and would like to address stormwater management. The open infiltration basin, I think, is probably going to be great but, as the plan shows, there are two very, I'm going to use the word ginormous underground stormwater structures that you'll never see, which I understand why they're there. However, design excellence in landscaping is also one of the items specifically associated with natural environment in landscaping, and I think that this design poorly incorporated additional stormwater management features that could also provide a benefit in landscaping and distinctiveness and excellence. So, for example, green roofs or microscale stormwater management facilities that could also be used as focal points other than just the infiltration basin. I think this plan missed that component and I think it's a very important component of the design that could be incorporated, especially if you're trying to create a very well-landscaped and good-looking site. So, I think that stormwater and landscaping could go hand-in-hand instead of just collecting all of the water from the impervious surfaces besides the infiltration basin and shoving it underground, which I know why it's done, I just don't think this plan hits the mark on the outstanding excellence in that case for the natural environment and landscaping.

Mr. Hoffman: And what I would offer, and certainly, just so the Commissioners know, we are taking notes and following this. We will discuss with the team. On that point, there is a balance and there is a balance in terms of, for example, this we wanted to be a usable open space where you can actually go there and throw frisbees, throw footballs, an actually usable space that's available. But you still have to provide the parking, you still have to provide the interconnection, so you're balancing these various elements to try to get, to kind of hit the other key points. So, there is a balance. There is a balance in terms of providing your bioretention but still meeting the Code requirements and still having these other amenities.

Ms. McNatt: I would like that to be investigated if possible, specifically green roofs and other types of stormwater BMPs that can be incorporated into the landscaping to provide that natural environment feel.

And lastly, something that I've brought up in all the other projects that have actually come up along Marrows Road and specifically the corner parcel that was being developed into futuristically I think it's a rental car spot. There's a large stormwater network that follows in and out of this parcel. It's a 42-inch pipe and it includes a CMP pipe and if anybody knows what CMP pipe does, it degrades quickly. And I know that there were flooding and drainage concerns associated with Marrows Road and that system. Is that going to be upgraded or has that evaluation been done to incorporate those concerns into this plan at all? Because I know there's a lot of conflict. Like some of the proposed catch basins are almost on top of that 42-inch CMP and that's not going to work. But it seems like that pipe system is just going to stay.

Mr. Hoffman: For that I'd like to bring Colm DeAscanis back up and he might be able to offer some more specifics.

Mr. DeAscanis: Stacy is correct. There is a large 42-inch trunk line that drains down to the site from the upper portions where the rental car is, the KFC, the Wawa, and it comes down. And right now that existing infiltration basin is basically one big hole with a pipe outlet. It does not have the type of detention design parameters that you see in dry [inaudible]. It's basically just a hole with a pipe and it doesn't have an outlet structure. We are held to, and that's part of the reason for the larger system, we're held to match that hydraulic condition downstream, which is basically an 18-inch pipe, which is why we have a large underground system around that apartment complex, to collect that 42-inch pipe and then attenuate the flows to get it to a point to where it can match the pre-development and go through an 18-inch pipe, combined with the infiltration basin and the other storm tech system. And the structure will be designed to DOT standards on the inlet structures.

Ms. McNatt: Because you're taking offsite run-off through this parcel, are there going to have to be some type of drainage easements or agreements so that, between the property owners in any way?

Mr. Hoffman: As far as, I don't know right now, that's part of when we get into beyond the planning phase and into the, for example, there will be cross access, there will be cross parking, there will be easements, and so we just have to take a look.

Ms. McNatt: Thank you. The last, oh, here's my last question. So, it looks like on the set of plans we have is that the stormwater facility in the bottom, the large green space, will actually be on its own parcel, separate from the apartment parcel, which is also separate from the commercial parcel. Who will ultimately be the owner of that facility? Is it, who will own it?

Mr. Hoffman: It will be a Fusco entity. And this is the important, and actually I can piggyback this if you'll allow me very briefly, in terms of this horizontal mixed-use concept and the benefit. So, for the benefit of the Commissioners, right now this is one parcel, this is a parcel, and then this is a parcel down here. These are all owned by Fusco entities and will continue to be owned by Fusco entities. But then as you try to develop, especially on a development of this scale, there's different financing and there's different kind of logistics that come into making sure that this can be constructed and built. One of the benefits of a Euclidean-style single-use zoning approach and not mixed-use is from a financing standpoint, frankly, it can be easier. It can be more straightforward. This is your residential piece, this is this piece, and so, that's why you see a lot of that. When you go to mixed-use, it can be more difficult because the uses are integrated. And so, what happens there is even though they're on separate parcels, you have them tied together. And so, even though this is a separate parcel down here, the site acts and is tied together as an entire site through easements, through agreements, to ensure that maintenance is taken care of, to ensure that use and access can be handled, but then you can ensure that those who are in the business of residential development can handle the residential component. That's where you get the benefits of the horizontal mixed-use.

Ms. McNatt: So, if the residential apartment complex ever gets sold to another entity beside the Fuscus, is there going to be some type of, I'm assuming, maintenance declarations or documents that will cover that?

Mr. Hoffman: Yes.

Ms. McNatt: Thank you.

Mr. Silverman: That was your question?

Ms. McNatt: That was clarifying. And I think, sorry, I had one more. Oh, here's the last one. So, traffic. It specifically says that the applicant will have to contribute payment toward a future area-wide study fee consistent with DelDOT regulations and the attached documents, however there's no language here that says that's going to, that whatever that fee ends up being, that that will be part of, I don't think, the subdivision agreement or will be documented anywhere. And I think that that's very important. Usually it says to us that that will be documented and so I think site plan approval should be part of that. This site plan approval, this should be part of the site plan approval. Does that make sense?

Mr. Hoffman: It's actually a DelDOT requirement. So, it stems from the DelDOT coordination manual and so that area-wide study fee is something that is required by DelDOT under the DelDOT regs. We cannot get what's called a LONO. It's a Letter of No Objection to recordation. I don't know why it's a LONO and not a LONOR, but it is what it is. We cannot get a LONO unless and until we pay the fee because that meant we met DelDOT's requirement.

Ms. McNatt: Do you know how much that fee is?

Mr. Hoffman: I do not. It's a formula. It's a DelDOT formula.

Ms. McNatt: So, it will be calculated at some point later during the process?

Mr. Hoffman: Correct.

Ms. McNatt: Okay.

Mr. Hoffman: It has been . . . my traffic consultant is telling me that it actually has been paid.

Ms. McNatt: How much, roughly?

Mr. Hoffman: Alex, can you come up? It's based on the number of trips and it's a formula calculation.

Mr. Alex Meitzler: Alex Meitzler with Traffic Planning and Design. Sorry, I've been sitting too long. The fees are based upon the net increase in trip generation from the site, and for us to have even put in the application to DelDOT for their review, we had to pay the fee.

Mr. Hoffman: Do you know roughly how much the fee was?

Mr. Meitzler: It was approximately \$2,750, within a few cents.

Ms. McNatt: Thank you. That was my last question. Thank you.

Mr. Silverman: Commissioner Wampler?

Mr. Wampler: Thank you. I have a couple of issues I'd like some clarification on. The first is extending Delaware Avenue through over to Marrows Road. I know there's a circle there and there's some traffic calming projects that are going to be there and there will be retail space there, but when the idea of this first was in the paper maybe a year or so ago, the comment I

heard from most people was, oh, good, now there's a shortcut to go from Delaware Avenue over to Marrows Road. So, are you concerned at all, or should we be concerned that most of the traffic that's going down through that connector isn't going to be people stopping to buy a pizza but it's going to be people just getting over to Marrows Road as a quick access.

Mr. Hoffman: And, Commissioner, you hit the nail on the head in terms of the rationale for these traffic calming features because what we didn't want is just that situation. What you don't want is you don't want a design, which is what some people were calling for, which is, I mean I think at some point somebody said a four-lane road cutting through and you separate the northern part of your site from the southern part of your site. And so, how do you provide that traffic release without incentivizing it as a true and consistent thoroughfare. And you do that through these kinds of traffic calming features. So, we submit the design helps kind of provide that balance, provide the relief for the traffic without it opening up the floodgates.

Mr. Wampler: I don't know if I buy that because the idea of having that little green space in between there I think there'll be benches there and the idea is that people will be walking back and forth across there all the time. And you can put traffic calming in, but people are still going to come through there and I'm concerned that it's going to become a hazard for people who live there or are having their lunch there or something with a lot of traffic coming through. I know that the design is supposed to take care of that, but I just wonder if 90% of the traffic that comes through there is people just trying to get through as quickly as they can to get over to Marrows Road, is what you proposed there really going to slow that down enough? I mean, for example, are there going to be crosswalks and yield signs and all sorts of things to make sure that people who are going through there recognize that there are people walking back and forth across that and it's not just a thoroughfare but, in fact, that they're traveling through a residential area.

Mr. Hoffman: Yes, absolutely.

Mr. Wampler: Okay. In the description we have, it says it's going to have, among other things, specialty retail shops, but in the plans that we've seen, all I see are restaurants and we have lots of restaurants in Newark and that's nice, but are there plans to have any retail other than food, first of all? I see something on the plan says drive-through retail. I'm not sure what that, is that like a pharmacy with a pick-up window or something?

Mr. Hoffman: And it's an important point to clarify the retail and the restaurants is the entire site. We do not have, it's kind of the chicken before the egg and the cart before the horse, or whichever analogy you want to utilize. In order to go out and market to tenants and lease the tenants, we need a plan. In order to get a plan, you know, you need to have an idea of the market that you're looking at. Mr. Vassallo has spent the better part of two plus years or three years trying to figure out what the market would support here. And that is a combination of, yes, specialty retail and not just restaurants, not just food uses throughout the site. We have the grocery store here and the point was made about community amenities. We have the grocery store and you have different type of retail uses, not just restaurants. There is the concept for a pharmacy. Again, you try to think of that community amenity use, as well.

Mr. Wampler: When this shopping center was first developed, as you've shown, there used to be a racetrack there and it was developed at a time when strip malls were sucking all the life out of Main Street. And I asked the guy who was on City Council at the time in my district why this was a good idea for the City and the answer I got was it wasn't going to be a strip mall, it was going to be full of little boutiques and specialty stores. And what happened was we got a K-Mart and a liquor store and a nail salon. There was nothing special about it and, as a result, I think most of the businesses have failed. So, I'm concerned about whether that's actually going to happen or not. And I understand that one of the easiest things to do is to add food because there's always a market for that. And, as I say, on the plans that we've seen, everything that has a sign on it is some sort of a food place, but I find it confusing and it might be more a question for Mary Ellen than for you, but on the plan the restaurants are called drive-through

and the City refers to them as drive-in, and then some other places are referred to as fast food. In my mind, a fast food restaurant always has a drive-through component to it. So, is it likely that anything that has a drive-through here is going to be like a burger joint like McDonalds or Wendy's or something? Do we make a distinction between a drive-in restaurant, a drive-through restaurant, and a fast food restaurant because they seem to be used interchangeably but listed separately and I don't know if that is important in the mix that you're looking at?

Mr. Hoffman: Under the City Code, and I certainly . . .

Ms. Gray: I'm looking it up. Go ahead.

Mr. Hoffman: Mary Ellen and Paul can correct me if I'm wrong, but under the City Code it does specifically say drive-in. So, the City Code uses the term drive-in. Drive-in and drive-through, it's the idea of where you have the restaurant with a drive-through component. But under the Code, it's a drive-in. I'll point out specifically where they are and what we envision them to be. It's also interesting under the City Code it talks about fast food restaurant, it talks about cafeteria-style restaurant, and the key point there is it's anything . . . the fast food is typically something that serves the food in a fast manner. You go up to the counter and you get your food in a quick service type of a manner. The drive-through component has that piece. We expect and anticipate this to be a coffee shop. We expect this to be kind of a fast casual, not so much of a McDonalds or Burger King. And we expect this to be some sort of a pharmacy use. Those are where your drive-in services are located. The reason why you saw this as your central green with most of your restaurant headlines is because that, for kind of your vibrant center where you can have the opportunity for outdoor terraces, outdoor seating, and you have the opportunity for kind of people to be, those tend to lend themselves to more restaurant uses. But we do have retail space throughout as well. And these don't have to be limited to that. That's just kind of what the, with the outdoor seating, it kinds of lends itself to for purposes of the concept.

Mr. Wampler: Okay. My last point refers to the variances that you're asking for. This is a really big parcel and it's a big project, and I should say before I go any farther, anything you do here I think is going to be better than what's there. It's just a mess. I think this is really a good idea and I'm really in favor of it. I like a lot about it but, having said that, Code requires 20-foot wide landscape strips and the variances, for example, the fast food variance is 2 feet. It's 73 feet instead of 75 feet. I'm okay with that. But if the Code requires 20-foot wide strips along Marrows Road and Wyoming Road and Library Avenue, and what's proposed is 5 feet and 7 feet, that's like, you know, 25% of what's required, and I'd like an explanation of why with so much real estate there, we have to skimp on those landscaping strips which are required by the Code.

Mr. Hoffman: And that comes back to the balance as well. I'd be happy to walk through the site plan approval elements, point them out where they are, and kind of walk through the rationale if it would help the Commission. Just from the 30,000-foot view, what you have is you have a site, for example, up here we know it's existing non-conformities and we aren't seeking any approval for that. Those are legal non-conformities. When we're talking about the landscaping on Marrows, we're really talking about this area down here. And the question was asked earlier as to parking and as to having parking available for the apartment uses. I'll correct myself, by the way, it's 53, there's a surplus of 53 spaces, not 67. But so, in order to provide the parking in the locale and reasonable closeness to the apartment use, the paving is helpful. You also have this is where we get into that unique site. It's not exactly a square and so it kind of kicks out down here. So, when you're trying to lay out a site that provides and balances all of these elements of making sure that you have parking that's available to support the uses, that you have kind of the walkability, you start to get squeezed on the edges. When you have a site here where you have the existing non-conformity, it doesn't look out of order to kind of continue that alongside with some relief along Marrows. The site plan approval relief we're seeking is for the apartments on ground floor and mentioned on the horizontal mixed-use and the benefits and the rationale for that. And there's also precedent. Again, the King of Prussia

Town Center is an example where horizontal mixed-use can be successful and that does have residential uses with ground floor apartments as well. These have elevators, by the way, so there is multiple access points. We had mentioned the drive-in for the establishments, and these are pointed over here. While we are promoting and we are seeking a mixed-use redevelopment, it is still a suburban center and you do still have the demand and the benefits both from the tenant aspect, if you want to get those tenants, and also from the public's demand of those uses. Also, there's precedent having drive-ins, drive-throughs in mixed-used communities across the country. It does not detract from the plan. We had mentioned the 73 feet versus the 75 feet. Again, we're talking about the area down here. As far as the landscape screening between this drive-in facility here, it does not make a lot of sense to try to screen the residential use from that drive-in facility because it's meant to be integrated. It's meant, as you saw on the flyover, it's meant to kind of be an inclusive whole. And I think those are the high points. Correct me if I'm wrong.

Mr. Silverman: Mr. Hoffman, if I can interrupt you, we normally have a two-hour time limit, however the Chair has the prerogative of extending the time to 9:30. Unless there is an objection by the Commissioners, I'd like to extend the time limit to 9:30 for the Commission meeting.

Mr. Hoffman: Thank you.

Mr. Hurd: Mr. Chair, can I just add one quick suggestion to Commissioner Wampler's comment? The crossing areas that you've got in the central core there, I would strongly suggest that you look at making those raised crosswalks so that they are raised and continuous and at the level of the sidewalk so that the cars have to drive up and over them, because that's a great traffic calming. And it also helps emphasize that the pedestrian is more important at that point than the car.

Mr. Hoffman: Our land planner, Matt Clark, has informed me that that is the case.

Mr. Hurd: Okay.

Mr. Wampler: Okay, good.

Mr. Hurd: Because the drawing does not communicate that.

Mr. Hoffman: And that's a good point.

Mr. Matt Clark: Matt Clark, Land Design. At each end, both from the west and the east, here and then over here, there are actually speed tables coming up, so that whole central core is raised.

Mr. Hurd: Well I was speaking, actually, of the ones cutting straight through the island. Those, making those raised.

Mr. Clark: Yeah, that's all one plane right now.

Mr. Hurd: Including the crosswalk?

Mr. Clark: Yes.

Mr. Hurd: Okay.

Mr. Hoffman: Thank you.

Mr. Silverman: Commissioner McIntosh?

Mr. McIntosh: Some of these have been answered. In the open space it doesn't show anything there but are you going to have benches and things of that sort to pretty it up a little bit?

Mr. Hoffman: In which open space?

Mr. McIntosh: Because right now it looks like it's a putting green.

Mr. Hoffman: This right here?

Mr. McIntosh: Yes, that one.

Mr. Hoffman: Yes, I'll let Matt Clark speak to it but hardscaping things such as trash receptacles, benches, and all that, yes, that would be integrated throughout. Bike racks and the like.

Mr. McIntosh: Okay. And do you plan any public lavatories for people coming in? Is there anything you've considered for that in this?

Mr. Hoffman: We have not discussed specific-use public lavatories. Certainly, within the uses, they may or may not have public facilities. But we will look into it.

Mr. McIntosh: I think it's probably a good idea if you really want this to be a community place. But you might find you have other problems.

Mr. Hoffman: That's the thing. Sometimes there's a balance, but we're happy to discuss it and look into it.

Mr. McIntosh: In the video, was that video representative of what you're going to build here or was that King of Prussia?

Mr. Hoffman: No, that's representative of the vision here. As we get into the actual type of colors and the actual, I mean there may be some variation there, but that is the vision exactly kind of coming through here, as you saw, you saw the apartment and the renderings. I believe there's also renderings in your packet. That is the vision and the intent.

Mr. McIntosh: Okay. When you did that, towards the end of it, it was showing your vehicle going out of the property . . .

Mr. Hoffman: Down here, correct.

Mr. McIntosh: And maybe it was just the illusion of what you were doing, but it looked like a pretty good runway down there where you could get your car moving at a pace which you would probably find not suitable for that area. And I don't know but I see you have that central circle and it looks like you've got something right behind it, but then you've got some open space and people take advantage of any space they can to get their Cobras up to above 90 and that's why they put 700 horsepower engines in them, so that they can do that. You don't want them to do that here. But I don't know how you do that, but it seems like something you may want to think about.

Mr. Hoffman: And one thing I'll also add that wasn't in the actual rendering, there's parallel parking along either side of this. We did include the trees, so you could kind of see the tree line drive. So, there will be, it's not just going to be this wide drag race strip.

Mr. McIntosh: Okay, well that's the impression I got.

Mr. Hoffman: Which is fair.

Mr. McIntosh: Okay, that's it. Thank you.

Mr. Silverman: Commissioner Cronin?

Mr. Cronin: I like everything I've heard so far and I do appreciate the comments and questions from my colleagues. If I have any reservations at all, it would be the number of, I guess, single bedroom units in the residential area, and how limiting that might be to the needs of the marketplace. And it's just a thought and observation. I mean, I'm just putting that out for consideration, not for a requirement or anything. But it just seems like some more two-bedrooms and maybe three-bedrooms with a different mix would get a better mix of residential use, and I just offer that for a suggestion.

Mr. Hoffman: And the interesting thing about it is, and it is admittedly anecdotal, some of these other mixed-use communities in New Castle County, the one at Concord Plaza out on Silverside Road, there's actually been a tremendous demand for the one-bedroom unit. And so, we do have the specific breakdown of 181 of the studio one-bedroom. There's still 117 two-bedroom, and then 6 three-bedroom. So, there is an opportunity for different unit types, but we have seen, particularly for this product for the young professionals, for the empty-nesters, the one-bedroom is pretty popular. I live in a one-bedroom apartment with amenities kind of similar and that's what I was looking for. So, there does seem to be a demand there.

Mr. Silverman: Any other questions?

Mr. Stozek: One other question. The large masonry building down off of Wyoming, what is your hope or what do you plan to do there? Do you plan to possibly renovate that building? Are you trying to rent it, fill it out as-is? I'll call it the K-Mart building for lack of another term. Is there some sort of client that you're looking to put in there?

Mr. Hoffman: We have not made a decision in terms of the set point. Your observation is right on point. At the time that we were working on these plans and going through, K-Mart was there. K-Mart had a lease. Obviously, we all know the news about K-Mart today. That becomes an opportunity. That becomes an opportunity in terms of a multi-functional space, but we have not set on a particular use at this point.

Mr. Silverman: Any other questions? In the interest of time, rather than re-reading text that's been provided to us with respect to the recommendations from the Department, I'm referring to Page 15 in your packet, Will, you seem to take the lead on these. We have a number of elements to vote on. If you would pick up the lead and make a recommended motion for Paragraph A.

Mr. Hurd: Sure, I recommend that we, I move that we adopt the recommendation of Item A in the Planning and Development Department report.

Mr. Cronin: Second.

Mr. Silverman: Is there a second?

Ms. McNatt: Second.

Mr. Silverman: Okay, is there any discussion? Hearing no discussion, we'll move directly to the vote. All those in favor, signify by saying Aye. All those in opposition, Nay. The motion 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 THE 46.01 ACRE BB-ZONED PARCEL AT 100, 115, 121 COLLEGE SQUARE SHOPPING CENTER FROM "COMMERCIAL" TO "MIXED URBAN" AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT H-1 DATED JANUARY 29, 2019.

VOTE: 7-0

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

NAY: NONE

ABSENT: NONE

MOTION PASSED

Mr. Silverman: Will, if you'll do the honors.

Mr. Hurd: Sure: I move that we adopt the recommendations of Item B in the Planning and Development Department report.

Mr. Silverman: And that does include the site plan approval?

Mr. Hurd: Including the site plan approval conditions, yes.

Mr. Silverman: Okay. Is there a second?

Mr. McIntosh: Second.

Mr. Silverman: Okay, it's been moved and seconded. Is there any discussion?

Ms. McNatt: I want to discuss the topic of utilizing other types of practices, stormwater practices in association with natural environment, including landscaping, that I mentioned in thinking that that's an important aspect of the site plan approval process and the fact that that is one of the specific items in the site plan.

Mr. Silverman: Do you have a specific wording to put into the motion? Or is this just a general discussion?

Mr. Hurd: To consider the recommendations of the Planning Commission on the issues of stormwater . . .

Ms. McNatt: Adding additional stormwater facilities that incorporate natural environment and landscaping such as green roofs, microscale stormwater components, bioretentions, etc.

Mr. Silverman: Do we have that on the recording Madam Secretary?

Ms. Vispi: I would have to listen back to the recording.

Mr. Silverman: Okay. Who made the second?

Mr. McIntosh: I did.

Mr. Silverman: Okay, even though friendly amendments are gray areas in Robert's Rules, we aren't governed by Robert's Rules, so if the group would like to include the recommendation to include the stormwater management practices as part of this motion?

Mr. Hurd: I would, yes.

Mr. Silverman: Okay. Is there any other discussion?

Mr. McIntosh: Does the second get to say something?

Mr. Silverman: Please.

Mr. McIntosh: I'm okay with it.

Mr. Silverman: Okay, thank you. All those in favor of the motion, signify by saying Aye. All those in opposition, signify by Nay. 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 100, 115, 121 COLLEGE SQUARE SHOPPING CENTER MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN AS SHOWN ON THE CDA ENGINEERING INC. MAJOR SUBDIVISION, SITE PLAN APPROVAL, SPECIAL USE PERMIT PLAN DATED MAY 21, 2018 AND REVISED JANUARY 7, 2019, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AND THE ADDED CONDITION THAT:

1. ADDITIONAL STORMWATER FACILITIES BE ADDED THAT INCORPORATE NATURAL ENVIRONMENT AND LANDSCAPING SUCH AS GREEN ROOFS, MICROSCALE STORMWATER COMPONENTS, BIORETENTIONS, ETC.

VOTE: 7-0

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

NAY: NONE

ABSENT: NONE

MOTION PASSED

Mr. Silverman: Will, if you'll do the honor . . .

Mr. Hurd: Sure. I move that we adopt Item C of the Planning and Development report regarding the special use permit.

Mr. Silverman: Is there a second?

Mr. Cronin: Second.

Mr. Silverman: It's been moved and seconded. Discussion? Other than including some of the comments recommended by, under discussion by the Commissioners. Hearing no further discussion, we'll move directly to the motion. All those in favor, signify by saying Aye. All in opposition, signify by saying Nay. 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 100, 115, 121 COLLEGE SQUARE SHOPPING CENTER SPECIAL USE PERMIT FOR FAST FOOD RESTAURANT, CAFETERIA STYLE RESTAURANT, DRIVE-IN RESTAURANT, AND APARTMENTS AT THE DENSITY REQUESTED AS SHOWN ON THE CDA ENGINEERING INC. MAJOR SUBDIVISION, SITE PLAN APPROVAL, SPECIAL USE PERMIT PLAN DATED MAY 21, 2018 AND REVISED JANUARY 7, 2019, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 7-0

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

NAY: NONE

ABSENT: NONE

MOTION PASSED

6. REVIEW AND CONSIDERATION OF A MAJOR SUBDIVISION AND SPECIAL USE PERMIT FOR THE PROPERTY AT 92 AND 96 EAST MAIN STREET, ALSO KNOWN AS THE GREEN MANSION (PR#18-10-01). THE PLAN PROPOSES TO COMBINE TWO PARCELS INTO ONE PARCEL, DEMOLISH THE STRUCTURE AT 92 EAST MAIN STREET, PRESERVE AND REHABILITATE THE HISTORIC PORTION OF THE STRUCTURE AT 96 EAST MAIN STREET, AND CONSTRUCT A MIXED-USE BUILDING THAT INCLUDES A 7-STORY, 147-ROOM HOTEL AND 19,500 SQUARE FEET OF OFFICE SPACE WITH ASSOCIATED PARKING, AMENITIES, AND ACCESSORY USES. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]

[Secretary's Note: Item 6, review and consideration of a major subdivision and special use permit for the property at 92 and 95 East Main Street was withdrawn until a future Planning Commission meeting.]

7. DISCUSSION OF FOCUS AREAS.

Mr. Silverman: We do have two more items on the agenda. They're housekeeping kind of items for the Commissioners. I'd like to take a minute or two to clear the room and then with the Commissioners permission, we will go on to those items. Okay, we'll come back to order even though we were not recessed. We'll move on through our agenda. Agenda Item 7, discussion of Focus Areas. Madam Director, do you have some comments?

[Secretary's Note: A link to the Planning and Development Department memorandum and supporting materials regarding the discussion of Focus Areas can be found at the end of this document.]

Ms. Gray: Some very brief comments, yes. Thank you, Mr. Chair. As indicated in the enclosed memo regarding the issue of Focus Areas, staff was looking for a consensus to move forward with the proposed amendments to Chapter 10 in the Comprehensive Plan as described in the enclosed narrative and begin discussions with the Office of State Planning prior to submission to City Council.

Mr. Hurd: I have a couple of comments aside from the editorial ones that I had sent.

[Secretary's Note: A link to Commissioner Hurd's editorial comments regarding proposed amendments to Chapter 10 of the Comprehensive Development Plan can be found at the end of this document.]

Ms. Gray: Yes.

Mr. Hurd: The first was to reiterate a previous comment I think I sent by email which was in the sections where we're reviewing the text of the focus areas, to take that graphic and pull it out and make it a full page. Are you okay there?

Ms. Gray: Are you alright?

Mr. McIntosh: I'm fine. I've just been attacked by a drawer.

Ms. Gray: Okay. I'm sorry, Commissioner Hurd, could you repeat that? So, you take the . . .

Mr. Hurd: Looking at page 127 . . .

Ms. Gray: Yes, sir.

Mr. Hurd: If we could take that graphic that's kind of pushing the text around, pull it out and make it a full-page graphic on the page following . . .

Ms. Gray: Ah, yes, sir.

Mr. Hurd: Because there is, and this is partly just for legibility I think. There's a lot of reference to the specific streets and it's very difficult to read the street names at this scale. If it were twice as big, it would be easier to say, oh, we're talking about that. And I think if we pull it out, all the text will shrink down to fit on one page. We could do a page of text and then the picture.

Can you explain how College Square suddenly became Focus Area 4? Because that wasn't there before, was it? We had five focus areas and we got rid of one, so Focus Area 5 was going to become Focus Area 4, and now College Square is in there.

Mr. Fortner: College Square was in there before and so I just incorporated it. We had that one Area 5 . . . I forgot whatever happened to it, but the Benny Street area was known as Area 5 and we had Area 4 that was outside of this area, so I just kind of reconfigured and put it as Focus Area 4 and kept essentially what I had been calling Focus Area 5, I thought I'd just try to keep it.

Mr. Hurd: I guess because it sort of seems that the Focus Area 4 doesn't kind of fit in with the stuff that we're talking about here in terms of these are the things that we want as site plan approval thing to consider, the zonings we want to kind of maintain is sort of a piece, and then College Square just kind of sits there going, hey, it's College Square.

Mr. Fortner: College Square is in the original . . . we haven't changed any wording in there and so we're just keeping that a part of the . . .

Mr. Hurd: That was in the one we saw last month?

Ms. McNatt: I don't recall that at all.

Mr. Fortner: It was always in there, yeah. It wasn't numbered, it was at the end. But as he showed you on the screen, this is part of the original plan, the current existing plan.

Mr. Hurd: Okay.

Mr. Fortner: So, there's no amendments to . . .

Mr. Silverman: My recollection is we chose, there were focus areas proposed, including one down on Elkton Road . . .

Ms. McNatt: And we never included that.

Mr. Fortner: Yeah, you didn't include that one. So, to keep the number scheme, this is to keep the number scheme consistent because we've always been calling it Focus Area 5, I decided, well, I'll call College Square, since it's in this area, Focus Area 4 since it was an original focus area in the Comp Plan. So, I'll take it out.

Mr. Hurd: Well, it just seems like . . .

Ms. McNatt: It caused some confusion.

Mr. Hurd: Yeah, I don't know, it just was a sort of, and maybe this is just more of us sort of internally having worked on things called focus areas that were about areas where there's been exceptional redevelopment and wanting to focus on how we were going to discuss that, College Square is not that thing. So, to my mind, it jumped in as that's not a focus area.

Ms. Gray: Okay.

Mr. Silverman: And I think tonight's application literally takes it out of play.

Ms. McNatt: Pretty much.

Mr. Hurd: Kind of, yeah.

Ms. Gray: Sure, we'll take it out.

Mr. Silverman: So, the consensus is to eliminate it?

Mr. Fortner: Do you want to delete the text? Because it's part of the implementation of the Plan, so it's in there . . .

Ms. Gray: Oh, no, no. Take it out of the narrative for revision.

Mr. Fortner: Okay.

Ms. Gray: So, no, the text and the current, in the current Comp Plan remains.

Mr. Fortner: Okay.

Ms. Gray: We'll just take it out of the revision.

Mr. Fortner: Okay, so I'm renaming the Benny Street area Focus Area 4, if that . . .

Mr. Hurd: Maybe that's something that can go on that first page of the planning area, Planning Section 1 kind of discussion.

Mr. Fortner: Okay.

Mr. Hurd: Where you could just talk about . . . those were the big things that I just wanted to see. But I appreciate your rewording the language so it's all sort of consistent and pulling that together. I think it reads much better. It reads like it's like, okay, right, that's the thing that we're doing, the way the Comp Plan has been doing. Sort of the same language over and over so you know you're talking about the same thing. So, thank you.

Mr. Silverman: Commissioner McNatt?

Ms. McNatt: Yeah, and maybe I missed this in reading this document, but I know specifically last time I made mention of limiting RA as a very unique zoning category and not allowing it to be across the board, specifically maybe in Focus Area 5, but it could be across all these focus areas, and I don't see where that was specifically addressed. Am I . . . okay, [inaudible]. I don't know that that really gets what I'm looking for, what I think could be limiting. I don't know how to say it, but I don't know that that's limiting it and saying we are, instead of specifically large lots because you could have a bunch of small lots . . .

Mr. Hurd: Well, yeah, I think the way I read this is that it's pushing it towards Chapel and toward the University areas and keeping it out of the core of the focus area of Benny and such.

Ms. McNatt: Okay. Well, maybe it should say that.

Mr. Hurd: Well, I don't think you can say . . .

Ms. Gray: That's the intent of the language.

Mr. Hurd: It can only be here.

Ms. Gray: Yes.

Mr. Hurd: If you've got an RA and an RA, you can maybe put another RA next to it. I don't know.

Ms. McNatt: Similar zoning lots near similar zoning? I don't know, I guess I need to . . .

Mr. Silverman: Stacy, can you submit some language?

Ms. McNatt: I could try, but I don't guarantee that . . .

Mr. Hurd: Keep in mind, not to jump on this, but keep in mind that it's saying can be considered. It's not saying that's where RA goes. It's just if you're going to do RA, consider putting it near other RA or such, you know, things.

Mr. Silverman: Okay, let's be aware of our time.

Mr. Hurd: Okay. But that's how I'm seeing it.

Mr. Silverman: Mr. Wampler.

Mr. Wampler: I'm good.

Mr. Silverman: Okay, the one question I had, and I submitted this as an earlier email comment, I believe it was at the last meeting, with respect to Focus Area 3 and I'm looking at Page 129, we eliminated the term New Center Village Community and identified with Center Street because the theme throughout was a geographic street location.

Mr. Hurd: Yes.

Mr. Silverman: It makes it easier for the public and people who are familiar with Newark to know where that site is geographically. So, New Center Village Community needs to be deleted from titles and text and replaced with Center Street Focus Area.

Mr. Stozek: Yes.

Mr. Silverman: Frank?

Mr. McIntosh: I'm okay.

Mr. Silverman: Mr. Cronin?

Mr. Cronin: Of course, that New Center Village, there's a New Street in there, too. Center Street and New Street. That's where New Center came from. But if I had any thought, and this is probably out of sequence a little, but on page 127, the map there for what we call the New London Road Community, the fact that it includes both sides of West Main Street clear out to the nursing home and First Presbyterian Church, is, I don't know, if it's a conflict in terminology. I mean West Main Street is a community and New London Road is a community, and I guess they're saying New London Road because it's in the center of the area.

Mr. Silverman: If I recall from our last discussion, we had a street name that kind of anchored the area rather than was descriptive of the area.

Mr. Cronin: Okay.

Mr. Silverman: I know the term community is used and it's often confusing but at least it directs people to New London Road and environs.

Mr. Cronin: Well, New London Road is kind of in the center of the area so that's fine.

Mr. Silverman: Yeah. Madam Director, with these proposed changes, what do we need in the way of a motion or do we simply direct you to make the corrections and move this on? And this is not open for public comment. This is an internal document.

Ms. White: It's on the agenda.

Mr. Silverman: It's not open for public comment.

Ms. Gray: Yes, so to answer your question, yes, we would be looking to make these corrections per your comments and start discussions with the Office of State Planning to get their input on these recommended changes before . . . it wouldn't be a formal submission to Office of State Planning at this point. We just want to get their comments and get on their agenda and see, you know, get their thoughts before we moved it forward to City Council for their review.

Mr. Silverman: And this is part of the Comp Plan amendment process, correct?

Ms. Gray: Yes, sir.

Mr. Silverman: Okay, so this is something to be done prior to City Council?

Ms. Gray: Yes, to get Office of State Planning's input on it.

Mr. Silverman: Okay, and then once this document is finalized, the State Planning Office is happy with it, it will go before Council and then it's open for public comment?

Ms. Gray: Yes, sir. And then it would have to go through a formal submission to the Office of State Planning for their . . .

Mr. Silverman: Their formal formal comments.

Ms. Gray: Yes.

Mr. Silverman: Okay, I understand.

Ms. Gray: And approval.

Mr. Silverman: Okay, is there a motion to move this forward per the Director?

Mr. Hurd: Sure. I move that we recommend approval of the proposed amendments to Chapter 10, including the comments as noted at the meeting tonight, of Draft 2, February 3, 2019. Did I get all that?

Ms. Gray: I have a recommended motion in the memo, just as you said, and begin discussions with the Office of State Planning prior to submission to City Council.

Mr. Hurd: Right, recommend approval and recommend that staff begin discussions with the Office of State Planning.

Ms. Gray: Yes, sir.

Mr. Silverman: Is there a second?

Mr. Stozek: Second.

Mr. Silverman: Okay, it's been moved and seconded. Any further discussion? Hearing none, all those in favor, signify by saying Aye. All those in opposition, Nay. Motion carries.

MOTION BY HURD, SECONDED BY STOZEK THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED AMENDMENTS TO CHAPTER 10 OF THE COMPREHENSIVE DEVELOPMENT PLAN V AS DESCRIBED IN THE REVISED NARRATIVE, DRAFT 2 DATED FEBRUARY 3, 2019 AS PRESENTED BY STAFF AND AMENDED BY THE PLANNING COMMISSION AT THEIR MEETING ON FEBRUARY 5, 2019, TO ALLOW STAFF TO BEGIN DISCUSSIONS WITH THE OFFICE OF STATE PLANNING REGARDING THE PROPOSED AMENDMENTS PRIOR TO SUBMISSION TO CITY COUNCIL.

VOTE: 7-0

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

NAY: NONE

MOTION PASSED

8. DISCUSSION OF PLANNING COMMISSION RULES OF PROCEDURE.

Mr. Silverman: And we have two-and-a-half minutes on the next item.

Ms. Gray: Okay. Yes, sir. And this is meant to be a quick item. As indicated in the enclosed memo, given the large number of land-use application projects that we have in-house and are making their way to the Planning Commission, as well as the number of policy initiatives per the 2019 Planning Commission Work Plan, it is anticipated that the Planning Commission will be seeing full agendas in the near term. We would like to see whether there is an interest from the Planning Commission in revising or looking at the Rules of Procedure to either accommodate possible additional agenda items or changes to meeting management, such as you implemented this evening. So, if there is an interest, I could bring back some suggested changes. If there isn't an interest, then we move on.

Mr. Silverman: And on that, I want to add one other item. Will submitted a suggestion with respect to laying out the agenda and I think this goes to Ms. White's earlier comments from the last meeting. There is a way of laying out an agenda where it's very clear in the agenda that these are action items for approval by the Commission, these are informational items for internal document discussion by the Commission, etc. I believe Will submitted an email, if you could include those items in our packet and that would make it much clearer for the members of the public as to where they're expected to participate.

Ms. Gray: Okay.

Mr. Silverman: So, consensus, do we want to . . .

Ms. McNatt: Am I allowed to discuss another option or topic here on this?

Ms. Gray: Sure.

Mr. Silverman: Yes, go ahead.

Ms. McNatt: One other item I'd like to bring up that I think is important because I think there are people that do have lots of great comments that are now being limited to three minutes, specifically where it says Public Comment on page 2 of our current rules, each person providing oral comments shall be allotted three minutes per person unless a longer time limit is permitted by the Chair. It seems like the Chair is very strict with the three-minute requirement and I think that if we make it an option in the beginning of a meeting . . . I think we should either make it an option at the beginning of the meeting that says that person can have five minutes unless they choose to speak for three. I just think . . . that three minutes, it used to be five and I don't know why it was reduced to three because I don't think I was here during that

discussion. But I think there's a lot of good information and good comments being missed due to the two-minute reduction.

Mr. Hurd: I would be in agreement of saying, having seen the three minutes in action, I think five is probably a better number but maybe we want to say we can pull it back to three if we've got a room full of, like when we had to do the student streets. That was one where it's like we're going to have to pull it back to three minutes because we've got forty people lined up.

Ms. McNatt: As well as if it's the same topic, we can say, hey, you can only have one person speak about a topic for five minutes.

Mr. Silverman: Okay, we do have . . . that was built in by the former Chairman. He thought time limits were extremely important. I disagree with that. I even disagree with the fifteen-minute time limit on the presentation. I'd like to see an escape valve. I generally agree with the discussion whereby if an individual feels they need additional time, that they petition, they ask beforehand and get a consensus of the group . . .

Ms. McNatt: Isn't that breaking up the thought process and then stopping, and then they only get maybe two more minutes? Doesn't that . . .

Mr. Silverman: No, I mean beforehand.

Ms. McNatt: Oh, beforehand saying I want five minutes?

Mr. Silverman: And I'll give you an example. We have a number of projects coming up where there may be business groups represented, community associations represented. It's an economy of time if there's one spokesman for a whole group of people rather than ten or fifteen people saying the same thing over and over again. If that group wants to approach the group beforehand and say, look, I represent such-and-such, I would like the privilege of five minutes, seven minutes, ten minutes, whatever, then the Commissioners can make a decision. And the Chair does have the flexibility and the Commissioners do have the flexibility of looking over and shaking their head and going, no, I don't agree with the Chair.

Ms. McNatt: Well, maybe if we upped it to a minimum of five and then, well it does kind of say the person has longer time if its permitted. Maybe we can change that language to be a little different. I still think five should be a minimum.

Mr. Silverman: Okay, come up with some wording.

Ms. McNatt: That's a lot of pressure.

Mr. Silverman: Yes.

Mr. Hurd: Well, not now.

Mr. Silverman: Not now . . .

Ms. Gray: You can email it to me.

Mr. Silverman: You can . . .

Ms. McNatt: Okay.

Mr. McIntosh: May I remind the Commission . . .

Mr. Silverman: And here is one of our time sticklers.

Mr. McIntosh: Well, I'll just say it again, right, you keep extending time and meetings that are 9:00 meetings are now 9:33, and it could go on from here.

Mr. Silverman: Oh, it will. Ms. White gets her public comments.

Mr. McIntosh: Well, I'm just saying, it could go on from here. I do not think that it is proper or appropriate for these meetings to go on until 10:00, 10:30 as they have done in the past. I don't think the people that are here are as sharp as that time goes on. I think it is an imposition on the people, the developers and others who are coming here. It's their livelihood and they should get the best minds that we have and the best thinking that we have. And I've seen the meetings go downhill, you know, as they move past the 9:00 hour. So, while I don't know how to, it's managing the agenda, not putting more things on the agenda than can be done in a two-hour timeframe, but we owe it to the people that are coming before us with expensive projects that their livelihoods depend on to do anything but give them the best attention we have. And I don't think that that happens very well as time goes on. And we can all put the Superman suit on and say, yeah, I can do this until midnight or 1:00 a.m., it doesn't matter. And that's just not true. It's not going to be true for me and I just don't believe it. I've seen it happen. I know you can run meetings in two hours and I know you can be effective with it. I've done it all my life and there's no reason why it can't be done. So, it's a matter of managing the agenda, period.

Mr. Silverman: Well, then, one of the things we can do, Frank, is we can place us Commissioners under the same restrictions we place the public under and we get no more than three minutes times six of us and that's the end of the discussion.

Ms. McNatt: I don't agree with that at all.

Mr. Hurd: No, not at all. I would agree with Mr. McIntosh that I think 9:30 is a good end time that we really shouldn't be pushing beyond. I would be in favor for conditions like this where we have two development proposals that are significant in size to say for this night we are starting at 6:30, and that would be the earliest I would ever be able to make it here. But that would be an exception. Not to say we've changed the starting time to 6:30, but to say we've got two big ones and we've got some other things, we're going to add that half-hour to the front end and go.

Mr. Silverman: I can support that. When we were talking about having two full-blown public hearings this week, even though I was on the end of the phone, I could hear the sucking sound as Commissioners were reacting to their emails like, are you out of your mind? That's the option. Now fortunately we don't have a lot of these back-to-back heavy-duty projects. I talked to the City Secretary and she looked back in her records and it seems to ebb and flow. Remember, last month we had none, and we dealt with administrative matters. Plus, the Commissioners have been involved in more and more projects that are linked into City Council and Council has some expectations. They have a timetable. We're dealing with outside outfits like the PLUS review with the state. We place ourselves in a position where we have obligations that we need to conform to and, I'm sorry, it takes time.

Mr. Stozek: I would say we have a huge list of projects of coming this way.

Mr. Silverman: Yes.

Mr. Stozek: And I don't know how fast they're going to come.

Mr. McIntosh: I think that's kind of the point from what I understand. We have a lot of things that are coming before us and I think it's our obligation, and I'll say it one last time, to manage the time that we have to give the developers and the public the opportunity to speak to us and speak on behalf of their projects, etc. But, you know, our first obligation is to be able to do a good job as Commissioners. And a good job includes being of sound mind and body throughout

the course of the meeting. I don't know how the state legislature does their business until 1:00 a.m. or 2:00 a.m., and I might suggest that they don't do it very well.

Mr. Silverman: Now I'd also like to suggest that we have taken some major steps.

Mr. McIntosh: I'm not saying that. As soon as you make the meeting go to 9:30 though, then it starts creeping to 10:00.

Mr. Silverman: There is a failsafe where if the Chair has the opportunity to go to 9:30, if the Commissioners say I've had it, we shut the operation down.

Mr. McIntosh: Easy to say that but people don't do it.

Mr. Silverman: Oh, I'll bring up the motion and I'll take a roll call vote and we'll see how the votes fall out.

Mr. McIntosh: I'm clearly in the minority here but I'm telling you . . .

Ms. McNatt: I don't think you're in the minority in the time length of the meeting and how to run the meeting. I believe strongly that I feel like I'm, that as a group we're missing out on good, valuable comment from the public, which they have a right to speak, by limiting them and then shutting them down when the five minutes may have seemed to be a more appropriate time length. Adding two minutes to 2-3 people is less than potentially five minutes or ten minutes than what we have now. But, again, I'm sure some of these projects will have larger attendance and then that may be a different scenario. But I think there's language that could be put in here for those types of meetings.

Mr. Silverman: Will the Commissioners be comfortable with the Chair saying thank you, Mr. So-and-So, but we've heard about the sidewalks, the traffic, the schools, the property taxes, do you have anything else to add?

Ms. McNatt: I'm not against that at all.

Mr. Wampler: Yeah, I think in a lot of meetings where there's public comment, the comment is made, is there anyone in the audience who would like to speak to say something that has not already been said and that way . . .

Mr. Silverman: We can do that.

Mr. Wampler: So, you know, if there's an important point and someone makes it, there's no need for five people to make exactly the same point.

Mr. Silverman: Unless their point is to have five people stand up and make exactly the same point.

Mr. Wampler: Yeah, but that's one way of dealing with it, by saying if your point has already been made, then give somebody else a chance.

Mr. Silverman: Okay. Speaking of, so I've lost track, where are we on this? Did we vote to . . .

Ms. McNatt: Am I supposed to suggest language for Public Comment #1 on page 2? Mary Ellen, is that what you suggested?

Ms. Gray: I believe Chairman Silverman suggested that so . . .

Ms. McNatt: Okay, sorry.

Ms. Gray: But, certainly, if you would like to send me comments, that would be great.

Mr. Silverman: Okay, so we'll leave it as respond with ideas to the Director?

Ms. Gray: Sure.

Mr. Silverman: And the Director will come back with working notes.

9. NEW BUSINESS.

[Secretary's Note: There was no new business brought up at the February 5, 2019 Planning Commission meeting.]

10. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX

11. PUBLIC COMMENT

Mr. Silverman: Okay, now, final close out on our agenda. Public comment, Ms. White?

Ms. White: Can I talk about what you just talked about?

Mr. Silverman: You've got the floor.

Mr. Hurd: Three minutes.

Mr. Silverman: For three minutes.

Ms. White: Okay. Jean White, District 1. I'm looking at the possible changes which you were just talking about, about the meetings. The other three are fine but I want to speak strongly against having the meetings start at 6:00 or 6:30. As somebody who comes regularly to these meetings, for me personally it would be very difficult to come at 6:00 or 6:30. And secondly, I think always having the meetings start at a particular time, 7:00, the public learns that and realizes when they need to come. Many people, I know for me for years I was making dinner and getting children ready and things like that, and I'm still making dinner before that, and I think you should have them start at 7:00. The other three possibilities, you can consider. But don't change it to 6:00 or 6:30.

Mr. Silverman: Thank you.

Mr. McIntosh: Very good, Jean, that was 43 seconds.

Mr. Silverman: Any other comments from the public?

Mr. McIntosh: I said 43 seconds, Jean. Class A.

Ms. Ciferni: Catherine Ciferni, I live in Councilman Clifton's district. I would recommend not changing the meeting time to anything earlier than 6:30, I think, if you want the public to participate. Getting here, getting out of work, and dealing with traffic, and maybe eating on the run is a difficult thing. I also think I'd like to see the time extended to five minutes. I think you have a huge academic community and I think that they often are worth listening to or hearing from. And maybe there should be something about, this had been a problem in the past at City Council, so I don't know if you put changes in in terms of yielding time to someone. No? Okay. Thank you, those were my only questions.

Mr. Silverman: There is another element I'd like to have considered. With the City doing a real [inaudible] job by setting up communications through the internet, I see no reason, it's very easy for someone to commit comments in writing and send an email to the Director. So, if they

have an extensive list of items that they would like to bring up or topics, that can be submitted to us. There are some rules on that so that it can be passed out and made part of the public record on the internet for other people can comment on their comments and then when they come before us, they can highlight or emphasize. So, remember there is some technology out there where people don't have to come to the meeting or be present and have to deal with a shortened timespan with respect to getting their ideas across.

Ms. McNatt: That we would be able to see as well, you're saying?

Mr. Silverman: Yes. By our own rules, they have to be submitted, my source just left me. I believe by our own rules they have to be submitted 24 hours prior to the . . .

Mr. Hurd: I think it's the prior business day.

Mr. Silverman: Is it prior business day? Okay. Which means we get hardcopies, hardcopies are available on the bench, and they're posted onsite for those who want to double-check before they come to the meeting. Frank, would you like to entertain a motion to adjourn?

Mr. McIntosh: Absolutely. I motion that we adjourn.

Mr. Silverman: Second?

Mr. Hurd: Second.

Mr. Silverman: Is there any discussion? Hearing no discussion, without objection, we stand adjourned.

MOTION BY MCINTOSH, SECONDED BY HURD THAT THE FEBRUARY 5, 2019 PLANNING COMMISSION MEETING BE ADJOURNED.

There being no further business, the Planning Commission meeting adjourned at 10:03 p.m.

Respectfully submitted,
Frank McIntosh
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Applicant Presentation \(924 Barksdale Road\)](#)

Exhibit B: [Planning and Development Department Report \(924 Barksdale Road\)](#)

Exhibit C: [Applicant Presentation \(100, 115, 121 College Square\)](#)

Exhibit D: [Planning and Development Department Report \(100, 115, 121 College Square\)](#)

Exhibit E: [Planning and Development Department memorandum \(Discussion of Focus Areas\)](#)

Exhibit F: [Commissioners Hurd's hand-out \(Discussion of Focus Areas\)](#)

Exhibit G: [Planning and Development Department memorandum \(Rules of Procedure\)](#)