

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

March 5, 2019

7:00 p.m.

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

Chairman: Alan Silverman

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

Commissioners Absent: Bob Cronin

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

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

1. CHAIR'S REMARKS.

Mr. Silverman: The City of Newark, Delaware Planning Commission meeting for Tuesday, March 5, 2019 will come to order. The first item of business tonight is the Chair's remarks. We have two major proposals before us tonight and I'd like the people who are present to just be patient and work with us and we'll try to get through this as expeditiously as possible.

If you wish to speak, there are two ways of doing this. We have sign-in sheet on the ledge. You can sign in, we will . . . you can sign in on the sign-in sheet and we will take you in order, the order in which you signed in. That assures that we have proper spelling of your name in the transcript. As you listen to discussion, if you wish to speak and you have not signed in, we will take you in some kind of order, left to right, right to left, we'll decide at that particular time. You'll come up to the microphone, we will ask you to state your name and give us some way that we can determine where you live, whether you choose to give your street address or you simply want to identify yourself with a councilmanic district. If your name is an unusual spelling, please spell it for the record so we can get it done properly in the transcript.

Also tonight we will hear from the Director who will give an overview of the report, the report that each of the Commissioners have and has been on the City website for the last 5-7 days. It's exactly the same information that we have as Commissioners. It contains all the written material that's associated with the applications we're going to hear. It contains any written communication up to about 24 hours ago that the Department received with respect to this particular project. The Director will highlight the information. The applicant will then make a 15-minute presentation. We will then open the floor to the public. As it stands right now under our Rules of Procedure, each of you will have 3 minutes to speak. We do not have a system where one person may yield their time to another person. We ask you to only speak once in the sense of let everyone go around the room and then if there is no one else to speak and you wish to speak again, we'll start the process over again. Then we will open the floor up to discussion from the Commissioners. At that time the Commissioners will raise their questions for the applicant and the applicant will have taken the information and requests from

the public and incorporate those questions into the responses to the Commissioners. There will be no discussion back and forth in the room or I will simply shut down the hearing until the room settles down. Those of you who wish to address the Commissioners will speak to the Commissioners, not to the applicant. This is not a dialog. Once we hear the comments, the Commissioners will form a motion and we will move on the components of the particular hearing. So, that's the way we're going to do business tonight.

2. THE MINUTES OF THE FEBRUARY 5, 2019 PLANNING COMMISSION MEETING.

Mr. Silverman: Moving on to the second item on the agenda, approval of our Planning Commission meeting minutes from February 5, 2019, we have received comments from the Commissioners with respect to corrections, and those corrections have been made. Madam Secretary, have we received any comments from the public?

Ms. Michelle Vispi: No, we have not.

Mr. Silverman: Okay. If there are no objections, the minutes stand as amended.

THE MINUTES OF THE FEBRUARY 5, 2019 PLANNING COMMISSION MEETING ARE APPROVED.

3. REVIEW AND CONSIDERATION OF A MAJOR SUBDIVISION, SPECIAL USE PERMIT, AND PARKING WAIVER 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 PART OF THE HISTORIC PORTION OF THE STRUCTURE AT 96 EAST MAIN STREET, AND CONSTRUCT A MIXED-USE BUILDING THAT INCLUDES A 7-STORY, 144-ROOM HOTEL, COMMERCIAL SPACE, AND 19,500 SQUARE FEET OF OFFICE SPACE WITH ASSOCIATED PARKING, AMENITIES AND ACCESSORY USES.

Mr. Silverman: Moving on to Item 3.

Ms. Mary Ellen Gray: Thank you, Mr. Chair. This agenda item is for the review and consideration of a major subdivision and special use permit for the property located 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 part of the historic portion of the structure at 96 East Main Street and construct a mixed-use building that includes a 7-story, 144-room hotel, commercial space, and 19,500 square feet of office space with associated parking, amenities, and accessory uses.

Because this special use permit and major subdivision plan with site plan approval with the Subdivision Advisory Committee recommended comments and conditions as described in the February 26, 2019 Planning and Development report should not have a negative impact on nearby and adjacent properties, the property does not conflict with the Comprehensive Plan V, and the proposed plan complies with City Code utilizing the site plan approval provision, the Planning and Development Department suggests that the Planning Commission recommend approval for the proposed major subdivision and site plan approval plan, special use permit for the hotel, and 40-space parking waiver. Mr. Chair?

Mr. Silverman: Thank you. Is the applicant ready?

[Secretary's Note: During their presentation, the applicants referred to a PowerPoint presentation being displayed for the benefit of the Planning Commission and public. A link to the applicants' presentation, the Planning and Development Department report for 92 and 96 East Main Street, and written public comment received the day of the meeting can be found at the end of this document.]

Mr. Jeff Lang: Yes, sir. We have a brief, hopefully brief, presentation. It's a PowerPoint presentation so we need to get it cued up, hopefully before our 15 minutes start, and we'll hopefully be expeditious in the review.

We're here this evening to discuss the merits of our proposed project here at 92 and 96 East Main Street. It's a proposed hotel mixed-use project. To give you an idea of the site, it's actually the old Green Mansion site. It's at the right, right next to Catherine Rooney's if you're familiar with the property at all. We acquired this property about 4 years ago and we started working with the Cox family and their potential relocation of their business. As many of you know, they relocated to Center Street in a nice new facility and we acquired their property. At the time, we started thinking about opportunities for redevelopment of the site and we then started working with the adjoining property owner, which was the Eric Mayer family, and we eventually acquired that property and now have a larger parcel. The parcel does permit, under BB zoning, hotels and mixed-use opportunities. The height and design is really dictated by the parking components and the unit type.

As we think about zoning within the BB district, as I said, hotels are permitted. Maximum height of a hotel building can be 7 stories and up to 79 feet. Parking requirements are one space per hotel room with additional spaces for employees. And then there are obviously other components related to zoning that are dealing with setbacks due to height of your building.

As we start working through the analysis of need for the opportunity here that we looked at, we reached out to a qualified feasibility study company, HVS. They do feasibility studies all over the country. They've done the most recent feasibility studies for other hotels in the market, and it showed a strong demand for rooms in the local market. Surrounding hotels, many were in excess of 75% occupancy. And for this hotel that we're proposing, you're going to see potentially over 40,000 room nights per year, which is potentially a great economic driver for the balance of the local community. As you know, the University of Delaware continues to grow. Many of us see that in all the enrollment numbers. Obviously, the Newark business community is continuing to grow. We have Chemours down at STAR Campus, we have a big biopharmaceutical facility down there, and we're going to see additional demand in and around our local market for hotel rooms. There's also additional growth out in Cecil County. The Fair Hill Equestrian Center is going through a massive expansion and there's additional hotel needs out there that are underserved, as well as other components within New Castle County.

Mr. Chris Locke: With a project of this magnitude, we obviously need to have experienced partners. This is our partnership team. Obviously, Lang Development Group, GG&A, who has been a longtime partner of ours, our local construction manager, TKO Hospitality, we have chosen the Hyatt brand for the flag of the hotel, and obviously working with City staff and local business people.

So first, why Hyatt? When looking at many different hotel brands, we were very impressed by Hyatt. Hyatt is ranked the second-best brand in the world by TripAdvisor, ahead of Marriott, Hilton, and Intercontinental. Also, the customer of Hyatt is the type of customer we wanted to attract to the Main Street area with an average income of \$106,000 a year and they usually make business trips around 9 times a year. They're a top-rated employer for diversity which is important to us, as well. They're an international organization with a worldwide reservation system and they have an exclusive membership of one of only 600 hotels worldwide with a quality attribute.

Mr. Lang: One of the things we want to talk about is that even though we might want Hyatt, Hyatt actually selects us. We have to go through an extensive review process with Hyatt. Hyatt has to come to the site. They have to approve the site. They do their own feasibility study and then they decide if they're going to commit to you as an operator and owner. We have gone through that process, they've actually confirmed all the numbers that we produced through our HVS feasibility study, and we've committed to them for a 20-year franchise agreement.

Mr. Locke: And it's interesting, too, the other brands were also interested in the location, as well. So, this was a very highly-desirable area for a hotel.

One of our other partners is TKO Hospitality. They have over 100 years of experience with some of the finest hotels in the world – the Four Seasons, Waldorf Astoria, Ritz Carlton. They're locally owned. They have brand experience across the board and several properties here in the local area include the Hyatt Place in Dewey, the Holiday Inner Harbor in Baltimore, a new hotel down in Ocean City, and also the Springhill Suites here in Newark.

As I said, GG&A is our builder partner. They have extensive experience building hotels. Some of the projects you'll see on the left-hand side. They've also been our partner in many projects we've done over the 20 years here in Newark, and these are some of the more recent projects that GG&A built for us.

Mr. Lang: From an overall project attributes, we feel obviously it's a great site for a hotel and it's been confirmed now by our feasibility study group and Hyatt. We feel we have excellent architectural design tying in the old building. We have a nice brand to work with – Hyatt – and they're very easy to work with and very interactive. We feel, and we'll show to you, that Hyatt, and hotels in general, are great economic drivers for your local community. The parking facility ends up being a benefit of the project in that we're serving all the needs of the project and we're also allowing additional public use of the garage, which actually offsets the loss of the 73 spaces that are presently there. We've also talked about collaboration with the arts community with a mural opportunity on the side of the garage, as well as potentially utilizing some of the lobby space for displays. And then we have the environmental sensitivity of our design and meeting all the LEED requirements.

Mr. Locke: As you know, we are seeking a site plan approval for some minor variances. The first one is building height. As Jeff said, we're allowed to go up 7 stories for a total height of 79 feet. This project has 82.2 feet. I would imagine most people walking down Main Street could not tell you the difference between a 79-foot building or an 82-foot building. The reason for that accommodation is because we want to have office space on the 2nd and 3rd floor. We're also asking for a setback for the building that will be symmetrical to the Green Mansion, and that's why we asked for that. It's 3.7 feet. The loading bay, because of the size of the building, the loading bay requirement was three and we're providing one. It's a hotel so you don't really have a big need for a lot of loading bays. And then the last thing is signage. Hyatt brand has certain requirements they'd like to meet for their signage, so we've added that. And those would be the only site plan approval variances we're requesting.

This is the site, as you see. The great thing about this project, too, is we're taking a parking lot and we're taking . . . and you see the extensive green around the building in the back as well as the building on both the east and west side as well.

Mr. Lang: So, overall building design, we wanted to start thinking about how we're going to mimic the materials and design of the Green Mansion. So, we started to get together with our architect and started working through different gyrations. And as you know in designing buildings, if any of you have designed buildings, we've probably gone through 40 or 50 gyrations of this design. But what we've tried to do is mimic many of the bay window components, the balconies, the ornamental railings, and even the design material. The design material of the old Green Mansion being that old green stone, we're actually carrying that up to the 3rd and 4th floor areas behind. So, this building actually, as you start looking at it, it really steps back. So, the building is 16 feet approximately from the street. Many buildings on Main Street are only 10 feet from the street because you're allowed to be up closer to the street in the BB district. We're actually already 16 feet and as we continue to step back, we step back about 60 feet to the massing of the back of the building. So, even though the building is tall, it's not straight-up tall, it's step-back tall which, I think, allows for a different perspective when you actually look at the building for height. We actually met with the Design Committee and met or exceeded all of their guidelines and received unanimous approval.

This just walks us through some of the renderings. So, as buildings start, you start with a flat elevation of these 2-D pictures. So, you have front elevation, you have side elevation . . . that's from the west side and this is from the east side. This will actually give you an idea of the sense of arrival at the hotel. You're actually going to pull up next to the Green Mansion. You're going to come in and drop off there. There's a 2-story glass lobby. You're going to walk through the lobby to the other side. You can actually drive straight through the garage if you wanted to or you can pull in and drive up to the garage. So, it gives you the orientation of the garage relative to the building. This is a back elevation. It just gives you some perspective on what the building is going to look like.

Other pluses in the economic benefits of this project is job creation. We feel that after analyzing the size of this project, there is going to be over 200 new construction jobs during the build period of this. Also, once the Hyatt is open and operating, full- and part-time employment will exceed \$1 million annually in annual payroll. The other thing that many people don't know but when you do build hotels, there is a lot of ancillary job growth in service industry and other capital investment companies, as well as potential for new retail job growth in an around your downtown because of all the additional dollars that come into your community. So, overall economic benefits . . .

Mr. Locke: So, we really can't overstate the value of having a downtown hotel. As Jeff said, we're looking at about 40,000 annual room nights at this hotel. The average Hyatt customer is going to spend about \$65 per person in the local downtown area, so that generates about an additional \$2.4 million in revenue to the local businesses. More importantly, too, it gives Main Street an opportunity to bring retailers to the downtown area. For many years, we've heard that Main Street is just a bunch of restaurants. Well this type of project can now provide retailers an opportunity to take advantage of all those visitors. And what do people do when they go away for the weekend and they stay somewhere? They shop. So, this will be great. For the City and the state, lodging tax will be around \$700,000. That's split equally between the City and the state. Property tax revenue and utility revenue to the City will be about \$350,000. And because we designed the 2nd and 3rd floor to be office space instead of residential apartments, this will create another new diverse business opportunity to the downtown area.

Mr. Lang: One of the things we're happy to be able to do in this project is institute some environmental initiatives. One of the things when we were looking at this design, and many of you have probably seen some of these new parking garages that are built with ivy walls, we actually wanted to add that to the project. And by doing that, it obviously softens the appearance but it also adds substantial energy conservation. We also are doing electric charging stations in the garage as we see a trend moving in that direction with electric cars. Sustainable building materials will be used wherever possible to reduce the carbon footprint of the project. We also, when Chris pointed out, when you look at the site plan, now we're actually covering an existing parking lot. So, when we do that, we actually absorb all that water into our stormwater detention process and therefore it's going to reduce some of the runoff onto the street. A lot of the rainwater we're going to collect and use in the irrigation of the new landscaping, and we're also going to try to use drought-resistant plants in landscaping areas that are hard to irrigate.

This just gives you a 3-D picture of the building and as you pull up to the building, obviously you're now coming in on the right-hand side. You're going to go in, you can see the entrance on the right with the glass. This is the other front elevation and you look at Caffè Gelato, you look at the massing of the building. Caffè Gelato is pulled up on the street. You guys walk past Caffè Gelato a lot, it's a very tight corridor, but our building is actually stepped back from that. And then it continues to step back in that wedding cake design.

This gives you just the perspective from the turf field. It shows you the green ivy walls and the massing of the building. This view is going to be very atypical for most residents because most of us don't have access to that turf field. But here is an area that we want to talk about. This is kind of the amenity deck. When we designed the building and the footprint of the building,

because we end up with an L-shaped building, we end up with this nice space for outside use. So, we end up with a pool and outside patio area. We think it's going to be a great benefit to the guests and visitors and a great draw for the hotel. It also allows us to add some additional green on this area that's not typical. So, parking . . .

Mr. Locke: So, whenever there's a development project downtown, there's always discussion about parking. For the education of the public, this parking lot is privately owned. It is not owned by the City. The City leases those spaces from us and there are currently 73 spaces on this project. We are proposing a new parking facility to add 244 parking spaces. The average daily use of our hotel guests and employees will be about 110, with the office tenants about 50, so that leaves a minimum of 84 spaces that we can allocate for public use. The plan is to have parking apps as well as a countdown sign, so the public is aware of that parking. That will vary as the use goes in and one thing some people have commented on is there's very few cars at the Springhill hotel. The reason is, most of the parking is used late at night, not during the time when parking would be most in demand here in the City. As well as the office tenants will all be leaving by 4:00 or 5:00, so those spaces will be available to the public as well.

Mr. Lang: So, this overall gives you a site plan view of our facility with our new entrance on the right-hand side of the building and new exit. It also shows our site in yellow. It shows the M&T site and the Handloff family site in orange. That would have an entrance and exit that one of the entrances presently exists. The second exit can exist as it used to be there. It's between the Dairy Queen and the Mexican restaurant. And the City lot to the right, behind 108 and 102, would still continue to be accessed in and out off of Center Street. This gives you another view of the parking.

One quick thing we wanted to talk about was the size of the building and its impact on the street. We're basically showing you in this slide that because of the way this building is oriented on the north side of the street, at 9:00 a.m., noon, and 5:00 p.m. you see the different impacts, and none of them impact Main Street at all. It actually shows that the outside deck area where we've designed the pool, gets sun from probably 10:00 in the morning until the sun goes down. So, that was another reason why we designed the building that way.

So, overall the positives to the City. We feel the hotel will bring many new people to our downtown, add revenue to the City, create many new jobs, and allow Newark to really be showcased in the local area. It also presents the opportunity to bring a new use to our downtown and produces over \$2.4 million of new revenue for the local business community and an additional \$1 million of revenue to the state and the City. And then project summary . . .

Mr. Locke: So, as we stated, we have secured a hotel brand as well as management company. The hotel is owned locally by people here in the Newark community. Obviously, there's huge economic benefit to the community as well as the City and state. There's a synergistic effect for downtown where we can bring in potential new retailers and visitors to our downtown area. This a new use for Main Street. We haven't had a hotel on Main Street in many, many, many decades unless you count the Super 8 motel, but I think this is a different type of motel, hotel. And most importantly, the positive impact on parking. It's actually a net benefit to parking when you look at how the parking garage will be used and the availability to the public.

Mr. Lang: And, obviously, thank you all for the time and we're here to answer your questions.

Mr. Silverman: Thank you very much. In accordance with the introduction, we will now entertain comments from members of the public. I'll be working off the sign-in list first and then we'll go to spontaneous comments from the public. Catherine Ciferni. And, Catherine, please make sure that microphone is on.

Ms. Catherine Ciferni: Okay. Hello, yes. Do you want me to spell my name?

Ms. Gray: We have it written down.

Mr. Silverman: We have it written down.

Ms. Ciferni: You have it, okay.

Ms. Gray: Thank you.

Ms. Ciferni: Okay, I'll keep it to 3 minutes. I have a few general questions. I'm not thrilled with the scale but I'm sure there will be others that will comment on that. Catherine Ciferni, I live in Councilman Clifton's district. What is the width between the Newark Bank Building and the hotel? Is it wide enough only for vehicles, or is it wide enough for vehicles, pedestrian access, and ADA access? Sorry, and then you said the sun wasn't going to be affected but some of the building appeared white and I know on my building, which is the same side of the street, I can't put my key in the front door at certain times of year because the glare is so blinding. But my biggest concern with this, and there are two, is as Newark expands and density increases and we vary the Comprehensive Plan, very little discussion is given to access to emergency services, in this case the fire department. We have a volunteer fire department that we share with the county and my concern is that the more we increase the density, the more opportunities that exist for problems, the more difficult it is for our very limited-in-capacity fire department to address those issues, in general, with all sorts of large-scale development. I understand your statement about the spaces. 108 Main Street uses a bunch of those spaces for their employees. That's the English Language Institute of the University of Delaware. Parking is often an issue for a lot of our staff and my concern is while there are more spaces, we weren't quoted a rate. So, I know that the City's rate is very, very reasonable. I'm not sure that individuals that I work with will be too thrilled with the change if the rate is very different on a daily basis. Thank you.

Mr. Silverman: Thank you. Sheila Anderson.

Ms. Sheila Anderson: Can you hear me? Is this on?

Ms. Gray: Yes, it's on.

Ms. Anderson: Can you hear me? Alright, I'm going to read my remarks to try to keep it in the time limit here. Sheila Anderson, District 1. I know that Lang Development Group did not hold any community meetings on this plan for a hotel as the developers of several other major projects such as the Dickenson dorm and memory care center have done. Many residents of Newark are not in favor of this huge hotel being built in the center of their Main Street. It certainly is not a boutique hotel. At the height of 82 feet, that makes it 17 feet higher than the Washington House, way out of proportion to anything around it. And it further is, to me, like a bull in a china shop. I won't go into the details about the design of the intended hotel, other than to say it is totally out of scale to anything nearby and Frank Gehry would not be pleased. Mr. Locke, a spokesman for the group, was quoted in the Post as saying this project will be a flagship to make downtown competitive. Further down in the article it says that visitors that it will bring to town will be a boon for downtown restaurants and retail shops. Since the plan includes a restaurant and retail shops, I'm wondering how does the existing business get a boon lift from this? For all the City has done to accommodate the group's enterprises through the years, I am saddened to see how they have responded to the City's concern about the parking crisis that this hotel would create in downtown. This would end the City's lease on its portion of Lot 3 and use the land for the hotel project, removing 73 spaces, which is more than one-quarter of the lot. It would also remove the only exit from the City lot that is controlled by a traffic light. The parking alone is reason enough to oppose this huge project. I encourage the Planning Commission to picture the cityscape with these buildings on the National Historical Register places near this site – the Methodist Church built in 1862, the Mansion in '82, the Opera House in '85, the Wilmington Trust building in '82, the former primary school '84, and the Newark Academy that dates back to the Colonial period. Do you want to give waivers and

special permits that would allow this gigantic building to dominate a rather small town that has a lot of history, active college students, residents, and commercial aspects going for it now?

Mr. Frank McIntosh: Three minutes.

Ms. Anderson: Going forward, a better plan would have the Lang Group repair and refresh the Green Mansion and bring it back to its former glory . . .

Mr. Silverman: Ms. Anderson . . .

Ms. Anderson: For a new office . . . I'm going to finish my last sentence . . .

Mr. Silverman: Thank you.

Ms. Anderson: On the lot beside the mansion soon to be bulldozed, they could build something that would be more compatible in size to these historical treasures that have adorned this City for over a century. Thank you.

Mr. Silverman: Thank you. Ed Burke.

Mr. Ed Burke: Thank you. Ed Burke, I'm a resident of Old Newark on Apple Road, Jen Wallace's district. I'm probably going to be, as with the other two that had spoken negatively on that, I actually do support for the hotel for this. I apologize if others won't feel that way, but I see it in a slightly different approach for there. Yes, there are some new jobs that are coming in, it is bringing in more centralized for some additional jobs that would be coming in to there in light of hospitality, management, custodial, maintenance, the office workers, which we do have some but more centrally with that. And with that, for it to be centrally located, the guests do have the ability to walk out to most of the attractions in the area for that. And in connection with that, yes, there is a restaurant inside of there, but I can tell you from being an office worker and I have one restaurant in my building, do you know how quickly that gets boring to me? Very quickly. I often have to come up with multiple ways and places to go to seek other places to eat on a daily basis. Bring lunch? Yes, I know, but that doesn't always work. But with that, it also helps because we do have the hotels that are on the outskirts and other rental properties. These will be people that will be walking up and down Main Street for there, versus having people coming in, commuting, exacerbating the existing parking problem for there, or even taking business outside, down off of South College Avenue or down onto Route 40 and other places for restaurants that are down there.

One concern is obviously to keep incorporation of the Green Mansion design, I do see that there is some benefit that if they are going to stick to their word and carry up the architectural design from past there, that will create a slightly different aspect on the Main Street where we're just stuck with the same kind of storefronts here and there, left and right, and it provides a little bit of diversity there. Two kind of concerns that I obviously do kind of have in connection with this is with the flipping of the entrance from where we have the exit now onto the traffic light to the other side. But with that, I guess the only positive I see there is the people exiting, that they have the benefit of a stop light that will be there to exit out, versus issues that we see now where people are coming out from Catherine Rooney's, shooting across the intersection, having to deal with two sets of crosswalks that are there and confusion with that. But, again, my concern still is a little bit that people will be coming out from a non-stop into traffic for there and, as we know, if cars are parked right up against there, it's not always the easiest to see. And then the other thing is obviously a concern for access to the new garage for non-tenants and non-guests. I know it was stated that there would be a set of provisions for there, but one concern I know that has come up on there is with UD students often snagging up various parking spots and the City has been trying to address that with raising fees for that to try to make that prohibitive on there, but at the same point that's detrimental to the local retailers and also the workers that are in there.

Mr. McIntosh: Three minutes.

Mr. Burke: Thank you.

Mr. Silverman: Thank you very much. Sheila Smith.

Ms. Sheila Smith: Hello, Sheila Smith. I'm in District 4 and I'm on the Conservation Advisory Commission. I'm also on the Sustainability Steering Committee. So, whenever I look at a project like this which does seem, I agree with Sheila Anderson on the scale. I also wonder what is the real need for a hotel? I was thinking of the comments in the newspaper article. How many hotels do we have? How many beds do we have? Do we really have a need for such a large project? Would a smaller hotel be more suitable for downtown? Would another building similar to the Washington House, which people have expressed a real desire for residences on Main Street that are within the scale of the other buildings to maintain the charm of the town? People do want to live in town. Older people, retirees want to live in town and have a walkable arrangement with the downtown businesses. This hotel seems like something just brought out of nowhere to meet someone else's needs. That's how I feel about that.

I also wanted to comment on the ivy wall. I hope it's not English Ivy. English Ivy is an invasive species. It's a huge problem already existing within our City, so if you do go ahead with your ivy wall, please consider other plant material. The English Ivy is host to bacteria leaf scorch and bacteria leaf scorch is the disease that is killing a lot of our oaks and elms that already exist in town.

So, please think about the needs, actual needs, of the City. That's where we should be going. If we're going to be sustainable, let's analyze the real needs and address real needs and real desires, not just come up with something that meets someone else's needs. Hyatt, for example. Thank you.

Mr. Silverman: Thank you. Now there is another person who signed up and the writing, to me, is completely illegible.

Ms. Sasha Aber: That would be me.

Mr. Silverman: Okay. If you will spell your name for the record, please.

Ms. Aber: Sasha Aber. S-A-S-H-A. Aber A-B-E-R.

Mr. Silverman: Thank you.

Ms. Aber: I reside in Nottingham. I'm also the owner of Homegrown Café, and I am for this hotel. I think it would bring a lot of business to downtown. If you look at the scope of what is happening on Main Street right now, it's restaurant after restaurant after restaurant. Retail is falling away and we need a change. It might not be a change that everybody likes. It might not be a change that can be prevented. We're talking about 3 ½ feet difference. I would love to see a second floor of office buildings that can come and shop on Main Street and that could come and eat on Main Street. My family recently came to town, I had a few different aunts and uncles, and the hotel by the old Pencader was full. So, there is a need sometimes for different business to come down.

One thing I would like, and I have discussed this with you guys before and I'll just put it out there, I would love to see Lang Development give the Arts Alliance a free home or some sort of tax-deductible space. Because this is central to Main Street, this hotel, it would be really nice to bring the Arts Alliance, to bring the heart of Newark to Main Street and kind of work with them in that way. I've heard a lot of talk about having a beautiful building in their opinion and doing something with plants downtown and a mural. Let's get more art downtown. Maybe there is,

for new buildings going in, a slight fee per bed, whether it's hotels or apartments, that goes into arts for downtown.

I do think this would be a positive impact, like I said, for not just my business but for all the businesses downtown. Anytime that you do go into other cities, there are hotels in the downtown and people do walk. They're not bringing their food and cooking in their kitchens. They're exploring the town when they have time to do that, so I think it would be a positive thing for the businesses. Thank you.

Mr. Silverman: Thank you. Are there any other members of the public who would like to speak? Ma'am?

Ms. Catherine Johnston: I thought I signed up to speak but you didn't call my name. I apologize, I have bronchitis so . . . Catherine Johnston, I live on Rahway Drive in Newark. I've lived here for almost 50 years. I object to the scale of this project. I do not object to a hotel on Main Street. This is totally . . . I looked up two words on . . . after my question who's minding the store, I looked up two words in the dictionary. One was character. Character, in character, as expected, natural, usual, appropriate. Out of character, not expected, not natural or usual, not appropriate. The second word I looked up was abomination. Anything that arouses strong loathing, a revolting thing. Now I don't object to a hotel, I object to the scale of this hotel. It is totally out of character. Now, my next question is who's minding the store? What is the vision for Newark? I have a very hard time figuring out who can answer that question. City Council? Planning Commission? All these little committees that have been formed? I don't get an answer. Where are we going? To me, this opens the door. The scale of this project opens the door. It changes Newark. It changes the character. It changes what's going to come afterward because you're allowing this scale of a project on Main Street. Could we please, as Sheila referred to it, could we please retain some character, some history? I don't object to a hotel. This thing is huge. This thing changes everything for us. That's all I have to say. I'm not going to get into the parking. I'm not going to get into the beauty. I'm not going to get into any of that. I just think this is too big. I would like, 50 years I've been here, I'm not asking for us to stay the same. I know progress. I've been on the Board of Adjustment. I know property. I know. However, this is out of character for the City of Newark.

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

Ms. Jean White: Jean White, District 1. I am totally and absolutely against the proposed plan of a 7-story hotel incorporating part of the Green Mansion, a building on the National Register of Historic Places and the City of Newark's register, and valued by our community. This proposed plan diminishes and denigrates the Green Mansion building. It involves demolishing the back half, about 51.4%, of the Green Mansion building. This is totally unacceptable. The building should remain whole and fundamentally not be engulfed in the clasp of a 7-story building. The Green Mansion as it exists is not an isolated building but is part of Newark's distinguished Main Street streetscape, many of which are registered buildings which have been detailed by another speaker. I don't see a time on here.

Mr. McIntosh: One minute.

Ms. White: I will comment on just one other aspect of the proposed project. The change to traffic flow to enter and leave the proposed development and the total bifurcation of Lot 3 into two separate portions, east and west. First, the current exit onto Main Street across from Academy Street will be changed to an entrance to the hotel project. All leaving the hotel and its satellite businesses will exit on Center Street. No longer will some be able to exit onto Main Street and either turn right or go across to Academy Street to parts in that direction. This will create a huge bottleneck on Center Street where everybody will have to exit, which is already affected by Lang Development's The Loft At Center Street. Currently Lot 3 has three entrances, two from Main Street and one from Center Street, and there are two exits, one onto Main Street and one onto Center Street. By this plan, the proposed project will have only two

entrances, Main Street, and some people may be coming from Center Street and have only one exit onto Center Street. And as far as Lot 3 west, which will now be separate behind the M&T Bank, it has only one entrance by this new plan and if the bollards are removed by the Dairy Queen, there would be an exit there with no light whatsoever trying to get onto Main Street. This proposed plan creates safety hazards at both ends, Main Street and Center Street.

This plan of the proposed Green Mansion hotel is a not a by-right plan. Because it has a site plan proposal and also needs a special use permit for the hotel, that means it can be voted down. Concerning the 82.2-foot high, 144-room hotel with 4 levels of parking garage to be run as a franchise . . .

Mr. McIntosh: Three minutes.

Ms. White: Okay, I'm just finishing up. I submit that the increased traffic to and from the hotel and also the office space that will be there, and its reverse traffic flow on Main Street, dumping all on Center Street, does affect, quote, adversely affect the health and safety of Newark persons driving or pedestrians walking on Center Street and Main Street, and is detrimental to the public welfare. I urge the Planning Commission to vote down this proposed plan and to vote down the special use permit, which since the project is 1.15 acres, more than 1 acre, the Planning Commission needs to vote at this meeting on the special use permit. Thank you.

Mr. Silverman: Thank you. Sir, you wanted to speak?

Mr. Don Dennis: We don't want to have a gender bias opinion, so I would add mine. This is the first time I've seen such a presentation of a massive and ugly obstruction to classic Newark. Also, I'm impressed with the fact . . .

Mr. Silverman: Sir, I'm going to need your name and . . .

Mr. Dennis: Sorry, Don Dennis.

Mr. Silverman: And generally, where do you live, sir?

Mr. Dennis: Cherry Hill. I don't know what district that is.

Mr. Silverman: Okay, thank you.

Mr. Dennis: But I do vote. My wife takes me. So, anyway, I want to also point out that I'm impressed with the fact that the finances are through a franchise. That means you have essentially no control over what goes on. Propagation of property transfers is always associated with a franchise so it's a bad business deal. The parking and everything, those conditions are new but certainly critical and they've been amply demonstrated by the other speakers so I'll get out of the way now and let you know I am certainly opposed to it. Thank you.

Mr. Silverman: Thank you. Is there anyone else who wishes to speak? Sir? Your name and generally where you live?

Mr. Joe Bucksner: My name is Joe Bucksner and I live in the Oaklands. I recently just moved here with my family over this past summer and I'm actually a police officer in the City of Wilmington and I grew up in Wilmington. I moved my family here to Newark because we like the community, we like the history of Newark, but we also like the growth in Newark too. We do like the fact that we can walk, you know, safely to the restaurants downtown and this is something we want to be able to share with other family members who live out of town. And right now, because the hotel is over by the stadium so they don't understand when we say we can get up and walk to go eat, or walk and take our kids to get ice cream. When they stay at the hotels, they can't experience that. They have to drive to us. Also, I noticed in my years in

Wilmington, I've been there for 13 years as an officer, when the town stays stalemated, nothing happens. That's when poverty comes into play and the city starts going down. Over these past couple of years, the growth has been going on with the new hotels at the riverfront and money going into the Market Street area, building new hotels, new restaurants and new stores, the poverty is decreasing in the area, as well as the crime in that area. So, I think a hotel would be a good idea. I think it just helps, I think the roots in Newark will not be affected by the hotel. I think the community here is great. I mean it takes a little bit more than just a hotel coming in to break down what's already been developed here. Thank you.

Mr. Silverman: Thank you. Is there anyone else who wishes to speak? Ma'am, your name and location?

Ms. Sharon Hughes: Hi, I'm Sharon Hughes and I'm with District 2 and I just have basically a question on this. I've heard a few people make references to having the hotel in close proximity and without it they have to go all the way over by the stadium or whatever. But didn't we just build a hotel like a minute away from there? There's a big hotel right on the corner next to the Aetna Fire Hall and I'm still waiting to see that hotel take off because I've driven by there, I live right around the corner from there, and I rarely see any significant business going on there. There are a few cars that come and go but my biggest fear is that that hotel is going to fail because it doesn't seem to be taking off like they may have anticipated. And then the only other thing I have a question on is why does this hotel have to be so huge, so in-your-face huge? And I'm not saying I'm for or against it, that's just a question why? Why do we have to go so big? And that's it. Thank you.

Mr. Silverman: Okay, thank you. Is there anyone else? Okay, I'll turn back to the applicant if you'd like to address the questions raised by the public and then we'll open up the dais to the Planning Commissioners.

Mr. Lang: Yes, so to start with a couple of the initial comments that Catherine made on the width of the area between 102 and the hotel. It's approximately 15 or 16 feet building-to-building, but there's actually a two-area drive lane so you can pull up and drop off or you could actually drive by and go directly into the back where the garage is. So, if you do have a repeat customer who happens to be coming back after a meeting for the day, he doesn't have to queue up and back up Main Street. So, he pulls in and goes around the drop-off area. From a pedestrian perspective, you can walk directly across. I'm ADA-compliant into 102 and then come down to the street or you can exit the other side of the lobby and come down the walkway right on the other side of the building by Caffè Gelato. So, you do have pedestrian egress on both sides of the building that meet Code and meet compliance to ADA, and you also have a continual traffic pattern without backing up on the street.

There were some comments made about the traffic pattern in general. The benefit of this is you actually have a lighted intersection where you turn right into the property. You don't have people crossing. So, if you did have the other situation that exists now and people are queueing up to try to turn right into a new development project where people are trying to come out, you actually have a conflicting situation there. So, you actually want people to turn right at the light. You want them to exit the other side. The other plus is actually there's no problem with going straight across or going right where you have all the pedestrians. You actually have to exit and go right.

I think there was a discussion about the fire department. The fire department has obviously reviewed the plans and they are in favor of the plans. As far as design, we've met all of their criteria.

I guess Chris took more comments because my pen happened to run out of ink, funny enough, good or bad.

Mr. Locke: Yeah, as Jeff was saying about the bottleneck around that Academy and Main Street, we've all lived here. I've been here about 45 years, Jeff's been here about 50 years, so we all know the danger of that exit right now out of the parking lot and, as Jeff said, having the exit move down the road where you can only make a right, you can't go straight, I think will alleviate some of that problem.

Ms. Anderson had talked about the height of the building which is funny because I remember when the Washington House was being built, some people were saying the same thing about the Washington House being 65 feet. The difference, too, is the 65 feet of Washington House is only about 10-15 feet away from the curb so it's a much more imposing building. As Jeff said in our presentation, we're taking a wedding cake approach so that height of the building, the majority of that is going to be somewhere between 65 to 75 feet away from the curb of Main Street.

Mr. Lang: The other point that the Washington House has a different impact because you can see it from every street. You can see the Washington House from Academy Street, Delaware Avenue, and Main Street. This building you can see from Main Street, but it's stepped back, and you maybe can see it from Center Street. But as you're driving down, you're actually driving one way in the other direction on Main Street and you're not going to see the majority of the back of this building anyway unless you happen to be on Center Street looking across 108, which is another building back there. So really, the impact of the size of this building is much less than the Washington House in general. We own the building directly adjacent to Washington House, both buildings actually, and we're much more impacted.

The other one thing that you talked about as far as height, I mean the Code permits this 79-foot. We didn't make the Code up. I mean we're working about the BB district code. So, within the Code you're allowed 79 feet and 7 stories. We didn't make this up. I mean we didn't come in and say we want 10 stories even though the Code only allows 7. We're living within the Code and the reason why we're asking for this 3-foot site plan issue is that we want to have office space on the 2nd and 3rd floor. Office space, and I've stood up at many meetings saying office tenants want high ceilings. Many of you work still, I hope, because I work. But if any of you do work in an office you want a 10-foot ceiling typically. Well, to have a 10-foot ceiling, you need all the mechanical items above with the lights and the HVAC system and the supports for the floor above. So, you need at least 13 feet. It's more ideal to actually have 14 or 15 feet. So, in an ideal world, we would actually have a building that would be 4-6 feet taller. But we've actually been shrinking the building down to try to get it within the 79 feet that met Code. We could eliminate the office on the 2nd and 3rd floor but, as Sasha pointed out, I mean that doesn't really bring any diversity to our street. You have potential for additional office users, office users frequent your restaurants and frequent your stores, in addition to what hotel visitors and guests do.

Mr. Locke: A couple of other comments and, Ms. Smith, thank you for your comments about English Ivy. Duly noted, so we'll make sure that does not happen. In regard to the historic integrity of the Green Mansion, we are doing that. We are keeping the historical portion of that building. The area Ms. White spoke about was an addition that was made on to the building. So, the 1882 portion of the building is remaining and we want to use our historic buildings. They can't just sit there as models not to be used. We're going to use it so that everybody can enjoy the beautiful part of that building. As a matter of fact, Jeff just pointed out we did that exactly to Catherine Rooney's building, what used to be called the old Newark Bank Building, and we kept the historic integrity of that building and then we added on. The addition that was built on was built back in the 1960s or '70s, and that's the same case here in the Green Mansion.

And the franchise comment, just for clarification, this is not a fast food franchise. In fast food, I just saw the movie The Founder about Ray Kroc and McDonalds. That's all about real estate. We own the real estate. The franchise agreement is an operation agreement that will meet just

certain standards that Hyatt dictates for their hotel brand. But the real estate is owned by the local owners.

Mr. Lang: And what it does really, the Hyatt relationship assures everyone in the community that the building is going to be operated to the highest level of performance. I mean we have Kostas [Kalogeropoulos] here who has had many, many years in the hotel business and he can comment on that, but I mean it's one of those things that Hyatt comes in and they do quarterly or monthly reports and you have to bring your hotel up to the standards that they've dictated. So, one of the reasons why we picked Hyatt is that we love the quality they, you know, require in their brand. And really, Hyatt doesn't make this commitment very often. They have only a little over 600 hotels in the entire world. So, for them to pick our town and pick this site, I mean it's a big step up from us going to a Holiday Inn or some other type of brand. So, if you want more information on that, we have an expert here.

Mr. Locke: And lastly, our candidate Sharon Hughes spoke about her concerns about Springhill. As Jeff said, we don't go into this lightly. This is a \$40 million project that we're going to be investing here in our town so a lot of smart people, smarter than Jeff and I, have looked at this project and have given it a thumbs-up. And that's various hotel brands as well as the study that we did, as well as bankers. And the bankers control everything. If it doesn't make economic sense, you can't get the financing. And they look at data and they look at every hotel in the area, how do they do, what's their occupancy, what's their rental rate, and that's how we come up with this formula. I can tell you Springhill Suites is doing extremely well. You cannot look at the parking lot and decide whether it's doing well or not. Today's traveler comes to hotels in a much different way than we did back in the '60s, '70s, '80s, and '90s. And I think the lack of cars in the parking lot, as I said earlier, shows that this parking garage, parking facility, is going to be really a great benefit to the City because we'll have extra parking spaces available during the periods of time the City most needs it.

Mr. Lang: And to give you one more perspective on this BB zone, I mean within BB zone you are permitted up to 7 stories whether it's a mixed-use building . . . we could have proposed and actually did when we were evaluating the feasibility of this site, when we didn't have the adjacent site which we just then acquired and made our property larger, we were just evaluating this as a typical mixed-use project that we did at, you know, the Newark Bank Building and we've done in multiple other locations. But I mean because we are residents of the town and we've actually been thinking about a hotel for many years, I remember when Mr. Lopata was Planning Director, he kept saying we need a hotel on Main Street, we need a hotel on Main Street, and we kept saying well we can't find a site that fits. I mean how are you going to fit a hotel on Main Street? But by acquiring a large enough site and providing the parking, we feel that a hotel now is very viable at this location. I mean we could be sitting here proposing a Code-compliant 7-story mixed-use building with 70 to 100-and-so apartments based on the fact that we have a 244-car parking garage. So, we're not doing that. We're doing something that's different. We think it's going to be a benefit to the community and it's amazing to hear all the people that are unhappy with it. But you have to remember that we do live in a world of private property rights, so if we can build things to Code, I'm more than happy for the City to come in and buy some properties or somebody else to buy properties and do something different. So, you know, we all can dictate our future by investment.

Mr. Locke: Okay, I think we've answered all the questions that were posed.

Mr. Silverman: Thank you. Before I open up the floor to the Commissioners, just a reminder there are three things we are going to be focusing on for our vote tonight. One is the land development plan using Code Section 32-97 site development provisions. We're going to be voting on a parking waiver and that's the official title, but the parking waiver is not to waive the number of parking places. It's to provide for 40 parking spaces that are less than full-size standard parking spaces within the parking structure to accommodate the structural features of the parking structure. And then the third thing we're going to be voting on tonight is a special use permit. This is not a conditional use permit. This is an interesting section of the Code and

I'll cite the three things that we're going to be looking toward. One, does the proposed use adversely affect the health and safety of persons residing or working within the City limits of Newark or within one-mile of the City of Newark boundaries within the State of Delaware. That's what the Code says. Is the project detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one-mile of the City of Newark boundaries and within the State of Delaware. And then the third provision we're going to consider in our deliberations is does the application conflict with the purposes of the Comprehensive Development Plan. So, that's kind of the, our view and our voting will be circumscribed with respect to this particular action. I'd like to open up the floor to the Commissioners. Mr. Stozek?

Mr. Bob Stozek: Okay. I guess I came tonight with a bunch of questions and after your presentation, I'm thoroughly confused. The information that we got prior to this meeting said several things and the first one I'll talk about is the revenues. You had slides here talking about \$700,000 and \$350,000 but in this document what it said was when you take into account the new revenues coming into the City and you deduct the lost parking revenues, we're left with a net \$38,500 more than the current estimated revenue coming into the City. Is that correct or is it \$700,000 and \$2.4 million? How much money is coming into the City based on this project?

Mr. Locke: I believe you're referring to the comment of \$157,000 net revenue and \$110,000 loss in parking revenue.

Mr. Stozek: Right.

Mr. Locke: Yeah, we were confused by those numbers as well. We've had some additional comments and I think there was an input error on the financial analysis of that. So, the lodging tax is going to be \$350,000 based on the estimated revenue, and I think that was not correctly put into the analysis when it was done. The lost revenue . . .

Mr. Stozek: Is that lodging or property tax?

Mr. Locke: That's the lodging tax. That's the annual lodging taxes the City will get. The property tax when we looked at Springhill when they did their project they were paying around \$15,000 in property tax when it was the Toyota dealership and they're paying now about \$104,000, so we extrapolated those numbers and we think our property tax will be about \$125,000 a year. The utilities, I don't know how the City does that analysis, but based on what we know for what the utility expenses would be, we saw those revenues that we put on the display.

Mr. Stozek: Okay. Let me focus on parking. You're talking about essentially eliminating 73, plus or minus 9, 80-some spaces yet in the presentation, at least what we have, several comments were made. One was that you may be able to provide public parking in your garage. And then I heard tonight maybe as many as 30 or 60 spaces. I realize it depends on loading of the hotel . . .

Mr. Locke: Yeah, it depends on the loading. At a minimum, it's 36 spaces. That's if, you know, every space is used by every office tenant and every hotel guest. But based on the analysis, you're going to have at least 84 spaces available . . .

Mr. Stozek: And that's taking into account, is it taking into account the hotel is full, plus the hotel staff, plus the office and retail staff?

Mr. Locke: Yeah, so that's taking into account a 75% occupancy, which is what most hotels, a real profitable hotel is running at . . .

Mr. Stozek: Well, that's what they have to run to be profitable.

Mr. Locke: Right, right. Very few hotels are at 100%. As a matter of fact, there's no hotel . . .

Mr. Stozek: But I'm sure you hope that there are times of the year that you are at 100%.

Mr. Locke: Absolutely, and that's when we'll have less parking available, yes.

Mr. Stozek: Right. You also made the comment that with the loss of the City lots, that will push some of the City parking to other City lots at a higher density, and I find that to be problematic because we already have parking problems in the City. Now granted, they're not 24 hours a day. They're primarily during the school season when the kids are here. We don't have a lot of parking problems on the weekends, but you also made the comment that on the weekends you would see your business being down. I guess it's probably because of some of the retail or some of the businesses are closed. So, it's this whole confusion of are there really going to be spaces available. And also, tied into that, I see that there's a ticket booth going into your garage. So, you're charging for parking . . .

Mr. Lang: There's not going to be a ticket booth, per se . . .

Mr. Stozek: That's what it says on the drawing.

Mr. Lang: But it would be an ability to manage the parking based on whoever the user is. So, a hotel guest is going to get a . . .

Mr. Stozek: A chip or something.

Mr. Lang: Whatever he's going to get, and there's going to have to be arms just like you see in a Wilmington garage when you go in to park for a hotel or park for a . . .

Mr. Stozek: So, then these additional spaces that are available to the public, they will be paying for those spaces?

Mr. Lang: They will be paying some rate, yes.

Mr. Stozek: And then you or the hotel or somebody will be getting those revenues?

Mr. Lang: Yes, sir.

Mr. Locke: As I said earlier, the use of the hotel is a lot different than any other type of use because the demand for parking is in direct conflict to when parking is more required here in the City. So, most of your guests are going to be showing up at 3, 4, 5 o'clock to check in and they're out by 7:00 a.m. or 8:00 a.m. if they're business travelers. So, you're going to have those spaces available. I mean you know those comments that were made, oh heck, there's barely any cars at Springhill's parking lot, well that kind of is what travelers do. They travel to the hotel and that's why you'll have those spaces available.

Mr. Stozek: So, in that scenario, people are coming here to do business at the University or at other businesses, they're staying overnight at the hotel, and then they're leaving in the morning?

Mr. Locke: Exactly.

Mr. Stozek: And then they may be coming back again at night. But you envision during the day having much more available parking.

Mr. Locke: Exactly right, which is when the City needs the parking the most is during the day.

Mr. Stozek: Right but then you will be getting the revenue instead of the City getting the revenue.

Mr. Locke: Yes. It is a private parking lot, yes.

Mr. Stozek: Okay. The other comment you made was one of the requirements was for you to have three, I'll call them loading docks for deliveries, and you're only going to have one. But you say that's mitigated because there's space available on Main Street and Center Street. Where is that? You say it's 200 feet and 275 feet away. Where is that parking for trucks? And I'm assuming these could be trucks, what, up to and including tractor-trailers?

Mr. Locke: No different than all the restaurants that are on Main Street right now. When they get their food deliveries at 8, 9 or 10 o'clock in the morning, you have the 18-wheelers parked on Main Street and they put it on a dolly and they wheel it into whatever businesses are there.

Mr. Stozek: To me that's an issue, somewhat of an issue, because I've been on Main Street when those trucks are there and they're parked next to the curb and they're over into the lane blocking part of one of the two traffic lanes on Main Street. So, now we're going to be putting more trucks on Main Street and I don't know how many trucks a day you're going to have coming in for deliveries but . . .

Mr. Kostas Kalogeropoulos: Hi, I'm Kostas Kalogeropoulos, president of TKO Management. The typical hotel that is what is called the limited service hotel, which is rooms only, really, we don't have this many deliveries. We have no food or kegs of beer or cases of liquor. Mostly we're getting paper goods, soap, shampoo and they're all coming either by UPS or FedEx. They drop them and they go. So, the big, big deliveries, actually a 140-room hotel, which is maybe 20% of delivered goods to their site, versus a restaurant across the street. Because it's stuff [inaudible], you know. We have nothing to resell. Whatever comes to the hotel is used to service the customer. We don't have a resale value to that. So, we don't have to store anything.

Mr. Lang: And to get back to the Code requirement, the Code requirement for loading is actually based on the size of the building, not the use of the building.

Mr. Stozek: Right.

Mr. Lang: So, obviously if you have a large industrial building, you need loading bays. Today's loading is done as we see it, I mean it's FedEx, UPS, Amazon. You know, they deliver things. They come up in small trucks, sometimes they come up in small vans. I mean the restaurant user, if there is a restaurant user in this facility because we don't know what's going to happen in the front of this building, you know, that would be loaded differently than the back of the building. The back of the hotel is really not going to need any particularly large loading. And that was kind of the concern we talked about with City staff.

Mr. Stozek: And how many jobs do you envision the hotel creating?

Mr. Lang: How many jobs, did you say?

Mr. Stozek: Yeah, and this is primarily, I'm assuming this is primarily staff jobs. Cleaning, wait staff and such.

Mr. Lang: Well, I think full- and part-time you have different . . . your maximum staffing typically in a hotel is probably 10 on a daily basis at all times, but then you have it around the clock. So, you have to figure it 8-hour shifts, and you have three 8-hour shifts, so technically that's 30 employees but they rotate around based on what time they need to be there.

Mr. Stozek: And you're allowing parking for those employees?

Mr. Lang: Yeah, we're required by Code to do that.

Mr. Stozek: Okay.

Mr. Lang: But they kind of come and go based on how you manage your staff.

Mr. Kalogeropoulos: In addition to that, we very actively involve and engage with the University and the hotel school so our goal is to try to hire, train, employ as many students as we can from the program because, you know, if there are some students that they are stars and they are accustomed to our property and they graduate and they know the hotel and they feel at home, it's a great benefit to us. So, we make an investment on young people that will be going to school down the street and then come to work in our environment.

Mr. Stozek: I mean, that's fine. And I realize this is not an industrial site but, again, to me, that's not creating jobs for residents in the town. You're going to be using college students for a lot of this, and that's fine.

Mr. Lang: Well, no. Your basic housekeeping and your front office people, they're all full-time or part-time. They're professional employees that don't exist in our market today. They might exist in another hotel, but they're coming to this hotel and they may have to be replaced at another hotel.

Mr. Stozek: My last comment . . .

Mr. Silverman: Excuse me, Commissioner Stozek. I'm guilty of this also. We need to make sure we're close to our microphones. Apparently, the audience is having difficulty, we're not being heard very well.

Mr. Stozek: I have too many papers in front of me.

Mr. Silverman: I know the feeling.

Mr. Stozek: The last comment I want to make at this point is to talk a little bit about landscaping. And you seemed to talk a lot about this ivy wall and one of the things you said was it creates energy conservation. Well, an ivy wall on a parking garage, I don't understand how that creates energy conservation but that's a minor point. The other thing is, there's minimal landscaping around the building and I realize you're going to put some potted plants up on the terrace but, to me, that's not landscaping to me. That's not visible to the community. That's not visible to the street. So, I find that discussion a little [inaudible], but that's all I have right now.

Mr. Silverman: Commissioner Hurd?

Mr. Will Hurd: Is that working? Okay. I'll just start off by saying I want to thank you for the inclusion of the office space. That's been a personal issue of mine for many years, the feeling that Main Street is missing that third piece of occupational sort of people working on the street.

My first comment is really that I felt that the packet was really lacking in information for me to consider the project. The plans really didn't show me anything that was going on in the hotel or in the parking garage and I really didn't understand the circulation. I didn't understand how the other floors are being used. I had only the site plan. I had no multiple, no floor levels, no nothing. The elevations were too small to really look at the materials being considered. I felt also that we were missing . . . so, for instance, for the signs to be considered in this area, they have to be considered integral to the architectural design and I didn't feel that there were explanations about that or that they're really integral. They're hanging on the building, so I felt it was failing in that aspect.

It wasn't really clear about the demolition of the Green Mansion that you were demolishing the addition, so I was looking for the information the Code requires about demolition permits for

historic buildings and the Certificate of Economic Hardship and all the documentation required around that. So, I was, I just felt that I had a not-full understanding of the project which made it difficult to kind of consider it, consider all the aspects of it. So, I guess the start of the questions, am I right that if they're demolishing just the addition, that you didn't need to go through the process for demolishing portions of a historic building? And maybe that's a question to Madam Director.

Ms. Gray: Could you repeat that question please?

Mr. Hurd: Certainly. The Code requires a Certificate of Economic Hardship if they're going to demolish portions of a historic structure.

Ms. Gray: It requires . . . I'll look up . . .

Mr. Hurd: Is the addition not considered part of the historic structure and therefore that's why we're not seeing those documents?

Ms. Gray: The, I'll have to look up the exacting wording of that Code provision. My recollection of that Code provision indicates that it's, that if the building is going to be removed from the Register.

Mr. Hurd: I'll read the highlighted portion here.

Ms. Gray: Okay.

Mr. Hurd: All demolition permits and building permits calling for the destruction of the entirety or a significant part of an exterior architectural façade for historic buildings shall require a Certificate of Economic Hardship, which requires many more drawings than we have.

Ms. Gray: Right.

Mr. Locke: We're not doing anything to the façade of the building . . .

Ms. Gray: So . . .

Mr. Locke: Go ahead, I'm sorry.

Ms. Gray: So, since the applicant, thank you for that, I don't have all the Code provisions exactly memorized in my head, since this proposal is preserving the building, it does not need to have that process.

Mr. Hurd: Okay. And I'll just say that that wasn't clear in the report that the portion being demolished . . . I couldn't figure out why you were demolishing at the point you were. There was no document, nothing that made it easy for me to go, oh, there's an addition dated at this point and it's going away.

The report says you have apartments in the building, but I didn't hear that mentioned at all. Are those gone?

Mr. Locke: Apartments?

Mr. Lang: They were in the old plan.

Mr. Hurd: The first paragraph says retail and professional offices and residential apartments.

Mr. Locke: In the existing building there are apartments, both in the Abbott Shoes building as well as in the Green Mansion.

Mr. Hurd: And they're retaining?

Mr. Lang: No.

Mr. Locke: They're not being retained, no.

Mr. Hurd: Okay. Mr. Stozek asked my question about how does ivy reduce energy in a parking garage because it doesn't. It's not air-conditioned.

Mr. Lang: Well, you know, it reduces the heat load on . . .

Mr. Hurd: It's not air-conditioned. It's a parking garage.

Mr. Lang: I'm just saying that . . .

Mr. Hurd: It's an open parking garage.

Mr. Lang: The footprint of the building is reduced because there's not heat from the garage.

Mr. Hurd: No.

Mr. Stozek: Nice try.

Mr. Lang: It's true, you know, there are studies.

Mr. Hurd: Let's see, I think that's all my comments and questions at the moment. Thank you.

Mr. Silverman: Commissioner McNatt?

Ms. Stacy McNatt: Okay, am I close enough? Okay. So, I, to touch on the parking space dimension variance waiver that, the parking waiver, I don't support the use of 40 spaces for the smaller sizes when only of those you may, I'm using air quotes, you may be providing 84 spaces for public use and then potentially of those, 40 are going to be smaller sizes. I don't think that that's appropriate and I think that if you're going to provide the potential may be 84 spaces for public, then maybe you should provide them all at the same size. Because maybe you should provide the compact spaces for the employees, but I think that all needs to be figured out before I can support a parking waiver knowing when spaces are already limited and you're taking some of those away and may be providing some for public use.

Mr. Locke: Ms. McNatt, we're not saying maybe. We're saying that the use of this facility will have available parking to the public. Also, I'd like to point out for the record there are parking spaces in the City lot right now that are 8' x 18'.

Ms. McNatt: I don't disagree with you but the report I was given says you may provide . . . you're not required to provide, but you may provide them. And unless there's some definition or some agreement or some requirement to say you will provide, I'm not supportive of the variance waiver of reduction.

Mr. Locke: I don't know where you're referencing . . .

Ms. McNatt: The report we were given.

Mr. Locke: But we have said to the City that we are going to allow the public to use this parking facility. So, we'll be happy to do that.

Ms. McNatt: The second item that I have concern about . . .

Mr. Silverman: Ms. McNatt?

Ms. McNatt: Okay? What?

Mr. Silverman: We did turn up the volume.

Ms. McNatt: Oh, okay, then I'll move away from the mike now.

Mr. Silverman: The Director has a comment with respect to parking.

Ms. Gray: Commissioner McNatt, an option would be you can make that a condition of approval regarding the public access for parking and that could be translated into the, carried over into the subdivision agreement. That's an option to consider.

Ms. McNatt: I understand that and I do respect that as being an option. I think that it's not just the requirement of providing public spaces, I think it's a requirement to provide adequate size public spaces as well. I'm not against the . . .

Mr. Locke: We will do that . . .

Ms. McNatt: Let' me finish. One second.

Mr. Locke: We will do that, as well.

Ms. McNatt: I'm not against the reduction of smaller spaces for compact cars. I know they're needed and people use them. I just know that there are, we don't, we're not making a lot of compact cars and I know there's a lot of regular size cars, so I think that there should be a potential different ratio of what public spaces are going to be available and the size of compact cars compared to those public spaces. So, if that can all be figured out, then maybe I would be supportive of a parking waiver.

Mr. Locke: If I can just, 80% of the parking spaces will be regular size and obviously the car makeup in America is not . . .

Ms. McNatt: But they're not for public use. They're probably . . . you said only 84 spaces will be for the public use.

Mr. Lang: So, the way . . .

Ms. McNatt: From your information.

Mr. Lang: The way the garage works is you go into the garage if there is available spaces and you park wherever you want to park. We're not saying that these spaces are public and these spaces are hotel. You basically, if there is availability in the building, in the parking facility, you go in and park in a compact space or a regular space. So, the spaces are evenly distributed based on the structural design of the building. The reason why this happens is when you have big columns, they come down and they impost a certain amount of space within a true 9' x 18' space. So, as you've been buildings in town and the Code compliance officers come out and go, hey, wait a second here, your steel column here imposes X amount of, 8 inches, into your thing so now you don't have a compliant spot. So, we actually were proactive in this. We designed our garage, we figured out where they were going to be, figured out where the columns were going to come down and we said, okay, we have 40 spaces that are impacted. And therefore, we need to discuss this with the staff. The staff said you need to apply for this variance or, you know, modification to the size otherwise you can't count all 40 of them. We said okay but it's very typical in garages if anyone ever parks in a garage, there's many, many spaces that are less than 9 feet wide. Almost every space in most garages is less than 9 feet wide. I mean the ones that cities build are all less than 9 feet wide because they want to get as many spaces in as they can. So, they're available to everyone. So, it's not like the public can only park in the 40 spaces that are small. Everyone can park in every space.

Ms. McNatt: Thank you for your response.

Mr. Silverman: Okay, point . . .

Ms. McNatt: I have more.

Mr. Silverman: Okay, point of clarification on that, so what the applicant is saying, there are not spaces that are dedicated solely to the public. All 244 spaces, any space, is available to a member of the public.

Mr. Locke: Exactly right.

Mr. Silverman: And then also I read in your proposal that you're going to be providing a countdown sign . . .

Mr. Locke: Exactly.

Mr. Silverman: So, the public can see what spaces are available.

Mr. Locke: Exactly right. Yes.

Ms. McNatt: My other concern is, and one of the items is, the applicant indicates they are providing distinctiveness and excellence of site arrangement. And I'm still confused about the word common open space. Common open space means that that is used for multiple people not just the space used specifically for the hotel. So, it references the use of the terrace pool and amenities, but that's specifically for the hotel patrons. I'm sure the City residents aren't going to be allowed to go hanging out at the pool when they're not staying at the hotel. So, I'm not sure how that pool space is considered common open space for residential use.

Mr. Locke: Common open space pertains to the particular building at-hand. So, it's common open space for the uses of that building.

Ms. McNatt: So, can you explain or do you have any common open space that's for the benefit of any City residents at this location?

Mr. Locke: It's a private business. It's like any other private business.

Ms. McNatt: Just curious. Thank you. Another item that was in this report that was confusing to me and which is something that says I believe that the Planning Commission and City Council as part of the subdivision approval procedure, we have to approve or recommend approval of the ground sign. And it said the details of the ground sign can be seen in the attached Exhibit A. I did not find any documentation or information on the ground sign and/or the ability to provide any support or potential. If that's something you're looking as part of the subdivision approval for us to evaluate, it was not there and I don't feel comfortable to provide any position on that or have enough information to support that issue.

Mr. Tom Fruehstorfer: May I? Tom Fruehstorfer, Planning Department. Exhibit A of the report had the site plan and also I guess there was more detail in the attached site plans and the attached site plans show the location of the sign.

Ms. McNatt: It shows the location but it doesn't show the detail of the sign.

Mr. Fruehstorfer: That's the detail . . .

Ms. McNatt: It doesn't show any information about the number of . . .

Mr. Fruehstorfer: That's the detail of the sign. It shows the size, I believe, and dimensions.

Ms. McNatt: Can you show me in our packet where that is, please? I highlighted the appendix for you, Exhibit A. That plan is Exhibit A?

Mr. Fruehstorfer: Yes, it's the plans.

Ms. McNatt: But Exhibit A, okay . . .

Mr. Fruehstorfer: There is a small picture . . .

Ms. McNatt: Yes, can you show me on there, please, as well? It shows where the location is, but it doesn't show any details of it. That's the location but is there a detail, like a profile or any . . .

Mr. Fruehstorfer: Ground sign area 60 square feet, height 18 feet, setback . . .

Ms. McNatt: But there's no specific details, details specific to the sign on these plans.

Mr. Locke: I think that comes when we file for our sign permit with the Building Department.

Ms. McNatt: And you said the sign is 18 feet tall in height?

Mr. Lang: That's the maximum height allowed for a ground sign. That's why it's . . .

Ms. McNatt: I mean I would like to have, again, to follow Mr. Hurd's . . . I'd like to have more specific data if you're wanting us to evaluate an approval or information on a sign as well as the subdivision, I would like to see, you know, kind of more what's the character of the sign, which goes into the whole . . .

Mr. Fruehstorfer: The ground sign meets Code. The projected sign on the building is the sign that's at issue because it's not allowed in conjunction with the ground sign. And . . .

Ms. McNatt: I was getting to that point but I'd like to be able to have more information to evaluate, to feel more comfortable making that decision.

Mr. Fruehstorfer: This is all the detail Code requires to be provided. It's a sign that meets Code so whether you like the look of it or not wouldn't . . .

Ms. McNatt: I'm not asking for the look but . . . so, other amenities, I do appreciate the fact that you are doing commercial as well as retail potentially as part of this application. I do not support, I think that you should, potentially the clarification of the height of the building and the reason you're getting the 79 feet or requesting higher is because you're doing the additional subgrade parking garages and it's not by-right. The reason that you're getting the additional height is because you're providing that benefit. So, if you do not provide the parking garages, I believe the standard is three stories and 35 feet based upon Section 32-18(d)(4)(a). So, I think that I agree in the fact that the height is excessive. I do support the fact that a hotel is not a bad idea and think that you did a great job providing great architectural design, however I think the space, the height exceeds what should be, what is in the benefit of the public and I don't support that additional request, as well as the projection. I'd like to understand in Section 32-60(a)(2) about the area projection where it goes from a Code-required of 20 square feet and the plan is showing 61 square feet and being a difference of 41 square feet. I'd like to understand what that means specifically on the area projecting because that's one of the other areas for site plan approval relief that's identified in our packet. What's projecting?

Mr. Lang: It relates to the sign. So, that's back to the sign issue.

Ms. McNatt: Okay, so then I'm not, yeah, then again it would be better information to provide on what that specifically means and to provide us the necessary information to make good

thought processes. So, I'm not in support of that site plan approval either until more information is provided. I think that was my . . .

Mr. Locke: We did provide the information as required by Code.

Ms. McNatt: If it was Code-compliant, I don't know that you would be here asking for all these specific differences. I'm sorry to disagree with you . . .

Mr. Silverman: Hold your applause, please. I'll clear the room.

Ms. McNatt: So, I disagree. But, again, I think the idea is a great idea . . .

Mr. Locke: Okay.

Ms. McNatt: I just think that more thought needs to go into the physical characteristics of what is being requested.

Mr. Locke: As the assistant planning director told you, that is not required by Code in this presentation.

Ms. McNatt: And I believe, the only other issue I have is I know that you're probably staying with what's already there, but it's the width of the sidewalk specifically. I think that you're already hindered by the wall that's currently there in front of the Green Mansion. It's less than a 4-foot wide width between that wall and the actual curbing, and to have residents with kids in-hand and strollers and parents and . . . all the other sidewalk widths are much larger. I know specifically in that location I think there's, that you're not showing on the picture, there's a trashcan receptacle as well as electric poles and things like that. And I think that doesn't provide an adequate pedestrian access. I don't think that's specifically addressed in here, but I think that going forward I think that width needs to be more, needs to be larger and needs to be provided potentially in the subdivision agreement or be a recommendation to the plan changes.

Mr. Locke: According to our engineer, the sidewalk is 9-10 feet. Also, I don't know if you're aware that DelDOT is going to be putting in improvements where there will be, I guess, a parklet or sitting area that will also expand the pedestrian accessibility in front of that building.

Ms. McNatt: Well, it would be nice to see that information as well, if that's the potential because the shaded area, not the brick area that's existing, but the shaded area that's proposed for the plan is only 4 feet wide. So, if you're keeping the existing brick, it just seems very, it's a very short and shallow depth in that location.

Mr. Locke: Okay.

Ms. McNatt: So, I think that's another item that if more information was provided it would be helpful to provide. And I believe the last, I'm making sure I have all my items covered. Thank you.

Mr. Silverman: Commissioner Wampler?

Mr. Tom Wampler: Yes, thank you. I agree with some of the statements from the Commissioners regarding the fact that some of the information that we've gotten is confusing. We have a lot of information and the same issues are presented several places in several ways and it's confusing as to what exactly is going to happen. For example, getting back to parking, on page 6 of our packet, the statement is the applicant indicates that the project may be able to provide some public use of parking depending on demand. And then two pages later it says, under parking, the developer is agreeing to open the existing parking for public use. So, I would support your suggestion that we put something specific in writing because in some places it

says maybe, maybe not, and in other places it says, yes, they agree to do it. It sounds like you are willing to do that . . .

Mr. Locke: We are, sir.

Mr. Wampler: But I'd like to see that nailed down so that we know what we're actually voting on. And additionally, about parking, what can you tell us about what the hotel will charge for parking relative to what the City charges for parking? Because it's not going to be much of a benefit to people if they used to park at the City for \$1 and it's going to be \$10 at the hotel. They're not going to do it.

Mr. Locke: Right. As you said, City lots right now are \$1. I know there's been discussion about increasing that rate. We were looking at like \$2 an hour and we have a small parking lot behind 123 East Main Street and we have our own parking facility there and we charge \$2 an hour and that seems to be working quite well.

Mr. Wampler: Okay, thank you. And I want to come back to the historic property issue because there are a couple of things about that that I'm concerned about. First of all, the green stone is on the front of the building. There's also a bay window on the west side of the building. Is that part of what's going to be preserved?

Mr. Lang: It's actually on the inside of the, if you look at this elevation, see how it's on the inside wall of that entrance to what would be a use on that side. There's some potential use that it might be inside of the building because the way the building works is you go back, if you're out standing and looking at the building, there's a break in the roofline. We're breaking it where the roofline is, which is where the addition started from years ago. And that's how the stairs go up and there's a landing, and then that's the back side of the building. So, if you've ever been in the building and walked up those stairs, at the top of the stairs is where the addition to the building was. That bay window on that side of the building could be incorporated in if we left that wall, depending on what ends up happening on that side of the building. But, you know, it's questionable. It's not on this side of the building. So, it's the only piece of green that exists other than the front façade is that little bay window.

Mr. Wampler: In the opening part of our package in talking about the historic registry it says, it's talking about the Green Mansion and it says, in fact about 34 feet of the 70-foot deep building is being retained. That implies to me that all 70 feet of that building are on the Historic Registry. If only the front portion that was not an addition were, then I would think it would be saying 100% is being retained. But as it is, the way it's presented to us, 50% of the building is being demolished and my question is, is the entire building on the Historic Registry or is it only the front part? Because if in fact you're talking about the full 70 feet and it's being demolished, according to the City's Code, you then have to have a, present hardship and there has to be a separate meeting for that. And I don't want us to overlook that. I think we need to know if only the front façade is on the Historic Registry or if the entire building is. Because if the entire building is and you're demolishing half of it, I think then that we get into the whole thing about having a separate meeting and indicating hardship. And in our package, for people who want to refer to that . . .

Mr. Lang: Just to comment, we sent these . . .

Mr. Wampler: It's on page 56 in that package, and it says demolition permits and building permits calling for the destruction of the entirety or significant part of an exterior architectural façade for a historic building shall require a Certificate of Economic Hardship. And then under Section 6 on page 58, it says the Planning Commission shall hold a public hearing to review the application for a Certificate of Economic Hardship. So, I think we, I'm not comfortable voting on this until we nail down whether, how much of the historic building is actually being demolished.

Mr. Fruehstorfer: If I can interrupt here . . .

Mr. Silverman: Tom, please comment.

Mr. Fruehstorfer: First of all, I want to make it clear the applicant didn't write the report. That's the Planning and Development report. I wrote it. It wasn't the applicant. So, specifically now on historic building, as we already read this evening, if a significant part of the façade is not being destroyed, then it's not an issue. I attached all historic building info so you could read it and see that it wasn't. I think I wrote in the report that it was, that it didn't meet, that it wasn't covered as a historic building if they were saving, they're actually saving more than they need to. All they needed to save was the façade. In fact, they're saving 30-feet deep.

Mr. Silverman: When you say façade, just the front, literally the front of the building.

Mr. Fruehstorfer: The façade is the front of the building. They're doing more than they need to do. They're saving more than the façade. I think I wrote that in the report, I'm not sure. But all these questions you're having, if you've got questions, call us and we'll, I mean every one of these, most of these questions you're having, we can answer them.

Mr. Wampler: Well, I'll give you a question right now then. In your opinion, then, as presented, they do not need a Certificate of Hardship. Is that correct?

Mr. Fruehstorfer: No, they're not demolishing a significant part of the façade of the building.

Mr. Silverman: Remember, the Department's recommendation is approval with virtually no conditions.

Ms. McNatt: I read that. You're correct. I read that.

Mr. Silverman: So, that's their opinion. That's their conclusion.

Ms. McNatt: That's correct.

Mr. Wampler: Okay, that's all I have. Thank you.

Mr. Silverman: Thank you.

Mr. Frank McIntosh: A question if I could go back to the jobs that are being created. I wasn't quite sure what you were saying, Jeff. At one point you said 10, 10, and 10, 30 full-time professionals, I guess, on a daily basis. And then you said something else about additional professionals that, you know, will be full-time employees that would be working, I don't know, maybe the maids for the rooms or, you know, those kinds of people or folks in the restaurants that handle whatever. So, can you clarify for me what that . . .

Mr. Lang: And maybe Kostas can talk more on the operations of the hotel but the way I understand hotels, you have housekeeping staff and they rotate based on need and turnover and that. So, you have a whole staff that does that. What I was talking about there is you probably have 10-12 people, 2 or 3 per floor, and they rotate based on turnover of the rooms. Then you also have your whole front office. Now your front office sometimes is shared in an operation like this between 2 or 3 hotels. So, you have a sales manager, but the sales manager might do this hotel and two other hotels. So, they come in and out of the hotel based on that. You'd have a front desk clerk and you'd have a couple other people in the front staff. So, you do have a multitude of different people but they're not all there at the same time. You know, you might have 5 people there at one time and you might have 15 at another time. But it depends on the day and the event. Kostas can probably give you more particulars.

Mr. Kalogeropoulos: Let me walk you through the 24-hour clock, how it works in a hotel. At 7 o'clock in the morning, the housekeepers are coming in and they're working an 8-hour shift, 7-3. Each one of them is doing 14 rooms in that shift on average. So, if you have 144 rooms and

you have 40 booked, you will need 10 of these people. But if you don't, you need 6 or 7, and they're gone at 3 o'clock. In the morning you have, for this size hotel, you would have two people because the hotel, part of the amenities for the guest provides free breakfast, which is, we don't have kitchens and food and cooking. They use the Swiss methodology of sous-vide which is all stuff without smokes and fires and what-have-you. It's very unique to do it so every employee of the hotel is trained to be able to produce this particular breakfast experience because it doesn't take culinary expertise. So, if you are a front office employee or an accountant or the sales person, you can go for these 3 hours in the morning and help out to produce the food. And you have 2 people that they are the runners and the talkers with the customers. The customer takes his own coffee. They get up, they pick up what they would like to eat, they put it down, we clean it, and they're gone. By 8 o'clock or 8:30, this is done. So, we have 3 or 4 people that are going to be working from within the hotel, leaving their jobs and help, and then go back to their jobs. You have the housekeepers who have a specific job. And once they leave in the evening, you have 2 desk clerks behind the desk, you have what we'll call a floor person, someone who needs to [inaudible] up in the room. It's a runner, you know, it's like a houseman kind of thing. So, you might have in the night at the bar, which is only for the guests, not for outside people, a very small bar, you might have a person to be able to give a customer a bottle of beer. We don't have an extensive bar. So, maybe in the evening you might have 5 people on duty. In the morning you have a general manager, a sales manager, the desk clerks, and the housekeepers. So, now they work 5 days a week, so on the days off you have to add more people into that. So, I would say at the end of the day, a hotel this size, in totality, with coming in and out, they would have maybe tops 30 employees. And at given times it goes up and down.

Mr. McIntosh: Okay. Are they employees that would be, you just finished the hotel, you have your grand opening, how many people have you hired for this hotel? Any?

Mr. Kalogeropoulos: I don't . . . can you repeat the question?

Mr. Lang: How many have you hired now?

Mr. Kalogeropoulos: How many people have we hired now?

Mr. McIntosh: No. If you . . .

Mr. Locke: You have your grand opening, how many people do you have?

Mr. McIntosh: You're having a grand opening, right? And so therefore you're fully staffed, right?

Mr. Kalogeropoulos: Yes.

Mr. McIntosh: So, have you hired any new people at that point?

Mr. Kalogeropoulos: They're all new.

Mr. McIntosh: How many?

Mr. Kalogeropoulos: Thirty.

Mr. McIntosh: Okay, that's all I need.

Mr. Kalogeropoulos: Yeah, they're all new.

Mr. McIntosh: That's fine, thank you. That answers my question. Okay, so switching over to one of my favorite subjects, parking. You have 244 spaces. You don't need 244 spaces, I

understand that, except maybe, you know, at graduation time and so on. So, you're always going to have, almost always going to have open spaces.

Mr. Locke: Even at graduation because that happens on the weekend and the office tenants won't be using their spaces.

Mr. McIntosh: Well, that was my point. Do most of these things, have you projected out when these 100% occupancy times are going to be? Do you know when they are? Are they generally on the weekend?

Mr. Locke: Ideally, it's going to happen on a weekend. It's going to happen at graduation, maybe homecoming, and maybe alumni weekend when that comes in June.

Mr. Lang: And parents' weekend.

Mr. Locke: And parents' weekend.

Mr. McIntosh: So, when you're at 100% occupancy, for the most part, and obviously there could be something different, it's going to be on the weekend when there are not other employees that are in your retail business, for instance . . .

Mr. Lang: Or offices.

Mr. Locke: The offices, that's right.

Mr. McIntosh: Or offices.

Mr. Locke: Exactly.

Mr. McIntosh: So, under those circumstances, you would then, it seems to me, always have parking available. Or almost always.

Mr. Locke: Yes.

Mr. McIntosh: So, that seems to me probably to be a net gain to the parking that we were projecting through the Parking Subcommittee . . .

Mr. Locke: Correct.

Mr. McIntosh: So that's a good thing. Thank you.

Mr. Lang: Thank you.

Mr. McIntosh: Now, you have projected certain things like your annual City state lodging tax of \$700,000, property tax of \$350,000, and so on, that this is not really all new revenue to the City because you're replacing revenue that has gone away now, right?

Mr. Locke: The parking.

Mr. McIntosh: Do you know what the delta between that is? You know, you've got the, what is the City going to net gain from this scenario that you have which is the lodging tax, your property tax, new utility costs? What's the difference between the numbers that you have here which is about \$1 million, what's the difference between that and, if you know, and what it would have been before? What's the next gain?

Mr. Lang: Well, the net gain to the City, because the City gets only a portion of the lodging tax, we figure that gross revenues to the City for this facility are \$600-700 thousand, and the net

loss is really the \$100,000 of revenue from the existing parking spaces. So, you're netting \$500-600 thousand a year in revenue by this project, which is substantial.

Mr. McIntosh: So, a net gain of some \$500-600 thousand . . .

Mr. Lang: Right.

Mr. McIntosh: Plus, the actual parking even though we don't get the revenue from it, but the people will be able to park.

Mr. Locke: Right. Exactly.

Mr. McIntosh: And you will be charging probably \$2 an hour.

Mr. Lang: \$2 an hour, yes.

Mr. Fruehstorfer: And if I could interrupt, really quick.

Mr. McIntosh: Sure, you'll be able to answer.

Mr. Fruehstorfer: I want to point this out because I made a, I misunderstood some information from the applicant when we were developing the report that went into the fiscal analysis. And I know our numbers in the report are very different than what the applicant is saying, and I just want to make it clear that I do agree with their numbers now. I misunderstood the revenue coming in and miscalculated the lodging tax. So, the numbers they're giving are different than ours, so basically it's about, after buildout, this is going to be earning \$351,500 a year, which is about \$232,500 more than the current estimated revenue. So, their numbers are good.

Mr. McIntosh: Okay, that's good to hear. So, \$600,000, I have no idea, is that a lot of money? I mean some guy just got \$300 million, so that's a lot of money. I know that. But is \$600,000 a lot of money to the City?

Mr. Locke: I would think so.

Mr. McIntosh: I'm sure you would.

Mr. Fruehstorfer: I think half of that goes to the state, right? I mean it's \$350,000 to the City.

Mr. Lang: It's \$350,000 in lodging tax . . .

Mr. Fruehstorfer: Right.

Mr. Lang: And then we looked at utilities and property taxes, so in addition to the lodging tax, that's how we get to \$600,000 net to the City.

Mr. Stozek: And is that net utilities or is that gross utilities, or revenues?

Mr. Lang: That's gross utility revenues. That's dollars paid to the . . .

Mr. Stozek: Okay, so the City has a cost for those utilities.

Mr. Lang: Oh yeah but I mean . . .

Mr. Stozek: So, it's less than \$600,000.

Mr. Lang: Right, but we're impacting, we're trying to figure out what the benefit is relative to what we have there now. Basically, we have two vacant buildings.

Mr. Stozek: I would just say at this point we don't know.

Mr. Locke: No, we do.

Mr. Lang: Well we know it's . . .

Mr. Stozek: We're hearing numbers fly all over the place and we don't know what the actual numbers are.

Mr. Lang: Okay, well if you don't, okay . . .

Mr. Locke: We definitely know it's more than the revenue being created by the parking spaces.

Mr. McIntosh: Well, I think you have to make certain assumptions based on we have some pretty reputable folks here with \$40 million being spent on something is not small. That I know is not small pocket change. And you don't invest \$40 million lightly. So, you must have some reasonable expectation of a return on that investment. And so, if you have that return on investment, then the projections, while it might range, will probably be similar. Maybe it will be \$500,000, but that's better than a poke in the eye with a sharp stick. So, I don't know what it would take for the City to get an extra \$500,000 in tax revenue. What would they have to raise the tax rate to get to that? I don't know. I have no idea. But that, by this institution coming about, seems to be where that would go. Okay, that's all I have. Thanks.

Mr. Silverman: I have a number of comments. I applaud the mixed-use, particularly bringing an additional style of business, the hospitality industry, to Main Street. I am aware of the significant level of national and international activity that's drawn to the University through the Lerner School of Business. Do you anticipate your hotel being a destination for those travelers who would be literally within walking distance of the University activity and, along with that, do you have any feel, for the gentleman in the hospitality industry, for the number of people who may be showing up, based on experience in this area, without an automobile? They're brought down from the airport. They'll be walking from this site, so they literally will not be bringing an automobile with them.

Mr. Kalogeropoulos: This is a very, very good question. I experience so far, and this is very normal in a situation like this, like an urban type of middle America town, the methodology of transportation for the people, especially the millennials, has changed completely. In a hotel, people come different ways. They come by plane, they come by train . . . we have a very good train station close by here . . . they come by Lyft and Uber and other stuff. The foreigners that come in, they fly to an airport, visit the hotel by cab or limousine or whatever. They don't drive cars because they're not familiar with the area. So, you might have 100% occupancy, let's say graduation. A great, great number of the percentage of students in this university, they are from Asia. They're foreigners. So, when their parents come in for graduation for their child, they're going to fly in, they're going to get to the hotel with some kind of methodology of transportation, and then they're going to go to graduation, take their kid and leave, and they don't have a car. So, the expectation is because of the different ways to come to the hotel, in addition to the fact that in order to match you projected numbers of 70-75% occupancy, you cannot do that without group. You cannot do that without the leisure soccer moms and the different events and venues that are happening. People will come by buses versus independent cars. So, even though they say I have a 144-room hotel and I need 144 spaces, I would wager very, very seldom you need 144 spaces for 144 occupied rooms. It's unheard of.

Mr. Silverman: Thank you.

Mr. Kalogeropoulos: Yes.

Mr. Lang: Excuse me, Alan. Also, to point out the Lerner connection, we actually, the first thing we did when we started looking at a hotel, we went over and met with Bruce Weber and other

representatives from the Lerner School. They did voice that same comment that they have a lot of transient and visiting professors, students that would love to have a location. The University, as many of us know, is thinking about closing the Courtyard by Marriott and potentially relocating it to the STAR Campus. They were very excited about this opportunity and actually they endorsed this and wanted to support this 100% however there is obviously a good discussion of what's the University going to do with the Courtyard by Marriott in the short-term. We know the long-term they're planning on closing it and relocating it. But the continuity there and the opportunity really for downtown to not lose these people to, you know, potentially STAR Campus or the Embassy Suites and have them reinvest in our downtown area and walk back and forth, I mean we look at that as a great opportunity. And even the people at Lerner said, you know, this location is fantastic. It's exactly what we need. The HRM group, Hotel Restaurant Management group, wants to be involved. Kostas has a connection with them already and we're excited about that opportunity to have the University community involved in the hotel.

Mr. Silverman: The other amenity I find fascinating is the open-air deck. Now there was some comment about it being exclusively used for the hotel occupants. Well if I'm hosting a seminar or something, that's where I'm going to have my evening get-together kind of thing. And it sounds like it could almost become a de facto open space meeting place for the downtown area of Newark.

Mr. Lang: Well, we have talked about that. There is a small, in all these Hyatt places there are small meeting spaces for small groups, you know 20-30 people maximum. But they do have meeting spaces and we do have the opportunity to host those events and then also host them in this great amenity space. I mean when you look at this amenity space, and I don't know how many hotels people go to and travel to, but it's hard to find spaces like this. I mean you go to many hotels in the Delaware market and nobody has a space like this to use for not only the customers and, you know, guests of the hotel, but also for potential people that are going to have a meeting and want to experience that. So, I think it's a fantastic benefit to the community.

Mr. Kalogeropoulos: Just one additional thing. Because we don't have a kitchen and cannot make food and people are going to have that reception or activity, we'll support the local restaurants that will be catering the food from the neighborhood to be brought to the hotel and served to the customer because we're not going to have the means to be cooking hors d'oeuvres and all that kind of stuff. So, the benefit direct to the restaurants will be all the time there for that kind of customer.

Mr. Silverman: Thank you. And this is going to sound very strange, I see the closing of, I'm sorry, reconfiguration of the access to the parking area at the head of Academy Street as benefiting the community. I travel through that area regularly, several times a day, 6:00 a.m., 11:00 p.m. I sit in traffic at noon time and can't go anywhere. I've experienced the pedestrian conflict. The way DelDOT has that light configured, there is a complete cycle dedicated to the parking area whether there's anybody there or not. There is no trip demand. And I have the feeling that this rearrangement of entrances and exits will disperse traffic and virtually eliminate the need for that extra light cycle. Now, what may occur is the coordinated light may end up down at Center Street to work with the light at the head of Academy Street. But I think here's an opportunity since sometimes it's sometimes very difficult to get DelDOT to pay attention, to correct the bottleneck that's been created at Academy Street.

Mr. Locke: Yes, someone had talked about in early public comment about everybody is going to exit at Center Street. Well, right now you have 200-and-some-odd parking spaces that could exit out of Center Street. By this reconfiguration, you'll only have about 40 spaces that will exit out onto Center Street because of the way the design of the lot is.

Mr. Silverman: I have no other questions.

Mr. McIntosh: Mr. Chairman, I . . .

Ms. McNatt: I want to . . . oh, go ahead.

Mr. McIntosh: It was in a different book, I had another question. Can I ask it?

Mr. Silverman: Sure.

Mr. McIntosh: Is it okay?

Ms. McNatt: You first. And I saw one too that I wanted to, that I missed. You go first.

Mr. McIntosh: Well you went first . . .

Ms. McNatt: No, you go first.

Mr. McIntosh: Okay.

Mr. Silverman: Excuse me. Before we do this, by virtue of our rules, Frank . . .

Mr. McIntosh: Go ahead, you can have as much time as you want.

Mr. Silverman: Okay, thank you.

Mr. McIntosh: I've never said that before. Ever.

Mr. Silverman: We have to go on record that we are supposed to try to conclude by 9 o'clock but, as Chair, I can extend to 9:30. I'm going to exercise that privilege. And when we get to 9:30, we will poll the Commissioners to see if we want to extend that time again. Go ahead, Frank.

Mr. McIntosh: I'll amend my statement. I won't be quite so generous, but I think we should have more time. There were several public comments about the façade of the entryway and you've got the building that has the historic and then you have the building next to it which is new. And if I understood what you said correctly, you are trying to make sure that those are in concert with each other.

Mr. Locke: That's correct.

Mr. McIntosh: So, there are people who don't necessarily agree with that and they talk about the color not being the same, the style isn't the same, and other such things. So, I'm looking at this and I can see that there is a little difference because I used to do Pete and Repeat in the American Legion magazines when I was a kid, and I can tell that one of those buildings is bigger than the other one. So, would you address that for me?

Mr. Lang: Okay, the reason why the building is taller than 35 feet is that that new portion of the building does connect to the 2nd and 3rd floor directly of the building behind it. The building on the right, the Green Mansion, does not connect floor-to-floor and it gets back to the office component. When you add a 2nd and 3rd floor that are 13 feet tall, you can't match up to a 35-foot building. So, you need a 39-foot building. That building is 39 feet. So, by Code, we need the variance from the 3 feet to match up with the Green Mansion. Otherwise, the floor-to-floors don't work. If we reduce the 2nd and 3rd floor down to 11 feet, that building would be 35 feet, we wouldn't have office space on the 2nd and 3rd floor, we would not need a site plan approval for that front, and we would not need site plan approval for height. So, two of the four site plan approvals would not be necessary, obviously, due to desire to add office space on the street rather than add additional residential, because we feel it's an important component

necessary to our downtown. That's the way to get around that and that's why it's designed that way.

Mr. McIntosh: Okay, so when I'm looking at this, one of them, the colors are different. Is there a reason for that? Because the background looks like it's all the color of the original . . .

Mr. Locke: Right, so we blended the new building onto the Green Mansion, but we also wanted to recognize the historic significance of the Green Mansion with the limestone green granite. So, that's why we wanted the new building to look slightly different than the historic building.

Mr. McIntosh: So, that's by design?

Mr. Locke: Yes.

Mr. McIntosh: Okay.

Mr. Lang: It's still going to be a similar stone structure. It's all a masonry structure, very similar to the Green Mansion, so it will have a very nice appeal to it, very similar to One South Main where the first floors of One South Main are all stone. So, if you've been by that building, you'll see that.

Mr. McIntosh: Thank you.

Mr. Silverman: Commissioner McNatt?

Ms. McNatt: Yeah, I had one item I forgot to ask. On your environmental initiatives slide sheet or page, one of the items was rainwater will be collected and used to irrigate the new landscaping. I didn't hear any discussion in any of the information in the documents and can you expand upon that and what does that mean?

Mr. Lang: Yeah, basically we're going to collect the rainwater and then disperse it into our landscape beds in . . .

Ms. McNatt: How are you going to do that? Can you explain that in more detail?

Mr. Lang: We've talked about how to do it. It's very simplistic or no? John?

Mr. John Mascari: No, well obviously . . .

Ms. Gray: You'll need to . . .

Ms. McNatt: It's something you just mentioning you're going to do, and I just didn't see any documentation on it in the information of what is being proposed.

Mr. Lang: Usually that would need to be provided in the CIP plans when we're going to show how we're going to retain the water and then use it for irrigation, but we can talk about it.

Mr. Silverman: Sir, since this is your first time at the mike, please identify yourself.

Mr. Mascari: Yes, John Mascari with Karins and Associates, civil engineer. So, the stormwater management for the project basically reduces some of the impervious area on the site, so we're slightly increasing the green area on the site as it stands today. There is a standard practice of bioretention that is actually enhancing the stormwater management throughout the site and that's adjacent to the right-hand side of the building. So, portions of the rooftop get funneled to this bioretention area, which is a planter which has plants and planted soil mix that actually filters and cleans the water. So, it's a simple method of just funneling some of the rooftop runoff into this standard stormwater management practice. So, that is how that's being proposed to . . .

Ms. McNatt: Okay, that's their standard stormwater management but as it's written here it appears as though you're doing something above and beyond. It sounds like you're doing some other type of collection system. A bioretention facility only treats water and disperses it. Unless you have some other material or any type of storage underneath the bioretention facility, can you do what this is describing? So, I'd like more information on what other, if there's another system. If there's not, then information is incorrect, but I'd like to know if there's another system other than the bioretention facility that will collect and use the irrigation of water.

Mr. Justin Gebhardt: Hi, I'm Justin Gebhardt with Bernardon. We're the architecture firm involved with the project. So, the gray water can be retained from the rooftop. So basically, we have TPO roofing that will collect through internal gutters, be able to retain that rainwater internally and hold that in a storage container that then can be dispersed to water the landscaping and the ivy walls.

Ms. McNatt: You use the word can, but is it being proposed? Is it something on these plans? Is that something that's being done?

Mr. Lang: Yes, that's going to be proposed but we would not normally give that to anyone until we go to CIP. So, we've said we're going to do it, it's required in the subdivision agreement, and it gets included in our CIP plans when we go get a building permit.

Ms. McNatt: Well, my reason for asking is because it could be something that's a recommendation as part of this application.

Mr. Lang: No, and I understand that . . .

Ms. McNatt: So . . .

Mr. Lang: It's not something we would normally fully design. We have just committed to do it.

Ms. McNatt: And my last question, simple as it may be, and maybe it's just my brain because I think there's been a lot of discussion of how this hotel will benefit the University of Delaware and how it's going to benefit commercial people. My question is, how is the hotel going to benefit a single mom, two-kid resident like myself?

Mr. Locke: Great question. A vital, vibrant downtown is good for the entire City because it increases residential values of the single-family homes and townhomes in the community. If you have a storefront, if you have a downtown with many empty storefronts and vacancies and it's not vibrant, well that's going to definitely affect your residential sales. So, we'll help you through your investment of your real estate.

Ms. McNatt: That was my last question.

Mr. Silverman: Any other questions from the Commissioners? Okay, are we ready to move on to the motions? Now the report that was done by the professional staff has undergone a number of iterations and within the report, as we discovered, if you follow the timeline continuum, you'll see that things change. That thought has been carried through to the recommendations from the Department. They've reworked the proposal. I've had those reproduced on a yellow sheet at fairly large type, so we can see them at this time of the evening with bifocals. The Commissioners have a copy of the proposals in front of them. Based on our last meeting and some discussion with Council members, if we have specific recommendations that are not addressed in the recommendations within the Department's report, we have the opportunity to list those recommendations out. Do we have any proposals? That's what the A, B, and C are for. Commissioner McNatt, you wanted some assurances that there would be public spaces available in general. Have you been satisfied by the response given?

Ms. McNatt: I think I've made my position pretty clear that I don't believe that, if you're asking me specifically about site plan approval and Motion A, that this plan has, they're asking for relief from certain Code sections and I don't believe that this application has warranted those reliefs.

Mr. Silverman: Okay, so are there any conditions to be added? I'm going to move this along. Are there any conditions, Commissioner?

Ms. McNatt: At this point, I don't have any because I know mine . . .

Mr. Silverman: Okay, let's move directly to the question. The Chair entertains a motion for Paragraph A. Will, you usually do the honors.

Mr. Hurd: I'm not going to read it, but I'll say that we adopt Item A on the Green Mansion recommendations Draft 3 document.

Mr. McIntosh: Second.

Mr. Silverman: Okay, now I was just advised by the Director that it needs to be read into the record because it differs slightly from the Department's original recommendation in their original report.

Mr. Hurd: Okay. item A, major subdivision and Code Section 32-97 site plan approval. Because the proposed plan does not conflict with the development pattern in the nearby area, and based on the February 26, 2019 Planning and Development Department report, the Downtown Newark Partnership Design Committee favorable recommendation, and the March 5, 2019 Planning Commission meeting, the Planning Commission recommends that City Council approve the Green Mansion 92 and 96 East Main Street application, Project #18-10-01, as shown on the Karins and Associates submittal dated October 3, 2018 and revised February 22, 2019. The approval is for the, one, major subdivision and, two, Code Section 32-97 site plan development. The Planning Commission approval is conditioned on Subdivision Advisory Committee comments and conditions as described in the February 26, 2019 Planning and Development Department report as well as the following listed Planning Commission hearing findings and recommendations.

Mr. Silverman: And there are no findings or recommendation.

Mr. Hurd: Of which there are none so far.

Mr. Silverman: Is there a second?

Mr. McIntosh: Second.

Mr. Silverman: Is there any discussion?

Mr. Hurd: Would discussion include our reasons for or against the vote, or just . . .

Mr. Silverman: You can do that.

Mr. Hurd: Okay, I'm just going to go on record to say that I don't feel that this project has met the threshold for site plan approval. I don't feel that they've really demonstrated, and again, it also comes back to I think the limitations of site plan approval for redevelopment projects, but I think all of the items that we're discussing really haven't been addressed in a significant and exemplary fashion to warrant the thing. I think that hotels are so car-intensive that this would be problematic for a project of this size.

Mr. Silverman: Commissioner Stozek?

Mr. Stozek: Yeah, I feel pretty much the same way. I'm not against putting a hotel downtown. I'm not against putting in additional retail space or office space. But we keep referring to this project as a hotel project and it's not just a hotel. It's all three of those things. And I think it's just massive, it's out of character with the town, and there are plenty of questions still out there about parking, about revenues, and I'm just not comfortable with the plan as proposed.

Mr. Silverman: Any other discussion? Okay, we'll move directly to the vote. All those in favor of the major subdivision and Code Section 32-97 site plan approval, signify by saying Aye. I count three votes. All those in opposition, signify by saying Nay. Three votes. I will look to our Counsel. How do we declare the vote?

Mr. Paul Bilodeau: Well, it is obviously a tie.

Mr. McIntosh: That's great. Is that your legal opinion?

Mr. Bilodeau: Yeah, that took three years of law school to figure that out.

Mr. Silverman: Well then how about if we simply let the record show that it was a 3-3 vote?

Mr. Bilodeau: It's a 3-3 vote and that's the recommendation . . .

Mr. Silverman: That we're evenly split.

Mr. Bilodeau: That it's equally divided.

Mr. Silverman: Okay.

Ms. Gray: Do we have who voted? I don't have who voted.

Ms. Vispi: I do.

Ms. Gray: Thank you.

Ms. McNatt: What?

Ms. Gray: I just wanted to make clear that we had who voted for what. I wasn't looking but Madam Secretary has it.

Mr. Silverman: Madam Secretary, do we have that?

Ms. Vispi: I do.

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

BECAUSE THE PROPOSED PLAN DOES NOT CONFLICT WITH THE DEVELOPMENT PATTERN IN THE NEARBY AREA, AND BASED ON THE FEBRUARY 26, 2019 PLANNING AND DEVELOPMENT DEPARTMENT REPORT, THE DOWNTOWN NEWARK PARTNERSHIP DESIGN COMMITTEE FAVORABLE RECOMMENDATION, AND THE MARCH 5, 2019 PLANNING COMMISSION MEETING, THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE GREEN MANSION 92 AND 96 EAST MAIN STREET APPLICATION, PROJECT #18-10-01, AS SHOWN ON THE KARINS AND ASSOCIATES SUBMITTAL DATED OCTOBER 3, 2018 AND REVISED FEBRUARY 22, 2019. THE APPROVAL IS FOR THE MAJOR SUBDIVISION AND CODE SECTION 32-97 SITE PLAN DEVELOPMENT. THE PLANNING COMMISSION APPROVAL IS CONDITIONED ON SUBDIVISION ADVISORY COMMITTEE COMMENTS AND CONDITIONS AS DESCRIBED IN THE FEBRUARY 26, 2019 PLANNING AND DEVELOPMENT DEPARTMENT REPORT.

VOTE: 3-3

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

MOTION FAILED

Mr. Lang: Thank you all for your time this evening.

Ms. Gray: Well we've got two more.

Mr. Silverman: Okay, with respect to the next one on the report . . .

Mr. Hurd: Sure.

Ms. Gray: So that was for site plan approval?

Mr. Silverman: Yes, that was for site plan approval, 3-3. Moving on to Paragraph B, parking and space dimension waiver for a parking waiver.

Mr. Hurd: Item B, parking space dimension waiver. Because it should not have a negative impact on adjacent and nearby properties, and because the proposed plan does not diminish the number of required parking spaces, the Planning Commission recommends approval of the 40-space parking dimension waiver for the subject application.

Mr. Silverman: Is there a second?

Ms. McNatt: Second.

Mr. Silverman: Okay it's been moved and seconded. Discussion? Okay, hearing no discussion, we'll move directly to the vote. All those in favor of the parking space dimension waiver for the parking waiver, signify by saying Aye. Do we have a count on that? A show of hands. I count 4. Okay, all those in opposition, a show of hands. Two in opposition. Thank you. The motion carries.

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

BECAUSE IT SHOULD NOT HAVE A NEGATIVE IMPACT ON ADJACENT AND NEARBY PROPERTIES, AND BECAUSE THE PROPOSED PLAN DOES NOT DIMINISH THE NUMBER OF REQUIRED PARKING SPACES, THE PLANNING COMMISSION RECOMMENDS APPROVAL OF THE 40-SPACE PARKING DIMENSION WAIVER FOR THE SUBJECT APPLICATION.

VOTE: 4-2

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

MOTION PASSED

Mr. Silverman: Paragraph C, special use permit.

Mr. Hurd: Item C, special use permit. The Planning Commission recommends that City Council approve a Zoning Code Section 32-78 special use permit for a hotel for the subject application. The Planning Commission approval is conditioned on the Subdivision Advisory Committee

comments and conditions as described in the Planning and Development Department report as of February 26, 2019.

Mr. McIntosh: Second.

Mr. Silverman: Okay, it's been seconded. Is there any discussion? I will comment on the section of the Code I read earlier that our thinking on this is whether it affects adversely the health and safety of persons residing and working within the City of Newark boundaries, one mile outside and the rest of the State of Delaware, detrimental to public welfare, injurious to property or improvements within the City boundaries, within one mile outside the City or the State of Delaware, and conflict with the purposes of the Comprehensive Development Plan. All those in favor of the motion, signify by saying Aye. Hands, please, so we can get a count. Three. All those in opposition, signify with a show of hands Nay. Three. Again, a 3-3 tie.

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

THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE A ZONING CODE SECTION 32-78 SPECIAL USE PERMIT FOR A HOTEL FOR THE SUBJECT APPLICATION. THE PLANNING COMMISSION APPROVAL IS CONDITIONED ON THE SUBDIVISION ADVISORY COMMITTEE COMMENTS AND CONDITIONS AS DESCRIBED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT AS OF FEBRUARY 26, 2019.

VOTE: 3-3

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

MOTION FAILED

Mr. Silverman: Madam Secretary, do you have all that?

Ms. Vispi: I do, thank you.

Mr. Silverman: Okay. That concludes this hearing.

Mr. Lang: Thank you.

Mr. Silverman: In spite of time, we will take a few-minute break and give the second applicant a chance to come up and set up.

[Secretary's Note: Mr. Silverman called the meeting to recess at 9:22 p.m. and reconvened the meeting at 9:36 p.m.]

4. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL HIGH DENSITY, REZONING FROM RD (ONE-FAMILY SEMI-DETACHED RESIDENTIAL) TO RM (MULTI-FAMILY DWELLINGS – GARDEN APARTMENTS), AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL FOR 20-22 BENNY STREET (PR#18-11-01). THE PLAN PROPOSES DEMOLITION OF THE EXISTING STRUCTURES ON THE SITE AND CONSTRUCTION OF NINE GARDEN APARTMENTS.

Mr. Silverman: I'd like to move on to Item 4 of our agenda tonight, 20-22 Benny Street, application 18-11-01. Madam Director?

Ms. Gray: Thank you, Mr. Chair. This application is for the review and consideration of a Comprehensive Development Plan amendment from residential low density to residential high density, rezoning from RD, which is one-family semi-detached residential, to RM, multi-family dwellings/garden apartments, and major subdivision with site plan approval for 20-22 Benny Street, project #18-11-01. The plan proposes demolition of the existing structures on the site and construction of nine garden apartments.

Because the rezoning and major subdivision plan with site plan approval and the Comprehensive Plan amendment with the Subdivision Advisory Committee recommended comments and conditions as described in the February 26, 2019 Planning and Development report should not have a negative impact on adjacent and nearby properties, the proposed use does not conflict with the development pattern in the nearby area, and the proposed plan complies with City Code utilizing the site plan approval provision, the Planning and Development Department suggests that the Planning Commission recommend approval for the proposed Comprehensive Development Plan V amendment from low density to high density, rezoning of the property from RD, one-family semi-detached residential, to RM, residential multi-family/garden apartments, and major subdivision and site plan approval plan. Mr. Chair?

[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 20-22 Benny Street can be found at the end of this document.]

Mr. Silverman: Thank you. If the applicant would like to take the microphone.

Mr. John Tracey: Good evening, Mr. Chair and members of the Commission. John Tracey from Young Conaway Stargatt and Taylor here on behalf of the applicant. Mitch and Kristen [Slijepcevic] are here as the property owners. Tom Schreier and the dulcet tones of Alan Hill to my left are here on behalf of Hillcrest, who are both the engineers and the architects for this. As an introduction, I know it's already been a long evening. This is a project that most members of the Commission are generally familiar with in the sense that we have had, there have been multiple applications on this street as both the Department report notes and our material illustrate, seeking and receiving similar Comp Plan and rezoning amendments, as well as site plan approval. For comparison purposes, this project is nearly identical to one the Commission considered a couple of years ago and Council approved at 36 Benny Street because of the same lot size and essentially the site plan deviations being requested being nearly identical, and in some cases less. The two main differences are the number of units, which is 9 as opposed to 7, although we actually have fewer bedrooms. It's really a by-product of doing a number of 4-bedroom units as opposed to 6-bedroom units. So, while we have more units, we have fewer bedrooms. In addition, we have a request for height relief that is in part motivated by comments that we received from the Design Review Commission which we attended on a voluntary basis and Alan can certainly talk to those. But I guess what I wanted to offer the Commission is whether you would prefer for me to go ahead and do the full presentation or, given the materials the Department has provided, as well as the materials we have submitted, whether you would just like to go ahead and go through questions and handle it in that fashion in the interest of time.

Mr. Silverman: Commissioners? Full presentation or just our questions?

Ms. McNatt: I'd like to hear the whole . . .

Mr. Stozek: I think just questions . . .

Ms. McNatt: Oh.

Mr. Wampler: How long is your presentation?

Mr. Tracey: It would probably be close to the 15 minutes that we're allowed.

Mr. Wampler: I'm good with that.

Mr. Hurd: I'll agree with that.

Ms. McNatt: I'm okay.

Mr. Silverman: Okay, we'll go with the presentation.

Mr. Tracey: Okay, thank you. I'm going to switch then and have the person who knows how to operate things. Alright, so I've already introduced everybody here and as I mentioned we're not going to try to read everything that's in the report into the record given that both the 15 minutes and the lateness of the hour would not allow me to do so, and I'm also presuming that the members of the Commission are generally familiar with the Department's report. As I mentioned, this is a continuation of what the Commission and the City has been seeing in this particular area.

We'll start with the overview. This is identifying the sites which we're talking about, which is 20 and 22 Benny Street. The property is presently zoned RD as Mary Ellen noted, thus requiring the relief that was previously identified. Alan had immediately jumped to the current conditions on the property. You can see the existing structures. The red brick building has been in the client's family for a significant period of time, whereas the other building was more recently acquired. You can see the 30 Benny Street project which the Commission and Council recommended in favor of being constructed to the rear there. But what the Commission is seeing and what we'll be returning to as we discuss this is there has been a general progress within the boundaries of Benny, Chambers, Chapel Streets as well as Lovett Avenue, seeing a gradual change from what had typically been RD development into RM or even in some cases more denser development. As the Department's report notes, many of the RD-developed properties, if they were considered now, would actually be considered RM.

As Alan is clicking through the slides, he is reflecting on the history in this area and the recent rezonings, which he's clicking very fast and I can't keep up with him. The recent rezonings in this area have taken properties from RD to higher density classifications. You see the 30 Benny which I know now is known as 155 South Chapel Street, and then behind that you see the Rupp Farm, Haines Street and other projects that Alan is going through that have all received rezoning approval to more dense zoning classifications in this area. By the same token, you've had similar changes with regard to the Comp Plan as you would typically need that in order to make the changes that we're talking about. We've, again, identified the various projects in here which have received Comp Plan amendments to the higher density classification to match the RD, excuse me, RM or, as I mentioned, the higher density classifications that some of the other projects have received.

With regard to the overall plan itself, which I think is going to be the next slide, the 20-22 Benny Street project is above. Below it what we've superimposed on there is the 30 Benny and 155 South Chapel Street projects. You'll note the orientations of the building are the same as what you see below us in 30 Benny Street. So, what we don't have, for instance, if you recall at 30 Benny there was a close proximity between 30 Benny and 36 Benny Street. There was a fence running in between the two. In this instance, the parking lot for 30 Benny is behind us so one of the things you'll notice, particularly as you get to the renderings on the project, is we'll be carrying the architecture all the way around the building as opposed to doing a different form of architecture where it would otherwise be screened by the building that's immediately to our rear.

As I mentioned, this is a 9-unit project. There are two 7-bedroom units and there are, I'm sorry, two 6-bedroom units . . . I was told there was going to be too much math in this presentation . . . two 6-bedroom units, and the remainder of the other seven being 4-bedroom units. That's

why, while you have more units, as I mentioned before, you actually have fewer bedrooms in this area.

We have the deviations that are listed up there. As I mentioned, we used 36 Benny Street as the comparison because it was identical in terms of the size of the lots as to what we have. Again, many of the deviations that they requested are actually increased from what ours are, particularly with regard to setbacks. We maintain the same street setback as theirs and we have virtually the same lot coverage as theirs. The biggest difference is, as I alluded to at the outset, are both the number of units which I've mentioned repeatedly, and then the height, which Alan is going to talk about in a moment.

Again, because this is site plan, we're not getting into the great detail with the things that will be later discussed as we finish the CIP process, but the Department's report indicates the changes that we made with regard to stormwater management from what was initially considered to what we revised in this instance. But, again, we will be meeting the LEED requirements here. We do provide more parking onsite than what is required. We also will be doing external security cameras as you've seen in the past, as well as obviously constructing it with regard to all of the required fire and safety codes that are in place. In addition, as the Department's report notes, we will be adding the electric chargers in the garages for purposes of charging electric vehicles in the future.

The architectural renderings Alan is kind of flipping through as you've seen, but they're also on the screen and the materials that you have before you. As I mentioned, the biggest change here is the height request. The request was motivated in part from comments that we received from the Design Review Commission. We actually had lower-pitched roofs initially when we did the design. And in its review and endorsement of the design, it actually asked us to revise it to increase the pitch on the roof, which makes the building actually taller. It doesn't add any occupancy area in it. We're not getting any additional rooms or bedrooms or anything as a result of that. It's mostly, as you can see from the exhibits, the fact that the roof is being raised. Alan, I don't know if you want to offer some comments on that.

Mr. Alan Hill: So, with this design, as you can see, it's quite a departure from what you usually see from us at Hillcrest and Rick Longo. So, with this design, with the urging of the client, they wanted a different sort of façade than we normally do. And that ended up giving us these tall, vertical elements on these buildings. So, when we normally measure our height, we are measuring per Code. This slide shows our building height is 35 feet to the midpoint of the roof. And this, as you can see, we usually achieve this by putting the fascia down low, going up to the midpoint and putting a dormer to achieve that look. So, with the building that we have, we don't have that ability with the architecture to put that lower fascia to increase, to make the space in the 4th floor for the attic livable. So, on this one, this was our initial design that we took to the Design Committee with the 3:12 roof pitch from the fascia up here, and we already had almost 42 foot in height to the midpoint on the building. After meeting with the Design Committee, they asked us if we could increase the roof pitch to a 6:12, which gave us this condition, which added to the midpoint of the roof to 44 feet 6 inches. So, that would be where we measure and that's what we have in our application. So, I have a little overlay showing how the three buildings go together. You can see on here that our garage area is the same space, living space, first bedroom set is the same space, and upper bedroom the same space here, but when we start putting in a roof from this unclipped bedroom area, we start going up above that 35 feet. So, that's where we're asking for a building height of 44 feet 6 inches.

Now when we look at the other buildings in the area that were not too long ago approved, we have East Village at South Chapel which actually to the ridge is 53, almost 54 feet on this one. Over 50 feet to the apartments at the Heights on South Chapel. And then 48 feet 8 inches to the ridge on the apartment, the townhomes at the Heights. So, we are still within the same general area of those other buildings, so we are conforming with what has already been

approved and constructed in the area as far as building height goes, while we're asking for a little bit of leeway on the site plan approval. And that's my explanation on the building height.

Mr. Tracey: Thank you, Alan. Again, the appearance of the building was something that the client wanted. They wanted the red brick incorporated in there from the design of the original house because that was built, again, by family members. But this gives you the perspective looking down the street towards 30 and 36 Benny Street of what this building would look like. Again, as Alan noted, we wanted to do a different design here than what is perhaps more typical in order to kind of break up the monotony of the same design. While nice, we're seeing the same building over and over again, and we wanted to come up with something different here.

That's the overview of the project. I tried to keep it to less than 15 minutes. Obviously, we're happy to answer any questions that the members of the Commission will have.

Mr. McIntosh: Ten minutes and 30 seconds. Not bad.

Mr. Silverman: Mr. Stozek?

Mr. Stozek: I just have a couple of quick questions.

Mr. Tracey: Yes, Mr. Stozek.

Mr. Stozek: From looking at the drawings and elevations, obviously you have to go up 10 or 12 steps to get into the building. I guess I just wish we would have some creative design where we could take into account possibly people with disabilities, students with disabilities, living in these structures. I realize it's not a requirement but everything we're seeing in this area, we've ceded this area of town to student housing. I understand that. Everything is like these big monoliths and I would like to see something more creative, maybe more . . .

Mr. Tracey: I understand the point that you're making. I don't know if some of the apartments, for instance, have elevators and the like that would allow people to get to the upper levels because otherwise you would have to have an elevator or full first floor living to accommodate that. And clearly, by the same token, a lot of these facilities, depending again, higher density may have abilities to do other, I mean higher zoning, RA for instance, you are able to do something different. But you're obviously trying to . . .

Mr. Stozek: I think that goes into my second comment. You know, you're asking for 11 or 12 variances – height, every setback is about half or one-third of what it should be – and if I look at this area, we started out we had a 5-unit dwelling and then a 6-unit dwelling, a 7-unit dwelling, and now we're up to a 9-unit dwelling. I'm just curious, did you even think about putting a smaller building on this site, or did you just go for the maximum possible space?

Mr. Tracey: I mean, again, we could have done the same thing as 36 Benny and done a 7-unit building, all with 6 bedrooms and you would be at 42 bedrooms. The interest here was to actually have smaller units. That's why I said there's 9 units but there's fewer bedrooms, because what we're trying to do is cater more to the, give some more flexibility to the market. You don't have to find 6 people to live with. You can find 4 people to live with. And that was the motivation. I mean it's really not much of a different size building, excluding height, obviously, than 36 Benny. It's just that we have smaller units in the middle.

Mr. Stozek: I would just go back to all these setback areas. That's my bugaboo that I guess I'm constantly complaining about. We have these codes and we constantly give variances on these codes. I think maybe the developers in this area should go to City Council and ask to have the codes changed or something. If we're not going to abide by the codes, why do we have them? That's just my opinion.

Mr. Tracey: And I appreciate your comment, Mr. Stozek. I'll reply if you want me to, otherwise I won't.

Mr. Silverman: Mr. Hurd?

Mr. Hurd: Thank you. I'll just also state for the record that I'm a neighbor but that's not, has very little to do with my place here. A couple of comments on the report that I didn't have a chance to get to the Department in time, I've asked before about when you're talking about the differences between the Code-required, what's being given and the difference, I would love to see a column of the percent difference because I think that tells a much bigger story about the scope of the variance that you're looking at. And the table was a little confusing until I read further into the Code about why we have two lines for maximum lot coverage and it took me a while to realize that the 20% is for garden apartments and the 30% is for other RM uses. I really missed in the renderings having any sense of context. I see you've got it now. It would have been really nice to have that in the beginning because I think part of your argument is about how it's contextually fitting in and you lose that. But I would say you need to even pull back more. You need to see the other buildings next to it and, in an ideal world, a section through the street showing its relationship to the buildings across the street and its relationship of its height to the street.

So, the LEED part, I'll raise again my general issue that as soon as we open the door to LEED-certified, we lose control over which points people choose and I'm frustrated that so few points were sought in the energy and water use on things that have an effect on occupants' cost and comfort and things, and more was spent on, you know, site development and site selection which are almost gimmes for some of that. Direct questions, in your LEED chart, your LEED checklist, you're asking for points for permeable paving, it looked like under the definition of having the stormwater infiltrating the site. But the report talks about how you can't have stormwater infiltrating the site because it doesn't work and it's getting just detained and piped off. So, I'm . . . can you explain this discrepancy?

Mr. Hill: So, our original design concept for it was to actually infiltrate the stormwater into the ground because in this area actually if you dig deep enough, there is infiltration. The soil condition is so dense that it doesn't infiltrate in from the top, but if you dig deep enough, you do get infiltration. When we, actually our initial design on that, on this we actually got pushback from the Public Works Department because they realized, which we didn't realize, which was our mistake, was we were too close to the seasonal high water table, so it was going to become an injection well system which, while you can do it with certain circumstances and exceptions, we can't really justify it in this area unless we had no other option. And it turns out working with the Public Works Department to run pipes down the street, we can actually do an extended detention underground facility underneath the driveway that then pipes down past the other development and ties into the structures in the street that are part of the 30 Benny and 155 South Chapel Street.

Mr. Hurd: So, what are you going to propose to replace those points that you're clearly not going to get?

Mr. Hill: We won't get the porous paving, but there will be other points that we can replace those with. I suppose we didn't do an updated LEED application, but we will have to do that as part of the CIP approval.

Mr. Hurd: And then I'll just point out for you, in the indoor air environmental quality section, 6 points are the minimum required and you only have 5 showing so far. You're short 1 there.

Mr. Hill: We'll pick it up there, as well. Thank you.

Mr. Hurd: I think that's it for questions for me.

Ms. McNatt: Thank you for clarifying the stormwater issue that I knew was already a problem, however I'll bring it up, like I always do, that yes, you're just meeting the standards of the Code requirements but there's nothing excellent or above that's happening to treat the water and/or to determine if there's a downstream conveyance problem on Benny or further downstream being addressed. So, again, I think it's important that these applications, since you want so many, or are requesting so many variances, you know, it should be important that other things are also looked at to achieve excellence.

I do have a question regarding the parking spaces. I didn't find, and I couldn't see specifically the two larger units are planning to have 3 parked cars inside the garage. How does that happen or how does that work?

Mr. Hill: So, they have, I actually just put up the slide of the general development plan, actually, which is Sheet 2A which shows the parking layouts inside. So, we have a double entry, double garage entry at the front of the building going into a single car space in the back, so that's how we get 3 spaces in the garage. And then we get an additional 2 spaces on the driveway, so that gives us 5 parking spaces for the 6-bedroom unit.

Ms. McNatt: So, just to clarify, the dual spaces that are side-by-side, that is the garage entrance?

Mr. Hill: Yes.

Ms. McNatt: Thank you. And I'm just trying to understand why this parcel or this development, the parking lot wasn't facing the other parking lot of the adjacent property. Why are we trying to keep segregating parking lots instead of trying to . . . is there a reason that that happened here?

Mr. Hill: So, we did approach the owners of 30 Benny to see if we could use their driveway and they weren't receptive toward using their driveway. So, it made sense to separate the driveways as opposed to having driveway next to driveway. So, it just came down to it would have been nice to use their driveway but that wasn't possible, so then we separated the driveways just from a planning aspect.

Ms. McNatt: So, we just keep creating these mononuclear housing units that don't share driveways and I think that's a very sad situation that the City should, if we don't have code on cross access agreements or the requirement of the sharing access to reduce the number of driveways and/or reduce or use adjacent properties and cross access the parking, potentially, I think we're missing out on . . . and/or reducing stormwater runoff potentially and/or reducing the negative impacts of creating these individualized parcels with individualized parking, so I find it very sad that that's the case, that that happened. And I think that's something that should be strongly evaluated going forward. I understand there's nothing you can do about that now, but it is what it is.

The whole 3 stories, I understand the idea of the number of units and providing a different product, but the height of the stories is kind of excessive and I guess you were directed to do that maybe. Is that what you were trying to say? That you were directed to do it with that height?

Mr. Hill: So, the easiest way to explain it is with the 4-bedroom units, which are the narrower units. So, as far as the interior layout goes, you've already seen the garage level. The next floor up is like the living level, and then the two floors above you have 2 bedrooms and then 2 bedrooms again. What we would normally do with the architecture that you see from us continuously, that we've been asked about seeing if we could change it up from time to time, to do that, we took away that dormer look of the architecture and that pushes the fascia up and then, in effect, pushes the roofline up to be able to not put a flat roof on that.

Ms. McNatt: And to basically have less . . .

Mr. Hill: Less bedrooms.

Ms. McNatt: Less bedrooms.

Mr. Hill: Yes.

Ms. McNatt: Because the adjacent property that has two floors has more bedrooms, correct?

Mr. Hill: The adjacent property that has 3 floors . . .

Ms. McNatt: The picture has garages on the bottom . . .

Mr. Hill: Let me just flip back to . . .

Ms. McNatt: This one, the bottom right.

Mr. Hill: The bottom right. That's 3 floors, so they have, actually, and I might be speaking out of turn because we didn't work on this project, but I believe there's a ground floor bedroom and then a . . .

Mr. Silverman: There's one behind the garage.

Mr. Hill: And then one behind the kitchen and then 4 on the next floor up.

Ms. McNatt: But the perception is that this is only a 2-story unit even though it's providing the units on it, but your proposed design has all 3 living units above the garage, which is making it taller adjacent to this bottom right.

Mr. Hill: And similar to, ours is similar to the building that you see under construction way to the right on the side here, which has all garage on the lower level and then living and bedrooms above that. The 30 Benny project didn't make use of the attic space. They neglected to use the attic as living space.

Ms. McNatt: Where's my . . . I've lost my . . . I think that was my last questions at this point. Thank you.

Mr. Silverman: Mr. Wampler?

Mr. Wampler: Thank you. I just have one quick question about parking. When completed with this, we'll have a total of 40 bedrooms, right?

Mr. Tracey: Correct.

Mr. Wampler: And you're required to have 27 parking spaces, but you'll actually have 31.

Mr. Tracey: Correct.

Mr. Wampler: So, my belief is that no one comes to the University who doesn't bring a car and my question is are you, or have you already, gone through the process of getting the deed restriction that you refer to? It says here, deed restriction prohibiting the residents from getting residential or guest parking permits from the City.

Mr. Tracey: That's done prior to the plan getting recorded.

Mr. Wampler: I'm sorry?

Mr. Tracey: It's done prior to the plan actually being, when final construction plans are being approved, we do that before we can pull any building permits. That has to be recorded.

Mr. Wampler: But you're serious about doing that?

Mr. Tracey: Yes, it's something that the City has been requesting or requiring on a lot of these projects, not just in the Benny Street area but over in some of the other areas, as well, restricting on-street parking. In fact, in a project I did a few months ago, they were actually converting the street to no-parking. It wasn't that way currently, but they were going to make it a no-parking street and restrict the ability . . . the debate that we've had, we were here 18 months ago, 2 years ago, and it was all about a lot of extra parking. And that was what we would hear when we got to Council. And then we come back and it's changing and it's actually trying to do less parking to discourage people from bringing their cars to campus. Regardless, we have more than what the Code requires here to address that. And we will be doing that deed restriction if the plan is ultimately approved.

Mr. Wampler: Okay, thank you. That's all I have.

Mr. Silverman: Frank?

Mr. McIntosh: First of all, I want to commend you on the design of the building. I think it looks very nice. And I like the different, you know, the brick and the stone and thus. You know, it's pleasing to the eye and a passerby would look at it and say, oh that's pretty good, I want to live there, some place like that. But addressing the height, I know if I'm not mistaken, this is 44 feet which is what you . . .

Mr. Hill: Forty-four feet six inches to the midpoint of the roof.

Mr. McIntosh: Okay, just round, 44 feet, fine. And then you had ones that were like 48 and 50 and 50-something, right? Fifty-three.

Mr. Hill: Yeah.

Mr. McIntosh: So, it's sort of like you're watching a basketball game and I was just, my wife gave me tickets for the Celtics/Sixers game, and we went and enjoyed ourselves. But out on the court, these are very large people. Pretty much all of them. They don't look large because they're all large, right?

Mr. Hill: Right.

Mr. McIntosh: And so, it's kind of homogenous. It's like, you know, who cares. I could go out there, well, not really, but still when I think about this and I think about what you're talking about here, it's sort of like you're the guard in this. You're the 6-foot 2-inch guard. And then the other guys, the center, that's the 53-footer, etc. But they all kind of really look the same. So, I don't have a question here, I'm just saying that it doesn't really matter. That's what's gone on. If it shouldn't have gone on, the horse has already left the barn. It is gone. It is what it is, and we're committed to this area being student housing, and so that horse has left the barn. You're asking for something less than what others have asked for and I don't think it's unreasonable. Thank you.

Mr. Tracey: Thank you. And just to clarify for the record, ours, the Code measures to the midpoint of the roof. There's also the higher ridge, which is what we were showing with the 53 and the 50. Ours is less than that. It's 49.7, so the others are still bigger. But that number is to the top. I just wanted to make sure the record was clear. That it wasn't confusing.

Mr. McIntosh: Point . . . thank you, but the point remains.

Mr. Silverman: With respect to open space, I see that you're making a financial contribution to the City's general Parks and Recreation fund in lieu of dedicated public open space. With respect to your parking lot being up against another parking lot, I recall from earlier hearings one of the goals in this area was to minimize large open spaces that are contiguous, to minimize large, uncontrolled public gatherings. I think you've met that by splitting those spaces and minimizing the amount of area that's available for gathering. I compliment you on using the City-sponsored Design Review Committee, however it sounds like they need some Planning 101. It's nice when you don't have to conform to regulations to come up with rooflines, etc., but I'm not sure they may have been sensitive to your needs. I believe this structure is, as some of us have said, within the context of the neighboring buildings. The same general style, the same general orientation, so it's one of many. And this is one of our focus areas that we're moving at a glacier's pace on, some of which isn't our doing, we're having to do state review, and your thinking reflects the kind of discussions and thinking that have gone into the utilization of this area, particularly catering to concentrating college students.

Mr. Tracey: Thank you.

Mr. Silverman: Any other questions?

Mr. Hurd: I want to just take a moment to sort of talk about the site plan approval elements and the variances. I'm having trouble feeling that this is really crossing the threshold of a site plan approval project. Again, because I'll say it again, redevelopment has those challenges but, you know, unique treatment of parking facilities isn't parking under the building anymore. We do that all the time. And the natural environment and the relationship with the neighborhood and community, I think, aren't really, they're things that are difficult to meet in a project like this. But I guess when I look at this, I look at a really big building. And when you compare it to the 36 Benny project, you can see sort of where it pushes up against it. To me, if we took one unit out and brought that density from 21 down to 18, we'd also bring that setback back. That setback has been an issue of mine. I didn't like it in 30, I didn't like it in 36, and I don't like it here. I don't like it that close to the street because it's not a big street. But if we take out that unit, the front setback can get a little bigger. The rear setback I understand is not as much of an issue. The side yard is not as much. But now, to me, it's a more reasonably-sized building for that property and I can start to be sort of sympathetic to the height issues and some of the other stuff you're looking for like lot coverage and such. But right now, we're 64% over the maximum lot coverage and that's huge. You know, we have that zoning, the RM zoning and the sort of garden apartment restrictions I think for some reasons. I'm okay with pushing it some to say, yeah, we're not going to have a big open backyard, but I think 64% is a big jump for a small lot.

Mr. Tracey: And I appreciate your comments. I will say that from a lot coverage standpoint, we're virtually identical to that 36 Benny. I think we're at, in the Department's report, we're actually 0.2% lower, but then in our chart we're actually 0.6% higher. But in either event, we're right around the number. But that kind of goes, Mr. Hurd, to the point that I was making earlier. We could've done the standard 6-bedroom units the same as 36 Benny and been at virtually the same size building as that one, and I hear your comments regarding the street setback, and actually have more bedrooms. In this instance, what we were trying to do is introduce a different unit type, the 4-bedroom unit, into that area that's been largely dominated from the townhouse development and the 6-bedroom unit type. And then unlike 30 Benny, not having a living unit on the same floor as the garage, not that there was anything preventing that and, again, you compared us to 36 Benny, I don't believe, but these guys can correct me if I'm wrong, that they had any living area on the bottom, the garage, that the living area was all above the garage, just like what we're proposing here.

Mr. Hurd: I see the numbers for 30 and 36.

Mr. Silverman: If there are no other questions from the Commissioners, we'll open it up to the floor. Is there any public comment? Again, please identify yourself.

Ms. Ciferni: Catherine Ciferni, I live in Councilman Clifton's district. And I understand my suggestion is not so much for this but maybe it's for future building of, for future verticality when you're building. I sympathize with Mr. Stozek's desire for more ADA-accessible housing. It's a crisis in the state and Newark has a significantly aging population. Access doesn't only mean the inability to ambulate, it means difficulty ambulating or difficulty with steps. It doesn't necessarily mean you're in a wheelchair. I grew up in New York City and in New York City when you had a lot of verticality in development like this, you had ground floor apartments instead of driveways. And so, I would recommend a variety of housing in that shape, not just a vertical shape. I don't know if the state is going to have to offer a tax credit for ADA housing. Also, I'm very concerned with the density that you're increasing in the area, that the street sidewalk is still pretty narrow. As we increase density, federal guidelines require that the sidewalk be wider. And so, I am concerned, because we have that issue on Main Street, that this is going to be occurring here and I'd like to work through that because students get injured and have broken legs and surgeries and things, as well. And they have scooters and different things that they need to get around, so I would like more real consideration that when you're building something, it's not only for highly self-sufficient students but that you're impacting the communal area around the development as well. And I'd like more thought process given to sidewalk usage. Thank you.

Mr. Silverman: Okay, is there anyone else who would like to comment? Okay . . .

Ms. Gray: Ms. White.

Mr. Silverman: Ms. White?

Ms. White: I did have a question. I'm worn out from the other project. There was a chart earlier that showed the setback from Benny Street of these three projects that are so far, and could you show that again? And how does this setback from Benny to the end of this building compare to the other two?

Mr. Hill: I don't think we have a chart . . .

Ms. White: Okay, so I think it was 16 feet on this one and then the other ones, what is the setback there for each of them? Maybe you'll have to just tell me. Or does anybody know here? What's the setback for 30 and so and so forth?

Mr. Silverman: Ms. White, you're going to have to speak in the microphone. We can't hear you up here.

Ms. White: Okay, I just was wondering what the setback from Benny Street was. This is 16 . . .

Mr. Hurd: It looks like it might be 16 feet, as well.

Ms. White: Are they all 16? That's what I was wondering. Are any of them further back?

Mr. Tracey: The one, Ms. White, that I can clarify because I have the copy of the plan is that 36 Benny Street was also 16 feet.

Ms. White: Okay. Okay, so they're all similar. I don't know what the third one is, but okay. It does seem like if you put a little bit more space in the front, it looks nicer and it isn't something where students are going to be carousing on the front setback, to me, but I'll leave it like that.

Mr. Silverman: Thank you, Ms. White. With respect to the sidewalk issue, Public Works in their SAC comments is requiring a wider sidewalk than what's in place.

Ms. Ciferni: Thank you.

Mr. Silverman: Any other discussion? Are the Commissioners ready to move to the motions? If you will refer to page 13 of your Department report, the section titled Recommendation. We'll consider Paragraph A. The Chair will entertain a motion and since . . .

Mr. Hurd: Do you need it read or just . . .

Ms. Gray: It would be helpful to read it into the record, please.

Mr. Hurd: Okay. Because it should not have a negative impact on adjacent and nearby properties, and because the proposed use does not conflict with the development pattern in the nearby area, recommend that City Council revise the Comprehensive Development Plan V land use guidelines for 20 and 22 Benny Street from low density residential to high density residential as shown on the attached Exhibit H-1 dated February 26, 2019.

Mr. Silverman: Is there a second?

Ms. McNatt: Second.

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

Mr. Hurd: I'll just go on record that this is, both this and the rezoning especially, are in line with the language that we've been talking about amending the Comp Plan with, so I'm in favor.

Mr. Silverman: Thank you. Any other discussion? All those in favor of the motion, signify by saying Aye. All opposed, Nay. The motion carries.

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

BECAUSE IT SHOULD NOT HAVE A NEGATIVE IMPACT ON ADJACENT AND NEARBY PROPERTIES, AND BECAUSE THE PROPOSED USE DOES NOT CONFLICT WITH THE DEVELOPMENT PATTERN IN THE NEARBY AREA, THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL REVISE THE COMPREHENSIVE DEVELOPMENT PLAN V LAND USE GUIDELINES FOR 20 AND 22 BENNY STREET FROM "LOW DENSITY (RESIDENTIAL)" TO "HIGH DENSITY (RESIDENTIAL)" AS SHOWN ON THE ATTACHED EXHIBIT H-1 DATED FEBRUARY 26, 2019.

VOTE: 6-0

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

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

Mr. Silverman: Moving on to the second paragraph.

Mr. Hurd: Okay, Paragraph B. Because it should not have a negative impact on adjacent and nearby properties, and because the proposed rezoning does not conflict with the development pattern in the nearby area, recommend that City Council approve the rezoning of 0.448 acres at 20 and 22 Benny Street from the current RD one-family semidetached residential zoning to RM residential multi-family/garden apartment zoning as shown on the Planning and Development Department Exhibit E dated February 26, 2019.

Mr. Silverman: Is there a second?

Ms. McNatt: Second.

Mr. Silverman: Okay, it's been moved and seconded. Any discussion? Hearing none, we'll move right to the motion. All those in favor, signify by saying Aye. All those in opposition, Nay. The Ayes have it, the motion carries.

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

BECAUSE IT SHOULD NOT HAVE A NEGATIVE IMPACT ON ADJACENT AND NEARBY PROPERTIES, AND BECAUSE THE PROPOSED REZONING DOES NOT CONFLICT WITH THE DEVELOPMENT PATTERN IN THE NEARBY AREA, THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE REZONING OF 0.448 ACRES AT 20 AND 22 BENNY STREET FROM THE CURRENT RD (ONE-FAMILY SEMIDETACHED RESIDENTIAL) ZONING TO RM (RESIDENTIAL MULTI-FAMILY/GARDEN APARTMENT) ZONING AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT E DATED FEBRUARY 26, 2019.

VOTE: 6-0

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

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

Mr. Silverman: And, Will, if you would . . .

Mr. Hurd: Sure, bringing it home. Paragraph C. Because it should not have a negative impact on adjacent and nearby properties, and because the proposed plan does not conflict with the development pattern in the nearby area, and based on the Planning and Development Department report dated February 26, 2019 and tonight's public meeting, recommend that City Council approve the 20 and 22 Benny Street major subdivision and site plan approval plan as shown on the major subdivision, site plan approval plan dated November 8, 2019 and revised February 25, 2019, with the Subdivision Advisory Committee conditions as described in the February 26, 2019 Planning and Development Department report and Exhibit I, Subdivision Advisory Committee comments.

Mr. Silverman: Is there a second?

Mr. McIntosh: Second.

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

Mr. Hurd: I would like to add a Planning Commission recommendation, is that what you call it?

Ms. Gray: A condition? A recommended condition of approval?

Mr. Hurd: A recommended condition of approval that the project meet LEED certification minimum.

Ms. Gray: That the project meets . . .

Mr. Hurd: Meets the LEED certification standard.

Ms. Gray: Thank you.

Mr. Hurd: Certification, certified level.

Ms. Gray: The LEED certified level?

Mr. Hurd: Yes.

Ms. Gray: Thank you.

Mr. Silverman: Okay . . .

Ms. McNatt: And I want to follow-up on that, that because the report indicated they were trying to get credit for items that were not being proposed, that I think that if they want that credit, then they should propose items that meet the LEED standard for stormwater.

Mr. Hurd: Yes.

Mr. Silverman: Any others? The person who moved and the person who seconded, are they without objection of adding those conditions?

Mr. Hurd: Fine by me.

Mr. Silverman: Okay, so indicated.

Mr. McIntosh: Hey, what about me? I was the second.

Mr. Silverman: Okay, you were the second. I'm sorry.

Mr. McIntosh: I'm okay with that.

Mr. Silverman: Thank you. Let's move directly to the motion if there's no other discussion. All those in favor of the motion as stated, signify by saying Aye. All those in opposition, Nay. Hearing none, no opposition, the motion carries.

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

BECAUSE IT SHOULD NOT HAVE A NEGATIVE IMPACT ON ADJACENT AND NEARBY PROPERTIES, AND BECAUSE THE PROPOSED PLAN DOES NOT CONFLICT WITH THE DEVELOPMENT PATTERN IN THE NEARBY AREA, AND BASED ON THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED FEBRUARY 26, 2019 AND THE PUBLIC MEETING DATED MARCH 5, 2019, RECOMMEND THAT CITY COUNCIL APPROVE THE 20 AND 22 BENNY STREET MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN AS SHOWN ON THE MAJOR SUBDIVISION, SITE PLAN APPROVAL PLAN DATED NOVEMBER 8, 2019 AND REVISED FEBRUARY 25, 2019, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS DESCRIBED IN THE FEBRUARY 26, 2019 PLANNING AND DEVELOPMENT DEPARTMENT REPORT AND EXHIBIT I – SUBDIVISION ADVISORY COMMITTEE COMMENTS, WITH THE ADDED CONDITION THAT:

1. THE PROJECT MEET THE LEED CERTIFIED LEVEL AND THAT THE APPLICANT PROPOSE ITEMS THAT MEET THE LEED STANDARD FOR WATER.

VOTE: 6-0

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

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

Mr. Silverman: Thank you.

5. REVIEW AND CONSIDERATION OF POTENTIAL CHANGES TO PLANNING COMMISSION RULES OF PROCEDURE.

6. UPDATE ON FOCUS AREAS.

Mr. Silverman: Okay, the hour is late, shall we suspend the rest of the agenda . . .

Mr. Stozek: Yes.

Mr. Silverman: And carry those items forward to the next meeting?

Ms. Gray: I just have one minute. May I have one minute?

Mr. Hurd: Yes.

Mr. Silverman: Yes, go ahead.

Ms. Gray: I'll be really quick. We are planning to continue the Planning Commission Rules of Procedure to the April 2 meeting, and the update on the Focus Areas, the proposed text amendments to the Comprehensive Development Plan V has been submitted to the Office of State Planning and will be on their next Preliminary Land Use Service meeting on March 27. We will have a report on this meeting at the April 2 Planning Commission meeting. Thank you, Mr. Chair.

[Secretary's Note: Links to the Planning and Development Department memoranda regarding potential changes to the Planning Commission Rules of Procedure and the update on Focus Areas can be found at the end of this document.]

Mr. Silverman: Thank you.

7. NEW BUSINESS.

Mr. Silverman: Is there any further business to come before the body? Hearing none, motion to adjourn?

Mr. McIntosh: I so move.

Mr. Hurd: Second.

Mr. Silverman: Moved and seconded. Any discussion. Without objection, we stand adjourned.

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

[Secretary's Note: The Planning Commission meeting adjourned prior to Agenda Item 8, Informational Items, and Agenda Item 9, Public Comment.]

8. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX

c. GOOD CONGESTION, BAD CONGESTION – CNU.ORG

9. PUBLIC COMMENT

There being no further business, the Planning Commission meeting adjourned at 10:26 p.m.

Respectfully submitted,
Frank McIntosh

Planning Commission Secretary

As transcribed by Michelle Vispi

Planning and Development Department Secretary

Attachments

Exhibit A: [Applicant presentation \(92 and 96 East Main Street\)](#)

Exhibit B: [Planning and Development Department report \(92 and 96 East Main Street\)](#)

Exhibit C: [Written public comment – Frances Hart \(92 and 96 East Main Street\)](#)

Exhibit D: [Applicant presentation \(20-22 Benny Street\)](#)

Exhibit E: [Planning and Development Department report \(20-22 Benny Street\)](#)

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

Exhibit G: [Planning and Development Department memorandum \(Focus Areas\)](#)