

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MEETING CONDUCTED REMOTELY
VIA GO-TO-MEETING**

JULY 6th, 2021

7:00 P.M.

Present at the 7:00 P.M. Meeting:

Chairman: Willard Hurd, AIA

Commissioners Present:

Alan Silverman (Vice Chair)

Tom Wampler (Secretary)

Karl Kadar

Allison Stine

Stacy McNatt

Commissioners Absent:

Jennifer Wallace

Staff Present:

Paul Bilodeau, City Solicitor

Mary Ellen Gray, Planning and Development Director

Thomas Fruehstorfer, Planner

Mike Fortner, Planner

Katie Dinsmore, Administrative Professional

Chair Will Hurd called the Planning Commission meeting to order at 7:00 P.M.

Chair Hurd: Good Evening Everyone, and welcome to the July 6th, 2021, Planning Commission Meeting. This is Will Hurd, Chair of the Planning Commission we are following the state and council directives on remote meeting and holding this meeting through the GoTo Meeting Platform. Our goal is to support the participation of everyone in this meeting. Katie Dinsmore the department's Administrative Professional will be managing the chat and general meeting logistics. In accordance with the governor's declaration on remote meetings, everyone needs to identify themselves prior to speaking. At the beginning of each agenda item, I will call on the related staff member or applicant to present first, once the presentation is complete, I will call on each commissioner in rotating alphabetical order for questions for the presenters. If a commissioner has additional questions, they would like to add afterword's they can unmute themselves and I will call on them to make it clear who is speaking next. Otherwise please keep yourself muted to prevent background noise and echo. Please also try to avoid talking over other people so that everyone listening in can hear clearly and also so that the minutes can be done easily. For items open for public comment we will then read into the record comments received

prior to the meeting followed by open public comment. If members of the public would like to comment on an agenda item tonight, they should send a message through the chat function to Ms. Dinsmore with their name, district, or address and which agenda item they wish to comment on. The chat window is accessed by clicking on the speech bubble icon on the top bar. For those attendees connected to the meeting only through their phone, I will call on you separately and you can press *6 to unmute yourself. I will follow public comment with further questions and discussion from the commissioners and then the motions and voting by roll call. The commissioners will need to articulate the reasons for their vote for most motions. If there are any issues during the meeting, we may adjust these guidelines if necessary. So, to start off, I've got a gavel, I've got to remember to use it! Start off with item one, Chair's remarks.

1. Chair's remarks

Chair Hurd: Just to keep people up to date from the last thing I've heard, the Governor's state of emergency will end this month, somewhere in the middle. Which ends our ability to hold truly virtual meetings. Although there is I believe legislation to the state that I believe passed, that will allow us to do hybrid. So, our next meeting is going to be either in person or hybrid and it partly depends on how quickly the city gets their technology in place and operational. So, we will be keeping you informed of the plans as we go forward but that's just sort of, keep that in the back of your mind. That takes us to item 2, minutes of the June 1st meeting.

2. The minutes of the June 1st, 2021, Planning Commission meeting

Chair Hurd: I had submitted some comments, do any other Commissioners have any comments or corrections to the minutes? Ok, seeing none, the minutes stand as with corrections. Which takes us to item 3, Review and consideration of the annexation and rezoning of 1105 Elkton Road.

3. Review and consideration of Otts Chapel Road and Elkton Road Annexation and Rezoning. (Parcel #11-004.00-013)

Chair Hurd: Just so that people will know the sequence, just so (inaudible), Planning Department will give a presentation, the applicant will give a presentation, we'll have Commissioner questions, public comment, Commissioner discussion, the motion, and the vote. Just one thing I want to say, and just at the front end, is that I recognize that this application is a little different than ones we normally get. Because normally, we get an application that has annexation as part of a sequence of operations, you know, of things within a development proposal. Because this property, the majority of this property is in the flood zone, technically no development can be done until the applicant or owner has received approval for a revised grading plan and the letter and such. And to get that approval, they need a municipality to sign on to that process and so all we're talking about tonight is annexation and rezoning to bring this parcel into the city, so that the applicant can then go on and do the next steps. And I fully expect, sometime later that we will see a lovely development proposal for this property. But at this point in time, there is no proposal attached to it; as far as I know there are no nothing firm so that's not part of our consideration, it's what might be down the road. Alright, Director Gray are you beginning?

Director Gray: Yes, I am Chairman Hurd. Ok, Good Evening everyone I'm Mary Ellen Gray, the Planning and Development Director for the City of Newark. And there was a question in the chat from Mr. Roderick who just left the meeting asking folks to identify themselves and that was Chairman Hurd and our Administrative Professional, Katie Dinsmore. So back to the presentation here; this proposal is for the annexation and rezoning of 6.05 (inaudible) acre parcel located at 1105 Elkton Road; located on the southwest corner of the intersection of Elkton Road and Otts Chapel, excuse me, Otts Chapel Road. So, the existing zoning for the parcels in New Castle County is I for Industrial, and current uses includes a towing service, and retail sales and nursery plant. And that's (inaudible) materials and these are approved uses in a zoning district in New Castle County. As Chairman Hurd indicated in his opening remarks, regarding this agenda item, most of the parcel is currently in a FEMA regulated floodplain and as a result the proposed rezone special flood hazard area. The small section of the North of the property, which is located outside of the FEMA regulated floodplain, is proposed to be rezoned General Business. It

should be noted, and I'll go into a little more detail what Chairman Hurd just indicated, to be noted that the City of Newark zoning code does not allow construction of most commercial or residential structures in the FEMA regulated floodplain. The applicant has plans to regrade the site to provide an area of construction that is situated above the FEMA base flood elevation. The City of Newark can only approve construction that is not located in the FEMA regulated floodplain and will not consider an application until FEMA has provided what is called a Conditional Letter of Map Revision otherwise known as the CLOMR among other acronyms. In which, they agree that if developed as proposed, the FEMA maps will be revised to show the construction outside the FEMA regulated floodplain. Once this parcel to be annexed and FEMA provides the letter, the applicant can then submit the subdivision plan. Per Section 32-95C of the code indicates that the litigation or designation of the FEMA regulated floodplain can and will be revised by Council when the subdivision plan is reviewed and ultimately approved by Council. And that will be considered separately at a future date. The proposed annexation and rezoning does conform to the Comprehensive Development Plan 5 therefore we do not need a Comprehensive Plan Amendment for this proposed annexation. Finally, I want to clarify the comments in the Staff Conditions, starting on line 202 because we had some questions regarding this. This is regarding the legal nonconforming status of the property and our understanding that the applicant will be submitting a subdivision plan and the towing business is seeking to be relocated. Should these not occur in the 18-month time frame from approval, should Council approve this annexation, then the applicant would be directed to meet the city code regarding the screening. The rest of the property would be considered legally not conforming. I do also want to note that the staff reports indicate that the applicant has not facilitated or conducted any public meetings for feedback on this project. And with talking with the applicant this morning, Mr. Tucker has indicated that there have been two community meetings. And those supposedly took place before Covid. And so, in conclusion, because the annexation and rezoning plan with the Subdivision Advisory Committee recommended conditions, should not have a negative impact on adjacent and nearby properties, because the proposed use does not conflict with a development pattern in the nearby area, the Planning and Development department recommends that the Planning Commission recommend approval of the annexation and recommend the approval of the rezoning of this property. Chairman Hurd, that concludes my comments on this proposal.

Chair Hurd: Alright, thank you very much. Who is presenting for the applicant?

Mr. Tucker: Good Evening Chairman, my name is Shawn Tucker, I'm a Land Use Attorney here in Wilmington and I will be presenting on behalf of the applicant, Otts Chapel Associates LLC.

Chair Hurd: Ok. Thank you so much.

Mr. Tucker: Alright, we do have a brief PowerPoint. And I am getting an option to open up preferences here and hopefully this will allow me to be able to share that with you. Bear with me one moment. Thank you. Unfortunately, it is asking me to restart with that change, I guess to be able to be a cohost so I'm going to apologize here. Just so I can run it I may need to restart so you may lose me for a moment.

Chair Hurd: Would it help if Ms. Dinsmore opened the Power Point?

Mr. Tucker: If she would not mind running it for me, that would be much appreciated.

Chair Hurd: That might be faster.

Mr. Tucker: Ok.

Ms. Dinsmore: Give me a moment, I'll pull it up.

Chair Hurd: Thank you.

Mr. Tucker: Thank you very much. I think until you gave me the rights to do it, it just never gave me the option when I set this up, so my apologies Chairman and Board Members.

Chair Hurd: No, it's ok. Even in person, we have computer problems.

Mr. Tucker: And while you're bringing that up, let me introduce if I may the folks here with me this evening. Mr. Whiddick who is with me on the screen now is a spokesperson for Otts Chapel Associates LLC. Also on your screen is Chris Duke, who has just turned on his video, with Becker Morgan and he is our civil engineer who has analyzed this site and has done to date civil engineering work on this site. And also with us is Whitney Potts who you can't see on the screen right now, who played a large part in tonight's Power Point. So, I wanted to recognize her as well. If you could hit the next button, please. So just jumping in, look I think the Department's report is very thoughtful and thorough, so I will try to move through the PowerPoint quickly. But I thought the analysis was spot on, (inaudible) with your Comp Plan and the state law so I will move through these pictures quickly unless there are questions. But I wanted to show you first the annexed parcel identified from Planning Area 2 as it appears in your current Comprehensive Development Plan approved on September 26th, 2006. One of the notes in the Comp Plan is commercial being one of many uses that the city found would be appropriate for this site is it were annexed. And the proposed use, though not before you this evening, approval is a C store use and that would be consistent with the commercial option contained in the Comp Plan currently. Next slide please. And I mentioned BC which is the zoning district that's sought in addition to the floodplain designation which is the commercial that would permit a C store type. For the pumps there is a special use permit also required but we'll be visiting that with you once we have a site plan for you. Next slide please. As Director Gray indicated, the site is approximately 6 acres in size its current zoning is also correctly indicated in the report in New Castle County as Industrial. That area is contained in the blue triangle you're viewing on your screen. And you can see, this picture may be a year or two old, but you can generally get a bird's eye view literally of the condition of the site and the vehicles which I assume are part of the towing operation that come and go but are essentially being stored in the floodplain. Next slide. Here are just some pictures I'm sure everyone's fairly familiar with this site, but I just want to run through some quick pictures. Give you a flavor for its current conditions. Next slide. Next slide please. And the next slide please. And one more. One more click. And another. And as Director Gray indicated, the BC zoning that is being sought and the special flood hazard area zoning which has to cover the flood plain area, until that is addressed through the Map Correction process or Map Revision process. Our engineer has analyzed that and is poised and ready to make that annexation application successful. And under your code today that hazard area is identified or abbreviated as SFHA or Special Flood Hazard Area. Next slide please, next click please. Just to give you a quick flavor of zoning in the area, you have a mixture of certainly uses in the area. You have office, commercial, warehousing, residential, and some open spaces so it is a mixture of uses in this area along Elkton Road. Next slide. And of course, the six-acre parcel's the one identified with the blue arrow. As Director Gray noted in her report, the property is essentially almost entirely surrounded by land presently annexed within the city or maybe (inaudible) predated annexation with the exception of I think of like a 500-foot strip or so. So, we are almost the hole in the doughnut but not quite; there's a bite in it if you will. The C store is a permitted use within the BC. The pumps will require a special use permit, and this is just a quick screenshot of the BC district and the retail and gas pump island standards. Next slide please, and if you would continue to click, please. We just wanted to note that we are located in a State 1 investment area as is most of the city under the state map which is also incorporated in your Comp Plan. And I think one of the key points I like to bring up with the level 1 investment area is that these are areas for state investment and policies which in the State Office of Planning believes should support and encourage a wide range of uses and densities and the red being the most desirable from a state planning standpoint to encourage development and redevelopment. Next slide please. This is another picture from your city Comp Plan, again showing the property and identifying it as marked for future annexation should the city (inaudible). Next slide please. Briefly on the legal standards, and if you could click on that button, as you all know the state law addresses annexations in Title 22. That section is a somewhat generic section that talks about general health and welfare. But it also makes clear that any annexation or zoning must be consistent with your Comprehensive Plan and as is indicated in the Planning report, we certainly

are consistent our proposal and our annexation with that plan in the general use commercial/retail. We also have be certainly contiguous to the existing municipal boundary, which we are as confirmed by the map. And again, Comp Plan, Section 5, area 2 identifies this particular property at 1105 Elkton Road for future annexation. Next slide or next button please. And one more time please. Your city code also in many ways mirrors what's in Title 22-303 and just to quote it quickly; "promotion of public health safety morals can (inaudible) prosperity and general welfare is the standard that we are required to focus on." And certainly, when the city prepares its Comprehensive Plans, and it's updates it also focuses on generally those same standards as do the counties. And again, there was an ordinance in 2016 that identified this property for future annexation which was approved by the state. The Office of State Planning and along with City Council, and also recommended by Planning Commission for those of you who were members at the time. Just some quick points regarding general health and safety welfare. There has been an analysis done of Otts Chapel and Elkton Road by DelDot; it did plug in the C store hypothetical, and we were successful working with DelDot confirming their math that level of service (D or better) would be achievable at this intersection with a C store in place. And Mr. Duke is here and can certainly drill down into that if there were any questions about that analysis. But that was before (inaudible) DelDot, we reviewed it as well; provided the convenience store numbers for potential traffic generation, which are pretty well known and established. That program was run successfully and showed a level of service that was D or better at that intersection overall. Next slide or next button please. There is a septic system on the site today that would certainly be eliminated with the availability of city sewer. Also, there is no stormwater management that we are aware of today given the age of the property, that wasn't surprising. But certainly, any new plan following annexation approval would require up to dates from our management facilities. Next slide please, another click please. Again, we're not here on the site plan but I just wanted to mention the Wawa or Royal Farms, right now we anticipate a Wawa. They do plan to install the electrical vehicle charging stations, certainly the new development here would help clean up what I would describe as an old site. A site that you know I think has been patched quite a bit over the years; and it's certainly showing its age. This redevelopment opportunity would certainly go a long way to updating the site and its appearance. And if successful, and approved, would put us in a position where we would be able to remove the vehicles and other miscellaneous things that are sitting in the floodplain. We do have letters of support for this proposal from the American Spirit Federal Credit Union and Sentinel Self Storage which is located to the Northwest. Back in 2019 we did reach out to then Councilwoman Wallis to set up what I call a working group and we try not to go out more than a mile seeking volunteers. And it was a small working group, it wasn't a lot of interest from folk's close by, but we did have Lin and Adam Krakowski who where residents at Academy Hill. I believe Lin was the president of the Civic Association at that time, that's back, pre Covid 2019. We met a couple of times, and you know they were supportive of the annexation. They would be on here tonight, but I believe they're out of town. Next slide please. And that's the working group meetings I was referencing; and another click please. As indicated in the Planning Department's report, there was a positive fiscal impact noted; it was minimal it was positive. And we certainly looked also at the taxes that are being paid for example by the C store at the foot of Main Street the Wawa that was built there several years ago, well more than several. And the property tax is approximately 20,000 a year there, a little bit less and certainly they pay other city utilities. I have a slide on that but it's a little hard to get to with the clicking, without me controlling it. But those records are publicly available. And so, in summary, we believe the proposed use for the property we are contemplating is not inconsistent with the surrounding uses, zoning, or the current area and I think that's echoed very clearly in the Planning Department's report as well. Certainly, consistent with the City's Comprehensive Plan and vision that this property be annexed one day; took a while to happen but it requires the property owner's blessing as you know and so here, we are. Better late than never. And again, the property is continuous to exist in the city municipal boundary as confirmed by the report, and while minimal, there is a positive fiscal impact based on the report as well. So that is a quick thumbnail sketch maybe not quick of the application this evening. And I thank you for your time and we are certainly able to the best of our ability to answer any questions you may have for us.

Chair Hurd: Alright, thank you Mr. Tucker. I'll begin with Commissioner Kadar.

Commissioner Kadar: Good Evening, I'm going to overlook all of your comments regarding the Wawa and what you intend to put there because that has absolutely no bearing on this right now because as far as I'm concerned that's just a vision and it won't be anywhere near reality until you come forward with some concrete plans. That being said the request for annexation and rezoning appears to be fairly straightforward. The annexation is consistent with the Comp Plan, and we don't have to make any revisions to that plan which is always good. The rezoning is also consistent with its current use. And no future plans have been reviewed yet so I'm not really concern myself with what could or could not go on that site. That being said, I intend to support this and that's fairly all I have to add at this point.

Chair Hurd: Alright thank you. Commissioner McNatt?

Commissioner McNatt: Good Evening. Similar to Mr. Kadar's comments but I have a few extra. I just want to confirm that the FEMA flood panel information that's on this plan I think appears to be old. I think there are more current FEMA panels from January 2020. So, I would hope and sometimes I get a little frustrated, why the current information isn't shown correctly on plans. So, I would hope that that information as well as the future or what's going on Elkton Road gets added as existing at some point as well because I know that's actively under construction and pretty much will be more existing, I guess. Other than that, it's consistent with the Comp plan, consistent with the surrounding zonings and all the areas that are already annexed into the city. So those are my only comments is about the floodplain information.

Mr. Tucker: Thank you Commissioner McNatt, Chris Duke (inaudible) in relation to the panel information, as far as we are aware the maps have been updated. I think his original application (inaudible due to echo/feedback).

Mr. Duke: That's correct. From the time we made our initial submission to where we sit today there was a map update. I believe the floodplain elevation is consistent from that one to what is currently referenced, but to speak to Ms. McNatt's comment we can certainly update the panel information with subsequent submissions.

Chair Hurd: Alright. Can I ask anyone who is not speaking to mute themselves please? Because we are getting a bit of system echo.

Planner Fruehstorfer: Can I add that the FEMA map that is in the Planning and Development report was printed on...a week and two days ago. It is current. That's current.

Chair Hurd: Ok. Alright, any other questions or comments Commissioner McNatt?

Commissioner McNatt: Not at this time thank you.

Chair Hurd: Alright, Commissioner Silverman?

Commissioner Silverman: I agree with the previous comments of my colleagues, and I would like to add one or two additional items. I believe although we're not dealing with a specific issue on this site, I think the site itself would lend itself to virtually every land use found in the requested BC zoning district considering that it's a directly highway-oriented site. And as Mr. Tucker pointed out, the land uses in the area are predominately non-residential mixed use, so it's a good fit within the uses proposed in the zoning category. Also, one of the things that Mr. Tucker talked about was it being an old site, a pre-code site, and I think any development on this site gives us the opportunity with site earth disturbance to deal with any potential brown field aspects that may exist on this site with the towing service and the agricultural plant store use exists on the site. And it gives us the opportunity to mitigate any contaminated water runoff from the existing uses, protect this existing waterway from ground water infiltration and future surface runoff. The development of the site will provide the opportunity to cover the site with impervious surfaces including the structure and the paving and the stormwater management will allow for the proper collection of any stormwater that will be moving across the site. One of the questions I had in my notes for preparing for this was assurance that there was access to the site off of the existing road improvements, and Mr. Tucker covered that. The annexation proposal

342 itself does follow the guidelines of the state development office with respect to their annexation
343 policy in that site is virtually a doughnut hole of New Castle County surrounded by city of
344 Newark. And one of the things the state is encouraging through annexation is to eliminate these
345 doughnut holes and some of the problems that go with them. They are all the comments that I
346 have, and I intend to support this proposal.

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348 Chair Hurd: Alright, thank you. Commissioner Stine?

349
350 Commissioner Stine: Hi, Good Evening. Thank you, Commissioner Silverman, I completely
351 agree with your points, and I also intend to support the annexation. I do just have one general
352 question, it's really not directed at the applicant, but in the Planning and Development
353 department report, under the land use, they note that "existing signage will be grandfathered".
354 So, I guess my question is, how could anything be grandfathered if it's not within the city of
355 Newark now? It doesn't need to be brought up to the city of Newark code, I understand the
356 existing signs there will most likely not be an issue because hopefully this site will be
357 redeveloped, but how is that possible that something could be grandfathered before it's even
358 annexed?

359
360 Chair Hurd: Planner Fruehstorfer do you want to take that one or is that Director Gray?

361
362 Planner Fruehstorfer: I would just say that, well, "grandfathered" is actually bad term, we
363 shouldn't use it; the correct term is "existing nonconforming". But it isn't existing
364 nonconforming now because it's not in the county, but if it is annexed into the city, we would
365 consider those existing signs to be existing nonconforming. They would not have to take down
366 the billboard. The billboard is not allowed in the city, but it's there, but it would be considered
367 existing nonconforming.

368
369 Commissioner Stine: Ok so that's, thank you Tom or Planner Fruehstorfer, that's my question.
370 So that billboard does not go away?

371
372 Mr. Tucker: If I may, my client was nudging me because he brought this up earlier and he would
373 also like to offer something that may address your concern which we understand. Mr. Wittick?

374
375 Mr. Wittick: With that sign being I guess nonconforming; I would agree to have that taken down
376 with (inaudible).

377
378 Mr. Tucker: So, we would, as part of a plan to come as everybody correctly noted, is not before
379 you right now, but it always is the 500-pound gorilla in the room, we do annexations what's
380 coming. Mr. Wittick is representing that he is going to remove that sign in the future should the
381 annexation be approved in object.

382
383 Commissioner Stine: Ok, thank you.

384
385 Chair Hurd: Thank you.

386
387 Planner Fruehstorfer: We'll note that and include that in the Subdivision agreement later.

388
389 Mr. Tucker: Very well. Thank you.

390
391 Commissioner Stine: That's it for me, thank you.

392
393 Chair Hurd: Ok. Commissioner Wampler?

394
395 Commissioner Wampler: Yeah, I'll just state that I think the position of the parcel of land makes
396 annexation a good idea and that the condition of the property makes the proposed zoning I think
397 it's correct. So, I'm in favor of this.

398

399 Chair Hurd: Ok. I will just not I think what others which have is obviously it's an isolated parcel
400 and we're always looking to incorporate those into the city. And I do think the BC zoning makes
401 sense for this property because it's basically the highest level of commercial we can get without
402 the need for apartments and such which we would get with the BB and that kind of corners a
403 very active corner and commercial makes more sense there than keeping the industrial zoning
404 which doesn't make as much sense on an active corner that we would be looking to develop.
405 Alright thank you everyone...

406

407 Solicitor Bilodeau: Excuse me Chairman, this is the Solicitor, I just have a quick point or
408 question if I may?

409

410 Chair Hurd: Yes.

411

412 Solicitor Bilodeau: The one oddity with this special flood hazard area is that's actually a zoning
413 designation, so a majority of this property, hopefully if everything goes well for the applicant, be
414 rezoned as Special Flood Hazard Area. So, in code under Section 32-95 once this property is
415 successfully removed from the Special Flood Hazard Area, then Council can redesignate the
416 property and amend the zoning map. My understanding is at that time, the Special Flood Hazard
417 Area part of the property is going to be given the zoning designation BC like the rest of the
418 property. So that's how I think that's how that's going to play out without any you know
419 rezoning hearings for the Planning Commissioners or Council.

420

421 Chair Hurd: Right. I had assumed that the BC line we would going to be designating for the
422 portion that's not in the flood zone would be what would carry over into the property. So that
423 makes sense. Let's turn to public comment; Director Gray or Ms. Dinsmore, do we have any
424 submitted public comments?

425

426 Ms. Dinsmore: Not at this time Chairman.

427

428 Chair Hurd: Alright, do we have anyone who is signed up for public comment? I see nothing in
429 the chat.

430

431 Planner Fortner: Mr. O'Donnell is raising his hand you can see it on the monitor. Andrew
432 O'Donell, this is Mike Fortner.

433

434 Mr. O'Donnell: Thanks Mike. I'm District 3 also part of the Conservation Advisory
435 Commission for the district. I've had my eye on the property. I'm fine with the annexation onto
436 the city, but I would remiss if I didn't say that building another gas station is not what we need
437 for fighting climate change right now. So, I'm fine with property adding but his is like building
438 horseshoes and barns while we're switching from horses to cars; it's the wrong direction. The
439 charging station is great, but the gas station (inaudible). Thank you.

440

441 Chair Hurd: Alright, thank you Mr. O'Donnell. Anyone else from the public that wishes to
442 speak, you may unmute yourself and I will recognize you. I have two people on the phone, do
443 you want to unmute? Alright, seeing no action, I'm closing public comment and bringing it back
444 to the table, virtually that is. Is there, well, let's just make this easy, let's go around the horn
445 quick and see if there's any Commissioners that have any further comments or issues to discuss.
446 Commissioner McNatt?

447

448 Commissioner McNatt: No other comments or issues at this time, thank you.

449

450 Chair Hurd: Thank you, Commissioner Silverman?

451

452 Mr. Tucker: Mr. Silverman, I believe you're on mute sir.

453

454 Commissioner Silverman: No additional comments at this time.

455

456 Chair Hurd: Alright, thank you. Commissioner Stine?

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 458 Commissioner Stine: No comments, thank you.
 459
 460 Chair Hurd: Alright, Commissioner Wampler?
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 462 Commissioner Wampler: I have nothing thank you.
 463
 464 Chair Hurd: Alright, Commissioner Kadar?
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 466 Commissioner Kadar: I have no additional comments, thank you.
 467
 468 Chair Hurd: Ok, well if there is no additional comments or discussion, then we can move to the
 469 motions, Secretary Wampler would you start us off?
 470
 471 Commissioner Wampler: Yes, thank you. **I move that the Planning Commission recommend**
 472 **that City Council approve the annexation of 1105 Elkton Road based on the June 29, 2021,**
 473 **Planning and Development Report and the Becker and Morgan Group annexation and**
 474 **rezoning plan dated June 20, 2020, and revised April 20, 2021, with the Subdivision**
 475 **Advisory Committee conditions.**
 476
 477 Chair Hurd: Thank you, do I have a second?
 478
 479 Commissioner Kadar: This is Commissioner Kadar, I second.
 480
 481 Chair Hurd: Ok, thank you. Any discussion on the motion? Alright seeing none, we'll move to
 482 the vote. Commissioner Silverman?
 483
 484 Commissioner Silverman: Aye
 485
 486 Chair Hurd: Checking on this, Solicitor Bilodeau, do we need to be articulating our reasons?
 487
 488 Solicitor Bilodeau: Generally, for an annexation you don't necessarily need to, but you might
 489 just want to say for the reasons set forth in the Planning Department's report, I think that would
 490 be a wise thing to do.
 491
 492 Chair Hurd: Ok.
 493
 494 Commissioner Silverman: I vote, this is Silverman, I vote aye for the reasons set forth in the
 495 department's report as well as the discussion by both the applicant and the Commissioners.
 496
 497 Chair Hurd: Thank you. Commissioner Stine?
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 499 Chair Stine: I vote aye based on this evening's presentation and the recommendation of the
 500 Planning and Development department report of June 29th, 2021.
 501
 502 Chair Hurd: Thank you. Commissioner Wampler?
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 504 Commissioner Wampler: I vote ayes for all of the reasons already stated.
 505
 506 Chair Hurd: Thank you. Commissioner Kadar?
 507
 508 Commissioner Kadar: And I vote aye as well for all of the reasons already stated and those stated
 509 in the June 29th, 2021, Planning Development report.
 510
 511 Chair Hurd: Ok, thank you. Commissioner McNatt?
 512
 513 Commissioner McNatt: I vote aye for all the reasons stated and all the associated documents and
 514 records already discussed.

515
516 Chair Hurd: Thank you, and I vote aye as well for all of the reasons stated in the report and by
517 the Commissioners. **The motion carries, 6-0.** Ok, that takes us to the second motion.
518
519 Commissioner Wampler: **I move the Planning Commission recommend that City Council**
520 **approve the rezoning of 1105 Elkton Road from New Castle County I to City of Newark**
521 **BC and Special Flood Hazard Area based on the June 29th, 2021, Planning Development**
522 **report as shown on the attached Exhibit E-2 Rezoning Map dated June 27th, 2021, and the**
523 **Becker and Morgan Group annexation and rezoning plan dated June 20, 2020, and revised**
524 **April 20, 2021, with the Subdivision Advisory Committee conditions. Because it should not**
525 **have a negative impact on the adjacent and nearby properties, and because the proposed**
526 **plan does not conflict with the development pattern in the nearby area.**
527
528 Chair Hurd: Thank you, do I have a second?
529
530 Commissioner Silverman: Silverman, second.
531
532 Chair Hurd: Thank you. Any discussion on the motion? Mr. Silverman? Oh, no. Ok. My one
533 question is that Exhibit E-2 is not a very large map to show the boundary line and the plan that
534 we have doesn't physically locate the boundary of the zoning, but I am working on the
535 assumption that it relates to the limits of the 100-year floodplain line that is designated on the
536 plan. That is correct?
537
538 Mr. Tucker: Yes, that is correct.
539
540 Chair Hurd: Ok, so we do have a designation on the plan for the zoning, so that's good for me.
541 Ok. Any other discussion on the motion? Yes?
542
543 Commissioner McNatt: Excuse me, it's Stacy McNatt. Other than changing and updating the
544 correct flood plain hazard information to reflect what is current, I think needs to be potentially
545 added to the motion to make sure that it gets changed.
546
547 Planner Fruehstorfer: Early in the conditions of approval in the report.
548
549 Chair Hurd: Ok, so that's part of the Subdivision Advisory Committee conditions?
550
551 Planner Fruehstorfer: So, if you are referencing the conditions of approval, you will be
552 references the correction of the flood zone.
553
554 Chair Hurd: Ok. Does that work for you Commissioner McNatt?
555
556 Commissioner McNatt: Yep, as long as we reference those conditions in our motion.
557
558 Chair Hurd: We do reference the Subdivision Advisory Committee conditions. So yes, we do.
559 Alright, moving to the vote. Commissioner Stine?
560
561 Commissioner Stine: I vote yes for the reasons stated in the Planning and Development
562 department report dated June 29th, 2021.
563
564 Chair Hurd: Alright, thank you. Commissioner Wampler?
565
566 Commissioner Wampler: I vote yes for exactly the same reason.
567
568 Chair Hurd: Thank you. Commissioner Kadar?
569
570 Commissioner Kadar: I vote yes since it has no adverse impact on the surrounding area and is
571 totally consistent with the current use of the property and also consistent with the Planning and
572 Development department report of 06/29/2021.

573
574 Chair Hurd: Thank you. Commissioner McNatt?
575
576 Commissioner McNatt: I vote aye for all the reasons previously stated.
577
578 Chair Hurd: Thank you, Commissioner Silverman?
579
580 Commissioner Silverman: I vote aye for the reasons previously stated and in concurrence with
581 the development department report of June 29th.
582
583 Chair Hurd: Alright. And I vote aye as well for the reasons stated in the department report and
584 because it is consistent with the Comprehensive Plan. Alright, **motion carries 6-0**.
585
586 Mr. Tucker: Thank you Chairman.
587
588 Chair Hurd: Thank you everyone. Alright and that closes that item. That takes us to Item 4,
589 Review, and consideration of a Special Use Permit for a Cell Tower at the property located at
590 1325 Cooches Bridge Road.
591
592 **4. Review and consideration of a Special Use Permit for a Cell Tower at the property**
593 **located at 1325 Cooches Bridge Road**
594
595 Chair Hurd: Just to quickly reiterate, we'll have the Planning Department presentation, an
596 applicant presentation I expect, questions from the commissioners, public comment, the
597 commissioner's discussion, and the vote. Director Gray, are you taking this?
598
599 Director Gray: Yes, Chairman I'm taking this.
600
601 Chair Hurd: Alright.
602
603 Director Gray: Good Evening again everyone. My name is Mary Ellen Gray, I'm the Planning
604 and Development director for the City of Newark. This project is for a Special Use Permit to
605 construct 125-foot cell tower and related antennas at the property located at 1325 Cooches
606 Bridge Road to alleviate an existing gap in cell coverage.
607
608 Chair Hurd: Oh...
609
610 Director Gray: No, I'm good I was just scrolling down.
611
612 Chair Hurd: It look like you had logged off.
613
614 Director Gray: No, I should have moved. This property is zoned MI, General Industrial and this
615 an allowed use in this zone. The zoning requirements are described in the Planning Staff memo
616 and indicated the proposed Monopole tower and antennas do and can comply with all zoning
617 requirements. General requirements not covered in the current submission will require
618 verification during building permit review and are captured in the departmental comments in the
619 staff memo. As I just mentioned, this application requires a special use permit and special use
620 has in order for Council to issue a special use permit, the applicant must demonstrate that is does
621 not adversely effect the health of persons residing or working within the city of Newark or within
622 1 mile, be detrimental to the public welfare or injurious to property or improvements within the
623 city boundaries and within 1 mile of the city, or be in conflict with the purposes of the
624 Comprehensive Development Plan of the city. As the attached technical report shows, the
625 proposed tower will not adversely affect the health or safety of the public. Nor will it be
626 detrimental to the public welfare or injurious to property. In addition, this proposed installation
627 is not in conflict with the Comprehensive Development Plan. Therefore the Planning and
628 Development staff recommends because the proposed special use permit will not conflict with
629 the purposes of the Comp Plan, because the proposed use with the departmental comments will
630 not be injurious to property or improvements in the zoning area, and because the use can meet all

631 zoning and special use permit requirements, the Planning and Development Department suggests
632 that the Planning Commission recommend approval of a special use permit at 1325 Cooches
633 Bridge Road. Thank you, Chairman Hurd, that concludes my comments. And I will hand it over
634 to I believe Mr. Tracy.

635

636 Chair Hurd: Alright, so Mr. Tracy, take it away.

637

638 Mr. Tracy: Can you hear me Mr. Hurd?

639

640 Chair Hurd: Yes.

641

642 Mr. Tracy: Which is ironic considering I'm here on behalf of Verizon Wireless, can you hear me
643 now (inaudible). For the record, John Tracy from Young, Conoway, Stargatt, and Taylor here on
644 behalf of Cellco Partnership doing business with Verizon Wireless on this application. Proving to
645 you that yes, I can handle something other than mixed use or student housing projects. Virtually
646 with me on the line as I scroll the roster of attendees, are Todd Gannon on behalf of Verizon,
647 Andrew Peterson, who is our RF Engineer and the author of many of the reports Ms. Gray
648 referenced. And Matt Graubert from Kiers Engineering who is our civil engineer to an extent.
649 When I'm done my presentation if there are any questions that they're better suited to answer
650 they will be available. I did submit a PowerPoint; I will acknowledge that it's not nearly as
651 complicated as that before me because I have no idea how to make things fly in and out of
652 screens. So, I just xerox or scan in 15 consecutive pages of stuff so that's what you have in front
653 of you. But as that's loading up, this is seeking permission to construct a 125-foot-tall cell tower
654 that goes to the tip of the lightning rod on this nearly 11-acre parcel of land located at the
655 southern edge of Newark adjacent to I95. As mentioned, the site is zoned MI and it's largely
656 impervious as you'll see in a moment. As the Commission may be aware, we are the holder of
657 an FCC right license which gives us the right and obligation to provide effective cellular
658 coverage to our subscribers. As times have moved forward and devices have evolved, the
659 demand for this service continues to increase, as I'll talk about in a moment with everybody from
660 professionals, emergency personnel, to as we learned during the pandemic, students and workers
661 needing to rely on these services in order to conduct business. We also had folks who ended up
662 dropping their landline bills because they're already paying for cellular minutes therefore, they
663 want to use their cellular phones adding on top of that the new generations of smartphones and
664 tablets that seem to come out every other week, with additional features which in turn further tax
665 the internet, text, and video capabilities. You have continuing demands on service and these
666 demands are only expected to increase which is what facilitates applications such as these. And
667 these applications are not just for coverage, but they're also for capacity, as I've said to other
668 boards in the past, we've all been to concerts and sporting events, granted it was two years ago or
669 another lifetime ago. There's a bunch of people in one area, we know there's good cellular
670 coverage, but none of us can get on our phones or send our videos or what have you. And that's
671 because everybody else has the same idea at the same location which in turn shrinks the coverage
672 footprint and makes coverage less reliable in those areas and all these things that I just mentioned
673 combined will lead us into the dreaded "can you hear me now" effect and leads us to where we
674 are with this application to address one of those such "can you hear me now" situations. As was
675 indicated in the department's report we're required to comply with section 32-21B1 of the city
676 code that governs these types of applications within M1 district. There are some standards which
677 the department alluded to during its report that we will be addressing during the building permit
678 stage of this process assuming this approved, but it is not something that we anticipate having
679 complications with. So, moving onto the slideshow and going right to the slide that's in front of
680 you now. This property, which is outlined in blue, is located within the Diamond State Industrial
681 Park along Bell View Road, hence the creative name for this project, is Will Belview. As you
682 can see, I95 sits directly below the property and 896 is just off camera to the left. The area you
683 see with my crudely drawn asterisks is the rough location of where this facility is proposed to go.
684 The next slide is an aerial photo of the same site, this zooms in a little closer, you can see as I
685 mentioned previously, the site itself is largely impervious improved with the large industrial
686 building. You can see down camera to your left, the off ramp leaving I95 Southbound onto to
687 896. In the city the tower again as I mentioned will be at the very southeastern portion of the site
688 in that corner there. The next slide is from the plan, and it shows again the general layout of the

property; you see the building represented there, you see the boundaries of the property itself, and again in the corner you see the location that we've chosen for this facility again approximate to I95 certainly away from any development to the extent if there's any development other than industrial nearby. The next slide shows the compound and the proposed tower in more detail. You can see the compound on your left, it's about a 2400 square foot portion of the property that's under lease. You can see our facilities as well as the power shown within the compound. We're showing trees along the left-hand side as well as adjacent to the entrance to the facility. Per the department's report, we will be adding landscaping to the remaining sides of the facility as well. This compound is big enough so that it can accommodate equipment from co-locators that would want to perhaps join onto this tower the tower is structurally designed as our engineer's letter indicated, to accommodate at least two other co-locators along this facility and at the very top of the compound you'll notice the entrance into the facility. We'll be using the existing paved area around the building heading down towards the site then adding a gravel path away from those paved areas to the site itself for access. For those unfamiliar with these types of these facilities, once they're constructed, they're visited about once every 4 to 6 weeks by a minivan type vehicle that goes in and runs diagnostics and things like that on facilities, so it's a very very low traffic generator. We did submit a number of technical reports regarding the need and design of the facility and again as I mentioned, the authors are on that call so if you have any questions for them, but I did I think summarize a few of the high points as part of this submission. The first is the RF Engineered design that Mr. Peterson submitted that's the next slide is the cover sheet of that. As he notes in this report, this location is very well suited to handle the capacity and coverage concerns that are existing in this area currently. The slide after that, and if you don't have it, these are in, there you go so one more slide after that it will be where I am, there you go. This is a chart from Mr. Peterson's report that indicates the overall exponential growth in both voice and texting and streaming demands for these types of facilities this information comes from the Cisco report and shows a compound growth, a seven-fold compound growth over a 6-year period worldwide ending in 2022 and again this puts into kind of an analysis standpoint of what I was referring to earlier about the demands on these services only increasing. And of course, this data compilation was prior to the impacts for the pandemic hasn't updated what we've been through over the last year which has only shown more of these increases. The next slides start the before and after picture of the facility, this is the before on the existing coverage, showing a gap in the coverage, which is in building coverage represented by the green, you can see a large gap of the yellow particularly along I95 into the intersection of 896 and that slide shows the impact of this facility being constructed and that gap being bridged again along I95 and its intersection with 896. The next slides show the same two things from a different perspective this is what's known as best server plots these are plots that represent all the different sites and all the different antennas that are directing services in particular areas in the circle that we're showing which compounds to the gap in coverage that was illustrated in the prior slide you'll notice some conflict, some intermixing of the different colors within there. That shows that different antennas are competing in the same area to provide coverage which actually ends up degrading coverage in that area. The next slide shows what happens when you're able to introduce the new facility here; you see two distinct server sectors, the gray and the white that I will refer to, showing clear coverage in either direction along I95 and along 896 as well. All of this showing that this new facility will enhance both in vehicle and in building, in building becoming more important these days coverage for Verizon wireless. The next slide shows that we did the proper radius search for properties or towers or structures that we could co-locate on; there were none within the designated area that the code requires us to look. We did want to reference, because it is referenced in Andrew's report, is that there are some power lines to the East of this facility this is something that was a viable location in the past but has become less so these days. Verizon wireless doesn't look to collocate on high tension lines at these points because there are safety issues involved and there's often difficult coordination with utility companies both to schedule initial construction as well as routine upgrades and maintenance which often require scheduled power outages. In addition, there's often poor performance associated with these co-location sites because we cannot get the antennas to the height they need to be, these would be the antennas. So, for these reasons, these are not facilities that Verizon is exploring for purposes of co-location. The next slides are excerpts from the emissions report, and again all of these reports are in the record, I'm just kind of giving the summary of what they are for the Commission's digestion. The Commission is aware that both

the code and the FCC mandate that we comply with the required emissions output standards that the FCC puts into place to do this, Mr. Peterson conducts a full analysis. This analysis, the report notes, is a very conservative analysis in that he assumes for lack of a better word, worst case scenarios full traffic loading for instance, full down tilt of all the antennas essentially sending beams right at somebody, elimination of clutter that would otherwise interrupt the beams. All of this to determine how we fit within the structure of the FCC guidelines and here as Mr. Peterson's report notes, our emissions reach less than 2.2% of that that's permitted by the FCC meaning that we're well within the guidelines that the FCC has established. And finally, as not shown on this PowerPoint, we also submitted a structural engineering letter, that I indicated, we also submitted a non-interference report showing that our signal does not interfere with any other signals which is a requirement of the code; it's something that we, there's no interference because we broadcast on different signals. We're only licensed to broadcast on different signals so that we don't cross pollinate with the other signals that are out there, but the report does note that if an instance is ever pointed out to Verizon wireless, we would address it immediately. And lastly, we also submitted an FAA Compliance Report, these are not on the PowerPoint, I'm essentially done with the PowerPoint at this point. That show that we do not meet the requirements of having a likeness tower per FAA and we're in compliance with all FAA requirements such that we're not interfering with any approach zones for any airports. As was noted, we have to comply with the requirements of 32-21 which the department has summarized but I'm just going to hit using the letters of reference within the code section as to how we meet these. Section A is basically the information that I've referenced in the technical reports that have been submitted by both Mr. Graubart and Mr. Peterson demonstrating the technical needs for the facility, the lack of colocation options and of course our compliance with all required emissions standards established by the FCC. With regards to subparagraph B, we're not seeking relief from any setbacks, we in fact meet all setbacks. With regard to number C or letter C, as I mentioned, no lighting will be installed on the tower because it is not required by the FAA. Letter D is not applicable because we are less than 175 feet in height. Letter E is not applicable because we are not co-located on a building. Letter F, we will provide all required reports to the department as part of the building permit and construction phase, and we will be landscaping around the facility as required by the code. Letter G, there is no outside storage proposed with this, so that inapplicable. It will be grey in color which (inaudible) unless the Commission would like to see perhaps a hot pink or electric green or something like that. With regard to letter I, per the FAA report, we are not encroaching upon any airport approach zones. Letter J, we are further than 2000 to the nearest tower, letter K is inapplicable again because we're not collocating in this instance although as I mentioned we are designing four co-locations. Letter L, we submitted the non-interference report that I mentioned previously. Letter M, we will comply with all of the city's Abandonment Requirements should this facility be abandoned in the future. Letter N we have provided a structural report from the outset, and we will comply with the city's requirements for structural reports. As we move forward, we will, in letter O, provide the commitments the city is looking for as part of the building permit application we've submitted insurance requirements to municipalities in the past for these things. Letter P, it's not in storage so it's inapplicable we will comply with noise requirements, and we are compliant and understand the remaining standards in there. In short, we believe all the information we have provided to the city demonstrates that we comply with 32-21 which in essence means that the application should be approved, but in addition, we do agree that we certainly comply with all the Special Use Permit standards. This is an Industrial location and in the middle of an industrial park, our closest neighbors is I95. We believe that these facilities and I often say that I believe these facilities don't have adverse impacts; in fact, they have very positive impacts by giving you the ability for good and reliable cellular and wireless service which is as we mentioned is becoming more and more important. These facilities make no sounds, they emit no smells, they do not tax government resources such as water, sewer, and they generate as I mentioned no traffic to the facilities other than one trip in and out every 4 to 6 weeks. It does nothing but provide good wireless to residences, buildings, businesses, and vehicles alike. So, I think that's the overview and as I mentioned if there's any technical questions my engineers are the line and would certainly be more than happy to answer those as needed.

Chair Hurd: Alright, thank you Mr. Tracy.

805 Mr. Tracy: You're welcome.

806

807 Chair Hurd: We will begin with Commissioner Wampler.

808

809 Commissioner Wampler: Yes, thank you. I found all of the reports that were submitted and the

810 information that was provided by the department to be really sufficient. I think what this does is

811 provide better service and I see no way that it has any sort of negative impact on any of the

812 surrounding area. So, I'm in favor of it; I'll vote for it.

813

814 Chair Hurd: Alright, Commissioner Kadar?

815

816 Commissioner Kadar: Very comprehensive presentation, covered practically every aspect that

817 anyone could conceivably ask. So, congratulations.

818

819 Mr. Tracy: Now you know how my wife feels.

820

821 Commissioner Kadar: And I also, I have no issue with the plan, there are no adverse effects as

822 far as I can see other than the fact that it is extremely visible and but considering it's located

823 alongside the I95 corridor, it fits in along with everything else that's running along the interstate.

824 So, I intend to support this, I have no further questions.

825

826 Chair Hurd: Alright. Commissioner McNatt?

827

828 Commissioner McNatt: Good Evening. I do have some strange questions. The area that this is

829 located. From the road to the 2400 square foot is that going to be through an easement and is

830 this all in an easement? Or is the property owner going to actually sell a piece of the property to

831 the tower to build the tower and get back to the tower?

832

833 Mr. Tracey: No if we could pull up the ariel photograph of the site which I think was the second

834 or third slide, that was part of my presentation. Ms. McNatt, it's not a conveyance of property,

835 it's a lease area for the 2400 square foot area of the compound and in part of that lease

836 agreement, there is a cross access easement that allows Verizon to get back to the facility.

837

838 Commissioner McNatt: Ok, and my last silly but not so silly question. Wouldn't the owner of the

839 property have to sign these plans to say they're ok with all of this? Because I didn't see the

840 property owner's any information.

841

842 Mr. Tracy: They signed the application for the Special Use Permit, that was submitted to the city

843 and to the extent that they would needed to sign the plan, and I would certainly have no objection

844 if they're required to, I'm sure they would because again, they signed the Special Use Permit

845 application.

846

847 Commissioner McNatt: I was just under the impression any lands that came to the city had to

848 have the owner's signature on them basically saying they're ok with what you're proposing. I

849 don't have an issue with what you're proposing, I just it was strange that I didn't see those lease

850 lines on these plans as well as the owner's signature, so...

851

852 Mr. Tracy: Again, these plans can be updated, I don't believe they are the final plans to extend if

853 any further comments come out, for instance adding the additional landscaping; we have to

854 modify those so I think with the final plan approval, if the signatures are needed that's where it

855 would be.

856

857 Planner Fruehstorfer: (inaudible) subdivision. Tom Fruehstorfer, planner it's not development

858 plans.

859

860 Chair Hurd: Ok. Anything further Commissioner McNatt?

861

862 Commissioner McNatt: No thank you.

863
864 Chair Hurd: Alright, Commissioner Silverman?
865
866 Commissioner Silverman: I just have two questions, referring to the drawing, Z as in zebra 3. It
867 shows that there's a generator on the site, is the generator powered by natural gas? Or will there
868 LP storage or diesel fuel storage on the site?
869
870 Mr. Tracy: Matt Graubart is on the line; he can answer that.
871
872 Mr. Graubart: I am. Can you hear me?
873
874 Chair Hurd: Yes.
875
876 Mr. Graubart: It is currently proposed as a diesel generator, as a double wall containment tank.
877
878 Commissioner Silverman: Ok. Is that included on the plan or is it part of the pad for the
879 generator?
880
881 Mr. Graubart: It is below the generator; you can see that on sheet A3 of the plan set.
882
883 Commissioner Silverman: Ok, that answers my question. And the final question and I am getting
884 over into Tracy's role here. You mentioned the elimination of server sector conflicts. Is this a
885 monopole replacing other poles in the area?
886
887 Mr. Tracy: No, it's not. It's basically a new facility that's being constructed where there are
888 existing deficiencies, and the intent is that this tower will offload competing information that's
889 coming from the other towers so basically, it's the puzzle piece.
890
891 Commissioner Silverman: Thank you, you've answered my question. I didn't know if there were
892 going to be structures on the lands of others that would be abandoned, and it sounds like not.
893
894 Mr. Tracy: No, no.
895
896 Commissioner Silverman: Thank you.
897
898 Chair Hurd: Alright, Mr. Graubart, could I ask you to spell your name for the record so that we
899 can get the minutes, correct?
900 Mr. Graubart: Sure, it's G-R-A-U-B as in boy A-R-T.
901
902 Chair Hurd: Thank you very much. Commissioner Stine?
903
904 Commissioner Stine: Thank you, I intend to support the Special Use Permit as well but like
905 Commissioner McNatt my first question was why is the property owner, why aren't they the
906 ones applying for the special use permit?
907
908 Mr. Tracy: Well, in the sense that it's the applicant. The applicant is leasing land and therefore
909 the applicant is the one who's bringing forward the application again as I indicated on the outset,
910 the property owner was required and did sign the application for the special use permit but
911 basically the property owner is saying that the applicant, in this case Verizon, we're going to
912 allow you to use a portion of our property but it's up to you to get the approval because you're
913 the real party of interest.
914
915 Commissioner Stine: Ok. I trust you Mr. Tracy because this is you're line of work. That doesn't
916 make any sense to me that we would grant a Special Use Permit to someone who doesn't own
917 the property.
918
919 Mr. Tracy: Well again remember they have lease hold interest. They have a lease with the
920 property owner we do not even start this property unless we have the lease with the property

921 owner moving forward and I can tell you Ms. Stine, that in pretty much all of the jurisdictions
 922 I've done this, it's always the applicant who's carrying the ball for the application; the property
 923 owners are basically supplying the platform and saying to Verizon "it's up to you".
 924

925 Solicitor Bilodeau: This is the city solicitor. Tom Fruehstorfer or Mary Ellen did Council just
 926 about a month ago approve a special use permit for a tower the city owned the land, but it was
 927 leased to the Senior Center. This was a smaller tower, but the city wasn't the applicant there,
 928 even though we owned the property. Isn't that correct?
 929

930 Planner Fruehstorfer: That is correct, and it is typical for other types of special use permits also.
 931 A business may be renting a property and the business comes to us for a Special Use Permit, not
 932 the owner of the property.
 933

934 Commissioner Stine: Ok.
 935

936 Chair Hurd: Anything further Commissioner Stine.
 937

938 Commissioner Stine: No, that'll do. Thanks.
 939

940 Chair Hurd: Alright. I just had a question from the diagrams and this is doesn't go too much into
 941 the application, it's just my curiosity. What's the difference between building coverage and car
 942 coverage? And I guess, I can see sort of where there's a yellow and we make it green with the
 943 tower, I guess I'm trying to understand, clearly, I guess, well not clearly, car coverage seems to
 944 be less. If you could just explain that so I can understand that?
 945

946 Mr. Tracy: Yeah, and I know he thought he was going to get away without having to testify, but
 947 darn it all, I'm going to let Andrew Peterson who's the RF engineer explain to you what that
 948 difference is.
 949

950 Mr. Peterson: Will, thank you for the question now with the transcript I can actually prove I was
 951 here, so I appreciate that. No, but in all seriousness, it's pretty simple actually. So, there is a
 952 more stringent threshold required for coverage when it comes to penetrating a building structure
 953 as opposed to a vehicle. With a building structure, particularly with glass and steel industrial
 954 type building, you're going to require a stronger signal to penetrate that structure than you would
 955 a vehicle. So, the rule of thumb in the world of Radio Frequency design, is about a 10 DB
 956 difference in those thresholds. So, a signal that is significantly stronger will penetrate a building
 957 and that's why you see the green footprints, they're much more modest than the yellow which
 958 kind of covers the entire area. So, we do have decent in car coverage here, but the in-building
 959 service is lacking along the corridor here. And there are a lot of significantly built structures
 960 along that corridor and folks nowadays, as Mr. Tracy pointed out, they expect coverage in
 961 vehicle, in their basement, in a bank vault, so it's important that we provide that to them.
 962

963 Chair Hurd: Alright, thank you. That helps me understand. I do want to commend the applicant
 964 for finding, I don't want to say that there's a "perfect" location for a cell phone tower, but this is
 965 a pretty good one. The corner of an industrial lot in an industrial park.
 966

967 Mr. Tracy: It's getting harder and harder Mr. Hurd I will tell you that there are times where I've
 968 said, "all the good sites are taken" and so we're working with what we have left. And so, what's
 969 very interesting, and I'm not presupposing anything on this application, but when I started doing
 970 this particular line of work 15 years ago, you'd have lines of people opposed to these facilities,
 971 but nowadays more often than not I'll have a random person who will show up and said "thank
 972 goodness, we needed this, and we need it now" more often than I have people opposing. That's
 973 not to say that I mean I won't run into those type of sites, but when we have the opportunity to
 974 find one that's more appropriate, we do like to take that.
 975

976 Chair Hurd: Right. Alright, thank you. We'll move to public comment; Director Gray or Ms.
 977 Dinsmore, do we have any submitted public comment?
 978

979 Director Gray: This Director Gray, we do not have any comments. Katie, did you see anything?
980
981 Chair Hurd: Anything by email that came in before the meeting?
982
983 Ms. Dinsmore: No, I didn't see anything by email.
984
985 Chair Hurd: Alright, has anyone requested to speak? Ok, so no one has requested, but we are
986 open for public comment if anyone wishes to unmute...I see none. Alright, I'm closing public
987 comment. Bringing it back to the virtual dais, just to speed this up, are there any further
988 Commissioner comments? If you have any, you may unmute. Alright, everyone can't wait to
989 get the TID Presentation, I can tell. Secretary Wampler let's go to the motion.
990
991 Commissioner Wampler: Ok. **I move that the Planning Commission recommend approval of**
992 **the 1325 Old Coochs Bridge Road Special Use permit for a tower broadcasting**
993 **telecommunication with departmental conditions.**
994
995 Chair Hurd: Alright, do I have a second?
996
997 Commissioner Stine: I'll second.
998
999 Commissioner Silverman: I'll second.
1000
1001 Chair Hurd: Ok, we had a lot there. I hope that counts. Any discussion on the motion? Alright,
1002 moving to the vote and remember this is a special use permit so we do need to articulate our
1003 support for the three items the three criteria for special use permits, and I will begin with
1004 Commissioner Kadar.
1005
1006 Commissioner Kadar: I vote aye because it's consistent with the Comp Plan and will not
1007 adversely effect the adjacent community and I approve it with the conditions set forth on the
1008 Planning Department memo dated June 29th, 2021.
1009
1010 Chair Hurd: Thank you, Commissioner McNatt?
1011
1012 Commissioner McNatt: I support the special use in that it will not conflict with the Comp plan,
1013 and it meets all the zoning and special use requirements as well as the Planning and
1014 Development report provided dated June 29th, 2021.
1015
1016 Chair Hurd: Alright, thank you. Commissioner Silverman?
1017
1018 Commissioner Silverman: I support this proposal for the description and the analysis in the June
1019 report from the Planning Department.
1020
1021 Chair Hurd: Thank you, Commissioner Stine?
1022
1023 Commissioner Stine: I vote to support the special use permit because it does not adversely affect
1024 the health or safety of persons residing or working within the city of Newark boundaries or
1025 within a mile of the city. It's not detrimental to public welfare, or injurious to property, or
1026 improvements within the city of Newark boundaries or within a one-mile radius and it's not in
1027 conflict with the purposes of the Comprehensive Comp Plan of the city.
1028 Chair Hurd: Thank you. Commissioner Wampler?
1029
1030 Commissioner Wampler: I vote yes for all the reasons already stated and because I think it will
1031 provide needed service and it is a good thing.
1032
1033 Chair Hurd: Alright. And I vote yes as well, for the reasons stated by the commissioners and the
1034 analysis in the report. Alright, **motion carries, 6 – 0**. Thank you all.
1035
1036 Mr. Tracy: Have a good evening.

Chair Hurd: Alright closing that one, moving on, to the highlight. Just need to review my notes here. Number 5, review and recommendation on Transportation Improvement District service standards and transportation improvements. I'll give everyone a moment here to reset.

5. Review and recommendation on Transportation Improvement District service standards and transportation improvements

Chair Hurd: Alright, Director Gray are you presenting at all or are we going directly with Ms. Coakley.

Director Gray: We are going directly with Planner Sarah Coakley from DelDot who has been working with us and the city of Newark on the Transportation Improvement District from the get-go and we're just going to hand it over to principal Planner Sarah Coakley. Thank you

Chair Hurd: Alright, thank you.

Planner Coakley: Good Evening thank you for having me this evening to present and update on the TID and the purpose of the presentation tonight is to seek a Planning Commission review and recommendation on service standards and transportation improvement for the TID. Go to the next slide. So, this evening I'm going to review the TID Development steps and current status. Then I'm going to review the land use forecast and service standards, talk briefly about the traffic modeling process and results. But most of the time reviewing and answering any questions and seeking a recommendation on the service standards and transportation improvements. Go to the next slide. So first up, I'm going to review the TID development stuff and current status and go to slide 4. So, a TID is a geographic area that is defined for the purpose of securing the required Transportation improvements. It's a place where land use and transportation is planned in detail in advance so development that comes in consistent with that plan can readily determine fees. And this fee payment replaces the requirement to conduct a traffic impact study and they either make or fund off site transportation improvements. So, it's replacing an existing process, it's not a duplicate fee basically. And then the purpose is to better provide the Transportation improvement to accommodate land development in locations identified as appropriate for development in local Comprehensive plans. Next slide please. So, some benefits of creating a TID, it that it allows the Comprehensive infrastructure planning. So normally with individual development projects, DelDot is often playing catch up when we identify the need for transportation improvements and programs. With the TID we've basically already identified what's needed. Also, projects that are located within a TID advance in our Capital Transportation Program quicker, they're awarded extra points in our prioritization process. And our Capital Transportation Program is our six-year financial plan for funding projects. And then because TID fees are basically a transportation impact fee, the TIDs stay local, and the fees costed by the future development can only be used for the agreed upon improvements in the TID. A TID also enables for ethical treatment of other competing developers. So, with the individual traffic impact study, they don't know ahead of time what the requirements are going to be and also the small development is often exempt from having to do a traffic impact study. But with the TID, the idea that everyone pays into it and then along with that are known costs for developers. The TID fee is usually a per square foot fee for non-residential or a per unit fee for residential units. And then finally expedited development reviews are another benefit in that development doesn't have to do a traffic impact study. Which can take 6 to 9 months for that process. Next slide please. So previously, about a year and a half ago, I presented to the Planning Commission and the Planning Commission recommended the TID boundary and horizon year for the initial TID agreement and then then that was approved by City Council so have an existing TID agreement that spells out the boundaries in the horizon year and then if you go to the next slide, slide 7...so these are the boundaries recommended by the Planning Commission and approved by City Council. The red area is actual TID boundaries that determines which parcels will be participating in the TID, it basically follows White Clay Creek to the North, Christina River on the West side, and then the rest of the areas the city boundary and railroad, they are on the East side. And then the segments and intersections, they are basically the facilities boundary what DelDot has analyzed. And also, the roadways of both

1095 service standards apply to. You can go to slide 8. So, in this agreement, we agreed to work
1096 together on services standards, the land use and transportation plan. The TID CTP, which is
1097 basically the list of improvements that the TID funding will go towards. And then the
1098 infrastructure B program. So, these are kind of like what next steps are that I haven't completed
1099 yet. Next slide please. There we go. So, this just shows where we are in the process, so
1100 basically, I want to review the land use plan that city staff completed based on the
1101 Comprehensive Plan and then we're basically still trying to finalize the land use and
1102 transportation plan and the list of transportation improvements. Next slide please. So where are
1103 we right now? So, in the TID agreement we have with the city, DelDot submitted the compiling
1104 and existing conditions report on Transportation networks and then also to forecast traffic based
1105 on the city's future land use plan. On the study area road network for the year 2045 and then
1106 identify areas that need improvements to meet the service standards in 2045 and now we're
1107 coming to you, DelDot compiled the land use forecast, the traffic forecast, and needed
1108 improvements. So, we're coming to the city for a concurrence before we get into doing concepts
1109 and cost estimates for the improvements. And then the concepts and cost estimates will inform
1110 the (inaudible) infrastructure fee program. Next slide please. And I'm just going to real quick go
1111 through these the (inaudible) Committee has been meeting monthly and have made a
1112 recommendation on service standards but basically this is quite a (inaudible) level of service, and
1113 their recommendation is for basically no greater delay than 80 seconds, and at signalized
1114 intersections are at 50 seconds. At unsignalized intersections which ends up being equivalent to
1115 level of service E, you can go to the next slide for me. This just shows a picture of what the
1116 different delay measures look like so basically, we're looking at the bottom middle picture for
1117 the worst two hours of the day in the in the AM and PM peak rush hours. That would be the
1118 worst that traffic gets along the roads within the municipality boundary. You can go to the next
1119 slide please. So, we did an existing conditions analysis which basically serves as a baseline for
1120 the TID, and it was based on the traffic counts we did in Newark in September of 2019. You can
1121 go to the next slide. This slide shows the existing conditions in the AM period so weekdays
1122 between 7:00 and 9:00 AM and basically the green is the level of service (C or better) and then
1123 the red intersections are identified as needing work that exceeds the 80 seconds' delay. Go to the
1124 next slide for me, slide 16. So, this slide shows the weekday PM peak, and the red are the
1125 hotspots we identify as needing improvements. Go to the next slide for me please and we also
1126 did what we call ulterior travel time assessment. Basically, looking at the travel time it takes to
1127 travel along these five key corridors so Route 72, Main Street 273, Elkton Road and Main Street,
1128 896 South College Avenue, and then state route 4 and basically running an analysis to determine
1129 what the travel time is. So, this is showing the results for the AM peak period the travel time
1130 ranging from almost 5 minutes to little more than 10 minutes along the various segments. Go to
1131 the next slide for me please. So, this shows the ulterior travel time in the PM peak and the PM
1132 peak is usually worse than the morning rush hour. So again, it's showing the travel times
1133 varying from about 6 minutes to about 11 almost 11 minutes. Yep, and now I'm going to review
1134 the land use forecast and service standards if you could go to the next slide for me. So, the
1135 projections that the city Planning Department did are based on the city of Newark's
1136 Comprehensive Development Plan and zoning code. As well as looking at current and
1137 anticipated future development trends. Go to the next slide for me. So, the land use forecast was
1138 broken down by the different planning areas and these planning sections are from the city's
1139 Comprehensive plan. Go to the next slide for me. So, this shows the land use forecast by
1140 planning section. So, there's like three categories under each planning area. There's PO (already
1141 in process, already submitted and under review). And then short term is what's anticipated within
1142 the next 10 years. And then long term is what's anticipated beyond that and so you can see it
1143 includes the total there for Planning Area A. That's 1600 residential units and 141,000 square
1144 feet of commercial and a hotel. Planning Area B almost 1000 residential units and 8,000 square
1145 feet of commercial. Planning Area C about almost 2.5 million square feet of commercial,
1146 Planning Area D 101 residential units, Planning Area E 181 residential units and almost 50,000
1147 square feet of commercial and then Planning Area F almost a quarter million square feet of
1148 commercial. Can you go to the next slide for me? This slide shows the future land use paths
1149 broken down more parcel specific. So, from in the northwest corner, we've got potential future
1150 development of 271 single family units and then this map just breaks everything down, the
1151 previous slide. The totals are the same, it just breaks it down by parcel, by area and it matches
1152 the focus areas in the city's Comprehensive plan. Next slide please. So, the service standard

1153 will be used to develop the transportation component of the land use and transportation plan.
1154 And basically, the purpose of them is to identify triggers for determining what type of
1155 transportation improvements are needed and when and where they're needed. And they've been
1156 developed through a public process through the TID committee meetings and recommendations
1157 and then the city and DelDot held a joint public workshop in October that reviewed them as well.
1158 Next slide please. So, service standards are basically standards that define what considered
1159 adequate transportation infrastructure in the TID and so they may include levels of service or
1160 delay measures that our regulations also requires they include desired typical sections for roads
1161 and then standards for the presence and frequency of transit service. Next slide please. So, for the
1162 Newark TID the TID committee has recommended an overall average intersection delay during
1163 peak period a maximum of 80 seconds at signalized intersections and 50 seconds at roundabouts
1164 and all way stop controlled intersections and then also a 50 second maximum delay for left turns
1165 from the major street at 2 ways stop controlled intersections. And then also a maximum increase
1166 of 80 seconds in the total travel time for the five key segments. And they recommended that the
1167 intersections delay sooner be applied first and then then the (inaudible) travel time standards.
1168 Also, the recommended service standards include that basically state standards for roadways
1169 apply on state-maintained roads while city standards apply on city streets. The service standards
1170 recommended that DelDot consider roundabouts first on state road intersections which is
1171 consistent with DelDot's current policy to look at roundabouts versus traffic signals. And then
1172 for 6 route changes the service standards call for us to considering the recommendations from the
1173 2019 Newark Area Transit Study with new transit facilities being up to the actual transit
1174 providers. And then for aesthetic standards, it references our regular galvanized metal standards,
1175 but it does, the service standards do identify the opportunity for fancy street signs in select
1176 locations. So as part of the recent main street project, DelDot used special street signs there. So,
1177 if the Commission wants to recommend locations for those that would be great as well.
1178 Adequate drainage is required to be maintained and provided before and after all of our
1179 transportation improvements and then (inaudible) pedestrian facilities the service standards have
1180 us refer to currently adopted city, county, and state plans to follow the best practices for bicycle
1181 and pedestrian facilities. And so now I'm going to review the traffic modelling process and
1182 result so technical approach, we use those traffic counts from 2019, we add the land use, the
1183 future land use to it, we also background traffic because obviously the future land use just to
1184 address as parcels within the TID in the city and there will be some increases in traffic outside of
1185 the TID, so we factor that in as well. Then we do something called Synchro Traffic Impact
1186 analysis basically the same software that would be used for a traffic impact study and we use that
1187 to model the future land use. Next slide please. And so, our Synchro Traffic Impact Analysis, it
1188 automatically generates the routes into and out of the proposed developments it also
1189 automatically calculates the number of trips generated, trip assignments, and ultimately
1190 distributions across the network. The nice thing about it is that's it's flexible, allowing us to
1191 develop multiple future growth scenarios also if a development comes in, if anything comes in
1192 different than what was in the land use forecast then we can easily adjust the modelling. And so,
1193 we looked at the level of service and delay analysis for there scenarios, for existing short-term
1194 improvements we modeled the future land use with projects that are already in our fiscal year 21
1195 to 2060 CDBG. And then we do the long-term improvements, modeling that it was all the
1196 (inaudible) improvements. So, all of the short-term improvements we included are the Elkton
1197 Road improvements that are currently under construction, and then we have a CPD project along
1198 State route 4 from Elkton Road 896 with construction to start in 2025 so we included those, and
1199 it includes two continuous through lanes in both directions and then installing a separate shared
1200 use path on the North side. Next slide please. And then we also included improvements on 896
1201 between Old Chestnut Hill Road and Marvin Road because we also have a CPD project for that
1202 location as well. And so there on the (inaudible) add additional northbound and southbound third
1203 through lanes along 896 and South College Avenue, modify medium curbs to increase turn lane
1204 storage and then the big thing there is adding dual right turn lanes and signal for the right turn
1205 lanes from Route 4 Eastbound to 896 Southbound. And so, this shows the results of the short-
1206 term improvements. So, the one intersection shown there in red is Capitol Trail and Cleveland
1207 Avenue. You can go to the next slide for me. This next slide shows the short-term improvements
1208 of PM, the PM result and there's five intersections that are red basically, or six, excuse me. So,
1209 the big one is the Cleveland Avenue in red there. And then State Route 72 and Route 4 and then
1210 also Wyoming and Chapel so the triangle ones are red because that basically means that one

1211 approach exceeds the standard but overall, the average is fine. It's really the squares and the
1212 diamonds there at Cleveland and Capitol State Route 4 and 72, and Wyoming and Chapel that
1213 are the three hotspots. Next slide please. So, for the level of service and delay analysis once we
1214 modeled the short-term improvements then in order to try to achieve the service standards.
1215 Basically, we'll get signal optimization, basically assigning more green time to the roads that
1216 have the most traffic on them. Then we look at right turn channelization then we look at
1217 increasing storage length, or basically extending the left and right turning lanes and we look at
1218 additional storage lengths and finally through lane capacity, so we use a low impact (inaudible)
1219 first approach in order to identify needed improvements. So now I'm going to get into the
1220 recommended improvements so and these were recommended by the TID Committee. The first
1221 one is to include the Route 4 improvements from Elkton Road 896 also include 896
1222 improvements both the short term improvements and then there's also a South College Avenue
1223 gateway project that's in our CTP that calls for bike facilities from Welsh Tract Road all the way
1224 up to North of main street so the recommendation is to include those improvements in the TID
1225 improvements as well and then at South College Road and Welsh Tract road intersection
1226 basically extending a turn lane length for the right turn lane from east bound Welsh Tract Road
1227 to the Southbound College Avenue. And then turning through the through and left going
1228 westbound on Welsh Tract Road, separate that out so that there's actually like two left turns and
1229 then a separate through there. Next slide please. This shows the improvements there basically
1230 that I just talked about. So, Route 4 and 896 South College Avenue and the vehicular
1231 improvements are basically along state route 4 and then between Welsh Tract Road and Marvin,
1232 and then bike improvements along the entire stretch of South College. Additional improvements
1233 recommended include adding a right turn lane from South College Avenue to West Park Place,
1234 and then the Committee is also recommending that we verify the pedestrian crossing time there
1235 and consider no right turn on red, and then we're also going look at this idea of a scramble there
1236 which basically gives designated signal time to just pedestrians. And then at Papermill Road and
1237 Thompson Station Road, extending the left turn lane there from Possum Park Road onto Paper
1238 Mill Road. And also extending or lengthening the right turn lane from northbound Marrows
1239 Road on 273. Next slide please. This is a map showing these improvement locations. Next
1240 slide please. So additional improvements include the intersection of Elkton Road and State Route
1241 2 Elkton Road and state route 4. This would be widening the suburban plaza approach to add a
1242 second southbound through lane. Back to the shopping center entrance and then a new roadway
1243 connection from Suburban Plaza and State Route 4 north to Barksdale Road. And this was part
1244 of the previously known west connector. And we recognize that there is a stream corridor there
1245 and trail and wetlands to avoid. So, the idea would be to build it elevated to avoid those impacts.
1246 And then also how to provide a separate bicycle pedestrian facility closer to the river so basically
1247 it would be two separate bike pedestrian facility and a road for vehicles with them being separate
1248 from each other. Next slide please. This shows the locations of these improvements. Additional
1249 recommended improvements include improvements at the intersection of state Route 72 and
1250 State Route 4 (inaudible) Avenue and Chestnut Hill Road intersection so basically extending the
1251 eastbound left turn lanes also widening so that two southbound through lanes go all the way back
1252 to Kensington Lane. And then dualizing and signalizing the two right lane turns from State route
1253 72 onto state route 4. At Library Avenue and Wyoming Road extending the eastbound left turn
1254 lane from Wyoming on the north bound Library and also widening to add a second westbound
1255 through lane along Wyoming Road. And then at South Chapel Street and Wyoming Road
1256 intersection, installing a single lane roundabout and adding bicycle facilities and so this slide
1257 shows the locations of these improvements. Next slide please. The Committee also
1258 recommended additional specific bicycle improvement locations so Library Avenue and
1259 Wyoming Avenue, adding a protected intersection there for bicyclists and then also adding a
1260 separated bikeway along Wyoming Avenue. At Brookside and State Route 72 adding the
1261 (inaudible) crossing and shared use path on east side of 72. The north of Route 4 to Kensington
1262 Lane, and then a (inaudible) crossing will be at Kensington Lane. And then adding a pathway on
1263 Marrows Road from 273 to Old Newark Road. And this map shows the locations of these
1264 improvements in green. And then adding a side path extension along Library Avenue between
1265 Delaware and Main and along Main Street along Library Avenue and Capitol Trail. Putting a
1266 pathway along State Route 273 between Library Avenue and Marrows Road, and then a
1267 protected bike lane on Main Street between Library Avenue and the Pomeroy Trail. And the next
1268 slide shows the locations of these in green as well. So, filling in bike network gaps in the

1269 downtown area. Next slide. The committee also recommended adding a shared use path to
1270 connect Casho Mill Road and Nottingham Road intersections to Old Casho Mill Road and then
1271 making the Casho Mill Road and Nottingham Road intersection bike friendly. Adding the
1272 Kershaw connector pathway from the new Emerson Bridge to the Pomeroy Trail, near the city
1273 park. And then adding trail connections to the trail system near Papermill Road, Thompson
1274 Station Roads so there's a good trail system that goes near there but then it basically then it
1275 becomes a higher stress level of bicyclists trying to cross the intersection. So, the idea is to tie
1276 all of these trail intersections together in that vicinity and provide lower stress crossings. And
1277 then a pathway from Capitol Trail to Old Papermill Road. And this slide shows the locations of
1278 these proposed bicycle improvements. So, once we modeled this, its improved things a lot.
1279 There's only one intersection in the AM peak period that is a layover of 80 seconds and that is
1280 Capitol Trail and Cleveland Avenue. And then if you go to the next slide. So, this is the PM,
1281 sorry if you go back to 52, this is the PM peak period, and it shows improvements compared to
1282 the short-term scenario. There are two intersections Capitol Trail and Cleveland and State Route
1283 4 and 72 that we'll still see the 80 seconds of delay there. And they exceed the 80 second delay
1284 under the existing conditions so we're still recommending improvements there but in order to get
1285 those two intersections to be less than 80 seconds of delay you basically have to add a third
1286 through lane at those locations and DelDot does not prefer that option. We also reran the ulterior
1287 travel time assessment and basically what this is showing is that the travel times along the five
1288 corridors don't increase by more than 78 seconds. So, the long-term improvements, the ulterior
1289 times stay within that 80 second threshold as well. Next slide please. If you could just go to slide
1290 59. So the next steps are to answer any questions and the Planning Commission to make a
1291 recommendation to City Council and basically we're seeking Planning Commission
1292 recommendation to City Council with the goal of finalizing a list of transportation improvements
1293 and then also the service standards and then once we get the ok from the city on those then
1294 DelDot will develop conceptual plans and cost estimates for the improvements on the list and
1295 then we will also come to you with a couple options for an infrastructure fee program and
1296 monitoring program. And then everything gets added to an updated agreement to allow the TID
1297 to begin implementation. And there will be another opportunity for discussion of the
1298 improvements once we do the costs and estimates. So, the approval we're seeking tonight and
1299 through city council is to basically let DelDot move forward with doing the concept plan and
1300 estimates. And now I'm happy to answer any questions.

1301 Chair Hurd: Alright, thank you Ms. Coakley. Thorough as always. That's a lot to digest for
1302 sure. Let's begin with Commissioner McNatt.

1303 Commissioner McNatt: My only question and I know Sarah you went through specific
1304 improvement suggestions or ideas, or whatever you call them. But just to clarify, any project
1305 within the red boundary could get if the TID ultimately happens through these recommended
1306 improvements, any project that's in the red boundary once this is all finalized can pay into the
1307 TID, is that correct?

1308 Ms. Coakley: Yes.

1309 Commissioner McNatt: The red boundary is on your slide, I want to say on slide 7, so any
1310 project within the red boundary as shown on slide 7 ultimately once this is all vetted out and the
1311 estimates and the cost s and the payment schedule, and all that happens, could pay into the TID
1312 and that monies go into these improvements?

1313 Ms. Coakley: Yes.

1314 Commissioner McNatt: Ok. I think that's my only question for now thank you.

1315 Chair Hurd: Ok, Commissioner Silverman?

1316 Commissioner Silverman: Will I'd like to add several things to what Sarah spoke about. One is
1317 that this is one of the few projects that exists where the University of Delaware lands and
1318 activities are captured within the TID and they will be paying into the TID program they benefit
1319 from it, they're assessments on university land the lieu of assessment is yet to be determined,
1320 that's down the road. Secondly, Ms. Coakley mentioned several times the failing intersection at
1321 Cleveland Avenue and Capitol Trail. It pops up red, it flashes on the maps, it was in the front of

1322 the minds of the people who were dealing with this. However, the TID committee recommended
1323 that that particular intersection, the any improvements to that intersection be excluded from using
1324 TID monies. It was felt that the circumstances were such that the engineering solutions were put
1325 in place when Cleveland Avenue was developed, and the city of Newark chose to disregard those
1326 recommendations so there will be no TID spent improving that particular intersection. Also, in
1327 general the TID allows DelDot and the city to come together and consider all means of
1328 transportation in examination with a project; and that extends to literally from sidewalk
1329 pedestrian safety islands to mass transit bus pull offs to get them out of traffic, dealing with
1330 conflicts in bicycle lanes and traffic lanes, and pedestrians. So, it does bring quite a
1331 comprehensive approach to looking at all aspects of transportation within the city. And they're
1332 my comments about the presentation that was done.

1333 Chair Hurd: Alright, thank you. Commissioner Stine?

1334 Commissioner Stine: I would just ask Silverman, are you stating your opinion or fact with regard
1335 to the University paying into the TID fund?

1336 Commissioner Silverman: Sarah if you will back me up on this, I believe it is fact that they are
1337 included in payment of the TID system.

1338 Ms. Coakley: They are. There is an agreement between DelDot and the University to
1339 grandfather them for the same number of trips that they had when it was an auto plant. And
1340 basically, they're, it's anticipated that their next major phase would use that up and so anything
1341 after that they would be paying into the TID.

1342 Commissioner Silverman: And Commissioner Stine that would be for example, if what we know
1343 as the Ag Farm were developed, if what we know as Webb Farm were to be developed, if the
1344 Lear Campus were to be redeveloped into another use, once the credits from the Chrysler plant
1345 acquisition were used up then the University would be required to put up a payment.

1346 Commissioner Stine: Ok, and then the Cleveland Avenue Library Avenue, you said that TID
1347 funds would not be used to make improvements there and yet that is really, it's a dangerous road
1348 to travel with the people crossing, with the car dealerships, crossing from one side of the road to
1349 the other, the students walking, I don't want to say often impaired but I often travel that road
1350 quite a bit and on a number of occasions have had to avoid hitting someone who sort of stumbled
1351 into the road. And then you have the trucks that stop to drop off the cars to make the deliveries to
1352 the dealerships, it's a real tough road to travel. I'm not sure why it's being left out of the mix.

1353 Commissioner Silverman: It's the intersection improvements literally at the railroad bridge.
1354 There are other options that were being looked at by the Committee. For example, a bicycle
1355 connector between Possum Park Road and Papermill Road, going through the parkland along
1356 White Clay Creek, that kind of thing to deliberately take bicycle traffic off of Capitol Trail that
1357 has some 30,000 trips a day. So, it's the actual intersection improvements by the railroad bridge.

1358 Commissioner Stine: So that turn off of Library to, the two left turn lanes off of Library Avenue
1359 onto Cleveland?

1360 Commissioner Silverman: That particular intersection, yes.

1361 Commissioner Stine: Alright great, that's interesting, thank you.

1362 Chair Hurd: Ok. Commissioner Wampler?

1363 Commissioner Wampler: Yes, thank you for a really comprehensive report. I was particularly
1364 encouraged to see the inclusion of a lot of bicycle infrastructure in this, I think given that Newark
1365 is so flat and only so much accessible by bicycle. I think over the year we can make some real
1366 progress along those lines, and I'm pleased that there's plans for more. My only question is
1367 when you're looking at projections, they go out for 25 years. Can you say just very briefly how
1368 those projections are made and how confident you are in the accuracy of those projections.

1369 Ms. Coakley: Yeah, that's a good question so we like to include a monitoring program in the
1370 final agreement and what we've been asking for is to with our other (inaudible) for the
1371 opportunity to do an update every five years at least. Or if there are significant land use changes,
1372 or significant to the city's Comprehensive plan, but basically every five years do a complete

1373 comprehensive redo of the analysis. With any updates to the land use because we're confident in
1374 them based on the existing plan but obviously plans can change; but the monitoring effort is
1375 really important to make sure we're keeping the TID updated. And basically, that would entail us
1376 doing updated traffic counts, and then rerunning the analysis based on any land use updates and
1377 confirming the needed improvement in the costs.

1378 Chair Hurd: Commissioner Silverman, you had something to add?

1379 Commissioner Silverman: Commissioner Wampler an example of what Sarah's talking about
1380 with a change in fact of circumstance is the recently publicized possible sale of the school district
1381 bus yard on Wyoming road and their bus lot on South Chapel Street. That would create the
1382 opportunity to develop almost 10 acres right in the core of the City of Newark. So that would
1383 trigger an automatic review and updating of the material. That's my comment.

1384 Commissioner Wampler: Thanks for that.

1385 Chair Hurd: Ok. Anything further Commissioner Wampler?

1386 Commissioner Wampler: No that does it thank you.

1387

1388 Chair Hurd: Ok. Commissioner Kadar.

1389 Commissioner Kadar: Yes, I would just like to echo what some of the other Commissioners have
1390 already said about the report, it's remarkably thorough. You know what I was happy to see is,
1391 just like Commissioner Wampler, that in fact while there was a lot of emphasis placed on
1392 vehicular traffic, there's also a very good balance around the sustainability aspects, basically a
1393 bike and pedestrian friendly projects. And that being said, I don't have any additional questions
1394 above those that have already been asked and answered.

1395 Chair Hurd: Alright, I just have a couple of questions. One is just sort of a technical thing
1396 because this is still kind of new to me; can you explain what the delay is at an intersection? Sort
1397 of what is that measuring?

1398 Ms. Coakley: Yep, so it's basically for each lane and for each approach, it's measuring the
1399 amount of time that a vehicle is slowing down, stopped, and then going back up to the speed
1400 limit. Based on the speed limit, the segment there, and how much time the vehicle is slowing
1401 down, stopped, and then going back up to the speed limit, and then it's per vehicle and it's an
1402 average, so basically each lane is averaged to get an average for each approach, and then each
1403 approach is averaged to get an overall for the intersection.

1404 Chair Hurd: Ok, so the 80 second delay is to say you know in normal traffic or whatever, in clear
1405 traffic it would have taken this much time, but this intersection is taking 80 seconds more or
1406 sometime more to get through that intersection? Am I sort of understanding that?

1407 Ms. Coakley: Yeah, so it's basically during the worst, so during the AM and PM peaks, so
1408 basically that 7:00-9:00AM 4:00-6:00PM rush hour so like basically the worst hours of the day.
1409 That's basically like the longest amount of the day. So that can average so it could be like the
1410 main approaches are under the 80 seconds, but the side streets are over and so therefore it
1411 averages more than 80 seconds so it's average.

1412 Chair Hurd: Thank you. I also want to echo my appreciation to the TID Committee for balancing
1413 this between vehicles and bicycles I'm a new bicycle rider and now I find myself driving around
1414 with an eye looking at bike paths and looking at throughways and how to get someplace on a
1415 bike and where is it safe and where is it not and so a lot of this, this is some very good work here.
1416 I had a couple of sort of direct-ish questions, oh, I got to say I love the idea of that roadway
1417 connector between Suburban Plaza and Barksdale. I just had a question, and maybe this hasn't
1418 been answered yet but, how is this in your mind crossing the railroad tracks?

1419 Ms. Coakley: Yeah, it would need to be like an elevated section which is much easier. I mean it's
1420 more costly, but it's much easier to get with state legislation currently it's like we have to
1421 basically trade crossings for at grade crossings. So basically, any new crossings we do have to
1422 either be a tunnel or bridge over so this would need to be a bridge over, and yeah.

1423 Chair Hurd: Ok, alright, that makes sense because I've been reading the same thing that grade
 1424 crossings most railroad owners don't want to have grade crossings. Ok, the other one where'd it
 1425 go...On Library Avenue between Delaware and East Main, something that keeps coming up in
 1426 conversation is a mid-block pedestrian crossing at the library basically between the library and
 1427 the bus stop, because there is a lot of pedestrian traffic there. Is that something that would be
 1428 part of the TID or is that a separate kind of issue that DelDot deals with on its own?

1429 Ms. Coakley: I think it's something we can add and do a concept and estimate and look at it as
 1430 part of the TID.

1431 Chair Hurd: Ok. I know it's been discussed; I've seen it discussed in areas, but I don't know
 1432 exactly who's been discussing it, who has it on their plate, who's doing the analysis, but I would
 1433 certainly say that is an area where there is pedestrian car conflict and especially if you're looking
 1434 at extending the turn lanes and doing some of that work. It could make the pedestrian crossing
 1435 worse, so I would love to see that folded into some of that work there. But yeah, otherwise I
 1436 think it's a good solid set of recommendations; that seems reasonable you know looking at a 25-
 1437 year horizon. And recognizing much like our Comp Plan, we have a 15 to 20-year horizon on the
 1438 Comp Plan but we still look at it every 5 years to kind of make sure that we're tracking, that our
 1439 future is tracking with what we've projected. Alright....

1440 Commissioner Silverman: Chairman, we need to extend the time.

1441 Chair Hurd: Yes, thank you. I'm going to execute the Chair's prerogative to extend the meeting
 1442 to 9:30 thank you sir. And I will open for public comment. Either Director Gray or Ms.
 1443 Dinsmore, have we had any public comment submitted prior to the meeting? Ok, anyone from
 1444 the public who wishes to speak on this issue? Alright, seeing none closing public comment and
 1445 bringing it back to the table, any final Commissioner discussion, comment, suggestions,
 1446 changes? Anything? Alright I'm seeing none. Secretary Wampler we can move to the motion.

1447 Commissioner Wampler: Ok. I move that the **Planning Commission recommend that City**
 1448 **Council approve the recommended service standards and transportation improvements to**
 1449 **the city of Newark Transportation Improvement District as presented to the Planning**
 1450 **Commission on July 6th, 2021.**

1451 Chair Hurd: Thank you, do I have a second?

1452 Commissioner Kadar: I'll second, Kadar.

1453 Chair Hurd: Thank you. Do I have any discussion on the motion? Alright, moving to the vote.
 1454 Commissioner Silverman?

1455 Commissioner Silverman: I vote aye.

1456 Chair Hurd: Thank you. Commissioner Stine?

1457 Commissioner Stine: I vote aye.

1458 Chair Hurd: Thank you, Commissioner Wampler?

1459 Commissioner Wampler: I vote aye.

1460 Chair Hurd: Thank you, Commissioner Kadar?

1461 Commissioner Kadar: I vote aye.

1462 Chair Hurd: Thank you, Commissioner McNatt?

1463 Commissioner McNatt: Aye.

1464 Chair Hurd: Thank you, and I vote aye as well. Alright, there we go TID, go forth and get the
 1465 Council.

1466 Ms. Coakley: Thank you very much.

1467 Chair Hurd: Alright. That takes us to Item 6, informational items. I'm sure we can fit this all in.
 1468 Looking at our agenda, looks like we're starting with the Comprehensive Plan V review update
 1469 by Planner Fortner.

1470 **6. Informational Items**

1471
1472 **a. Comprehensive Plan V Review Update**

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1474 Planner Fortner: Evening Mr. Chairman and Commission. On June 3rd, the Steering Committee
1475 had a meeting and they talked about the Housing and Transportation chapters and got through
1476 revised chapters of that, big lift. On June 8th I did kind of a coffee break, focus group with the
1477 Conservation Advisory Commission. We talked about environmental issues they would like to
1478 see addressed in Comprehensive Development Plan Review. And then on July 1st, the Steering
1479 Committee had another meeting where we went through the chapters of Land Use and
1480 Annexation Implementation, (inaudible) we stayed a bit later and finished those two heavy
1481 chapters up. Next month, I forget the date. At the end of July, no we went into August, the first
1482 week of August I think, we'll have another meeting where we'll actually finish up the review of
1483 all the chapters and then we'll have kind of a completed draft for their review and then once
1484 they've been able to see the whole thing in its entirety, we'll might do some more public
1485 workshop and then bring this to Planning Commission, probably in the early Fall. And that's all I
1486 have, and I can answer any questions.

1487
1488 Chair Hurd: Thank you, does anyone have any questions for Mr. Fortner? I'll just comment I
1489 think that we had a really good discussion last Thursday on the land use stuff, we got into the
1490 focus areas which I know the Planning Commission in years previous has spent some time on.
1491 So, we're going to, in this more public forum, we're trying to bring those back up. I think that
1492 we had some good comments and review of these topics. Alright, item B, the Planning Director's
1493 report.

1494
1495 **b. Planning Director's Report**

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1497 Director Gray: Good Evening again everyone, this is Mary Ellen Gray, Planning and
1498 Development Director. I've still got a couple of things to mention. Some of the projects that went
1499 and are going to Council and there was a second reading on the setback, the proposed revisions,
1500 and setbacks to the BB zone. That was approved by Council on June 28th, there was a couple of
1501 planning related items on the agenda. The first one being a discussion of a potential moratorium
1502 for developments that are in the downtown or BB district and after discussion by Council they
1503 decided not to ask staff to prepare a moratorium ordinance. And part of that discussion there was
1504 discussion that Council does want staff to move forward in an effort to revise the BB zoning
1505 district and part of that we had had asked, we don't have the bandwidth to do that. And I feel that
1506 in order to get the revision to the BB zoning district, done properly, I've put together a work plan
1507 which is about 14 months from the (inaudible) proposal (inaudible) hopeful of a revision so that
1508 will include and this is what Council approved, what is called a Charette, which is an intense
1509 planning effort that would involve the community and certainly the Planning Commission
1510 stakeholders and Council to get a vision of what the downtown would look like and the desired
1511 functions and uses of the downtown. And once we get that done, we would move onto drafting
1512 main tenants of the proposed revision (inaudible) out to Planning Commission, having a work
1513 plan or workshop, going back to Council for direction, then drafting the report, same effort
1514 workshop Planning Commission getting comments before we actually draft the work. So, we
1515 were given some resources in which to do that; on my desk now is to develop the RFP for the
1516 Charrette and consulting assistants for that. In addition, we had asked for, and I'm not saying
1517 anything new here, given the additional Land use activity that has occurred since I've been here,
1518 and before I've been here, and efforts such as the BB zoning district, and we have a number of
1519 efforts that are coming up on our work plan for 2022 including the zoning ordinances for the
1520 recommended for the Rental Housing Workgroup Outcome which includes the development of
1521 two zoning ordinances, for accessory dwelling units as well more inclusionary zoning, we had
1522 asked for two what we're calling "temporary full time" Planner positions that would be for two
1523 years and then we would reassess after two years to see if those two positions are still needed.
1524 One position would be focusing on plan review and building permit review. And the other
1525 position would be focusing on, what we're calling a Community Planner, which would help out
1526 in the Community Development (inaudible) Program, as far as the American Rescue Plan we
1527 have gotten, which is great, additional funding, we'll be getting additional funding but that also

requires additional resources to implement that. And that Community Plan will be helping us with Community outreach, liaison with the Newark Partnership as well as helping us out with Unicity. So those positions were approved. We also got approved an Assistant Planning Director position and that, we still have to go through, that was approved in principle. Any new position has to be approved the process for that is by ordinance, so we're working on that. The first and second reading for that. So, lots of things back on our plate to get all of those things done and (inaudible) the request for the RP the job descriptions, and the work needed to hire the two new planners as well as the ordinance. So, that was kind of a long discussion, but I wasn't sure who was listening to that meeting sort of to bring you all up to speed because that impacts the Planning Commission. Also, on the June 28th agenda was the communication for the cell tower on 200 Whitechapel, that was approved as well as an in-home daycare on 954 Devon Drive. We have also at the same Planning Commission meeting was the first reading and there will be a second reading August 9th for 268 East Main Street. 1501 Casho Mill, that will be the second meeting on July 12th next Monday. Then we have no Council meetings for July 19th, 26th, and August 2nd. And then the next meeting after that will be August 9th and on that agenda for planning related will be the second reading for the proposed revision to the Parking Waiver language. We had the Planning Commission training on June 22nd which I thought was very helpful and a fabulous training. Our next training we'll be talking about and looking to plan for is the Site Plan Approval process. We'll be looking to Max Walton to help us out and Solicitor Bilodeau to help us out on that training. As Chairman Hurd mentioned, our next Planning Commission Meeting will be in person. And we'll communicate with you via email how that is going to work whether we still need to social distance or (inaudible) we'll figure all of that out between now and August 2nd meeting. I'll finish up since time is getting short with land use projects, we have received revised plans for 25 North Chapel, and we also received a new Major Subdivision, it's a 6-lot subdivision for 1020 and 1032 Barksdale Road. Projects in house awaiting staff comments or revisions; we sent out the SAC and now we're waiting for revisions for the Mill at White Clay Creek, 1016 Benny Street we had a long meeting with the applicant on that. And we're waiting to hear back from the Chick fil A and University Commons sketch plans. So, I think in the interest of time I will conclude that (inaudible) comments and would be happy to answer any questions. Thank you.

Chair Hurd: Any questions for the Director of an informational nature? No?

c. Commissioner Silverman – Parking Requirements Article

Chair Hurd: Item C was the article from Commissioner Silverman. It looks to me, I was just looking around, it didn't show up in our physical packets, it was in the digital one. I don't have a physical copy of it...

Commissioner Silverman: I received a paper copy in my packet.

Commissioner Kadar: I received my copy as well.

Chair Hurd: I lost it then, I don't know where mine went.

Commissioner Silverman: You did a good job in the chat Will, why don't you continue with that?

Chair Hurd: So, I'll just, Mr. O'Donnell had mentioned that the CAC would also be in support of removing parking minimums and what I just wanted to note, and I'll just put this on the record, that item in particular is part of the recommendations from the Parking Subcommittee. And those recommendations are working their way through the Planning Department to become code amendments. But one of the reasons we continue to share articles like this from other city's where they're having success is just to show you know that there are other places that are doing this and they're having success with it. I think there is often a fear that we're going to be doing something new and it's unproven and we're going to get screwed; we're going to have problems. And I think it's helpful to look at other places especially if they have a similar demographic mix and such to say, "they're doing it and it's actually making things better" It's not just holding the status quo it's actually improving things. So, it's not just for the Commission that we share this,

1585 because this gets it into the record, gets it into the agenda, it gets it into the Council packet. It
1586 gets it out there as a thing that we’re keeping an eye on. Alright, that takes off of informational.

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1590 **7. New Business**

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1592 Chair Hurd: That takes us to Item 7, new business; any new items for discussion by staff or the
1593 Planning Commissioners? To be considered on a future agenda. Ok, that’s always an easy one.

1594

1595 **8. General public comment**

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1597 Chair Hurd: Moving onto Item number 8, general public comment, which is for comments
1598 regarding items not on the agenda but related to the work of the Planning Commission. Anyone?
1599 Alright. Closing General Public Comment. That brings us to the end of our scheduled agenda
1600 and there being no further business in front of the Commission, I declare our meeting adjourned.

1601 **Chair Hurd adjourned the meeting at 9:25 PM**