

1 CITY OF NEWARK

2 DELAWARE

3
4 PLANNING COMMISSION

5 MEETING MINUTES

6
7 MEETING CONDUCTED REMOTELY

8 VIA GO-TO MEETING

9
10 DECEMBER 7TH, 2021

11 7:00 P.M.

12
13 **Present at the 7:00 P.M. Meeting:**

14 **Commissioners Present:**

15 *Chairman:* Willard Hurd, AIA

16 *Vice-Chair:* Alan Silverman

17 *Secretary:* Karl Kadar

18 Allison Stine

19 Mark Serva

20 **Commissioners Absent:**

21 Stacy McNatt

22 **Council Members Present:**

23 Corinth Ford, District 2

24 **Staff Present:**

25 Paul Bilodeau, City Solicitor

26 Katie Dinsmore, Administrative Professional

27 Mike Fortner, Planner

28 Thomas Fruehstorfer, Planner

29 Mary Ellen Gray, Planning and Development Director

30 John Kennell, Planner

31 Ethan Robinson, Deputy Director of Public Works and Water Resources

32 Joshua Solge, Planner

33
34 Chair Will Hurd called the Planning Commission meeting to order at 7:02 P.M.

35 Chair Hurd: Good Evening, everyone and welcome to the December 7th, 2021, Planning
36 Commission meeting. This is Will Hurd, chair of the Planning Commission. Due to the
37 Governor's declaring a health emergency and with the decision of Council, we are holding this
38 meeting remotely through the GoTo meeting platform. Our goal as always is to support the
39 participation of everyone in this meeting, Katelyn Dinsmore, the department's Administrative

Professional will be managing the chat and general meeting logistics. In accordance with the guidance 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 of the presenters. If a commissioner has any additional questions they would like to add afterwards, 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. For items open to 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 attending tonight would like to comment on any agenda item during the meeting, 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 can be accessed by clicking on the speech bubble icon located on the top bar. For those attendees connected to the meeting only through their phone, we will call on you separately and you can press *6 to unmute yourself. We will follow public comment by further questions and discussion from the Commissioners, then the voting and motions by roll call. So, we begin with item 1, Chair's remarks.

1. Chair's Remarks

Chair Hurd: I just wanted to say congratulations to the Delaware Chapter of the American Planning Association for their lovely conference last week. I really enjoyed the day focused on equity in planning and I'm looking forward to possibly bringing some of that thinking to the comprehensive plan which is probably the first time Director Gray has heard me mention this, but I hope that's something she also has in mind because it looks like they have some really interesting documents and guidelines and such toolkits to look at. We also welcome two new employees to the Planning and Development department, Mary Ellen can you do the honors? I should have said Director Gray.

Director Gray: Yes, I would be happy to thank you Chairman Hurd, we have two new staff that have joined us, Josh Solge and John Kennell. They are our two Planner 1 positions, and we are very excited this has been their first well their second week and we're very excited to have them on board. Planner Solge is our Community Planner and I'm pulling up the job description right now, he is his position will assist Michael Forter, Planner 2 to administer the Community Development Bloc Grant Program including the Covid 19 related funding, the revenue sharing program, and assist with the management of the Unicity Bus system and liaison with the Newark Partnership on community development and main street activities. Planner Kennell is our Planner 1 whereby this position will review building permits, land use plans, process special use permits, vendors licenses, and assist in the Planning and Development and staff related reports and provide land use assistance to the public and provide support to the day-to-day land use activities. So, we're very excited to have them on board and they are joining us this evening to just observe the Planning Commission. So, thank you Chairman Hurd.

Chair Hurd: Awesome, well welcome to the Newark family. That takes us to item 2, the minutes.

2. The minutes of the October 19th, 2021, CIP and November 2nd, 2021, Planning Commission meeting

Chair Hurd: So, we did not have the minutes for the October 19th CIP meeting, they were not in the packet so we will see those next month. Do we have any corrections for the minutes from the November 2nd meeting? Alright seeing no objection, the minutes are approved by acclamation.

3. Review and consideration of the rezoning, special use permit, and major subdivision by site plan approval of the property located at 500-700 Creek View Road to convert an existing 5-story office structure into a 111-unit residential structure, in addition to a new 1-story restaurant, 1-story theater, and a new 3-story office building.

Chair Hurd: And that takes us to item 3, Review and consideration of the rezoning, special use permit, and major subdivision by site plan approval of the property located at 500-700 Creek View Road to convert an existing 5-story office structure into a 111-unit residential structure, in

addition to a new 1-story restaurant, 1-story theater, and a new 3-story office building. Director Gray are you starting us off?

Director Gray: Yes, I am Chairman Hurd. So good evening once again, I'm the Planning and Development director for the City of Newark. We're also joined this evening in addition to our planning staff John Kennell, Josh Solge, Thomas Fruehstorfer and by the deputy director of Public Works and Water Resources Director Ethan Robinson. We asked Deputy director Robinson to attend to address any questions related to sanitary sewer, water, and stormwater given the nature of the Public Works and Water Resources SAC comments that's the Subdivision Advisory Committee comments. This project is for a rezoning, special use permit and major subdivision by site plan approval for a project located at 500-700 Creek View Road. The owner of the property proposes to convert the structure on the northwest of the site from commercial space to 111 residential apartment units consisting of 48 one-bedroom units, 54 two bedrooms, and 9 three-bedroom units. A new 4800 square foot restaurant is proposed for the northern section of the parking lot, at the center of the site. The new 6013-foot theatre or studio is proposed for the southern section of the parking lot at the center of the site. A new 30972 square foot gross floor area office building is proposed in the northeastern section of the eastern parking lot. The uses of the 20400 square foot gross floor area office building and the 5000 square foot land development group office will remain the same. The remaining parking area will include 392 parking spaces. My following remarks as with previous presentations will focus on the more salient components of this project. The existing zoning of the parcels is RM multifamily dwelling garden apartments and BN neighborhood shopping and SFHA which is special flood hazard area. The existing office uses are an allowed use in the BN zoning district but not directly allowed in the RM or SHFA zoning districts. The office use in the RM and the SFHA section of the site were approved by site plan approval by City Council back in July of 2000. The portions of the site zoned BN and RM are proposed to be rezoned to RA. The portions of the site zoned SFHA will remain the same. With site plan approval, all existing and proposed uses are allowed in RA zoning district. The Mill at White Clay is currently commercial space and parking lots. The existing commercial space along the creek was converted from previous industrial mill use to offices. The structure on the southwest side of the site is office space as I just mentioned for Lang development group, and the existing structures include 100006 square foot gross floor area office and 20000 gross floor area and a 5000 gross floor area office. The zoning regulations for residential units and high-rise apartments in the RA zoning district indicate a maximum density of dwelling units is 36 units, there's 111 units proposed for this plan which breaks down to 21 units per acre and is well under the maximum amount of density. Regarding the special use permit for this, the City of Newark municipal code prohibits most construction in the special flood hazard area. The code only outright allows agricultural use, outdoor recreational use, lawns, gardens, open space, minor excavation and grading, as well as minor accessory structures. The only substantial structures allowed in this zoning district are public works and utility related structures. Also included as a conditional use is the improvement of an existing structure if it can be shown that the lowest floor is 18 inches above the base level flood which is also known as the 100-year flood. The applicant has shown that the basements of the existing structure in the zoning have been filled with flowable fill concrete and that the elevation of the first floor is at least 18 inches above the base flood therefore it is allowed. The project does include the improvement of a structure with a new residential use. Which requires a special use permit approval. In section 32-78 stipulates that Council may issue a special use permit provided that the applicants demonstrate that the proposal will not adversely affect the health and safety of the persons within the city of Newark boundaries and within one mile, be detrimental to public welfare or injurious to property within the city or within one mile or be in conflict with the purposes of the Comprehensive Development plan and staff feels that the proposed use meets these conditions. Additionally, section 32-96 83 communicates that in determining the issuance of the special use permit in this zoning district the city shall allow in addition to the requirements as provided as I just mentioned, consider conditions articulated in this section and describe in the staff report. It has been determined by the applicant and verified by city staff that the proposed improvements will not increase flood heights or velocities. The ground floor of the proposed structure will be elevated at least 18 inches above the base flood elevation so there is no danger of materials being swept downstream or impacting the property's water supply or sanitation system during flooding. The plan is not reducing flood water storage and it does not increase the

water surface elevation of the base flood. Regarding site plan approval, this application is under the site plan approval revision, which provides alternatives to new development and redevelopment proposals to encourage variety and flexibility. And it also provides an opportunity for energy efficient land use by permitted reasonable variable from the use and area regulations. Site plan approval shall be based on distinctiveness and excellence of site arrangement and design including but not limited to common open space, unique treatment of parking facilities, outstanding architectural design, association with the natural environment including landscaping, relationship to neighborhood and community, and energy conservation. In this case, the applicant is requesting site plan approval from relief from terms of use, building separation, building setback, side yard, and the number of parking spaces. In regard to the use, it should be noted that the site plan approval allows uses otherwise not permitted in projects with the minimum size of 5 acres and residential subdivisions with a minimum of 10 dwellings. This project has met those requirements with the exception of the 5000 square foot limitation on the studio. This was missed during the initial staff review and the waiver will be added to the site plan approval table before it goes to Council. The proposed uses of a restaurant, office, and studio should mix well with the proposed residential use and the neighboring residential use. With regard to the waiver of the building separation there's a typo in the report whereby it should be 44 feet and not 144 feet. This building is a mechanical building that currently exists and will be upgraded and approved for this project. Regarding the setback it should be noted the building in question is an existing brick accessory structure and the location meets code for the current zoning of (inaudible) but does not meet code for the proposed RA zoning district. And the road it needs a setback from is primarily an access road to the apartment complex and the 1.7-foot required variance is minimal. The plan has two side yard waiver requests, the first is for the studio which requires a 7-foot side yard but only provides a 6 foot. The studio borders BC property which does not have a required setback. The border of the property is a wooded embankment which leads to a parking lot. The one-foot variance is minimal. The second is for the existing maintenance building which I just described. And that requires a 20-foot side yard but only provides 8.9 feet side yard. It currently does not meet the required setback and it should be noted that the bordering parcel is part the same subdivision, so the 11.1 waiver is merely a technical issue. Regarding the parking, this is last waiver that is being requested, the request is for a reduction of 98 parking spaces with a code that requires 490. The apartment parking spaces are calculated as 2 parking spaces per apartment unit while the remaining office, studio, and restaurant uses are calculated as a shopping center. And that is at 4 spaces per 1000 square feet. The assumption of the shopping center parking requirements is that peak parking requirements and multiple uses will overlap, and the applicant feels that the peak use times of these uses will further not align, and that their proposed 392 spaces will provide adequate parking. Also related to parking is bike parking whereby bike parking is the purview of public works, and any deviation for bike parking requirements is up to the Public Works Director. The Commission will need to consider the size of the requested area relation exceptions against the standards of distinctiveness and excellence and the site plan approval revision as well as a developer's site plan approval submission. The description of how the applicant provides distinctiveness and excellence in the site arrangement is in the staff report and they will be discussing these in their presentation. Their proposed plan does conform to the Comprehensive Development Plan 5 and will not require a Comprehensive Development Plan amendment to change its designation. This proposed development meets all of the requirements detailed in the municipal code with the flood plain considerations and site plan approval process and with the Subdivision Advisory Committee conditions approval as articulated in the staff report. And finally in conclusion, because the rezoning and the major subdivision plan with site plan approval and Subdivision Advisory Committee recommended conditions should not have a negative impact on adjacent and nearby properties, because the proposed use does not conflict with the Comprehensive plan, the Planning and Development department suggests that the Planning Commission recommend approval of the rezoning, recommend approval of the special use permit, for improvement over structure in the floodplain, and recommend approval of the major subdivision plan by site plan approval of the Mill at White Clay at 500-700 Creek View Road as shown in the Karins and Associates major subdivision plan and rezoning and site plan approval plan dated October 28th and revised November 10th with the Subdivision Advisory Committee conditions as described in the November 30th Planning and Development report. That concludes my comments Mr. Chair back to you.

208 Chair Hurd: Alright, thank you Director Gray. We will now turn it over to the applicant for their
209 presentation. If you can keep it to 15 minutes or so that would be lovely, I think the report was
210 very thorough so, obviously add what you need to but...

211 Mr. Lang: No, we're more than happy to and Miss or Planning Director Gray did cover a lot of
212 technical issues we obviously are at the site everyday so we kind of think about the site a little
213 differently. So, we're going to give you an overview of the project, and we'll answer some of the
214 questions related to technical issues if they're necessary. So here we are, Chris and I are here for
215 the presentation this evening. Obviously we're going to talk about the Creek View Project, it was
216 actually originally formally NVF for the people that have been around Newark long enough. So,
217 let's go to the second slide please. It'll show basically some images of the building we're talking
218 about. Actually, that's the third slide, there's the second slide. So, our office where we're sitting
219 right now is in the bottom right-hand corner it's an old two-story barn, part of the original
220 development of the industrial site when it was used for wool, fiber, and paper mills. The 500
221 building that we were discussing in the report is the large building in the top left-hand corner
222 presently used as an office building and some of the interior pictures shows some of the timber
223 framing and some of the lobby of the building obviously the upper right is some of the timber
224 framing. It exists on that portion of the building. The bottom left building is the 700 building it
225 is the 2-story office building that's been occupied by one tenant since it was built for that tenant
226 in 2000 and they love being down here, Applied Control Engineering. And then the picture in the
227 middle of the bottom is an aerial showing the site from the beginning of the parcel that we're
228 discussing tonight towards the East with the reservoir to the top left of the picture. Next slide
229 please. To give you a reference point, this is the entire parcel that we're talking about this
230 evening. It was three parcels originally but now we're discussing it becoming two parcels, but it
231 encompasses about 11.5 acres. The 500 building is the large 5 story building, 100 Dean Drive is
232 our office, and 700 Creek View is the two-story office building down on the right. So, we'll give
233 you a quick synopsis of the current conditions, the parcel that we're discussing this evening is
234 technically three properties, it's parcel 3 which is the 5-story building, parcel 4 which is where
235 our office is and again parcel 5 is the one with the two-story building on the end. They were
236 developed in this form when we did the rezoning in 2000 because we had a tenant that wanted
237 the large 5 story building, but he wanted additional parking. We also had a tenant that wanted the
238 building down at the end and we basically merged them into three parcels with joint parking
239 accommodations. Next slide please. So, this gives you a little bit of history for those of you who
240 aren't familiar with the site. The site was originally developed in the late 1700s as a grist mill
241 because obviously the water was there, it then turned into a woolen mill, a papermill, and a fiber
242 mill over its lifetime with different ownerships. The building was built with stone mostly, the
243 large buildings out here original out here were stone and heavy timber construction. The five-
244 story building is a beautiful stone building, when we got involved with it, it actually had a white
245 stucco exterior, we cleaned the exterior, exposed the stone and brought it back to life. And
246 obviously the buildings were built on the creek back in the day because they needed the water to
247 drive all of the machinery. Our initial redevelopment in the late 90s and as you know from
248 Director Gray's report in 2000 it was reapproved for what it's present use is. But it was designed
249 as a mixed-use campus, this is actually a larger parcel it's about 20 acres when we purchased it
250 from NVF it included the mill buildings on the hill in which we built additional residential
251 includes the front building where Timothy's is and the two-story office building out in the street.
252 So, it really goes all the way from Papermill Road all the way to the end of the site which used to
253 be a movie theatre for those of you who've lived in Newark long enough. We have had
254 residential, so this really is a mixed-use campus, it has residential, it has restaurant, it has offices
255 and we're now going to discuss this evening adding this theatre another restaurant, and another
256 office building and converting the large building to apartments. Next slide please. There you go,
257 so here's some historical pictures of the old site obviously they have differing ages to them, the
258 one on the bottom left is obviously an artist's rendition where you can see other buildings,
259 they've got buildings out on the creek, you can see the bridge, and you have all these buildings
260 that existed when we purchased the site in the late 90s. When we pursued the original
261 redevelopment of the property, there was many dilapidated buildings and some buildings that
262 needed to be taken down to get us fire access to the large building, so we kept the large five story
263 building, we kept the large stone barn which our office is in, and we kept a portion of the front
264 buildings where Timothy's and the new office building are. As well we kept the building on the

hill which ended up being our original office, which has now been converted to apartments, but it gives you a little bit of history of the site and what the buildings look like. Next slide please. So, here's our proposed conditions which were discussed in the report, obviously we're adding a three-story office building, the need for the three-story office building is that we do still have a significant number of tenants in our five-story office building. One of the discussions we had over the years is if we should keep it as an office building or not. And we do have a number of tenants that love being down here. So, what we've discussed with the larger tenants is moving them from the five-story building to the three-story building and the size of the building is really dictated based on the tenants that want to live there. We have three large tenants that love being down here, they want one floor each and we're going to move them into the new three-story building. We're going to keep the two-story building because the tenant that currently resides there really likes being there also, the theatre is a whole other animal which we'll talk about later, but we're going to build a one-story theatre here and it's down on the right side which can share some of the parking and the needs of the office tenant. The restaurant really is an accompanying addition and really ties in with the dinner theater thought. And one of the reasons that Chapel Street Players is such an attractive opportunity for people that want to go there is base they have restaurants that are around where its present location is. So, adding another restaurant down in here would be very appealing to the customer base. Obviously the five-story apartment building, we've talked about it, it's 106000 square feet and we're going to convert it to 111 units. The two-story maintenance building as Director Gray pointed out is really just an additional accessory building that exists now; we thought about tearing it down and we thought why are we going to tear it down it's already there, why don't we use it? It's also going to support the bridge which is going to connect the parking from behind our office across on the third floor. So, it will serve a dual purpose and then obviously we have a tremendous amount of parking for all the shared uses out here. Parcel Ette 4A is really just partitioned out because it has separate ownership where my office is, or where our office is I should say because Chris is here. And it also has additional parking up here which we're going to allow the site to use for everyone's benefit. Next slide please. So, this gives you a quick little summary of what the locations are and the reason why they're there. So obviously the 100 and 500 buildings, you know their adjacencies. We talked about building something up on the hill by 100 Dean Drive, but we thought about how it wouldn't be as accessible as it should be to the balance of the parking areas, so the majority of our development is down near the underutilized parking portion of the site. The reason that all of that parking is there if any of you are wondering, when the tenant took 500 Creek View, we actually had it approved for apartments, but we had a tenant that came in the late 90s and said that "I really want to turn this into an office building" and Computer Sciences Corporation came to us and said "we'll take the whole building and we'll move in in 6 months" and we're like 6 months? And back in that time we had scheduled a City Council meeting, we amended our subdivision agreement, and we built the building out and they needed 500 parking spaces. So, the entire site was encumbered with their parking requirements. That's why there were no additional buildings other than the 700 Creek View Building which has already been approved and we had a lease on it so we couldn't get rid of that building but all of this additional parking required under the lease because of the density they had in that building at one time. Next slide please. So, site plan approval as Director Gray pointed out is really associated with the need to fit this into a zone it fits. Because it's really a true mixed-use project and if it was really in our downtown district, it would be BB but in more a suburban setting like this you need a different zoning. So, RA was the zone that we were kind of settled on and it does allow for the office, and the studio, and the restaurant to exist in a residential district. We talked back and forth about you know keeping some of the RN, keeping the BN maybe we use a different type of zone; but that's how we ended up in RA. And RA does require the site plan approval for these various uses. Next slide please. So, the project scope is just a quick summary of the true mixed-use component of this project; and we do have a number of uses here obviously the residential. The residential really ties into the residential that's on the hill there are 60 apartments up on the hill in addition to numerous other rental apartment units on Margaret Street and Annabelle Street. Office, we have an existing office on that site and on this part of the site and we're going to build another building down there. The theatre is really an evolution of the Chapel Street Player's need to relocate from their existing Chapel Street site. And we started talking with them, we've actually been talking with the Chapel Street Players for maybe 4 or 5 years but talks started more in earnest in 2018 and 2019 and we reached an

323 agreement to build them a new theatre. So, we're basically going to build them a new theatre for
324 their piece of property on Chapel Street, so the theatre operation has no cost for this new
325 building. So that's a real benefit for the community; instead of losing them to another
326 municipality or another local, we can keep them here in our downtown area for the benefit of all
327 the people in Newark. And one of the discussions we had when we were in discussing that sale
328 and purchasing agreement was this clientele, their patrons come in to eat before and maybe get a
329 drink after, where do they go? They have so many options on Main Street; and where we are
330 down here, walking distance we have Timothy's, and this new restaurant could be of great
331 benefit to people who frequent the Chapel Street Players. And they're very excited about
332 expanding their offerings, they've been a little frustrated over the years with their inability to
333 expand the opportunities and they also have struggled with their handicap parking and as their
334 patrons age a little bit, how do they get them in and out of building conveniently, where do they
335 park logically up on Chapel Street now with all the other density that's up there. So, we saw this
336 as a win win for everyone in the community. And obviously we discussed the maintenance and
337 connecting bridge. Next slide please. So, here's some pictures of the new buildings. We
338 obviously spent a lot of time discussing whether we use stone or brick and what we do for the
339 theatre. Because the theatre's really a big black box. At one point we had it on the creek, but
340 then we said what are we doing that for, you don't want the building with no windows on the
341 creek, so that's why we pushed it back into the hill and it really pushes up back to the car
342 dealerships, and they're really not going to bother anyone back there. They're operational during
343 the day, they're operational at night, there's no one living there, and this building is a little bit
344 remote from the residential component of the five-story building which is nice. If it is to create a
345 lot of noise or whatever there is a lot of distance. We worked on the design with them they like
346 the design and we're actually programming the interior. It's actually going to be a 180-200 seat
347 theatre, so they're excited about that. The one story restaurant is across the way the upper right
348 hand corner we have a nice large patio because of all the nuances of Covid have really allowed
349 us to focus on exterior dining and exterior environments so we have kind of an indoor outdoor
350 opportunity with some big doors that will open up to the patio on the right hand side right along
351 the creek, so we think it'll be a great advantage to patrons that are coming to the theatre but also
352 to the community I think it'll be very well received. The office building, the building right next
353 to it is a brick building, so we kind of tied another building into it. It'd be kind of silly to have a
354 stone building right next to a brick building because the stone buildings obviously have a whole
355 different feel to them. And that's just a quick little idea of how the bridge would connect and see
356 how it would connect on the third floor, from the parking so it'd be very convenient rather than
357 walking down those steps, that exist now. Next slide please. So, this talks about the parking.
358 What our engineer attempted to do in the next slide, and we can talk about it here first, is trying
359 to partition the parking. Now we're not going to partition the parking from a realistic
360 perspective, but he's trying to say how many parking spaces for each type of use in each parcel,
361 so he's saying there's 178 spaces of parking for the apartments, and another 68 on 4A, in reality I
362 don't think we're going to need that much parking for this building because even though we do
363 have two spaces or are required two spaces by code, we have almost 50 one-bedroom
364 apartments. So, 50 one-bedroom apartments are probably only going to need one parking space.
365 So, half of our parking that is required for the one-bedroom units will probably not be utilized.
366 So, we'll have overflow in excess there. There are spaces dedicated to the restaurant around the
367 restaurant and the real other thing that we talked about with parking is, the theatre really only
368 operates at night, so that operates from 5:00 or 6:00 to 10:00 and it operates on weekends. The
369 office buildings operate during the day obviously. So, when you think about the shared parking
370 between the office building and the theatre and their location on the site it's ideal for this shared
371 use. We also know that in today's world of office use, everyone doesn't go to the office everyday
372 anymore, so you don't need a space for everybody every day, you don't need a desk for
373 everybody every day. And that's really in advent in how we're going to continue to function in
374 the future world. And then we also have the spaces up next to our office. So, one of the things
375 we really think about with this site is that even though by code we're required 490 spaces almost
376 400 spaces is probably accepted for the real need except for maybe in a couple peak events
377 where they might have a huge theatre offering one evening and the restaurant is fully subscribed,
378 we might get to a point where we'll use every space, but I highly doubt we'll be using every
379 space. Obviously, we'll be doing some additional landscaping and one other point is the
380 stormwater management pond and if any of you have come down here recently, it has a fence

381 around it, it's not very aesthetically pleasing. It will be all cleaned up, we'll actually make it an
382 amenity for patrons who come to visit the restaurant and the theatre as we have deck that not
383 only overlooks the creek but the stormwater management pond. Which actually is a wet pond, it
384 has ducks and if you like beavers it has a ton of them, because those beavers cut down every tree
385 down there which is amazing. Next slide please. So, this gives you a quick orientation on how
386 the parking works. (inaudible) the theatre and the office building are on the right side, and they
387 would share that parking conveniently based on their uses. The restaurant parking actually
388 overflows into the front of where the theatre is also so that's a logical place for the restaurant and
389 the majority of the apartment parking is right next to the apartments or up on the hill next to our
390 office which would be directly accessed across that bridge. Next slide please. So, community
391 benefits, obviously there's some lengthy discussion on the left-hand side where we're talking
392 about how we're going to be creating a cultural hub by adding the theatre, and a new restaurant.
393 We think that the theatre is a major asset to the community for many years to come and by
394 building a new theater down here we think it'll be reenergized for the local benefit of the local
395 community. Obviously with the mixed use of the office space and the residential I think this
396 building is going to cater itself more to much younger professionals and even older units due to
397 the makeup of the units, one- and two-bedroom units. And we might have a number of people
398 living there who might work in these office buildings. Which we think is a huge benefit also; and
399 we're also retaining some of the office tenants that want to be here. Some of the tenants have
400 said "look we don't want to go" so we said OK, we'll build you a building. So, in reality, what
401 are we doing building another office building in a market where you'd think you wouldn't need
402 another office but we're actually just taking those tenants they love the location, they love the
403 ambiance down here and they love the fact that we're bringing another restaurant in a theatre to
404 the site because they're going to be potential patrons in the future if they aren't right now. So,
405 we're excited about that. So, one of the other fiscal perspectives is obviously that there's an
406 increased tax base and utility revenue but we also think that this is a great mixed-use opportunity
407 for the community. Next slide please. So, we talked a little bit about the theatre, I don't know if
408 any of you have been to the present location, that beautiful building on the right-hand side. The
409 building is you know they've done a great job running a theatre out of that small building, but in
410 today's world, you know how you get in and out of it, you know for a patron that might have
411 some mobility issues, like how do you get up the steps, you obviously have to access the back
412 door somehow and wind your way through to find a seat. And I'm sure there are other functional
413 obsolescent issues in that building, they're very very excited about coming down to a new theatre
414 operation where they can expand their offerings. So, next slide. And this just gives you a quick
415 little summary of the site and all the buildings. So that's our presentation, obviously we're here
416 to answer your questions and thank you all for your time.

417 Chair Hurd: Alright, thank you Mr. Lang. We'll begin the Commissioner questions with
418 Commissioner Kadar.

419 Commissioner Kadar: Yes, good evening. I noticed on the site diagram that the restaurant
420 structure was listed as a restaurant or studio 2. The parking requirements would be increased by,
421 and this is my estimate off the top of my head, they would be increased by 5 spaces if in fact it
422 turned out to be a studio. However, I still think that's ok because of the staggered way the
423 property is used as described in your presentation. So, I just highlight that; does that mean that
424 you can decided to not build the restaurant and just go with another studio?

425 Mr. Lang: I think the intent Commissioner is that we would attempt to obtain a restaurant and
426 if for some reason we could not get one, we wouldn't have to reapprove ourselves to use it in a
427 different form. And that's the whole idea; but we have had significant interest from a number of
428 restaurant operators who we already have restaurant relationships with, and they're excited about
429 the opportunity. But we didn't want to misrepresent, yes, we're building a restaurant but if for
430 some reason Covid continues to exist into the many years from now, restauraters are somewhat
431 hamstrung on expansion in today's world of financing so it's hard to borrow money as a
432 restaurant operator. So that would be one of the constraints we're dealing with.

433 Commissioner Kadar: Ok, and I still have a question about the stormwater runoff. I know that in
434 the presentation and in the Planning Department's documents, they indicate that the footprint
435 would essentially not be increased over what it is now in terms of impervious structures. I see

436 where you're building some of these buildings on existing parking lots. So, does it involve any
437 reduction of the current green space which I might add is minimal to begin with?

438 Mr. Lang: You're asking me? I'm not sure I'm not the technical guy, Chris would be more the
439 technical guy. But the way I look at this I mean when I build over a parking lot in my opinion,
440 we actually improve the stormwater because the water doesn't hit the parking lot and run off, it
441 actually is run through a system and it's actually much cleaner. So, my argument has always
442 been when we build buildings over parking lots, we actually should be getting credit for it; the
443 state doesn't look at it that way necessarily. But we are not really increasing the impervious
444 much at all if any. And I think that's what the report stated.

445 Commissioner Kadar: Ok. So, it truly is minimal.

446 Mr. Locke: It truly is, and I think the Public Works comments state that we are going to improve
447 the stormwater management of the site.

448 Commissioner Kadar: Alright, I have no further questions.

449 Chair Hurd: Alright thank you. Commissioner Serva? We can't hear you, Mark?

450 Mr. Lang: He looks to be unmuted.

451 Chair Hurd: He is unmuted. Do you happen to be using a headset by chance?

452 Commissioner Serva: Let's try this.

453 Chair Hurd: Oh, there you go.

454 Commissioner Serva: The issue is when I use GoTo Meetings, it flips over to another
455 microphone. So, my concern is what will the impact of Timothy's be down the street there? You
456 talked a lot about parking overflow parking from Timothy's is there any concerns about that?

457 Mr. Lang: You know we haven't seen; I mean Timothy's does use some spaces between the two
458 buildings. I mean the nice thing about Timothy's is that it's adjacent to a 20,000 square foot
459 office building. Which as you know shared uses the office tenants are not there during the
460 evening and Timothy's uses the majority of that lot. The only time we ever see an issue is at
461 lunch time. But in theory and lunchtime some of the residential tenants aren't going to be here so
462 you can park in a residential tenant's spaces when lunchtime happens for the two restaurants.
463 And we are talking with Timothy's about potentially expanding and taking both locations, so we
464 have a very long-term relationship with them we actually put them in this site when we first
465 originally built it. So, we're cognizant of their concerns and we've talked about the parking
466 overlap and how it could work, and how it does work now, so really the only time that there is a
467 problem out here is at lunchtime and it's really not a problem, it's just that they park up by our
468 office sometimes. Meaning the patrons.

469 Commissioner Serva: So, I guess I'm thinking of, it's a very interesting project, I mean we'd be
470 one of the first ones to go to the theatre up there, I think it'll be great. But the concern I have is
471 with Timothy's combined with another restaurant combined with the theatre you think about
472 Friday night and Saturday night, that confluence of traction I guess that's what we're looking at
473 it from the office space, the restaurant, and the apartments perspective but now you're bringing
474 in all of these people and creating kind of a hub of activity. That's my concern for the parking.

475 Mr. Lang: No, I agree with you, but if you think about it Commissioner there is about 100 spaces
476 that Timothy's has access to that aren't on this site that are up on the first site. So, you have their
477 100 spaces, then you have the 150-200 spaces down on the end for the other restaurant and
478 theatre and potentially some parking up on the hill here. So yes, it is a discussion point but I
479 think if you think about the available parking downtown with all the restaurants if you look at
480 that analysis you'd say, "well we need like 3000 spaces downtown" and we don't have 3000
481 spaces downtown I don't think, Director Gray would tell us. So that would be a market driven
482 concern and what we do to address it Commissioner is we would have to build a garage if you go
483 back to our site plan and I don't know if we can get there, slide 16, if you look at slide 16 again,
484 we actually designed a small garage there which would accommodate 88 spaces. And you would
485 drive it at different levels. So, it would be on us to do it, it wouldn't be on the community, it
486 would be driven by our concerns and by the concerns of our tenants. So, if you look at see

487 where, if you look at the restaurant, if you come straight across from the restaurant towards the
488 back of the site there's a little cut into the hill. We designed a garage right there, but we don't
489 necessary want to build it until we see a need for it. But if we did see the need for it and there
490 was such demand that our tenants were saying "hey look I can't survive down here unless you
491 put in more parking" that would be where we would put in the parking.

492 Commissioner Serva: What would be, well I saw the square footage of the theatre, but what
493 would be the proposed capacity of the theatre?

494 Mr. Lang: I think and I'm not the theater guy, but they were looking I think I said 180, I think I
495 should be corrected, it would be more 150-180 seats, that's what they're trying to fit in there.

496 Commissioner Serva: That's a lot of seats.

497 Mr. Lang: Yeah, but not everybody comes by themselves, so you figure that's probably 80-100
498 cars maybe for an event. And there's 150 parking spaces down to the right side of that. So, if
499 you think about the office tenants not being there and the spaces being used for theatre people
500 that also frequent the restaurant so that means you'd be getting double dip for your parking
501 space, so that means you're not bringing in different people for the restaurant and for the theatre.
502 So, your 100 spaces satisfies 100 tables at dinner, and 100 spaces in the studio at the same time.

503 Mr. Locke: I also think it's important to note that the theatre doesn't run a show every weekend.
504 There's seasonality to their programming they usually do 4 to 5 shows a year so this is not going
505 to be something that happens every Thursday, Friday, Saturday night.

506 Commissioner Serva: Another question I did have was for the apartment. I did some quick math
507 here and I'm looking at about 800 square footage and it's probably less than that. What's the
508 maximum and minimum of the apartment sizes?

509 Mr. Lang: I think what we're trying to do, we know a lot about the apartment market in Newark,
510 and we have tried to design smaller units here to be more attractive to different clientele. So, our
511 units on average, some of our units might be as small as 600 square feet and some of them are as
512 large as 1000 feet so I mean what we're looking at as an average is about 800 to 850 square feet
513 which I think is the code you need to average 800 square feet for an apartment; is that true
514 Director Gray?

515 Director Gray: Yes.

516 Mr. Locke: And I believe part of the discussion in looking at different zoning issues coming up is
517 looking at maybe reducing that requirement so we can promote smaller apartments in our area.

518 Commissioner Serva: Yeah so, I guess the reason I'm asking is because your proposal talked a
519 lot about, you're trying to attract younger professionals and older Newark residents and I can see
520 that. I guess I'm also concerned with Timothy's and all that are we going to create another
521 confluence of students where students could go and "wreak havoc" as it were?

522 Mr. Locke: Yeah, and you know we go with our experience of being in this business for 25
523 years, this area does not tend to as you say "create havoc" as one would be concerned with. Our
524 apartment complex at the top of the hill at the mill tends to have fifth years, seniors, grad
525 students, because of the location of the property.

526 Mr. Lang: We have couples living up there, we have guys that are working in and around town,
527 they like the location because it's convenient but you know we have a bartender that's been there
528 for 10 years, so he's in his 30s now or mid 30s he's been here for forever. So, it's a very
529 attractive location for access but you're not on top of everyone on Main Street. So, it doesn't
530 create that party atmosphere. And the other nice thing down here is that we'll have other people
531 policing it. This is a large site with not a lot of people down at the end but now we'll have two
532 office buildings, a theatre, and a restaurant and there'll be an opportunity to create more of an
533 adult community down here. Now we can't force people to move here, but we want to try and
534 create this environment that people want to move to.

535 Commissioner Serva: So that's my other question I guess, you mentioned the restaurant. I think
536 you're right, but I think if we create another bar at one of end of the property and we've got
537 Timothy's on the other end we are creating another opportunity for a bar crawl, that would be I

538 guess my question. Can you give us an idea of what type of restaurant or what kind of location
539 you're looking for then?

540 Mr. Lang: Well, we've reached out to all the main restaurants groups. I mean we have the
541 Platinum Dining Group; we have (inaudible) Adele we've talked to, the guys from Big Fish,
542 we've reached out to all of these guys to see what their interest is. They're all interested, but
543 they're all very concerned though with expansion right now. But they're all starting to look at
544 expansion again which is good. So, you know we have obviously many of our existing tenants,
545 we have Taverna as a tenant, we have you know Homegrown, and a number of other tenants and
546 we try to foster places you and I want to go to. You know, I like going to a new restaurant, I like
547 going to restaurants on the creek so we're making a decision to who we lease to also, so you
548 know that's a plus, I think. Plus, we'll need someone who's willing to work with the theatre
549 group, so we've already had the group, the Chapel Street Players and told them that some of the
550 restaurants want to reach out to them and see what they're clientele is going to look like, what
551 their schedule's going to be, how many people typically come to a show, because that all helps
552 the restaurant operator understand what the dynamic's going to be down here. So that's good.

553 Commissioner Serva: Yes, and my last question actually had to do with the Chapel Street
554 Players, and I see that we have someone here from the organization. Are we going to hear from
555 them at some point later in the meeting or I'd thought it'd be nice to hear from them just to see
556 what they have to say about all of this?

557 Mr. Lang: Oh yeah, we're more than happy to have Scott Mason, who's the president of the
558 group is on I believe this evening and he's more than happy to chat with you at some point.

559 Mr. Locke: We thought it would be more appropriate for him to talk during public comment
560 rather than during our presentation.

561 Commissioner Serva: That's fine, and I'm done with my questions thank you very much.

562 Chair Hurd: Alright, thank you Commissioner. Commissioner Silverman?

563 Commissioner Silverman: I have no technical questions at this time, I do have an extensive list
564 about the presentation, a very positive list of comments about the presentation and the amount of
565 work that went into this site. The one technical comment I have is, with the respect to the
566 creation of new parcels, and this will go with one of my comments regarding access to the site,
567 are there cross access agreements in place among the various parcel owners to ensure a smooth
568 flow of traffic through this site?

569 Mr. Lang: Well funny enough, we've owned all of the sites so we don't have one, but we will be
570 creating one. Because our bankers require it, let alone you guys might require it. But our lender
571 and lenders would encourage us to have those type of agreements in place.

572 Commissioner Silverman: That's what I was thinking in spite of you making a very positive
573 comment about the parcels being under single ownership which leads to the ability to police
574 sights, to control neighbors, and that kind of thing I think the cross-access agreements are a good
575 idea.

576 Mr. Lang: I agree with you.

577 Commissioner Silverman: That's the end of my comments thank you.

578 Chair Hurd: Thank you Commissioner, Commissioner Stine?

579 Commissioner Stine: Thank you. And thank you for the presentation I think it's a really exciting
580 project. You said that the parking would be market driven and I completely agree that was really
581 where all of my comments landed, on the parking the issue of parking. I was happy to hear that
582 you had a contingency plan for a parking garage with an additional 88 spaces if in fact the
583 tenants find a lack of parking to be detrimental to their business. My I also had questions about
584 Timothy's parking and how that would be incorporated into this project, and I think you've
585 addressed that. I was really excited to read your initial letter Mr. Lang that talked about attracting
586 permanent residents to this site. This is a really cool project, this is a place where I could see
587 myself living, I wish it was condos not apartments, but that's your business model I get it. But as
588 a resident here, I might want some sort of guarantee of parking space. How are you going to

589 handle that with the residents who, I understand the theatre doesn't operate every night, but you
590 know I have a place in Rehoboth that has one designated parking spot, and it really is a problem
591 when I get there and somebody else is in it. Where would one park on those rare nights?

592 Mr. Lang: Well, it's a good point and we will have permitted spaces, at least one for every
593 apartment so we won't be we have that same similar issue in other spaces so we will have a
594 space for each unit that's designated all of the time. So, we will require 311 of the 390 for sure
595 and then there'll be some overflow parking which you'll have access to at least to maybe 3
596 spaces. But it's maybe 51 bedrooms we assume there'll be 50 spaces and then two- or three-
597 bedroom units might need an extra space some of the time depending on who lives there. So, we
598 will have true permitted spaces, they'll probably be up on parcel 4A which will have direct
599 access to the building through the bridge because they won't be attractive for anyone else to park
600 in. So, there's a number so spaces up there I think there's about 75 to 80 spaces up there that we
601 could dedicate to the residents then there's another 20 or so in front of the building of 500 Creek
602 View and then you have the next 10 or 20 that are closest to the building right outside the right of
603 the building between there and the theatre, it would be all of the dedicated spaces. They'd have
604 your permit number on them, if you come home and there's someone in your space, then you do
605 have the right to tow them. And we'll help with enforcement because we do that in every one of
606 our buildings now.

607 Commissioner Stine: Ok, so everyone who lives there will be guaranteed a parking space all the
608 time, it'll be designated to their unit number?

609 Mr. Lang: Yes, exactly. One designated space.

610 Commissioner Stine: Right. And where did you land on bicycle parking? I know that there was a
611 90-space requirement that seemed to be excessive, you had counter proposed I think 54 and then
612 maybe 30 additional bike spaces around town, I got a little lost on that.

613

614 Mr. Lang: Yeah, I got a little lost on it too, because we put bike parking, we're required to put
615 bike parking all over the place, but we don't see it used a lot. So, we think again it's like parking;
616 it's going to be driven by the market need for it. So, as we see in an increase in demand from our
617 residents, we'll create more spaces whether we're required by code or not. We're more than
618 happy to provide them, we tend to provide them, and nobody uses them. I would love to see a
619 different trend there were more people use bikes. I think at this location, people are going to
620 have recreational bikes but they're not going to leave them outside. So, the problem with those
621 types of bikes is you need to take them inside because they're 1000-dollar bikes, you're not
622 going to leave your bike sitting outside and get it all beat up so the real way to do it I think is to
623 create little bike buildings, little bike sheds almost like you have your mailboxes under it and you
624 have your bike parking under it. But then you get into a lot of building issues when you start
625 putting roofs on stuff and the city requires you to put a sprinkler system in the building, and it's
626 like wait I can't put a sprinkler in that building. So, you know there's some nuances to that but
627 it's really a market driven phenomena in my mind were if we have residents and tenants that
628 need bike parking, we put bike parking in. We're going to do it by code and at least try to
629 comply with the code requirement, but I agree with you it's a little excessive until we see what
630 the demand drivers are. And then if we see them, we put them in.

631 Mr. Locke: What we're seeing also yes, some bikes are expensive, and no one wants to leave
632 them out, but there's also a lot of vandalism in Newark on bike racks, there's a lot of theft. So,
633 most of the time the tenants just bring the bikes into their apartments and just leave them in the
634 apartment. So that's why we commented that we thought 90 was a little excessive.

635 Commissioner Stine: Yeah, I see an opportunity, I'm a cyclist, and I see an opportunity to drop
636 right into White Clay Creek which is amazing and to the reservoir but there's not a bike in my
637 collection that I would leave outside on a bike rack. So, we're taking care of that another way.

638 Mr. Lang: One of the thoughts on our maintenance building and it might end up being a storage
639 shed were we can put bikes depending on what the uses can be for that building. Because while
640 we're developing the floor plan for the new building, we might not need the maintenance
641 building, that could be a resident bike storage building. Where residents can come out, walking

642 across maybe have a little locker or place for their bike, it might be a good use of that building.
643 But we haven't fine tuned that we'll have to see how many residents want that or want that.

644 Commissioner Stine: Alright, and then you have charging stations for electric vehicles?

645 Mr. Lang: Yes, we actually are starting to incorporate them on many of our projects. Obviously,
646 we have them in our hotel project and we're looking at some of the insularity or other buildings
647 that have some parking to do some charging stations, so we have incorporated a couple here.

648 Commissioner Stine: I wonder if you need more than just a couple.

649 Mr. Lang: We do have tenant, funny enough, there is a tenant at 700 Creek View that has been
650 asking me for a while if we're going to put one there because he has an electric car. So, we're
651 going to put a couple down there and a couple meaning we have to assess exactly how many
652 we're going to put at each location, but we have a number of tenants that are already requiring it
653 or requesting it. So, we'll be putting them in and by code we're required to put them in. But it
654 could be one of those discussions at the city level if you want to discuss in the code requirements
655 whether it is a true requirement or if it's a suggested requirement kind of like the bike parking.
656 Because the trend is moving in that direction and we're in favor of supporting it.

657 Commissioner Stine: I think that's all I really had other than the questions I had that you already
658 addressed. So, I appreciate your thorough presentation and we can move on to the next
659 Commissioner.

660 Mr. Lang: Thank you.

661 Chair Hurd: Alright, thank you Commissioner Stine. A couple of quick comments and such, not
662 so many questions. I want to say I appreciate that the site plan was labeled, all of the site plan
663 approval pieces were labeled on the plan because that's something that we've been asking for a
664 while and people say, "I need a foot" and we say where it is we can't find it and so kudos to that.
665 And I do agree with you Mr. Lang, that this what discretionary site plan approval is for projects
666 like this that have a benefit for the city, that have some different components that don't
667 necessarily fit into the existing zoning code. So, thank you for working with the city to find the
668 right kind of starter zoning that gets you there. I know that you've been talking with the city
669 about the electric and I know there's been some issues around where some works can be done on
670 locating the electrical service lines from projects that have come before Council and have then
671 been constructed and then been sort of visible. Really do think about those electric transformers
672 and such, try to see if you can get that worked out before you go to Council. Because that seems
673 to be a sticking point at times with people about when they suddenly appear on the front of the
674 building. So...

675 Mr. Lang: We agree with you, we don't like that problem also.

676 Chair Hurd: Yeah, and you fortunately have some back sides and some zones that things like that
677 can go into which aren't always available on some projects. Oh, and I appreciate your
678 explanation of the bikes because that was my concern too was that this in a location that's kind
679 of ripe for bike traffic to and from, but I appreciate, you're right if I lived here with a bike, I
680 wouldn't put it on a rack. And you're going to have to see if you have a lot of people coming off
681 the trail and coming to the restaurant and if so, yes, they need another bike rack to support that;
682 but that's certainly a down the road kind of thing. I'll also say I appreciate the work that was
683 involved in getting that FEMA elevation certificate, I'm glad you got it because I think it really
684 does help the project and help that building continue to be it is. Alright, I'll open the floor to
685 public comment. Miss. Dinsmore or Director Gray were there any public comment submitted by
686 writing prior to the meeting.

687 Miss. Dinsmore: No Chairman Hurd, there were none.

688 Chair Hurd: Ok, do we have anyone that is signed up for public comment?

689 Miss. Dinsmore: Susan and Doug Moore, would you care to ask any questions? I know you were
690 in the chat earlier.

691 Susan Moore: Yes, hello my name is Susan Moore, and my husband Doug Moore is here, and we
692 are one of the residents behind the proposed development. So first off, thank you for the

693 opportunity to speak I have several concerns regarding with the proposed development. I'll start
694 with the first, the residents here, we've been here over 50 years we've enjoyed not being part of a
695 neighborhood, we've enjoyed having a clear backyard so very concerning with some of the
696 points I'd like to ask some questions specifically starting off with what is most concerning to us
697 is the restaurant.

698 Chair Hurd: So, Ms. Moore just to begin we do ask that for public comment that you direct your
699 comments to the Commission and then we can raise those to the applicant, but we ask that this
700 not be a conversation between you and the applicant.

701 Susan Moore: No, I was directing them to the audience.

702 Chair Hurd: Ok. Thank you.

703 Susan Moore: I'm not speaking to any specific person. Regarding the restaurant which again to
704 us as residents here is the most concerning, I'd like to better understand the structure, maybe a
705 sound barrier or something between the balconies in the back of the restaurant and across the
706 creek. We don't need that kind of noise, or balconies, or parties at all kinds of hours of the night.
707 So, I would hope that the proposal has some kind of in the landscaping plan has some kind of
708 shrubbery or trees or something that would act as a sound barrier additionally I would to make
709 sure that the lighting in there does not come on to the properties. As far as the apartment
710 complex, given that it's a historic building, I'm assuming that there's not going to be any
711 balconies that are going to be on this side of the creek, if there are that is very concerning. We
712 have already had at that location at 500 Creek View, it is my understanding that there was some
713 vandalism on some of the back decks, given the fact that Timothy's right down the street as
714 before introducing another bar and apartment complex within walking distance, I would just be
715 very cautious of the activity that's going to bring to the area. And again, it effects the residents
716 across the street. I guess the other thing to, it was mentioned in the plans it looked like some new
717 landscaping and shrubbery there, is there going to be some removing of the trees along the creek
718 line that I believe is part of the flood plain zone? Is there anything else that we have?

719 Doug Moore: No, I think that was it.

720 Susan Moore: And as a resident here and a frequenter of Timothy's I would agree with
721 Commissioners Serva and Stine, on the parking, it is a concern so I would caution you to
722 minimize the impact of parking that'll have on this project. That's all that I had thank you.

723 Chair Hurd: Ok, thank you so much. Does anyone? Yes, Commissioner Silverman?

724 Commissioner Silverman: Are the Moores city residents or are they county residents?

725 Susan Moore: We are New Castle County.

726 Commissioner Silverman: Thank you.

727 Chair Hurd: Ok. Mr. Mason did you wish to make any comments? Not to put you on the spot.

728 Mr. Mason: Sure, I'd be happy to, I just wasn't sure if I had to wait to be unmuted by you, but I
729 can do it myself.

730 Chair Hurd: No, you have that power.

731 Mr. Mason: I see. I know there was one of the Commissioners wondering if I was going to talk,
732 I thought I had sent a letter the theater to all of you and I hope that you got information and I can
733 answer any questions. (inaudible) when I came into the presidency in 2009, and I've worked
734 there since 1989 we started looking very actively for another location. And we were actually
735 offered to move to the Glasgow/Bear area by a councilperson that worked in that area. And
736 basically, it was called at the time the Downtown Newark Partnership that basically begged us to
737 stay and addressed some of our concerns back then but we're being the challenge is as Jeff
738 mentioned, we have no parking. We have 6 parking spaces in the back for handicap patrons the
739 rest of the parking in the back is for the crew. So, we have been at the mercy, and God bless that
740 they have allowed this for many years, a verbal agreement with the Newark Shopping Center
741 owners to use those spaces. But when the Newark Shopping Center was revitalized with the new
742 theatre and the apartments instead of the bowling alley, the new restaurants, it's become

743 increasingly challenging on the weekends of course this was pre-Covid, for our patrons to find
744 parking. And then if they did find parking in the Newark Shopping Center, the median age of our
745 patrons is about 60, and then they would have to walk down what you know as (inaudible)
746 Chapel Street on a Friday night or Saturday night and basically when I joined in 1989, we had
747 200 and some subscribers, and though we are still financially successful, we are down to about
748 100 and some subscribers. And again, we don't have an agreement written with the Newark
749 Shopping Center that this agreement will go on forever, but hopefully things start to come back
750 to full capacity for the movie theatre etcetera we could lose that agreement at any time. And this
751 would be such a blessing to the future of the theatre which has been in Newark for 80 some years
752 first at the University and there at the current location since 1968. It's just a golden opportunity,
753 we all agree on the board that if we did not move our location to be able to have parking at the
754 theatre than we're not sure how much longer we can survive. And in addition, for those of you
755 who have been in the building, it is in great need of repair, our sprinkler system was put in when
756 it was first arranged in the 1960s and they don't even make parts for it anymore. So, it's become
757 very costly to maintain our current location and we could not afford, as a nonprofit, our
758 (inaudible) it's about 60,000 per year in income and expenses. We could not afford to build what
759 Lang is proposing to build for us.

760 Chair Hurd: Alright, thank you so much. Is there anyone else from the public that wishes to
761 speak on this item?

762 Mr. Mason: Just one thing, I think it was Commissioner Serva, you wanted to hear from me, did
763 I address what you wanted to hear about?

764 Commissioner Serva: Yes, you did thank you very much.

765 Mr. Mason: Ok, thank you.

766 Chair Hurd: Seeing no one in chat and no one unmuted, I will close public comment and
767 bringing it back to the dais. And I'll start Jeff, I know you always take notes on public comment,
768 does Mrs. Moore I mean do you have general responses or anything specific that you can
769 discuss?

770 Mr. Lang: Yeah, I mean obviously we want to be good neighbors with everyone. The property is
771 significantly distanced from residents across the creek, it's not like those other housing units are
772 right on top of the creek because they have the same floodplain requirement, well actually a
773 different floodplain requirement from when this project was built because this one was built right
774 up on the creek because of its history. So, their houses are significantly farther away than any
775 typical development, it's not like we're building a project next to a house that shares the same
776 property you're up against it, you know like downtown you see. Or even in one of our
777 neighborhoods if this project was in Oaklands or Fairfield or someplace like that you would have
778 this landscaping buffer and you would have to think about all of the lighting concerns. Obviously
779 lighting concerns are impacting adjacent properties, but we will do our best to challelize them
780 down, we're not the patio of this restaurant is very similar to Timothy's it's going to be a nice
781 clientele, there's not going to be a band there, and it's not a bar it's a restaurant. The type of
782 restaurant operators that we're talking to and working with operate a nice upscale environment
783 that is what we want to see in this location. It's going to be something that benefits the patrons
784 that go to the Chapel Street Players as well as our office building and many of the residents down
785 here so we're not in the bar business. We're in the business of creating nice opportunities for
786 high end restaurant operators that want to and if you think about the building, it's an expensive
787 building we're going to build, it's going to be a significant amount of rent the tenants going to
788 pay. The tenants going to invest a good amount of money there and he's not going to run that
789 type of environment at this location. That addresses some of their concerns I think the other
790 point is that we're going to put small Juliette or small balconies on the back of the building so
791 that the residents can enjoy the creek. I mean one of the beauties of this city is that we're right
792 on the water. It's like building a house at the beach and you can't put a balcony on the front of
793 your house? I mean why would we not do that? That makes the most sense I mean if you live
794 there if any of us live there, that would be the first place I'd go out and have my cup of coffee in
795 the morning. I mean these balconies are going to be 3x5 it's not like they're going to be 10x20 I
796 mean what are you going to do with them?

797 Mr. Locke: It's an important feature to attract young professionals and older individuals to live
798 there, they want to look at the view, it's a beautiful view not only of the creek but of the reservoir
799 itself and we want to be sure that we use that type of amenity to attract the type of tenants we
800 want to attract to the building.

801 Mr. Lang: So, we understand their concern, if it was run incorrectly, could it be a problem, but
802 we don't run our properties incorrectly. We're long-time residents, we live here and we're going
803 to frequent the place. We're going to be proud of it and that's why we do projects in our town
804 here. So that's one of the selling points on our end, we do stand behind our product, and we try
805 to perform in a way we promise that we're going to perform. And if any of the neighbors do
806 have concerns, they are welcome to come and talk to us and we're happy to work with them on
807 any issues they have. But they are significantly farther away than a typical project would be to a
808 resident because of the creek and floodplain leading up to the properties there. I'll bet they're
809 500 to 600 feet away from the property, it's not like it's 5 or 10 feet away or they share a
810 common property line, and the back of the deck is 5 feet away from the guy's backyard. That's
811 not the situation here.

812 Chair Hurd: Alright thank you. So, we are back at the dais for any further comments or
813 discussions by the Commissioners?

814 Commissioner Serva: I would like to revisit this, about the point that Susan and Doug Moore
815 made. I do understand your point about the balcony, if I were going to rent a place there, I
816 would want a balcony. But on the other hand, you can see how the sound and the lights, the
817 sound especially can travel across the water. The lights could be distracting. Is there a plan Jeff
818 to put in additional trees or barriers? Is there going to be any disturbance of the existing foliage,
819 referring back to the point Susan Moore made, is there going to be concerns about the existing
820 trees that would act as a sort of sound barrier? Can you give us some indication on what might or
821 could be done to help that so when the theatre is let out and everyone's going to the restaurant
822 that there isn't this that there's at least some mitigating steps that will be taken to minimize the
823 effect on the residents?

824 Mr. Locke: So, Commissioner this is something I deal with our commercial tenants on Main
825 Street as well as our residential tenants. So, to answer your first question, the removal of trees,
826 they're in the floodplain so we really can't disturb anything that's in the floodplain. In regard to
827 the noise coming from the restaurant, as we all know the city of Newark has a pretty aggressive
828 noise ordinance policy. And we as landlords and tenants as the restaurant owners have to adhere
829 to those noise ordinance requirement. So, the types of conversations that you'll hear on those
830 balconies will be normal human to human conversations while having dinner and drinks. As Jeff
831 said this is not a bar, this is going to be an upscale restaurant that's going to serve a population
832 the median age of the Chapel Street Player's ages, he said 50 years old. So, this is not 2-dollar
833 beers, this is high end cocktails and high-end food and there's a certain clientele that goes to
834 those type of restaurants. So, we'll work with the neighbor, it's not like we're going to have a
835 live band out on the balcony, it's going to be conversation. And most of the restaurants will tell
836 you also that they tend to stop operations around 10:00 and this may go a little bit longer if the
837 shows goes till 10 maybe they'll stay open until 11 for dessert and cocktails but for the most part,
838 most restaurant operators, at least on Main Street, Iron Hill, Café Gelato, they tend to stop
839 operation around 10 or 11 o'clock timeframe. As Chris pointed out there is a significant amount
840 of growth and if you stand where the theatre is, you can't see any other building across the way.
841 There is a tremendous amount of trees. Only when you start moving up towards the 5-story
842 building where there is no ability to build trees there because the back of the building is in the
843 water. Because they used it for the mill rigs, so we can't plant vegetation there because there's
844 no place to plant it even if we wanted to plant it. So, the vegetation that exists is natural and it
845 won't be harmed by us. If anyone's going to harm it might be a flood or natural disaster that
846 might wipe out some of the trees. But we can't control that, and we can't really design around
847 that, all we've done is designed around making sure nobody on our site is damaged by flood
848 elevation because of the extensive work that was done to verify the flood elevations and to make
849 sure we complied with all the proper codes.

850 Chair Hurd: Thank you very much, Commissioner Silverman?

851 Commissioner Silverman: With respect to light shining off the property, I assume that you would
852 be adhering to the city's light shining ordinances which is generally controlled at the property
853 lines with cutoffs and engineering within the community.

854 Mr. Lang: Yes sir.

855 Commissioner Silverman: With respect to the activity in the area and the Moores in particular, I
856 don't see the use of this property, and they claim that they've been there 50 years, being any
857 more disruptive with your use, it's probably significantly less than when the site was an active
858 industrial plant. And also, on the northerly side of the property, on the northerly side of White
859 Clay Creek, your use would be far less disruptive than the public use at the reservoir. So, I don't
860 see an activity which is normal activity for a city being a particularly disruptive influence by
861 additional development on this property, particularly mixed-use development. Thank you.

862 Chair Hurd: Thank you. Commissioner Stine?

863 Commissioner Stine: I have no further comments thank you.

864 Chair Hurd: Alright, Commissioner Kadar?

865 Commissioner Kadar: I have no further comments as well.

866 Chair Hurd: Thank you, yeah, I don't think I have anything left to address that hasn't already
867 been covered. I guess I do want to commend the department and Lang Development spending so
868 much time getting this project that I really think is a good project for us. I appreciate the effort; I
869 know it takes a while.

870 Mr. Lang: It does take a while.

871 Chair Hurd: And also, it's a tricky site so there's some challenges around that. Alright if there
872 are no further, we can move to the motions. Secretary Kadar are you prepared?

873 Commissioner Kadar: Absolutely.

874 Chair Hurd: Ok, one thing before we get started, please note that the motions are in the order that
875 we have to approve so that the subsequent motion can be considered. And then for each of these
876 for the special use permit and for the site plan approval we do ask that the Commissioners
877 articulate their reasons using the criteria outlined in the report and you can as per the advice of

878 Commissioner Silverman: Mr. Walton?

879 Chair Hurd: Mr. Walton, thank you. We talk about him all the time, you can shorthand it by
880 saying the reasons as stated in the report. If there are particular things you want to articulate feel
881 free. And if you feel it is deficient in any way you need to articulate that. Alright we will begin.

882 Solicitor Bilodeau: Mr. Chairman for the first one there are just a couple of things I want to say
883 with regard to the votes. The first one with the rezoning, you also need to state that the rezoning
884 is consistent with the Comprehensive plan, which it clearly is in the report, but it needs to be
885 stated when you vote. And then with the other two votes, with the special use permit there's two
886 different sets of conditions, the typical three sets that the Comprehensive Plan, the no damage to
887 property or persons, but then there's also all those with the floodplain, that one section of code
888 32-96 those factors have to be met. And the other is that the motion calls for conditions and I
889 believe the conditions are in the report in lines 419 to 746 those are where the conditions are in
890 the motions that have been offered by staff. Thank you.

891 Chair Hurd: Alright. Thank you so much. Alright are we ready Secretary Kadar?

892 Commissioner Kadar: Alright, **because it should not have a negative impact on the adjacent**
893 **and nearby properties and because the proposed plan does not conflict with the**
894 **development pattern in the nearby area, and based on the November 30th, 2021 Planning**
895 **and Development report, it is recommended that the Planning Commission approve the**
896 **rezoning of The Mill at White Clay at 500 and 700 Creek View Road to RA and SFHA as**
897 **shown on the Karins Associates Major Subdivision Plan rezoning and site approval plan**
898 **dated October 28th 2020 and revised November 10th, 2021 with the Subdivision Advisory**

899 **Committee conditions as described in the November 30th 2021 Planning and Development**
900 **report.**

901 Chair Hurd: Thank you do I have a second.

902 Commissioner Silverman: I'll second.

903 Chair Hurd: Thank you, second from Silverman. Any discussion of the motion? Alright hearing
904 none we will move to the vote. Commissioner Silverman?

905 Commissioner Silverman: I vote aye and it should be noted as described in the site development
906 plan that with respect to the higher density and intensity of zoning, 1/3 of the units that would be
907 permitted under the code.

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

909 Commissioner Stine: I vote aye because it is consistent with the Comp Plan.

910 Chair Hurd: Thank you, Commissioner Kadar?

911 Commissioner Kadar: I vote aye as well because it's consistent with the Comp Plan and I agree
912 with the recommendation from the Planning and Development department.

913 Chair Hurd: Thank you, Commissioner Serva?

914 Commissioner Serva: I vote aye for the reasons stated in the report and its consistency with the
915 Comprehensive Development Plan.

916 Commissioner Silverman: Mr. Hurd before we conclude I need to read through the notes I also
917 vote in favor because of the reasons stated in the Comp Plan I'm sorry in the report and it's
918 consistent in the Comp Plan. Thank you, Mr. Bilodeau.

919 Chair Hurd: Alright, and I vote aye as well for the reasons stated by the previous Commissioners.
920 Alright. Rezoning passes. Moving to the special use permit.

921 Commissioner Kadar: We ready? **Because it should not have a negative impact on adjacent**
922 **and nearby property and because the proposed plan does not conflict with the development**
923 **pattern in the nearby area, and based on the November 30th, 2021 Planning and**
924 **Development department report, it's recommended that the Planning Commission approve**
925 **the special use permit for the improvement structure in the floodplain as shown on the**
926 **Karins and Associates Major Subdivision Plan rezoning and site plan approval plan dated**
927 **October 28th, 2020 and revised November 10th, 2021 with the Subdivision Advisory**
928 **Committee conditions as described in the November 30th 2021 Planning and Development**
929 **report.**

930 Chair Hurd: Thank you do I have a second?

931 Commissioner Stine: Second.

932 Chair Hurd: Thank you. Any discussion on the motion? Alright seeing none we will move to the
933 vote. Commissioner Stine?

934 Commissioner Stine: I vote aye for the reasons stated in the Planning and Development
935 department report dated November 30th, 2021, and I'm assuming the motion includes those
936 conditions, I do not have to restate those conditions? Thank you.

937 Chair Hurd: Correct. Commissioner Kadar?

938 Commissioner Kadar: I vote aye because it's consistent with the Comp Plan and it's consistent
939 with the Planning and Development department report dated November 30th, 2021.

940 Chair Hurd: Thank you, Commissioner Serva?

941 Commissioner Serva: I vote aye for the reasons stated in the report and its consistency in the
942 Comp Plan.

943 Chair Hurd: Thank you. Commissioner Silverman?

944 Commissioner Silverman: I vote aye for the reasons stated in the Planning Department's report
 945 of November 30th.

946 Chair Hurd: Thank you and I vote aye as well for the reasons stated in the Planning and
 947 Development department report. Motion carries. Now to the site plan approval.

948 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby**
 949 **property and because the proposed use does not conflict with the development pattern in**
 950 **the nearby area, and based on the November 30th, 2021 Planning and Development**
 951 **department report, we recommend approval of the major subdivision plan by site plan**
 952 **approval of the Mill at White Clay at 500 and 700 Creek View Road as shown on the**
 953 **Karins and Associates Major Subdivision Plan rezoning and site plan approval plan dated**
 954 **October 28th, 2020 and revised November 10th, 2021 with the Subdivision Advisory**
 955 **Committee conditions as described in the November 30th 2021 Planning and Development**
 956 **report.**

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

958 Commissioner Stine: I second that motion.

959 Chair Hurd: Thank you Commissioner Stine. Commissioner Kadar?

960 Commissioner Kadar: I vote aye for the reasons stated in the November 30th, 2021, Planning
 961 department report, the consistency with the Comp Plan, and because I see a unique and elegant
 962 use of the property totally consistent with the surrounding community.

963 Chair Hurd: Thank you, Commissioner Serva?

964 Commissioner Serva: I vote aye for the reasons stated in the report and its consistency with the
 965 Comprehensive Development Plan.

966 Chair Hurd: Thank you. Commissioner Silverman?

967 Commissioner Silverman: I vote aye for the reasons stated in the Planning department report
 968 dated November 30th I also would like to add that I commend the applicant for the use of existing
 969 structures the applicant did describe earlier when they first developed the site they did choose to
 970 remove some structures so I applaud them for maintaining an existing structure here particularly
 971 one that's of a historical nature, the contents of their building with smaller footprint rental units
 972 supports the City Council adopted housing committee recommendation report with respect to
 973 identifying needs within the community particularly for one bedroom apartments along with their
 974 stated attempt to rent to college students and by virtue of the types of units their going to put in
 975 there more than 50 percent are devoted to those smaller footprint units. The site even though it
 976 covers about 10 acres and is a mixed use site, as was noted by the developer it's entirely
 977 controlled by a single entity and by being a private property even though it does cover almost 10
 978 acres and runs about a quarter of a mile along the White Clay Creek, it will make relatively few
 979 demands on relative city services particularly trash, recycling, street lighting, road maintenance,
 980 snow plowing, and there was some indication that the site could be patrolled much more easily
 981 with respect to the new site amenities and demands and I also applaud the city police on their
 982 comments in the SAC meeting, to insure the buildings, the parking arrangements, and the
 983 landscaping are very conducive to very successful policing. Working with the Parks Department
 984 for example where the landscaping will be at least 6 feet off of the ground and diminish jump out
 985 spaces, spaces for inappropriate activity to be hidden from sight by the city police patrols. This
 986 appears to be one of the earliest plans to implement safe policing on a Comprehensive basis and
 987 the Lang Development Group should be complemented on working with the police department
 988 on that particular thing. That's the end of my comments.

989 Chair Hurd: Thank you, Commissioner Stine?

990 Commissioner Stine: I vote aye for the reasons presented in the Planning and Development
 991 department report dated November 30th, 2021 and applaud the developer for saving community
 992 theatre in Newark.

993 Chair Hurd: Thank you and I vote aye as well I think specifically for the overlap parking the
 994 using of mixed use to generate to preserve or reduce parking as overlapping and also yes for

995 preserving community theatre, which my parents have been involved in community theatre since
996 forever and it's a valuable outlet for a number of people, both the people performing and the
997 people watching. So, for that as well and as well as developing for what I think is going to be a
998 very interesting location and site. Alright, motion passes congratulations.

999 Mr. Locke: Thank you.

1000 Mr. Lang: Thank you all I appreciate your time this evening.

1001 Chair Hurd: Thank you. Alright, that takes us to item 4, Informational items and we will begin
1002 with the Planning Director's report. Director Gray?

1003 **4. Informational Items**

1004 **a. Planning Director's Report**

1005 Director Gray: Thank you Chairman Hurd, so I have a short report this evening. Projects that
1006 went and are going to Council, on November 8th the annexation proposal for the property located
1007 at Otts Chapel and Elkton Road was approved. The 318 South College Avenue project was on
1008 the agenda but that was removed from the agenda at the request of the applicant and that will be
1009 presented at a later date in somewhat modified format. Then for the next three weeks there were
1010 no meetings due to the special election whereby Councilwoman Corinth Ford was duly elected
1011 and sworn in last night for District 2. And then at last night's meeting, December 6th, the only
1012 Planning related item on there was the Community Development Block Grant and Revenue
1013 Sharing program recommendations and that was approved as written with lots of support by the
1014 Council. Our next Council meeting is December 13th and that is the special use permit for the
1015 Grain at the Star Campus, and they are proposing to do a restaurant serving alcohol. The next
1016 Planning Commission meeting is January 4th where we are potentially looking at 132-136 East
1017 Main Street, we still some more information from the applicant so we are not sure whether if it's
1018 going to make that or not, so stay tuned. So, meetings and happenings, the Charette and
1019 revisions to the RA and BB zone the contract has been signed and we are starting to work on that
1020 with the selected contractor, which is AECOM, and we are meeting next week, on Tuesday the
1021 14th, it's kind of a meeting kickoff with them. And we anticipate at least in the scope of work to
1022 have the Charette in February, so we don't have a date yet, but it's certainly one of the things
1023 that we'll be looking at early on is setting a meeting date for the Charette. I have continued to
1024 spend lots of time on Code Enforcement Issues, due to the Code Enforcement Manager being on
1025 FMLA however she has returned, Stephanie Peterson this week. So that's all good, we're
1026 working on filling some vacancies the Fire Protection Specialist we're close to filling that, and
1027 we have an upcoming vacancy for Code Enforcement Officer due to a retirement that's coming
1028 up at the end of this year or beginning of next year. Land use projects, we had a new project that
1029 came in, it has a new name, it used to be University Commons, now it's called the Continental.
1030 It's looking to replace a 6-story project that will replace the townhouses and the Continental
1031 Court apartment complex which is on South Chapel. So that's a pretty exciting project that we'll
1032 be looking at, that'll be targeted at student housing. As I mentioned we received revised plans on
1033 the 132-136 East Main in response to a SAC letter that we recently sent and we received
1034 comments on that, we're currently reviewing that. Projects in house that are awaiting SAC
1035 comments are the 25 North Chapel project, that's the Burger King project. The 339, 341, and
1036 341 East Main Street project, we're still working on that. I'm sorry the 25 North Chapel project,
1037 that's not the Burger King project that's the Chapel Street Players project. So that is hopefully
1038 close for us to get comments out on that. The 30 South Chapel, another road, that's the Burger
1039 King project and we are working on getting comments out on that. The 10 and 16 Benny Street
1040 project, that's a townhouse proposal, we did receive revisions on that and we're looking to see
1041 how responsive those are to the SAC comments and hopefully that can move forward soon.
1042 Projects we're awaiting revised comments are the Chik-Fil-A project on Ogletown and I believe
1043 I reported last month that they did receive, and they needed a couple of variances, and they did
1044 receive them. Hey Alan, you're not on mute, thank you. We're waiting on that. Let's see
1045 project activity...for 321 Hillside Road, they're still have temporary occupancy for the dwelling
1046 units and they're still working on finishing a punch list. Newark Charter School loop road
1047 (inaudible) is done, and the site work is progressing. The Rodney Stormwater Park, the site work
1048 is progressing on that including site lighting and sidewalks and the final set work is in progress

1049 and the recreation equipment installation is almost complete to that project is almost done. The
1050 Fintech Star campus exterior finish installation has started, and interior work is progressing
1051 overall. The College Square otherwise known as the Grove, building 1 interior work is
1052 progressing and framing is started on Building 2 which is the apartment complex and we
1053 received plans in for the commercial part of the Grove as well. And that pretty much does it.
1054 Chairman Hurd mentioned the Delaware Planning Association Conference, that was a two-day
1055 virtual conference that all of our staff attended. And I agree it was a great conference and I'm
1056 looking forward to the next one. Thank you, Chairman Hurd, back to you.

1057 Chair Hurd: Thank you. And I appreciated also for that how you worked with the public health,
1058 and I forget the exact name of the group, but just bringing public health into the discussion about
1059 planning I thought was brilliant.

1060 Director Gray: Yes, and if I may on that, it's the Delaware Academy of Public Health. That
1061 project started through a grant project, that was before I came on board with City of Newark so
1062 that was back in 2016 the Delaware Chapter of the American Planning Association received
1063 135,000-dollar grant from APA to work on how to improve active living and healthy eating
1064 specifically in Kent County and to incorporate and make recommendations on how to
1065 incorporate those aspects into the Comprehensive Development Plan. We partnered with the
1066 Delaware Academy of Public Health on that project and that partnership, and we cemented so to
1067 speak that partnership and their executive director is now on our executive board of our
1068 Delaware chapter, and it has been a fabulous working relationship. Tim is his name and we have
1069 learned so much from partnering with them and vice versa and we also have a member on their
1070 board as well, so it's been really a wonderful relationship. And just another thing the Community
1071 for healthy living is now which is housed in UD run by Rita Langroff partnership was an entity
1072 that was kickstarted by as a result for the plan for health efforts, by another partnerships that we
1073 had not only through Tim Gibbs but also through public health as well. So, it's been a really and
1074 from there, the Diversity and Inclusion and Equity initiatives really got their kick start as well.
1075 So, it's been a really productive and great experience.

1076 Chair Hurd: Yeah. Great.

1077 **b. Comprehensive Development Plan V Update**

1078 Chair Hurd: We have a line item for the Comprehensive Development Plan V update, I know
1079 Planner Fortner isn't here, but I wasn't sure if Commissioner Kadar wanted to speak on that?

1080 Commissioner Kadar: Mr. Chairman this is Commissioner Kadar, I can speak to that. It's just a
1081 very brief review. The final packet of all the revisions and changes to the Comprehensive Plan
1082 went out to the subcommittee members on December 6th yesterday, and the next meeting is
1083 December 9th, on Thursday and at that meeting we'll be reviewing all the material and hopefully
1084 we'll be able to move forward from there and also determine what we need to do in terms of
1085 dates to present the Comprehensive Plan to both the Planning Commission and the City Council.
1086 Now you had mentioned Mr. Chairman that you had attended the Delaware Planning Association
1087 Conference and out of that conference you came away with some items that might be beneficial
1088 to our COMP plan review. I would strongly suggest you get that stuff to Planner Fortner if you
1089 can before our meeting on Thursday so that we can incorporate them and move forward with
1090 whatever revisions you feel are appropriate.

1091 Chair Hurd: Ok, yeah, I meant to do that last week and then things got busy so I will get on that.

1092 Commissioner Kadar: That's all I had. I hope I did a good job Mary Ellen.

1093 Director Gray: Yes, you did Commissioner Hurd, I mean Commissioner Kadar.

1094 **5. New Business.**

1095 Chair Hurd: Alright, that closes that and takes us to New Business. Do we have any items of
1096 new business by the Commissioners for discussion for City Staff or Planning Commission for
1097 any future items? I probably said that poorly...alright seeing none we will move to item 6.

1098 **6. General public comment**

1099 Chair Hurd: General public comment, this is for items not on the agenda but related to the work
1100 of the Planning Commission. Anyone from the public have a desire to speak tonight? Alright
1101 seeing none, closing public comment and having reached the end of the agenda that ends the
1102 business of the Commission and I close the meeting.

1103

1104 **Chair Hurd adjourned the meeting at 8:45PM**

1105