

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

October 1, 2019

7:00 p.m.

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

Chairman: Will Hurd

Commissioners Present: Alan Silverman
Bob Stozek
Tom Wampler

Commissioners Absent: Karl Kadar
Stacy McNatt
Vacant (At Large)

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner II
Geena George, Deputy City Solicitor

Mr. Alan Silverman called the Planning Commission meeting to order at 7:02 p.m.

1. CHAIR'S REMARKS.

Mr. Silverman: The City of Newark, Delaware Planning Commission meeting for Tuesday, October 1, 2019 will come to order. The Chair has no remarks for tonight.

2. ELECTION OF OFFICERS.

Mr. Silverman: We will move on to Item 2 on our agenda, the election of officers. The Municipal Code for the City of Newark specifies that the Planning Commission is required at the first meeting after September 16 of each year to elect a Chairman and a Secretary. There is a footnote that specifies that there is no Vice Chair per se, but the most senior Commissioner will take the place of the Chair if the Chair is not present. In the past, we have elected a nominal Vice Chair just to clarify that.

[Secretary's Note: A link to the Planning and Development Department memorandum relating to election of Planning Commission officers can be found at the end of this document.]

The Chair declares the position of Chairman open. Are there any nominations? Mr. Stozek?

Mr. Bob Stozek: Yeah, I'd like to nominate Will Hurd.

Mr. Silverman: Okay, Will Hurd has been nominated. Are there any other nominations? Hearing no other nominations, the nominations are closed. Since there is a single candidate, if there is no objection, Will Hurd now becomes the Chair of the Planning Commission for the next working year. We will have the official passing of the gavel.

NOMINATION BY BOB STOZEK TO RECOMMEND WILL HURD AS CANDIDATE FOR THE POSITION OF PLANNING COMMISSION CHAIR. COMMISSIONER WILL HURD ELECTED BY ACCLAMATION TO THE POSITION OF PLANNING COMMISSION CHAIR.

Mr. Will Hurd: Alright, well, this is fun.

Mr. Silverman: Secretary.

Mr. Hurd: So, is it the will of the Commission to not do Vice Chair this year, because we did do it last year?

Mr. Silverman: I would be interested in serving as Vice Chair.

Mr. Hurd: Okay. Are there any other nominations for Vice Chair? Hearing none . . .

Mr. Silverman: Thank you.

NOMINATION BY ALAN SILVERMAN TO RECOMMEND ALAN SILVERMAN AS CANDIDATE FOR THE POSITION OF PLANNING COMMISSION VICE CHAIR. COMMISSIONER ALAN SILVERMAN ELECTED BY ACCLAMATION TO THE POSITION OF PLANNING COMMISSION VICE CHAIR.

Mr. Hurd: Wow, that's hard. It's not as easy as it looks. Alright and for the position of Secretary, do we have any nominations?

Mr. Silverman: Commissioner Wampler.

Mr. Hurd: Okay, do you accept the nomination?

Mr. Tom Wampler: Sure.

Mr. Hurd: Okay, any other nominations? Alright, hearing none, the nominations are closed and with no objection, Commissioner Wampler is now our Secretary, remains our Secretary.

NOMINATION BY ALAN SILVERMAN TO RECOMMEND TOM WAMPLER AS CANDIDATE FOR THE POSITION OF PLANNING COMMISSION SECRETARY. COMMISSIONER TOM WAMPLER ELECTED BY ACCLAMATION TO THE POSITION OF PLANNING COMMISSION SECRETARY.

3. THE MINUTES OF THE SEPTEMBER 4, 2019 PLANNING COMMISSION MEETING.

Mr. Hurd: Alright, moving on to Item 3, minutes of the September 4, 2019 Planning Commission meeting. Madam Secretary, have there been any corrections or revisions received?

Ms. Michelle Vispi: No, there have not.

Mr. Hurd: Commissioners, do you have any corrections or revisions that you'd like to bring forward? Okay, hearing none, the minutes are accepted.

THE MINUTES OF THE SEPTEMBER 4, 2019 PLANNING COMMISSION MEETING ARE APROVED.

4. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING, MAJOR SUBDIVISION, AND SPECIAL USE PERMIT FOR 287 EAST MAIN STREET, FULTON BANK. THE PLAN PROPOSES THE DEMOLITION OF THE EXISTING STRUCTURE AT THE SITE, REZONING FROM BL TO BB, AND CONSTRUCTION OF A THREE-STORY BUILDING WITH FIRST-FLOOR RETAIL SPACE, A BANK, AND PARKING AREAS WITH A DRIVE-THROUGH, AND RESIDENTIAL UNITS ON THE SECOND AND THIRD FLOORS. A SPECIAL USE PERMIT IS REQUIRED FOR RESIDENTIAL UNITS IN THE BB DISTRICT.

Mr. Hurd: Alright, moving on to Item 4 on the agenda, review and consideration of a Comprehensive Development Plan amendment, rezoning, major subdivision, and special use permit for 287 East Main Street, Fulton Bank. We will begin with the Director.

Ms. Mary Ellen Gray: Planning Director, that's me.

Mr. Hurd: I couldn't remember the title.

[Secretary's Note: A link to the Planning and Development Department report on the Comprehensive Development Plan amendment, rezoning, major subdivision, and special use permit for 287 East Main Street can be found at the end of this document.]

Ms. Gray: Thank you, Mr. Chair. I have a brief report on the 287 East Main project. This land-use application, PR19-01-01, is a request for a major subdivision, a rezoning, a Comprehensive Development Plan amendment, and a special use permit for 1.135 acres of property located at 287 East Main Street. The proposed plan is requesting approval to demolish the existing single-story bank structure and build a three-story mixed-use building with parking and 6,000 square feet of commercial space on the ground floor and 30 apartment units consisting of 16 two-bedroom and 14 three-bedroom units on the second and third floors.

The Planning Commission was provided the staff report dated September 24, 2019. The agenda for this meeting was posted on the website on September 24, 2019. The staff report was distributed to the Planning Commission and posted to the City website on September 25, 2019, with the following attachments: Exhibit A, which consisted of the subdivision plans, elevations, and preliminary floor plans; Exhibit B, the zoning requirements; Exhibit C, the site plan maps; Exhibit D, the site photos; Exhibit E, the rezoning map; Exhibit F, the development density data comparison table; Exhibit G, excerpts from the Comprehensive Development Plan; Exhibit G-1, the amended future land-use map; Exhibit H, the Subdivision Advisory Committee comments; and Exhibit I, the photographs of the public notification signs. In addition, the Planning Commission was also provided a full set of plans.

The property currently includes a single-story concrete structure occupied by Fulton Bank. The proposal for this property is for the construction of a mixed-use structure with 6,000 square feet of commercial space and 8,480 square feet of parking, which consists of 28 spaces on the ground level. The commercial space includes a drive-through for a bank. The structure includes 30 apartment units, as aforementioned, on the second and third floors. The plan includes, as I indicated, the 16 two-bedroom units and 14 three-bedroom units, for a total of 74 bedrooms. The plan includes a 57-space uncovered parking lot with five offsite spaces.

The existing zoning for this property is BL, which is limited business. The applicant is requesting a change of zoning to BB, which is central business district. The proposed mixed-use building with commercial space on the ground floor and apartments on the upper floors is not an approved use in the BL district, but is an approved use in the BB district. The zoning regulations for residential units in the BB zoning district indicate a maximum number of dwelling units of 1.135 acre with this mix of two- and three-bedroom units is 41 units. The density proposed for this plan is 30 units per acre and meets the zoning density requirements and therefore meets Code.

The parking for this project, as indicated in the plan, the parking calculation for the 3,400 square feet of retail with two employees is 14 spaces. For the 2,600 square feet of the bank with three employees is 16 spaces. For the apartments, the parking calculation is 60 spaces. The total parking requirement is 90 spaces, of which the plan shows 85 onsite and 5 offsite spaces located at 299 East Main Street. The Code allows off-street parking to be located off premises as long as the parking spaces are within 500 feet of the use of the building. Given that 299 East Main Street is about 115 feet from the edge of each of the buildings on the respective properties, this proposal complies with the Code.

This proposal meets all the requirements detailed in the Municipal Code of Newark, Delaware in Chapter 27 Subdivisions. Regarding the Comprehensive Plan, the proposal does not conform with the Comprehensive Development Plan V and will require a Comprehensive Development Plan amendment to change the designation from commercial, which its currently designated, to

mixed urban. The plan presented meets the Comp Plan recommendation use of mixed urban, as indicated in the Comprehensive Plan, whereby it is a three-story mixed-use building with retail commercial space and parking on the ground floor, with apartments on the second and third floors.

The project includes two uses which require special use permit approval in the BB district, including a drive-in and curb service for other than eating establishments, and for apartments. Those are the two uses that require a special use permit. The existing bank has a drive-through window, so that use is grandfathered, and no new consideration is required for that use. However, the apartments are a new use, so that requires a special use permit. The new proposed use for apartments in conjunction with any non-residential use is permitted in this district and is not expected to affect adversely the health or safety of the persons residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware, be 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, or be in conflict with the purposes of the Comprehensive Development Plan of the City. The proposed use is fulfilling a need for multi-family housing within walking distance to the University of Delaware and it is utilizing existing infrastructure as recommended in the Comprehensive Development Plan. It should be noted that all applications for uses proposed to be constructed on properties of one acre or more in size shall be referred to the Planning Commission for consideration for a special use permit.

In conclusion, the Planning and Development Department staff recommends approval of the Comprehensive Development Plan amendment, the rezoning, major subdivision, and special use permit for the land-use project PR19-01-01 located at 287 East Main Street. Because the plan is compliant with the City of Newark Code with the Subdivision Advisory Committee recommended conditions, 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. That concludes my remarks. I'll hand it back to the Chair.

Mr. Hurd: Thank you.

Ms. Gray: You're welcome.

Mr. Hurd: So, we will move now to our applicant. Try to keep it to 15 minutes.

Mr. Jeff Lang: I'll try to keep it short. It's a pleasure to be here this evening. My name is Jeff Lang. I live at 29 West Park Place and it's a pleasure to talk about our proposed project here at the corner of Tyre Avenue and Main Street. I'm just going to make sure I know how to move the slides. Click the button or . . .? Oh, there you go. Okay, good. I should have come in early.

[Secretary's Note: During his presentation, the applicant referred to a PowerPoint that was being displayed for the benefit of the Commission and the public. A link to the applicant's presentation can be found at the end of this document.]

Mr. Lang: So, to give you a little background and history of our . . . and actually, I have Chris Locke here from Lang Development and [inaudible] from Karins who can assist with any engineering questions. To give you a little history, we were approached by Fulton Bank, we do some banking with Fulton, and they approached us in 19, excuse me, it's been so long since they approached us . . .

Unidentified Speaker: Can you speak a little closer to the microphone?

Mr. Lang: Sorry about that. They approached us in the beginning of 2018 about their site and the opportunity to do a redevelopment and modify their branch. As you know, it was not ever a Fulton, or was not originally a Fulton Bank. It was built as another banking institution and Fulton enjoys the relationships they've developed in the Newark community and wanted to

enhance their offering as a branch. So, since we've done a number of projects around town and they've lent us money to do projects, they approached us and said would you work with us to come up with a newly designed branch and possibly even add some additional commercial and even residential on the site to create more vibrancy in this little area where we have our branch. Obviously, as continued commercial development and residential development occurs around their branch, it allows their branch to be more profitable and frequented by more potential customers.

So, we started with some thoughts about the project by looking at the present site. Obviously, there's not a lot you could probably do with the redevelopment of that building. It's not like we could add on to the building. You can't even cut windows, really, into the building because of the type of structure it is. So, we started thinking about potential redevelopment opportunities and came up with . . . first we'll look at the site. As we were not aware when we were originally approached by Fulton, the bank sits on a much larger piece of property due to the length of the sites by the property that extends from Main Street. There are three properties here in a row, Fulton, Dr. Singh's property, and I guess Dr. Ferry's property. Is Ferry a doctor? An attorney. Anyway, all three of those properties extend way back and the backs of their properties are not necessarily utilized very well for commercial and/or parking or any type of accessory use. So, we started thinking about what the options were. Fulton came to us and said, look, we want to increase the size of our branch, update our building, kind of increase the brand presence in Newark and, really, you know, from their perspective, we want to maximize the value of our site here because obviously we want to see what kind of customer base we can improve, which encouraged us to do a big project, or a bigger project than just a redevelopment of their branch. We started thinking about what the building should look like. At the time I was in New York City. I have a couple of children that live up there and I was up there looking around at some different buildings and started coming up with some designs. Considerations, obviously, we have a residential area adjacent to the south, I guess, and then you have the Main Street Rehabilitation. You know, all the additional mixed-use that's happening up and down Main Street, some of which we've been involved in. You've got to think about the zoning requirements from BL or BB, what would be appropriate, and then, obviously, the site being over an acre, it does provide a lot of opportunities for thinking about options.

We originally started, and our original submission, as you know from reading the enclosed material or attached material, was a four-story building. We thought the scale of the building was nice. We actually talked to some of the adjoining commercial residents or commercial occupants. They didn't have a problem with the four-story building. We actually met with some of the residents on the street. They actually said we don't have a problem with it either. Then we started thinking more about, you know, what does a four-story building entail. A four-story building entails, you know, it's a larger building and to meet Code it has to be set back farther off the street, it actually compresses the ability to provide enough parking, and the proposed project that we started with was a four-story building with 42 units, 6,000 feet, but it didn't have enough required parking. We needed 27 additional spaces and there's no 27 additional spaces readily available in this part of town. And then we also started thinking about the size and scale of the building. So, as we started rethinking our option, we redesigned our site a little bit and pulled our building down to a three-story building and wanted to meet the parking requirements because at this location, it's not in the middle of your downtown but it's still part of your downtown, but I think the parking is essential for the commercial component of the site and even the residential component. We're seeing our residents in and around town, if they're not directly on top of campus, they want to have vehicular access for some use, either to go home, go to the grocery store, go to the mall, or whatever they want to do.

So, we came up with this revised design. This does comply with the Zoning Code if, in fact, it is rezoned to BB. It meets the setbacks, it meets the size of the building, and meets the parking requirements. So, as I just stated, our scope of project reduction went from four stories to three stories, 42 units to 30 units, and now our parking is fully compliant. Our project scope, really, now entails, you now, where we're going from the zoning classification BL to BB. We're going from a limited business to a central business. I think that you've seen the extension of

Main Street down South Main. You've seen the continue extension of Main Street up the street. And, really, we have a building that's farther down the street that was built in the late 90s that is zone BB, the University Courtyard, or Main Street Courtyard, excuse me, so I think tying that area in to the central core is really an important component of appropriate planning for our community.

Commercially, we have 6,000 square feet, we have the new branch, we also have added another commercial tenant, which will hopefully add some more vibrancy to that area of town. The residential component, we have 30 units, 16 two-bedrooms and 14 three-bedrooms. We could have easily done larger units here and complied with our parking all onsite, but we thought there's a larger need for these two- and three-bedroom units rather than four-, five-, or six-bedroom units. We're seeing in our portfolio a huge demand for two- and three-bedroom units, be it college students, graduate students, or even young professionals. So, we think this will be a very nice product mix for the community and really for, to meet this need that we're starting to see.

This gives you an elevation from the north side looking towards the building with the continued drive-through. So, the bank would be on the left side of the building as you're looking at this picture. There will be another retailer in the front corner and then you'll have their drive-through. Their drive-through pretty much exists exactly where it is now, you know, to that left side of the building, and your vehicular traffic is going to be very, very similar for your drive-through.

This is the west elevation. This gives you the elevation if you're standing on Tyre Avenue, really across at the law firm's office and you're looking at the building. The materials we've selected here, going back to the thoughts about New York architecture, I found a building there that had varying types of products and materials. So, we have some brick, we have some masonry on the first floor, the second floor could either be some kind of masonry or metal panel component, and then the third floor would be like a white stucco to give you that varying look so it's not just the monotonous brick building.

This gives you a look at the site as it would be redeveloped. The building sits up on the corner. You have parking down on the lower area of the site which historically had been just a runoff area and you had some overgrowth down there. You have a nice perimeter of landscaping and there's the drive-through very similar to how it is today. You come in off Tyre Avenue, you go approach the building, and you go around the building back out to Main Street. So, really the only traffic entering back onto Main Street is the traffic that was going through the bank branch, which is kind of what happens now. If you've been to the site, you go up to the building and you park. If you're a walk-in pedestrian user, you would go in, park, and come back out on Tyre Avenue. If you're going to the drive-through, you would continue on and exit out onto Main Street. This is going to be exactly the same as the property's present use vehicularly, if that's actually a word.

Here's our parking and landscaping. Obviously, we talked about it before but there are 30 commercial spaces onsite for the commercial users, 60 residential spaces onsite or nearby, so now it's Code-compliant for parking. We've added many new trees and bushes all around the perimeter of the property to create the buffer, obviously, from all our residential neighbors. We have the nice buffer there, six-foot high minimum landscaping buffer. And we've actually analyzed the site and there's an opportunity to save some of the larger trees that are on the property line areas, so we're hoping to be able to do that.

So, community benefits, obviously we think the project is a nice addition to the street. It obviously allows a long-standing commercial tenant to re-energize their branch and maintain a very visible presence in the community. It allows them to really increase their customer base, we hope, and continue on as a bank here in Newark for many years to come. We also think the site fits with many of the other mixed-use buildings. We really think the transition from BL to residential is actually a little bit softer when it's BB to residential because of the residential

component of BB if the scale of the building is the same. Really, the options here to do it in BL would be to do a three-story office building which would be probably a much more intensive use than a three-story mixed-use building, in my opinion. And I happen to live downtown so I kind of think about what I'd rather be living next to versus what I do live next to. So, obviously, expanded presence of established business, additional commercial space in, and residential housing of a preferred unit type are other benefits, we feel.

This is really the end of the presentation. It's really trying to help the bank and redevelop it and re-energize it, and also add some additional components to the community. So, thank you and obviously we're here for your questions.

Mr. Hurd: Alright, thank you very much. I will begin on my right with Commissioner Stozek.

Mr. Stozek: I just had one initial question. The additional commercial space, you said there was 6,000 square feet of business space on the first floor. About how much of that is the bank?

Mr. Lang: The bank is going to take approximately 3,000 feet. I mean, we're finalizing their floor plan right now, and then the balance will be for some other commercial use. So, we have identified a commercial tenant yet because we're waiting for the bank to kind of plan their space. And obviously . . .

Mr. Stozek: That would more likely be some business use versus retail, or . . . ?

Mr. Lang: This area of town is a little bit hard for many retailers but hopefully we can encourage some retail use down here rather than another business use. But, I mean, obviously business use creates traffic pattern and people use local restaurants, too. So, whatever type of use there, hopefully, we'd love to see more retailers up and down the street. But really, it's hard to dictate the market dynamics on retail right now.

Mr. Stozek: I would just add that I totally agree with the reduction of the fourth story to the three. Just the mass of the fourth story is totally out of context with that part of town. That's all I have right now. Thank you.

Mr. Hurd: Commissioner Silverman.

Mr. Silverman: I generally concur with the department's findings and the recommendations in the report of September 24. There are a number of attributes to this site that I'd like to point out. The use of the area underneath the parking lot for sub-surface groundwater infiltration takes some of the burden off the local flooding that exists on Tyre Avenue and helps with the stormwater situation on Main Street. I like the concept of several offsite parking places that are excess parking places, the kind that were identified by the Parking Subcommittee. They're being used to deal with the parking on the site. I like the extension of the central business district into this area. When South Main Street, old Elkton Road, was being considered for an extension of Main Street, I kind of raised an eyebrow. And now I'm just amazed at how the opportunity that was offered just created a whole environment. It's just totally unrecognizable. And I see that potential with the opportunity with a building like this anchoring and some of the other newer buildings that are extending into the area. I concur with the building being located where it is. It's close to the edge of the central business district. It's an actual link. It's taking advantage, particularly with the crosswalk design of Tyre Avenue, of the interest and design that is going into reconstructing Main Street. And I like the architectural style. I'm partial to this particular kind of style. I was impressed by examining the landscape plan and the amount of additional screening and greens being placed on the property, particularly shielding the surface parking from the street and from the existing neighbors. Chairman, that's my remarks at this time.

Mr. Hurd: Thank you. Commissioner Wampler.

Mr. Wampler: Yes, thank you. I have a couple of questions. First of all, my first question is, am I right in thinking that they are seeking no variances for this at all?

Ms. Gray: Correct.

Mr. Wampler: I just want to say how refreshing that is to get a project before us that we don't have to deal with a lot of variances. I think that's really, I'm very pleased about that. I think you said what the square footage of the bank is going to be but what will be the relative size of the new bank space relative to what it is currently?

Mr. Lang: I believe the present bank floor plan is about 2,400 feet. So, they're trying to enlarge it and make it a little bit more user friendly. It's kind of a, if you've been in the bank, it's not a very . . .

Mr. Wampler: And the new one, again, will be . . . ?

Mr. Lang: About 3,000.

Mr. Wampler: About 3,000.

Mr. Lang: So, it's a little bit bigger but I think it's a little bit more efficient in how they lay it out. They didn't build this building. They bought it from another bank. So obviously, every bank has their own way of doing business. But you come in and there's an office to the right, a conference room to the left, and they're really right on top of you when you walk in. It's not a very open and encouraging space when you walk into it. And then you get into the middle of it and there's really no windows. So, they needed to rehab the space anyway and really wanted to expand a little bit to create some additional business banking areas and areas for, you know, the customer interaction with the residential tenants or commercial tenants. So, that's the whole idea. We're waiting for them to kind of get back to us on their exact layout and we're assuming it's going to be in that approximate size.

Mr. Wampler: You may have said, and I may have missed it, but the five offsite spaces, where are they physically located?

Mr. Lang: If you look at the site, they're on, as I said, Dr. Ferry's site. But it's really Tom Ferry, he's an attorney and let's see if I can get you the picture. If you see the structures to the right of our proposed building is Dr. Singh's office and then Tom Ferry's office, so it's readily, I mean, it's really 50 feet away from our property line.

Mr. Wampler: So, they're actually adjacent to the property.

Mr. Lang: Right, exactly.

Ms. Gray: Two lots.

Mr. Lang: Well, there's one lot . . .

Ms. Gray: One lot in between and then one lot.

Mr. Wampler: Oh, okay.

Mr. Lang: He has a lot of unused area behind his building. He has a small legal practice. He's had it for years there and he has a resident upstairs and he has a half-acre that he really doesn't utilize. So, all we're going to do is utilize some of his unused space for parking. But really, as Councilman Silverman said, excuse me, Commissioner Silverman said, sorry, it's really one of those ideas that maybe we won't need all 90 spaces, but we have these extra five spaces depending on what the need is for our building. So, for Code, we have them. If we don't use

them, we might not be using them one year, but we might use them the next year. So, it's a nice way to share that space rather than continuing to overbuild parking lots and then find out years from now maybe we don't need all these parking spaces and what can we do with them?

Mr. Wampler: I just have one last question. We have a letter dated September 25 and in our package it's page H-21, and the Electric Department says the proposed transformer location is not suitable. So, where does that stand now?

Mr. Lang: Well, what we'll end up doing is having a meeting with the Electric Department to figure out a place where they want to put it. They haven't commented where they want it and we didn't reach out to them. They will request, typically, a meeting during the CIP process, which we've actually, not to bring up another project, but many times we have moved the transformer around based on what their requirements are. So, on our hotel project we have it on one side of the building and now it's on the other side of the building. So, even if we show it on the building, then even if they approve it on the building, then once we actually get to the point where we're building it, they go, no, no, no, we're not going to put it there, we're going to put it over here. We're like, well, how are we supposed to design our building when you keep changing where the transformer is going to go. So, all they're making a comment is that they want to have a meeting and define where it's going to go to meet, they have different transformer loads on the street and they need to figure out what the load of the building is going to be because we haven't provided the load. And they don't necessarily force us to provide the load until we get to the CIP process and then they look at the different ways to service the building. So, they haven't determined that yet.

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

Mr. Hurd: Okay, excuse me. I really don't have any further questions or comments. Well, I do want to comment that I appreciate the two- and three-bedroom units. I think it's nice to start seeing that mix shifting because we talk a lot about trying to have a broader variety of apartments and it's hard when you see a lot of projects with just six bedrooms. I appreciate the effort that has gone into the architectural design. I know that's not an easy thing, so I appreciate that. I, personally, kind of like how it's completing the street. The current bank has always looked a little odd, sitting there like a suburban bank in the middle of a parking lot on Main Street. So, I appreciate that this is coming forward and kind of finishing the street and pushing the stuff that's supposed to be in the back to the back. Alright, moving on to public comment.

Ms. Theresa McCollum: We have something we'd like to say.

Mr. Hurd: That's public comment. So, I have four names of people that have signed up and just a reminder for people who might be new. Public comment is limited to five minutes. Comments must be addressed to the Planning Commission, not to the applicant. If you have questions of issues that you want the applicant to answer, address them to the Commission and the Commission will basically re-ask them of the applicant. And the sign-up list is just who gets to go first and then we will take other people. If you are a resident of the City, we just ask that you give us your address or district. Either is acceptable. To begin, I have Joseph and Theresa McCollum. Ma'am, you need to come to the dais and speak into the microphone to be on the record.

Ms. McCollum: This one?

Mr. Hurd: The one you just walked past.

Ms. McCollum: Sorry. Yes, I have a question about, I'm on 23 Tyre . . .

Ms. Gray: Could you, you need to speak into . . .

Ms. McCollum: 23 Tyre Avenue.

Mr. Hurd: Okay.

Ms. McCollum: I'd like to know about the security and the lighting behind the, I guess the parking lot is going to butt up against my property so what kind of lighting is going to be there and as far as security because I know there is going to be a lot of college students. And I have to say already I've had problems with the college students already. They had stolen a couple of rocking chairs from me and then they hit my garage. So, I need proper security from Mr. Lang and also proper lighting because it literally butts up against my property.

Mr. Hurd: Okay, is that all?

Mr. Joseph McCollum: No, the other part is landscaping. Are there just going to be trees and bushes and not an ugly wooden fence?

Ms. McCollum: Because we just put in a \$20,000 beautiful wall and I don't want another wall on top of my wall. You see what I'm saying?

Mr. Lang: Should we address these individually or do you want to wait until . . . ?

Mr. Hurd: I'd like to get all the comments first and then deal with them at the end.

Mr. Lang: Okay.

Mr. McCollum: So, I guess that's it.

Mr. Hurd: Thank you.

Mr. McCollum: Thank you for letting us speak.

Mr. Hurd: Next I have Brian and April Howarth. No? Oh, there you go. Thank you.

Ms. April Howarth: Hi, good evening.

Mr. Brian Howarth: Good evening. We live at 19 Tyre Avenue where the bank would border us on two sides of our property. It basically wraps around our property there. The parking lot does have a history of standing water. You mentioned something about underground drainage. Can you just clarify that for us a little bit? Also, the planner mentioned something about trying to maintain the tree line. Currently, there are several tall pine trees that kind of act as a border between our house and the bank and some of those trees are directly on our property line that would cut the tree right in half. So, he mentioned some of those, trying to maintain some of those and I just wanted some clarification on that, as well.

Ms. Howarth: So, this picture is kind of part current and part photoshop, so the lime green area is currently wooded and shrubbed and grass and all of that. So, we have serious concern about what any construction there would look like. And obviously, from our perspective, just the impact of construction as soon as the Main Street Rehab is finished since we're still dealing with that. And like Brian said, right now the field, which allows for more drainage, does experience flooding at times when it rains quite a bit. So, I don't know that covering it in concrete is a nice solution for that. And I share Theresa's concerns about the security and the lighting, as well. We don't have a ton of foot traffic right now. I think putting apartments and sandwiching us between the Courtyards is going to increase that. And we have also had things stolen off our porch a few times, but we haven't had a ton of incidents, so concern about what that would look like going forward. And just to be frank, I'm not sure who was contacted on the street, but it definitely was not us.

Mr. Howarth: My final question would be just our quality of life with the construction being around us, waking us up, you know, before we have to go to work. I work at Newark High School and my wife works at University of Delaware, and they start construction on Main Street at ridiculous hours, like 6:00 a.m. and different things, which I don't believe is within their right. I'm concerned about the quality of life and the amount of time of construction. Like, how long is this project and what are the hours of construction. Thank you.

Mr. Hurd: Thank you. Priscilla . . . can you spell that? When you come to the mike, can you spell it for our record?

Ms. Priscilla Onizuk: I live at 104 Tyre and I've been there 40 years and I know a little bit of history about that lot. Number one, it floods a lot, okay, because of the drainage problem. Like they said, Brian and his wife have a lot of concerns there. And another thing, too, I have a question is, what are they going to do with all the animals there? I don't want them scattered all over my neighborhood. I want them humanely taken care of, disbursed in another area. They are to be taken care of. There are quite a few there. There are skunks, rabbits, groundhogs, coyotes, foxes . . . so I don't think you people are aware of the animals that are in that area. So, that is a concern. And also I'm going to make a . . . I live next door to 257 East Main Street. Now, Mr. Lang is not a good neighbor. His ground crew, they blow the leaves in my yard and they blow their trash in my yard. And I also recently got a dead branch in my yard. Okay? So, is he going to be a good corporate neighbor for the rest of these people? Because he's not a good neighbor to me. So, that's my comment.

Mr. Hurd: Thank you very much. The last person signed up is Nivah Gabuman.

Mr. Gabuman: I signed up by mistake.

Mr. Hurd: Okay. That's fine. Is there anyone else from the public who wishes to speak on this matter? Sir?

Mr. Lou Spinelli: My name is Lou Spinelli and I'm District 2. I was just kind of curious with this new construction going in and with the potential of so much residential, again, being centrally located, was there any consideration for electric vehicle charging and bicycle storage?

Mr. Hurd: Okay.

Mr. Spinelli: Thank you.

Mr. Hurd: Thank you. Ma'am?

Ms. Tina Jackson: Good evening, Tina Jackson, 119 Tyre Avenue. I'm sorry I was late to the meeting taking care of family so I don't know if I'm going to say anything that I should know from having been here from the scheduled time, but our neighborhood has dealt with Mr. Lang, who I know is a good person, but he is the business district and I want to just go over a couple of things that we've dealt with in the past. When he took over the old emergency room and built that set of apartments, there were a lot of problems with those apartments initially with the inner courtyard. So, I don't know the full layout of this building but I want to make sure that there's no balconies, no indoor areas, any place that, because this says two to three, this definitely sounds more like student rather than professionals, which I'm working on the Housing Committee and according to the University and their departments, we really don't need more student housing, we need young professional type housing, family housing, so if this is going to be student housing, then we have to be sure we haven't created any party spots.

When the building down the road was put in, we did get it deed restricted for the sale of alcohol. The purpose was that so that nobody who had been drinking would be going through our neighborhood and I'd like to see that that's carried through with this building. We don't

have any buildings, any businesses that empty out onto Tyre Avenue or go through the village. I would like to make sure that gets maintained.

Traffic, when the University, for the other one, I forgot what its name is, the one that's the old emergency room, it's still the old emergency room to me, when that was first built, there were, we have a lot of trouble with traffic. Because I'm forth one from Delaware Avenue, sometimes I have to back out towards Delaware Avenue, go up the street and go to the end of the line just to get out of my house. So, we need to make sure a traffic study is properly looked at.

The other problem that is on our street is the infrastructure of the sewer system. Since I've lived there, which is now I guess over 25 years, I can't tell you how many times, I'm sure there's a record, of problems with flooding from our sewer system. The caps break, or whatever they're called, and people are out there in the middle of the night trying to stop water on our street. I know a lot of them have been fixed. We had a lot of problems after Mr. Lang's other building next to Bing's was built, so there was more fixing then. I also know that the water doesn't smell quite right since the Main Street stuff is going on, so I definitely think that this street needs to have its water system structure looked at.

The wall, one of the things that was commented on, and I'm not sure exactly what kind of walls he's intending, is that it bordered, his old building bordered Medical Unit 1, that one has a metal fence. It's nice, a nice-looking fence but I know that the older people that lives in those, the Independence Circle, they would complain that when the students came in at all hours with their headlights, they would shine right into their bedrooms. So, whatever this wall is, wherever it is going into the older folks' homes and the families on Tyre Avenue, that really needs to be a solid fence and not just chain link or even something decorative.

My concern is I love Tyre Avenue. I don't want to be anywhere else and we like to walk up to the corner, and when you get up to the corner there's a lot of grassy area and it's just a nice way to end our walk. And I'm just not sure how much, I know you like the fact that it's going to come out to the edges, but I would prefer that it not be right at the edges, that it be back enough that we don't lose the rosebushes and all the other greenery and plants that are already there. And if they have to come down temporarily and be replaced, that's one thing, but it's also the size. I know a lot of the buildings on Main Street if you look at the drawings, you know, it's a very tiny strip. It doesn't even hardy look like vegetation and it's mostly just dirt. And I guess I'm done. Thank you.

Mr. Silverman: Mr. Chairman, point of clarification on the last speaker?

Mr. Hurd: Yes.

Mr. Silverman: I'm confused over water, drainage, rain, sewage, you're talking about streets flooding. What's the issue?

Ms. Jackson: I'm not sure how old the system is . . .

Mr. Silverman: The storm sewer system or the sanitary sewer system? Rainwater . . .

Ms. Jackson: It's the one in the middle with the big plate and it comes out of there and it runs down the street and it's been looked at many times.

Mr. Silverman: Okay.

Ms. Jackson: And also at the other end.

Mr. Silverman: Thank you.

Mr. Hurd: Thank you. Anyone else who wishes to speak on this matter?

Ms. Jean White: Hello, Jean White, District 1. I do not live on Tyre Avenue. I have many times not only driven there but walked on occasion there. I was wondering if the owner is going to continue to be the Fulton Bank or whether it would be now that Lang Development Group will own it? Let me just see what other questions that I have. Are the five offsite parking places at 299 East Main Street, is that on a property that is owned by Mr. Lang or Lang Development or somebody else? I definitely think that having it three stories on Main Street is acceptable and it would have been terrible if it were four stories. Unfortunately, with the way this three-story building comes back on Tyre Avenue, I think it's very intrusive and of course it's almost right next to the street. At the moment, when you drive or walk there, it's very pleasant because there is this border of grass and two very nice trees that give a lot of shade and the building, the Fulton Bank itself being only one story and set in further, it doesn't have the visual intrusiveness as it is. So, I can see having it three stories on Main Street but I think I, if I lived on Tyre Avenue, although I do not, would have preferred that the building only come back maybe half as much as its doing so this wasn't taking so much, because once this is built, it's going to be three stories right next to Tyre practically. It's going to be quite a negative effect on it and will be a shock when it's built. Let me just see, furthermore, Tyre Avenue is a residential street and I think that several, at least three different residents on Tyre have already gotten up and spoken.

Another concern I have is by building this way back on Tyre, not the part that's fronting on Main Street, it's going to put pressure on, eventually, building further back. Hopefully, the people that own the houses there aren't going to sell but I can see that basically the pressure would be to make Tyre Avenue eventually go the route of further, you know, an extension of the business on Main Street over to Delaware Avenue. And let me just see here, this takes a change in the Comprehensive Plan and a change of the zoning from BL to BB, central business. Because of that, Council does not have to approve that. And so to do it, if it's the good thing to do, something can be obtained in exchange for that. In other words, that is a negotiating point, so to speak. One thing is to shorten the building as it comes back onto Tyre, and that would mean fewer apartments and also less parking. And also creating all that parking down on that leg that goes down there, that's a lot of macadam and a lot of impervious surface. Another possibility that would be a positive thing in a different vein would be for the developer and the owner to agree to have two of the 30 apartments to be inclusionary zoning or affordable housing and this has not yet come into officially Newark's rules, but this is a good location and it would be a nice location for those who cannot afford the high cost of rentals that is upped by all of the students that are living there. Two out of 30 is not that much, and if they would be willing to do that, you know, there are examples I could give of what that would be. They wouldn't even have to lose money over it. I could give that, but I won't go into that further. Those are my comments and thank you very much.

Mr. Hurd: Thank you. Anyone else? Alright, public comment is closed. I'm going to hand it off to Mr. Lang in a minute. I will say and I think this has come up before, I don't believe we are actually allowed to negotiate for zoning.

Mr. Silverman: It borders on contract zoning.

Mr. Hurd: Yeah, so that gets into a delicate area where you're not allowed to say if you do this, we'll do that for you. We're not actually, they come and say we want to be BB and this is what we are. And we have to say, okay, that's what it is, and we take it as its proposed. So, with site plan approval we have the ability to make recommendations and adjustments to the plan but that doesn't usually involved zoning. That's about the site plan for the project itself. I just wanted to make sure that was clear.

Alright, Mr. Lang, I know you took some notes, but I have some here, too. Do you want to run down them?

Mr. Lang: Yes, I'll probably start and then Chris, since he took more notes than I did, he'll finish. Now, I probably have a short memory, so I'll try to comment on the points that at the beginning

of the conversation, there was a lot of discussion about the landscaping buffer. So, what we're required to do by Code is put up a six-foot fence or put up landscaping which is adequate to handle the same buffer. We've elected to do the latter, meaning the landscaping, because we did see the beautiful wall that was built with the nice flowers and stuff on top. We're like why are we putting a wall where the wall is. It makes much more sense to add green landscaping, especially if it's done correctly and creates a buffer. It's a much more subtle and logical buffer.

As relates to the buffer between our property and the property directly south, there are a number of large trees there. I was just out there yesterday looking at that and, really, one of the problems with this depicted plan and the requirement under the Code is you have to show landscaping there. So, you try to, now what we'll do is meet out on the property, try to look at the trees we can retain and protect them. Tom Zaleski in the Parks Department is very good in instructing us as to what we can and can't do, and how we do or cannot do a certain amount of work around the tree. We've maintained a number of large trees in a number of projects. When we redeveloped the Mill at White Clay Creek years ago, there were some beautiful large trees that actually they recommended we take down. I said no, we're not going to take them down, we're going to modify the area where the curb is, and they worked with us on that. We did it at North College. That beautiful sycamore tree right when you come across the railroad tracks, the original discussion with the City was that we needed to take the tree out. We said no, we don't want to take the tree out. The City was nice enough to work with us on the curb design, so we didn't have to dig and ruin the root structure. So, I think there are a number of large trees . . . where's the existing site plan, if I can pull it up . . . and there are a number right by your property which we can hopefully maintain and we can work with you out at the site, look at them, see what we can do, meet with the City Parks Department, and obviously look at the plan and make sure.

The lighting issue, we're always required when we have a property that's built adjacent to anyone who would be impacted by the lighting to put some kind of shield on the light, so it doesn't shine directly into your house. The nice thing about some of the new LED lights that are being designed, they're much more organized in where they shine their light. We've done a lot of LED redesigning of our parking lot lighting and it's much better, but it gives you direct light down where you want it. And security, I mean security is a big issue for you and it's a big issue for us. We have to worry about, you know, security in general in our buildings and our parking lots, so we put cameras out and we work with the Police Department. They're always over at our office asking us about security cameras we have so they can trouble-shoot some issues that happened not only in our property but in properties around our property. So, you know, we're very diligent in that and we want to continue that.

As it relates to stormwater, I know that Don is here from Karins and actually the Public Works Department is very, very diligent, much more diligent than I think they need to be sometimes, but they are very diligent in making sure that the letter of the law with regards to stormwater is done. And the letter of the law is actually retaining more water than presently is released from this property. So, we actually have to design a system which retains more water than was retained presently. We have all this green area at the bottom of the sight, but I think the design really is an infiltration system there under the parking lot. So, the water gets pulled off the parking lot, it gets put underground, and it gets infiltrated into the soil. So actually, it reduces the runoff and the puddling and whatever else is going to happen in the back which historically might have happened. We actually won't have that problem anymore. Or at least that's what the design tells us.

As it relates to being a good neighbor, I think one of the concerns we obviously have is it's hard to respond to concerns when we don't hear about concerns. So, ma'am, if you had called our office and we were unresponsive . . .

Ms. Onizuk: I have.

Mr. Lang: Well, it would be good to understand who you talked to. Obviously, we don't do our own landscaping, so we need to speak with our landscaper and find out what the issue is and address it correctly and make sure that we're not damaging your property or causing any concerns that you have. So, we're more than happy, I'm more than happy, to come out to your house and meet with you and talk about it if you'd like me to.

So obviously, we live in Newark, we are Newark residents, we try to stand up behind the projects we do, and obviously when you do a project adjacent to, you know, people's residences, it's a very significant point of concern and we need to work with all of you on our schedule, our construction schedule, what's permitted, what's reasonable, and some of these other points of concern. We're more than happy to meet with you throughout the project and work through those issues. Chris, do you have anything else?

Mr. Chris Locke: You covered most of them, there are just a couple of things. Chris Locke, General Counsel, Lang Development. In the sense of the question about construction start time, and Mary Ellen, maybe you could, I'm sorry, Director Gray, maybe you can, I believe the start time during the weekdays is 7:00 a.m. . .

Ms. Gray: Yes, sir.

Mr. Locke: And weekends is 8:00 a.m., if I remember the Code correctly.

Ms. Gray: Yes, it is.

Mr. Locke: So, we'll adhere to that but also please let us know if you've got a party or something and need us to work around that, we'll be more than happy to. We're always out on the construction site, so feel free to call us and I'll knock on your door and say is everything okay? If there are any construction guys bothering you, let me know and we'll definitely take care of that for you.

In regard to the bike question, there was a question about bike. We do have bike storage for our tenants and we'll have that here. It's also a Code requirement, too, but we tend to go beyond that because students want to have use of the bike.

Electric vehicle, we did not look at it for this site here. We do have it at our hotel site we're doing. We'll take a look at it and if we can kind of do that without violating the parking code requirement, we can maybe take a look at that. I'm not quite sure how that plays into the parking code requirement.

Traffic impact study, obviously it's not required for this property, so that's why it was not done.

And I think that is it. You answered the question about the rezoning.

Mr. Hurd: Yeah, just looking at design, there doesn't appear to be any balconies or any sort of courtyards or anything in the project, so I think that one is covered.

Mr. Lang: Yeah, excuse me, I will agree with the resident who had concern over our original project. When we designed that project down at University Courtyard, or Main Street Courtyard, it's the old Newark Emergency Room building, it was in the 90s and there was a popular TV show called Melrose Place at the time. We had a pool designed in the middle of that apartment building, which if I find my old plan on that thing, there's a pool in the middle of it. And we started thinking about that going, this isn't going to work so well, you know, we have a pool, we have balconies, and people can jump off into the pool. So, we eliminated the pool and unfortunately it became an area that congregated all of the residents and became a very difficult issue to manage correctly. So, what we did as a proactive building owner is we infilled the entire courtyard. So, even though the property is called Main Street Courtyard, there's technically no courtyard anymore. So, we infilled it with expanded units and areas that

we could control. So, we reduced the common space immensely and learned much from that. That was one of our first projects we ever built in town. So, as we continue to redevelop or work on new development projects, we address the changes in the markets which obviously we talk about here with two- and three-bedroom units, and we obviously address and try to manage the common space. So, most of our projects don't have very much common space at all even though it's a trend in certain types of apartment projects to have big, huge common rooms. Big, huge common rooms create big, huge party rooms, which spill over and become other issues. So, we've learned that and continue to work on modifying our product design.

Mr. Hurd: Thank you.

Mr. Locke: I'm sorry, Commissioner, one thing that's a pet peeve of mine. All of our apartments are market rate apartments. There is no such thing as student housing apartments. That would be a violation of the Federal Housing Act, so anyone can rent our apartments and I just wanted to add that for clarification on the record.

Mr. McCollum: [inaudible]

Mr. Hurd: Thank you. Sir, comments have to come from the dais to the Commission, and public comment is closed.

Mr. McCollum: [inaudible]

Mr. Hurd: It's on the record, sir, so you don't need to . . .

Mr. Lang: We're more than happy to talk with you off the record.

Mr. Hurd: So, the issue along Tyre Avenue, I am seeing that that Tyre is slightly different and being so close to it, do you think there's any wiggle room in pushing the building a little bit away. I didn't think so in looking at the layout, but I didn't know.

Mr. Silverman: It does meet minimum . . .

Mr. Hurd: It meets the minimum setback, but it is a minor street so it's a little more complicated than being set back from a major street. The question about deed restricting for sale of alcohol.

Mr. Locke: I was a little puzzled by that comment only because Grain is literally right across the street and, you know, we obviously want to make sure we avail ourselves to all commercial tenants. But I will say, you had asked a question, Commissioner Stozek, about retail. Not only am I General Counsel for Lang Development, but I've been a retailer on Main Street for 30-some-odd years, so I have a little knowledge about the retail market. Our place is down at 257, Formal Affairs, home of the \$49 prom tux. But I think this is an area that can have specialty retail. We've been at 257 for over a decade. The florist has been there for probably 20 or 30 years. They were across the street at one point. And Bing's Bakery is a retailer, you know. So, I think with the parking that we have available there, I think we could get, hopefully, some specialty retail. We're always looking to go for that first.

Mr. Hurd: Okay. I think two of the issues that had just come up about the stormwater system and the water system, part of the City's review is to make sure that, and that's why the stormwater regulations are such that the runoff has to be reduced, is so that the systems don't get overloaded. But in previous conversations, the City does look at that. They do look at the condition of the stormwater systems. They're looking at the downstream capacity to ensure that that project is not going to overload because it doesn't do anybody any good if that happens. Am I missing anything?

Mr. Silverman: Mr. Chairman, one comment.

Mr. Hurd: Yes?

Mr. Silverman: Ms. White brought up the idea of market rate housing and possibly floor plan layouts. I believe there's a reference in the report that you will be conforming to the City's minimum square footage of 800 square feet.

Mr. Locke: That is correct.

Mr. Silverman: So, that does kind of restrict the size of the unit with respect to say an efficiency unit. Today's efficiency units are several hundred square feet . . .

Mr. Locke: Exactly.

Mr. Silverman: So, you couldn't even provide those units by Code if you wanted to.

Mr. Locke: That's correct.

Mr. Silverman: Okay, thank you.

Mr. Hurd: Do we have any further questions or comments from the Commission?

Mr. Stozek: Yes, I guess from listening to the discussion, I mean it sounds like you're willing to meet with the residents in this area to talk about their issues and I certainly want to see that happen. There was some discussion about fence versus landscaping. Are you open to the possibility of not going one way or the other, but possibly in one area having a fence and the landscaping in another?

Mr. Locke: I think you really have a 50/50 split here in the community. I think we, I believe there was an email sent by a resident saying they liked the landscaping and we heard from another resident that they liked it. So, I think, visually, it's better. With fencing, usually what fencing attracts is graffiti and people breaking the fence and, unfortunately, homeless people living around the fences. So . . .

Mr. Stozek: I'm not talking about fencing the whole lot. If there's one particular area bordering one property that the person really wants a fence, you'd be willing to work with that.

Mr. Lang: Oh, yeah, we're willing to, we're trying to react to what we think is appropriate. If the community, especially the adjacent property owners, want something different, we're more than happy to work with them on that. It is a, as Chris, because we do have fences where we show and try to manage the use of the area, the vandalism around the fence, the landscaping tends to be a better, if it's done correctly. Now obviously, if it's not done correctly, then it's, but we are required to post a bond with the City when we do landscaping and it has to last for two years. We actually continually try to enhance our properties, so when you go to our properties, we continually plant more things than we need to by Code. But, as we walk around our properties and look at things, you know, we had a group that all summer that all they did was plant additional landscaping at every one of our buildings. We're more than happy to work with the residents and we want to be good neighbors. Unfortunately, one of our neighbors has had a bad outcome but obviously I wasn't aware of it. If I was, we would have handled that differently. But we're more than happy to meet with them throughout the process and make it a good transition.

Mr. Hurd: Thank you. Alright, I believe we are ready to move to the motions. We're going to take this in order. We have a Comprehensive Plan amendment, we have a rezoning, we have approval of the site plan and subdivision, and then we have a recommendation on the special use permit. The Chair will entertain a motion. Commissioner Silverman, your turn.

Mr. Silverman: Okay. I move that we concur with the recommendation of the September 24, 2019 staff report, page 13, paragraph A, recommend that the City Council revise the Comprehensive Development Plan V land use guidelines for 287 East Main Street from commercial to mixed urban, as shown in the attached Exhibit G-1 dated September 24, 2019.

Mr. Hurd: Thank you. Do I have a second?

Mr. Wampler: Second.

Mr. Hurd: Thank you. Any amendments? Okay, all in favor, signify by saying Aye. All opposed, say Nay. The Ayes have it.

MOTION BY SILVERMAN, SECONDED BY WAMPLER THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL REVISE THE COMPREHENSIVE DEVELOPMENT PLAN V LAND USE GUIDELINES FOR 287 EAST MAIN STREET FROM COMMERCIAL TO MIXED URBAN AS SHOWN IN EXHIBIT G-1 DATED SEPTEMBER 24, 2019 OF THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED SEPTEMBER 24, 2019.

VOTE: 4-0

AYE: HURD, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: KADAR, MCNATT, VACANT (AT LARGE)

MOTION PASSED

Mr. Hurd: The second motion, the rezoning, and a reminder, I was thinking about doing a polling but I think we can also just say if anyone has reasons other than those articulated in the report that they would like to put on record for their approval or disapproval of the motion about rezoning, they can raise that now or after the motion. Alright, the Chair will entertain a motion.

Mr. Silverman: Mr. Chairman, I'll continue. With respect to the staff report, page 13, paragraph B, recommend that the City Council approve the rezoning of 287 East Main Street from BL to BB as shown on the Exhibit E – Rezoning Map dated September 24, 2019 and the Karins and Associates Comprehensive Development Plan amendment, rezoning, special use permit, and major subdivision plan for Fulton Bank property dated December 5, 2019 and revised July 19, 2019, with the Subdivision Advisory Committee conditions.

Mr. Hurd: Do I hear a second?

Mr. Wampler: Second.

Mr. Hurd: Thank you. Any amendments? Anyone want to go on record for reasons for approval or disapproval other than those in the report? Alright, we shall vote. All those in favor, signify by saying Aye. Opposed, say Nay. The motion carries.

MOTION BY SILVERMAN, SECONDED BY WAMPLER THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE REZONING OF 287 EAST MAIN STREET FROM BL TO BB AS SHOWN IN EXHIBIT E REZONING MAP DATED SEPTEMBER 24, 2019 OF THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED SEPTEMBER 24, 2019 AND THE KARINS AND ASSOCIATES COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING, SPECIAL USE

PERMIT, AND MAJOR SUBDIVISION PLAN FOR FULTON BANK PROPERTY DATED DECEMBER 5, 2018 AND REVISED JULY 29, 2019, WITH SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 4-0

AYE: HURD, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: KADAR, MCNATT, VACANT (AT LARGE)

MOTION PASSED

Mr. Hurd: Next. Do you want to go again?

Mr. Silverman: I will continue with respect to page 13 of the staff report recommendations, paragraph C, recommend that the City Council approve the 287 East Main Street subdivision as shown on the Karins and Associates Comprehensive Development Plan amendment, rezoning, special use permit, and major subdivision plan for Fulton Bank property dated December 5, 2018 and revised July 19, 2019, with the Subdivision Advisory Committee conditions.

Mr. Hurd: Thank you. Do I have a second?

Mr. Stozek: Second.

Mr. Hurd: Thank you. Any amendments? Alright, all those in favor, signify by say Aye. Opposed, say Nay. The Ayes have it.

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

THAT CITY COUNCIL APPROVE THE 287 EAST MAIN STREET MAJOR SUBDIVISION AS SHOWN ON THE KARINS AND ASSOCIATES COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING, SPECIAL USE PERMIT, AND MAJOR SUBDIVISION PLAN FOR FULTON BANK PROPERTY DATED DECEMBER 5, 2018 AND REVISED JULY 29, 2019, WITH SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 4-0

AYE: HURD, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: KADAR, MCNATT, VACANT (AT LARGE)

MOTION PASSED

Mr. Hurd: Last one.

Mr. Silverman: I move that, with reference to page 13 of the staff report dated September 24, 2019, paragraph D, recommend that City Council approve the 287 East Main Street special use permit for apartments at the density requested as shown on the Karins and Associates Comprehensive Development Plan amendment, rezoning, special use permit, and major subdivision plan for Fulton Bank property dated December 5, 2018 and revised July 19, 2019, with the Subdivision Advisory Committee conditions.

Mr. Hurd: Thank you. Do I have a second?

Mr. Wampler: Second.

Mr. Hurd: Thank you. This is another one that we have to give our reasons if we have reasons other than those articulated in the report. We have to put them on record. Hearing none, all those in favor, signify by saying Aye. Opposed, say Nay. The Ayes have it. Thank you.

MOTION BY SILVERMAN, SECONDED BY WAMPLER THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE 287 EAST MAIN STREET SPECIAL USE PERMIT FOR APARTMENTS AT THE DENSITY REQUESTED AS SHOWN ON THE KARINS AND ASSOCIATES COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING, SPECIAL USE PERMIT, AND MAJOR SUBDIVISION PLAN FOR FULTON BANK PROPERTY DATED DECEMBER 5, 2018 AND REVISED JULY 29, 2019, WITH SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 4-0

AYE: HURD, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: KADAR, MCNATT, VACANT (AT LARGE)

MOTION PASSED

Mr. Stozek: Mr. Chairman?

Mr. Hurd: Yes?

Mr. Stozek: Can I ask just one more question? I know you can't give exact dates as far as when this project will start, but what's your guess as to how long the construction will take?

Mr. Lang: We hope to be building in nine to ten months. It's probably going to take twelve months.

Mr. Locke: He always says earlier than me.

Mr. Lang: It's a long process.

Mr. Hurd: Of course.

Mr. Lang: [inaudible]

Mr. Hurd: Thank you.

5. REVIEW AND CONSIDERATION OF PLANNING COMMISSION 2019 ANNUAL REPORT AND 2020 WORK PLAN.

Mr. Hurd: Alright, Item 5, review and consideration of Planning Commission 2019 Annual Report and 2020 Work Plan. Okay, we're going to take two minutes to let people settle.

[Secretary's Note: Chairman Hurd called the meeting to recess at 8:17 p.m. and reconvened the meeting at 8:23 p.m.]

Mr. Hurd: Alright, I'm going to bring us back into session here.

Ms. Gray: Where did Mike go?

Mr. Hurd: That was your job.

Ms. Gray: He'll be back in a second.

Mr. Hurd: Activate the tracker.

Ms. Gray: He'll be right back in.

Ms. Vispi: The next agenda item is the Annual Report.

Mr. Hurd: It is.

Ms. Gray: Well, while we're waiting for Mike, what's on the dais here is the invitation to the Delaware APA Conference . . .

Mr. Hurd: Madam Director, let's put that in New Business.

Ms. Gray: Okay.

Mr. Hurd: Because I think right now it's the annual report and work plan and that is . . .

Ms. Gray: Oh, we want to talk about the annual report?

Mr. Hurd: Well, that's Item 5, so . . .

Ms. Gray: Okay, that's fine. Yes, sir.

Mr. Hurd: I'm going to be odd and go in order.

Ms. Gray: Okay.

Mr. Hurd: Mike might have been jumping the gun thinking he was talking about sustainability.

Mr. Silverman: Yeah, he's got his stuff up there early.

Ms. Gray: Okay, so the annual work plan, the annual report is in your packets . . .

[Secretary's Note: A link to the Planning and Development Department memorandum regarding the Planning Commission 2019 Annual Report and 2020 Work Plan can be found at the end of this document.]

Mr. Hurd: I have submitted my comments already. Would it be helpful if I read those into the record for others to hear?

Ms. Gray: Yes, that way we can do the changes.

Mr. Hurd: Okay. So, I had some minor edits to, my one minor edit to the report which was on page 5 . . .

Mr. Silverman: Line reference, please.

Mr. Hurd: Line 218, the vote for the approval of this minor subdivision for 511 Valley Road wasn't noted in the report as it is in all the other paragraphs, so Director Gray said she would put that in. Other than that, I had no issues with the report. It is thorough, as always, and always makes us look like we're busy. Well, it emphasizes the busyness and activity that we have. I don't always feel like we do but . . .

Mr. Silverman: As a sidebar with respect to reports, the maturing of the staff report really contributes to our base knowledge with respect to a particular project. It was almost 100 pages of exhibits, correspondence, everything you ever wanted to know about what was going on was in there.

Mr. Hurd: Okay. So, that's the report. Now, the 2020 Work Plan draft. My first level of comments was editorial. Line 21, the T in transportation wasn't italicized and I wasn't sure how much of Newark Transportation Improvement District Subcommittee should be italicized as a title. Line 33, because this is my committee, I was going to remove the word proposed and just say, review and make recommendations on revisions to the IECC as proposed by the Green Building Code Work Group. Line 91, I recommended adding a by so it says, defined by Code and determined by City management or City Council in that sentence. Line 128, it was again the italics question Transportation Improvement District. Line 138, I recommended saying, continue to work with GIS staff and the GIS database to portray land-use development information, just swapping those around. And then I recommended adding a further bullet point about the staff, what was the language, staff supporting guidance to the Parking consultants.

Mr. Silverman: And what line would that be?

Mr. Hurd: Well, 147 basically. So, those were my editorial comments. I'll start to my left with Commissioner Wampler. Do you have any comments, questions, concerns, edits?

Mr. Wampler: I have nothing.

Mr. Hurd: Nothing. Okay. Commissioner Silverman?

Mr. Silverman: I have nothing further.

Mr. Hurd: Okay.

Mr. Stozek: And I have nothing.

Mr. Hurd: Okay. The only thing I wanted to add was an issue that sort of came up at the last, for the Hillside Road project regarding the Transportation Improvement District and I don't know that it actually fits into the work plan but it's a question that I had that I wanted to be sure was being addressed. I'll start at the beginning. The comment had been made about, there was a comment in the staff report that as a student-centered development, the traffic patterns were likely to be different and lower than expected. So, I had sort of two things. One is my hope is that the TID process tells us actually what traffic is like at student-centered apartment complexes and what typical traffic is in a residential area and a commercial area and such. Sort of the ins and outs. Because I agreed that it's likely to be not at the same peak as, I don't want to say regular people, but people working outside the City who are commuting. But it's also, I think, likely to be a lower overall volume over the course of the day. But I'm hopeful that the TID is going to give us that data, give the department that data, so that their reports can reflect that sort of data in the future.

Mr. Silverman: Serving as a rep on the TID . . .

Mr. Hurd: Oh, okay . . .

Mr. Silverman: That's something that I'm very interested in. I always have been. We have a lot of anecdotal information, we have a lot of observations, but we don't have any hard data. So far with the TID, my impression is the consultants and DelDOT are going to provide reports that they have done in the past for other TIDs and other projects and we need to request, as a Commission, that a special report be generated on the traffic generation patterns with respect to those areas and complexes that are predominantly student occupancy. We may want to make that a motion from the Commission to be relayed to the TID group.

Ms. Gray: If I could, I think let's just wait. Certainly, you can make that motion, but let's just wait to see what data is out there and has been collected.

Mr. Hurd: Okay.

Ms. Gray: I don't know what data is out there . . .

Mr. Hurd: That's why I'm not sure where in the process . . .

Ms. Gray: And how it can be parsed.

Mr. Hurd: Right.

Ms. Gray: That, I don't know.

Mr. Silverman: I'm aware of standard trip tables. The work has been done by DelDOT that really focuses on student-influenced traffic patterns and, given the uniqueness of the City of Newark, this may be something they have to think about and they have to generate.

Mr. Hurd: Right, because we have the issues of proximity to campus, alternate transportation methods, and all those things affect car trips.

Mr. Silverman: And unless like the rest of the state, we have already identified a number of public and non-public transportation systems that circulate throughout the City, so it is quite a different animal than I think DelDOT and the TID group are used to.

Mr. Hurd: So, that was just a concern of mine that I wanted to be sure that was expressed, recognizing that it's not really part of the work plan but just something to put in your mind so that, as we're having these conversations, if that can be part of the conversation to steer or such, that would be great. It feels to me that traffic being the constant question, we really do need to have a better sense of how does traffic go on these kind of projects so that you can write a report that says this is what it is, and we can say with some certainty that that's what it's going to be, and we can respond to the public concerns, as well. Okay, this is an action, so we will take public comment on the annual report and work plan if there's any comment. Okay, no comment. Any comments or questions or concerns on the work plan, Commissioners? No? Okay. I think it is a thorough work plan, it's an ambitious work plan, and we put a few things on the bench just in case we run out of time, I mean have extra time. Not run out of time, rather run out of things to do. Madam Director, do you have any comments on the work plan? Are you comfortable?

Ms. Gray: No, I do not have any additional comments on the work plan.

Mr. Silverman: Reminder that we do have a statutory requirement to present this in the month of October to Council.

Mr. Hurd: Right. So, I wasn't going to ask that this go back and be redrafted. Alright, so, do we have a motion? We need a motion, don't we? Do I have a motion to accept the 2019 Annual Report and 2020 Work Plan, with edits as articulated, for presentation to Council, correct?

Mr. Stozek: So moved.

Mr. Silverman: Second.

Mr. Hurd: Alright, all those in favor, signify by saying Aye. Any opposed? Okay.

MOTION BY STOZEK, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION APPROVE AND SUBMIT TO CITY COUNCIL THE 2019 ANNUAL REPORT AND 2020 WORK PLAN, AS REVISED BY THE COMMISSION AT THEIR OCTOBER 1, 2019 MEETING.

VOTE: 4-0

AYE: HURD, SILVERMAN, STOZEK, WAMPLER
NAY: NONE
ABSENT: KADAR, MCNATT, VACANT (AT LARGE)

MOTION PASSED

Mr. Silverman: Mr. Chairman?

Mr. Hurd: Yes?

Mr. Silverman: You need to strike the gavel after each vote.

Mr. Hurd: There we go. That's going to be the thing I'm going to have to practice the most. Can I take it home and practice with it?

Ms. Gray: No.

6. UPDATE ON THE NEWARK COMMUNITY SUSTAINABILITY PLAN.

Mr. Hurd: Alright, Item 6, update on the Newark Community Sustainability Plan. It looks like Mike is ready.

Mr. Mike Fortner: That's right. Thank you, Mr. Chairman.

[Secretary's Note: During his presentation, Mr. Fortner referred to a Planning and Development Department PowerPoint presentation being displayed for the benefit of the Commission and the public. Links to the Planning and Development Department presentation regarding the update on the Newark Community Sustainability Plan can be found at the end of this document.]

Mr. Fortner: This is an informational item. It's going to be just a quick overview of the Sustainability Plan, the current draft. It's intended to give you a brief overview but also to tell you about some upcoming information so you can learn more about this plan.

As you know, two years ago we got a grant from DNREC to establish a community sustainability plan, we called Sustainable Newark, and so for the past two years, we have established a steering committee made up of a cross section of residents that have a deep knowledge of sustainability and City staff and some partnering agencies like WILMAPCO, the University of Delaware, and Jeremy Firestone was kind of the Planning Commission representative. This committee has been meeting regularly over the past year. They have gone above and beyond expectations. They have really gotten into the detail on this and have really been active in putting this thing together. It also has a lot of staff buy-in. So, we've been meeting with staff, staff has been a part of the committee, but we've also been meeting with the City Manager and the Finance Director. They've been reviewing these goals and giving feedback and so this is going to be a thing that has a steering committee's endorsement but also staff has an input on this and is endorsing this plan.

The first part of the plan kind of sets up the vision of it. It says a sustainable community meets the basic needs of its present inhabitants while preserving for future generations the finite resources in our natural environment that we depend on for survival. It's based on the UN definition of sustainability. Sustainable Newark, the highlights are mine, but it's a road map and it's to make Newark a socially fair, economically strong, and environmentally healthy place to live, work, and play. It's a long-term, broad-thinking community plan to help us reach our collective sustainability goals. And we have a vision statement and the emphasis on that is balancing the needs of the people and the planet and robust civic engagement. That means this plan is not a, it's a broad plan. It's not the last word in planning. It's not the end of the

conversation. You will always be talking about sustainability. We will always be coming up with new ideas on how to become a more sustainable community. It doesn't end any conversations or end any initiatives. It wants to encourage a sort of robust civic engagement.

It established four themes. And in your brochure, when you open it up, the themes and the goals are under each theme. But the goals are we respond to climate change, which is basically Newark is committed to clean energy. So, its goal is by, well, in five years to bring us up to more clean energy, renewable energy, until we're at 100% clean energy. Then the second theme is we plan and develop for all. This is how planning, the stuff that we oversee, affects sustainability. So, living in a walkable, bicycle community, encouraging mixed-use, encouraging well planned densities, and how we can be less dependent on automobiles. The third is how we build better and waste less. That's basically green buildings, how we build our buildings to be more sustainable. And then the fourth theme is we preserve nature and reduce impact. That's how we preserve our open space, how we preserve our natural environment, and also how we reduce waste and generate less water usage. Those kinds of things. So, those are the four kind of what they grouped our goals in. Again, in the brochure you can see the goals. These aren't the final draft goals. These things are still being tweaked. By the end of this week, a final draft will be posted online. We have a website, a City webpage, and it will be there.

We will give a presentation to the CAC on the plan. This is kind of a CAC product, so they will give their final endorsement or recommendation at that meeting. We will also, we had a draft, we had a CAC presentation, and we went to Community Day where we distributed brochures and talked with the community and did outreach on this. The steering committee met on the 17th, so October 8 will be our CAC presentation and recommendation. October 17 is a walk-in public workshop, something I encourage you to go to. I encourage you to go to the CAC meeting, as well, but the public workshop is certainly something that you can stop by at your convenience. We'll have this set up as a very interactive, each section will have a theme and you can go and talk about whatever interests you and talk to people who helped create these goals. And then, finally, we're set to be on the November 11 Council meeting, where we hope Council will adopt the plan. Again, we have a website, we have a way of taking public input, which is you go to sustainablenewark@newark.de.us. You can write, that's an email address set up for this and you can provide comments. Again, there's a draft online right now. It will be a further draft later this week, which won't be significant change, just tweaks and getting this to a final draft state. That will be online later this week and we'll present it at the CAC meeting.

The plan calls for a lot of things, but this is just the first step. There's a five-year review part of it, there's a lot of public outreach that we'll be continuing on, public engagement to make people understand things that they can do to promote sustainability in the community. There will also be a dashboard where there will be different data that the City will be collecting to show how we're meeting our goals in the Sustainable Newark plan. And that's really the overview that I wanted to give. Again, you have the brochure. It has some information, it has this little barcode and you can use your cell phone to click on it and it will go right to the plan. I can answer any questions but, again, I encourage you to come to the CAC or the public workshop. Yes, sir?

Mr. Stozek: Goal 1.1 says renewable energy of 25% by 2025. Where are we right now?

Mr. Fortner: Actually, I don't know, but that's a statement, that's actually going to get raised in the latest draft. It's going to be 30% or 35% and they're going to have us at 100% by 2045. But I don't know exactly what we're at this point.

Mr. Stozek: My problem is, whatever the number is going to be, you can state that goal, but we don't even know how we're going to get there in five years. And even saying 100% as soon as practical but no later than 2050, the technology doesn't even exist.

Mr. Fortner: Oh, we're going to reach that goal and it's very feasible. We've already met with DEMEC and all that.

Mr. Stozek: 100%?

Mr. Fortner: There is a number where we are in terms of renewable energy . . .

Mr. Stozek: How are they going to do it?

Mr. Fortner: By buying more clean energy power and less fossil fuel power.

Mr. Silverman: So, you're saying we're going to import it rather than home grow it?

Mr. Fortner: Yeah, we'll still be working through DEMEC, yes.

Mr. Stozek: I still say from where?

Mr. Silverman: Yeah.

Mr. Stozek: Who is generating it?

Ms. Gray: So, we are, we buy our power, we're an electric utility, as you know, and we buy our power through DEMEC, which is the Delaware something, something, something, something.

Mr. Hurd: The Delaware Municipal Electric Corporation.

Ms. Gray: Thank you. And they buy their power wholesale from power generators. There is a way that they can buy their power from different power sources. And so, they can parse that out. So, there is a way to say that Newark wants to buy power only from renewable energy sources. So, then there's a way to parse that out. So, that's what Mike was referring to.

Mr. Stozek: I would only offer at this point in time, you're either going to pay a premium to do that or the technology does not exist. I mean, who knows what's going to happen in the next 25 years. That's the only problem I see, it will happen no later than 2050 and there's nobody who knows [inaudible] unless you're going to buy every bit of your power from renewable and you're not going to let anybody else have it.

Mr. Silverman: Mr. Stozek brings up another interesting point. There needs to be a cost element with this study. I'm sure if you big high enough, you can buy all the power you want from the Niagara Falls generating system.

Mr. Stozek: Right.

Mr. Silverman: Plus, whatever the, to use a railroad analogy, the tariff you're going to pay to have it transmitted over other people's electric grids to get to you. So, there's needs to be a cost element. Is this going to result in a 25% rise in the electric cost for the people of the City of Newark to purchase this renewable energy?

Mr. Stozek: I'm not against the goal . . .

Mr. Silverman: I agree.

Mr. Stozek: But somebody needs to think about how you're going to get there because there's no way to get there right now. And I only have the problem saying no later than 2050 when you don't have the technology. You can't generate that much. Say 50% of the cities in the country wanted to do this, there isn't that much renewable power. We're not going to import it from overseas. Maybe you can from China, I don't know. They'll make it with coal and say it's renewable. It's just, it's a fine point. I just don't like putting that concrete goal when you don't know how you're going to get there. Maybe use different phraseology, I don't know.

Mr. Hurd: Mike, it seems to me that this is a topic that's been . . .

Mr. Fortner: Oh yeah. I tell you, we have Jeremy Firestone on this, we've been meeting with DEMEC, we've been meeting with the Finance Director, we've been meeting with the City Manager, and they understand this stuff very well. They understand what technology is available and they understand what's feasible, and we think this is feasible.

Mr. Hurd: Okay.

Mr. Stozek: I'm just saying the quantities are not there. You're not going to get it from windmills and solar panels.

Mr. Fortner: Sure.

Mr. Stozek: So, I don't know where you can, and now everybody that's running for office doesn't want to build nuclear power plants. They want to shut down some of the ones we have. I just, again, I'm not against the goal. I'm just saying the phraseology is saying we're committing to do this no later than, but you're probably not going to find a way to do that. Ten years from now you can change the statement.

Mr. Hurd: Am I right in thinking the report is going to expand on these?

Mr. Fortner: Oh yeah, you can read the report online.

Mr. Hurd: Yeah, okay. I will just make two comments on the brochure. Theme 2 does not have the correct sub-heading. It repeats Theme 1's sub-heading. So, it doesn't say we plan and develop for all.

Mr. Fortner: Plan to develop for all . . .

Mr. Hurd: Does yours say that, because mine doesn't?

Mr. Fortner: Theme 2 says we plan to develop for all? And yours doesn't say that?

Mr. Hurd: It does not say that on mine.

Mr. Fortner: At the top?

Mr. Hurd: No, underneath it says the City of Newark is committed to clean energy.

Mr. Fortner: Yeah, up top under the house logo.

Mr. Hurd: So, if you go to your slide where you laid out the themes. There was a different . . . there it is. The City of Newark is committed to sustainable land development and clean transportation is missing.

Mr. Fortner: Oh, I see what you're saying. Okay, you're right. That's a typo. Thank you.

Mr. Hurd: And then just as a legibility thing, but it does make things a little challenging, Theme 1, the font is significantly smaller, and I would recommend picking a minimum font and holding that. I know that PowerPoint lets you squeeze fonts to fit space and that can get away from you. So, just, when you're putting this together for final, you want to just make sure that's happened. But I appreciate this. I like it. Okay. Any other questions for the witness? Alright. I don't have to bang my gavel on this one, do I?

Mr. Silverman: No, only when there's a vote.

7. NEW BUSINESS.

Mr. Hurd: Alright, Item 7, new business. I believe the Director has an item of new business.

Ms. Gray: Yes, I do. It's on the dais, we have a flyer for the Delaware APA Chapter is having a one-day conference here at the Embassy Suites Hotel on November 7 and it should be an awesome one-day conference. Should you wish to go, just let Michelle know and we will pay for it out of our training budget. We're going to shake the couch cushions for that, but I think it will be a really good, if you look at the session . . . first of all, we're having Joe Albizo, who is the CEO of APA and, of course, Max Walton is going to talk about legal issues of Delaware planning law. We're going to have Noemi Mendez talk about census data, and she's always a very good speaker. And the afternoon is going to be dedicated to a panel discussion on social equity in planning. The APA came out with a policy paper, policy position this year on social equity and equity in all planning policy, so we're going to have a brief discussion on that. So, we're going to start it at the national level and have a brief discussion on that with Carlton Eley who is the Chair of the Social Equity Task Force, and then take it to the state and local level and have a panel discussion on what's going on in Delaware. So, I think it will be a really good conference and we're also inviting non-planner folk and we're offering scholarships for non-planner folk to attend, as well. So, hopefully it will be a well-attended conference. I encourage you all to attend. It's right down the street.

Mr. Hurd: Okay, any other new business for the Commission?

8. INFORMATIONAL ITEMS.

- a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS**
- b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX**
- c. A BRIEF HISTORY OF RETAIL AND MIXED-USE (CNU.ORG)**

Mr. Hurd: We have received the information items in your packet, the current projects, the project tracking matrix, and an article on a brief history of retail and mixed-use, which is a useful article.

9. GENERAL PUBLIC COMMENT.

Mr. Hurd: This moves us to general public comment. Okay. Do I have a motion to adjourn?

Mr. Stozek: So moved.

Mr. Hurd: Second?

Mr. Silverman: Second.

Mr. Hurd: Alright. All in favor, go.

MOTION BY STOZEK, SECONDED BY SILVERMAN THAT THE OCTOBER 1, 2019 PLANNING COMMISSION MEETING BE ADJOURNED.

VOTE: 4-0

AYE: HURD, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: KADAR, MCNATT, VACANT (AT LARGE)

MOTION PASSED

There being no further business, the October 1, 2019 Planning Commission meeting adjourned at 8:51 p.m.

Respectfully submitted,
Tom Wampler

Planning Commission Secretary

As transcribed by Michelle Vispi

Planning and Development Department Secretary

Attachments

Exhibit A: [Planning and Development Department memorandum \(Election of Officers\)](#)

Exhibit B: [Planning and Development Department report \(287 East Main Street, Fulton Bank\)](#)

Exhibit C: [Applicant presentation \(287 East Main Street, Fulton Bank\)](#)

Exhibit D: [Planning and Development Department memorandum \(2019 Annual Report and 2020 Work Plan\)](#)

Exhibit E: [Planning and Development Department presentation \(Sustainability Plan\)](#)

Exhibit F: [Planning and Development Department hand-out \(Sustainability Plan\)](#)

Exhibit G: [Planning and Development Department hand-out \(APA Delaware Fall Conference\)](#)