

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MEETING CONDUCTED IN PERSON AND REMOTELY
VIA MICROSOFT TEAMS

JUNE 7, 2022
7:00 P.M.

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

Commissioners Present:

Chairman: Willard Hurd, AIA
Vice-Chair: Alan Silverman
Secretary: Karl Kadar
Chris Williamson
Allison Stine

Commissioners Absent:

Stacy McNatt

Staff Present:

Paul Bilodeau, City Solicitor
Mary Ellen Gray, Planning and Development Director
Renee Bensley, Planning and Development Deputy Director
Thomas Fruehstorfer, Planner II
Katie Dinsmore, Administrative Professional I

Chair Hurd called the Commission to order at 7:01 P.M.

Chair Hurd: Good Evening everyone and welcome to the June 7th, 2022, City of Newark Planning Commission meeting, (inaudible) still figuring this out, ok. This is Will Hurd, chair of the Planning Commission. We are conducting a hybrid through the Microsoft Teams so I would like to provide some guidelines for the meeting structure, so everyone is able to participate. Katie Dinsmore, the department's Administrative Professional will be managing the chat and general meeting logistics. At the beginning of each item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order for questions of the staff or presenter. If the Commissioner has any additional comments they would like to add later, they should ask the Chair to be recognized again after all members have had an opportunity to speak. 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 would like to comment on an agenda item and are attending in person, they should sign up on the sheet at the entrance and will be called on to speak at the appropriate time. If members of the public that are attending virtually would like to comment they should use the hand raising function in Microsoft Teams to signal to the meeting organizer that they would like to speak or message the meeting organizer through the chat function with their name, district or address, and the agenda item on which they wish to comment. All lines will be muted, and cameras disabled until individuals are called on to speak. At that point the speaker's microphone and camera will be enabled and they can then turn on their cameras and unmute themselves to give their comments. All speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must be pertaining to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting, unless they are requested to be read into the record. We will follow public comment with further questions and discussions from the Commissioners and then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote. And if there are any issues during the meeting, we may adjust these guidelines if necessary. The City of Newark strives to make our public meetings accessible. While the City is committed to this access, pursuant to 29 Delaware Code §10006A, technological failure does not affect the validity of these meetings, or any action taken in these meetings. That takes us to item one, Chair's remarks.

64 **1. Chair's Remarks**

65
66 Chair Hurd: With great regret we have to note that Mark Serva has notified us that he won't be able to
67 continue as commissioner, due to circumstances at work. We do appreciate the time he did give us, and
68 we wish him well and hope that maybe at some point he comes back.

69
70 **2. The minutes from the May 3rd, 2022, Planning Commission Meeting**

71
72 Chair Hurd: That takes us to item 2, the minutes. We had comments from Renee, I have some minor
73 comments, are there any other corrections? Yes, Commissioner Williamson.

74
75 Commissioner Williamson: Yes, thank you and you may have already caught this one, line 408 the word
76 "plain" should not be P-L-A-I-N but P-L-A-N-E.

77
78 Chair Hurd: What line?

79
80 Commissioner Williamson: Line 408.

81
82 Chair Hurd: Thank you. Alright are there any other comments or corrections? Alright seeing none the
83 minutes are accepted by acclamation. That takes us to item 3.

84
85 **3. Review and consideration of the rezoning, major subdivision, special use permit, and**
86 **Comprehensive Development Plan amendment for the property located at 30 South Chapel**
87 **Street.**

88
89 Chair Hurd: Review and consideration of the rezoning, major subdivision, special use permit, and
90 Comprehensive Development Plan amendment for the property located at 30 South Chapel Street.
91 Director Gray who is initiating?

92
93 Director Gray: That would be me Chairman Hurd. I have a brief presentation before I hand it over to the
94 applicant. Here it is, pulling it up. Ok, this proposal is for the rezoning, major subdivision, special use
95 permit, and a Comprehensive Development Plan amendment for the construction of a seven-story mixed
96 use, 14,810 square foot structure at the corner of South College Avenue and East Delaware Avenue, South
97 College, no?

98
99 Chair Hurd: South Chapel.

100
101 Director Gray: Yes, South Chapel, that must be a typo excuse me – South Chapel. The new structure will
102 include parking, the apartment lobby and about 300 square feet of retail space on the ground floor and
103 65 two-bedroom apartment units on floors 2 through 7 on 1.33 acres. The parcel will include about 31,800
104 square feet of paved parking with 132 parking spaces which meet code including the spaces under the
105 building. About 11,325 square feet of the parcel will remain as landscaped area preserving the existing
106 trees on the North side of the property. A couple of items of note that I just wanted to review briefly here.
107 The applicant is proposing to rezone the property from BC, General Business, to BB, which is Central
108 Business District. The properties to the north and east of this parcel are also zoned BB. Regarding project
109 density, the zoning regulations for residential units in BB indicate a maximum number of dwelling units
110 for this 1.33-acre parcel with two-bedroom units shall be 67 units or 50 units per acre, and the number of
111 units proposed for this building is 65 units and therefore conforms to the project density requirements.

112
113 Regarding the Comprehensive Development Plan, this proposal has indicated that it does not conform.
114 This includes the Comprehensive Plan amendment therefore it doesn't conform with the current
115 Comprehensive Development Plan and the amendment is to change the designation from commercial to
116 mixed urban. This project at 30 South Chapel Street is included in planning section A of the Comp Plan
117 which currently designates the commercial use for these parcels. So, the plan does recommend mixed
118 urban for Delaware Avenue as future land use, therefore it does comply with the future land use
119 designation in the Comprehensive Plan. As I just mentioned this application also includes a special use
120 permit application since this project includes apartments with are permitted in conjunction with any
121 nonresidential uses permitted in this district. So, this project includes 37 parking spaces, the apartment
122 lobby, and about 300 square feet of retail space on the ground floor as I previously mentioned along with
123 the 65 two-bedroom apartment units. Upon review staff has found that this proposal meets the
124 requirement of the special use permit provisions for Section 32-78 of the Code as described in the staff
125 report. Parking, because we're always interested in parking, when the site was operating as a Burger King
126 the lot included about 80 parking spaces. The Burger King structure has since been demolished and paved
127 over and the entire lot is currently operating as a commercial parking lot with some leased spaces and

some spaces available for public paid use. Proposed uses of apartments and retail space results in 132 required parking spaces and the proposed plan includes those spaces; therefore, it meets Code, and no parking waivers are required.

So, I do want to talk a couple of minutes about the design of the building, the applicants are for development, and this is a vestige of the Downtown the Newark Design Committee. We do encourage developers to go to the Newark Design Committee to review projects. Currently, the Newark Design Committee is not meeting so they weren't available to review the plan. So, staff as in the past has been conducting this design review of a project. In addition, the design is subject to the design requirements of Chapter 27, Appendix XIV, Design Review of Major Subdivisions and the review standards are included in section B which includes appropriateness of design elements and general architectural character. Exhibit I in your packet includes a review of both of these provisions and indicates with the exception of the proportion of opening, rhythm, materials, and color of the store front area, all of the guidelines were met or exceeded. Therefore, the plan does comply with the subdivision of zoning ordinances detailed in the Municipal Code of Newark, Delaware. In addition to the plan with the detail presented, it also complies with the 2018 ICC Building Codes as more detailed plans are presented during the CIP and Building Permit phases compliance with the 2018 ICC Building Codes will be verified. Therefore the planning staff recommends because the Comprehensive Development Plan amendment, rezoning, major subdivision, and special use permit should not have a negative impact on adjacent and nearby properties and because the proposed use does not conflict with the Comprehensive Plan V, the Planning and Development Department suggests that the Planning Commission recommend that the City Council revise the Comprehensive Development Plan V and land use guidelines for 30 South Chapel street for commercial to mixed urban. Recommend that City Council approve the rezoning of the 1.33 acres at 30 South Chapel from the current BC, General Business, to BB, Central Business District. Recommend that City Council approve the 30 South Chapel Street major subdivision plan and recommend that City Council approve the special use permit for 65 two-bedroom apartments. And that concludes my presentation Mr. Chair. And I do want to note that I noticed in items C and D we'll need to do a bit of revision, or the secretary will have to do a little bit of revision in the recommendations.

Chair Hurd: Ok, thank you. Who is presenting for the applicant?

Mr. Lang: We both will be, but I'll start.

Chair Hurd: And make sure the microphone is pointing at you, they're touchy.

Mr. Lang: Hello good evening, pleasure to be here this evening. My name is Jeff Lang with Lang Development Group. Chris Locke is also going to help present, and we have Alicia and Maddie from our office here that have helped with this project and other projects that we're working on. Give you a little history of this project, obviously it was a Burger King. Growing up funny enough I had a friend who worked in this Burger King when I was in high school, I used to go there all the time. Not that I ate as much bad food that I probably did, but I did eat a lot of Burger King Whoppers and Junior Whoppers at the time, so I do have a long history with this site went to Newark High School and drove by the property for many years. So when we heard that there was a possibility that it would become available for purchase, we reached out to the Burger King franchisee who was actually the owner of the property. He was looking to close the location and sell the property and we acquired it in 2019. If we could go to the next slide, there we are. So obviously it was previously operated as a Burger King. We've been operating it as a public private parking lot. We use it for some permitted spaces for some of our other units that are around town, and we also provide public parking in the middle of the site. The site has been paved for many years and our project development is somewhat similar but actually introduces a little greener space. We also have been in talks since we got involved in this project in 2020, we started talks with DelDOT on their redevelopment on Delaware Avenue and Main Street because we were intimately involved with them when we were doing our hotel project. So, they reached out to us on this site, and we've been cooperating with them on the redesign on Delaware Avenue, the bike lane and even storing some of their equipment on our site. So, the nice thing about our entrance or their bike lane now is designed around our proposed entrance on the assumption or the hope that we're approved for our project. Next slide please.

So, as we started working through our development plans, we were approached by Aetna and many of you know there was an announcement about a year ago that Aetna was going to partner with us and move their station onto the site. We got approval from their executive committee and then they went to a final membership vote, and they decided not to move here and move to a potential new location. We had designed a building a number of different ways around a number of different users, but when we settled on Aetna, and we had an agreement or principal in place we kind of designed a building officially around their use of the middle part of the site. At one point we had them on the corner, and we moved them to the inside because they thought it was better for the flexibility of their engines and their

ambulances. And so, the entire site was really designed around them, and we submitted our original development plan to Director Gray with this concept in place. When they decided to not move forward, we kind of considered a couple of different options and we said you know what this is a great piece of property and a nice large rectangular or square site in the middle of our site why don't we keep it and continue forward with our present design? So, the considerations were obviously the mixed-use consideration there's other mixed-use properties around town; adjacent to our site, there's BB. And it is a large parcel right in the middle of town, 1.33 acres. Next slide please.

So, this was our original design when we had Aetna. And this was just a concept design for their station which we submitted to them with a different original building design we started changing our building design, they were changing their building design and their new building design which I didn't have a slide of also has some of the similar glass and design features of our building. So, if they ever do revisit this site with a new station there it will look similar to the design that we have in place now. Next slide. Here's the site when the fire station had started engineering and we actually worked with a group of their architects, they hired a group of architects out of Washington, DC who was working with our site engineer to ensure that their drop off area, they have a huge apron, car parking area, everything seemed to work for their design. So, we incorporated that into our original submission that we sent to Director Gray. Probably in the beginning of 21, next slide please.

So, as we talked, we started thinking, Chris and I and our group all started thinking, should we build a different size building, should we spread the building over the site? We had two or three different designs before Aetna approached us. But when we started thinking about the long term of this property not just for us but also for the community, I think it makes the most sense to segregate all of our development into one area and keep the other areas for parking now and another development site for Aetna potentially again or let's go to the next slide. This is an opportunity for a parking garage. So, what we did was laid a parking garage in there to see how it would fit. This could be a 4 or 5 story parking garage in the middle of town. It would be in excess of 250 cars, next slide please.

This gives you kind of an idea of what the massing would look like. But the nice thing is that it would be set back off the property, it has fire lanes on both sides and provides flexibility long term for this site. Instead of spreading our building across the entire property. Next slide please.

So really our project scope is a rezoning from BC to BB. We have some small commercial space on the first floor, the upper floors are apartments as Director Gray said. Our parking in its present design meets the requirements of the code and we also have some area for outdoor recreation for the front of the building you know that could be a fenced in area with Adirondack chairs, maybe a fire pit, some of these activities that could be controlled, but still be nice amenities for the residents. This is our design now as you see the parking garage and the fire station are no longer on the left-hand side but really our building footprint has stayed exactly the same. So that whole left side of the site is available for redevelopment and reuse other than a parking lot potentially as you know the market changes in our downtown area. Next slide. This just gives you other elevations, the elevation to the right is from the corner, top left is the side that faces our adjoining property owner, to the east and the other side is the side that faces the parking lot towards Main Street. Next slide please.

So in summary it's 132 parking spaces, meets code, we have electric charging stations, we have bicycle parking, we have a large natural buffer on the North side, we've kept one of the things that we were very concerned about when thinking about the design of the site with the fire station being involved obviously, Aetna, they were starting to encroach on that large tree, there's a beautiful large tree one of the largest in our downtown area and it would have been a shame to lose that. We had our arborist out to look at it he says it's a very healthy and mature tree and there's no reason to touch it. And all these designs still stay far enough from the tree, obviously the best design is not to get anywhere near the tree, but both the parking garage design and Aetna design if they went through with those in the future, you could still maintain that tree which is nice. And we obviously have improved stormwater management because at present it's just an old parking lot you know from 1971 according to our historian over here. Next slide please. And I obviously touched a little bit on the community benefits. But we do think that it fits in with the other mixed-use buildings around the area they're adjoining the parcel already. Residential housing are preferred type units, obviously increased tax base and what we really want to talk about and focus on tonight is the long-term site flexibility. Because the site was so large, we could have spread out our 65 units across the site in a lower scale building, but we think that this provides the best long-term flexibility for the community as well as the property owners long term because we never really know what we're going to be doing in 10 or 20 years from now. Will we need a garage? And if there are any sites for a garage, where would you put one? So, we need to think about that in our long-term planning as a community. So, thank you.

256 Chair Hurd: Alright, thank you. I will start with Commissioner Stine; I believe you wanted to announce
257 something?
258

259 Commissioner Stine: Yeah, I'll talk to, this is for Solicitor Bilodeau. My question is because I may have a
260 conflict of interest on this project should I abstain from voting, or should I just recuse myself from the
261 matter altogether?
262

263 Solicitor Bilodeau: This is the City Solicitor. Commissioner Stine, if you're going to recuse yourself then you
264 need to abstain from all participation in this particular manner.
265

266 Commissioner Stine: And is that your preference?
267

268 Solicitor Bilodeau: That is my preference and I think that's when you recuse yourself you shouldn't have
269 any involvement.
270

271 Commissioner Stine: Ok, thank you.
272

273 Chair Hurd: Ok. Thank you. We will begin with Commissioner Kadar.
274

275 Commissioner Kadar: Good evening. A couple of questions, the first one is on page 5 of the Planning and
276 Development Department report. It indicates there on line 203 that based on a traffic survey by DelDOT,
277 the number of trips are actually reduced? What's the basis for the reduction, is it Burger King to now or
278 current parking lot to now?
279

280 Director Gray: So, it's from Burger King to now. So, the department of...Delaware Department of
281 Transportation keeps kind of, they have models, traffic models, and I'm assuming they're working off of a
282 traffic model or a study that was done for Burger King, so they have the number of traffic counts from the
283 Burger King, and they compared it to the estimated number of traffic generation for this type of use and
284 it was a negative, so it was reduced. So that's why the number is less.
285

286 Commissioner Kadar: So, is it down from the current situation or up from the current situation?
287

288 Director Gray: So, the current situation is the temporary use and an estimation of the traffic generation
289 for a parking lot was not done.
290

291 Commissioner Kadar: So, we really don't know what the impact's going to be versus what it is now?
292

293 Director Gray: Well, the proposal, we know what it's going to be for the proposed impact of the
294 apartments.
295

296 Commissioner Kadar: Ok, so it won't be any worse than when the Burger King was there. It'll actually be
297 better.
298

299 Director Gray: Yes, yes, it will be better. It will be less impactful.
300

301 Commissioner Kadar: Ok, I can live with that; it's a step backward but ok.
302

303 Director Gray: It is a little confusing, I agree.
304

305 Commissioner Kadar: Next question, page 10 line 398. The statements about stormwater, help me here I
306 believe that our objective on stormwater is about a 15% reduction for new projects when they're put in
307 over what we have now? And I don't see any verbiage there indicating that that's a commitment.
308

309 Director Gray: So, I'm going to phone a friend on that one.
310

311 Mr. Locke: So that is a state requirement, and we always have to comply with that when we submit to.
312

313 Commissioner Kadar: Even if it's not referenced here, alright ok. And my last question, the entry and exit
314 into the parking. I see the exit arrow on your prints and I'm assuming that the entrance is along South
315 Chapel Street down towards the end of the parking lot. What about the fire lane, is there an exit there?
316

317 Mr. Lang: We had one there and DelDOT requested that we delete it, so we deleted it.
318

319 Commissioner Kadar: Excellent, ok that eliminates all of the mess you had at the Burger King coming in at
320 a real quick because that's a really narrow street.
321

322 Mr. Lang: So, we actually had our DelDOT meeting and review of this project and that's when we were
323 also discussing the bike lane but also the entrance and exit points and they suggested or requested, which
324 we adhere to, was eliminating that entrance. If we ever need to put it back in, it's still available to be put
325 back in but only in relation to a fire station redevelopment where say the fire station would come in and
326 say look, we want to take the left side of that site we need to build access to the right side of the site. So
327 that was a consideration we would discuss at a later date if that was ever to come about.
328

329 Commissioner Kadar: Excellent thank you, I have no further questions.
330

331 Chair Hurd: Alright, thank you. Commissioner Silverman?
332

333 Commissioner Silverman: I like the proposal. I think it's very appropriate for the location. The drawings do
334 not provide the context for the building even though the request is for a multi-story building. I believe
335 there is a substantial building immediately behind and adjoining this particular property, so this is not
336 alone, it's consistent with the building pattern in the area. I like the idea of the proposed construction
337 being moved to one side of the parcel. I'll talk about parking in my closing remarks. And just one technical
338 question I had is I'm referring to sheet 1 of the drawings and it appears to be the exit arrow flying out
339 from under the building out onto Delaware Avenue. You've reflected the DelDOT improvements along
340 Delaware Avenue with the dual bicycle lanes. The number of times that I've been to Great Britain for
341 Americans in particular, on the curb they say, "look left" and I believe there may be some signage that's
342 going to be needed along that exit to remind drivers that there now will be bicyclists and other traffic
343 coming from their left when the habit is to look to the right. So, you know that may be an additional item
344 that's needed, but in general I'm very pleased with the project. I like the architectural design, and that
345 concludes my comments.
346

347 Chair Hurd: Alright thank you. Commissioner Williamson?
348

349 Commissioner Williamson: Good evening, everyone, thank you Chair. A couple questions, partly to
350 understand and partly to ask questions. First one, in the attachment I, which I take is staff generated?
351

352 Director Gray: Yes.
353

354 Commissioner Williamson: So, on page 85 there's a comment I'll just read it on the bottom of 85 talking
355 about the 300 square feet, the project only allocates 370 square feet of growth the rest is allocated to the
356 lobby, etcetera. The next page, "such a limited amount of floor space is not conducive to a vibrant central
357 business district" signage and so forth. So, my question is, is that really leasable, usable space in your
358 experience, you've done this in other buildings?
359

360 Mr. Locke: There is some great demand in the downtown area for small space and unfortunately most of
361 the spaces in the downtown range anywhere from 1250 square feet and up so a small professional office
362 or shop, coffee shop or retail, there's a lot of people that would love to rent that small space.
363

364 Commissioner Williamson: Ok, and certainly it complies with code so maybe a comment or not necessarily
365 answer now is the code defines mixed use as sort of fluidly with no minimum percent?
366

367 Director Gray: Correct.
368

369 Commissioner Williamson: Alright, thank you. General comment – I personally would like to have seen
370 the floor plans for the apartments, and the reason is related to what I'll call the staircase tower on the
371 South side, it's all brick, seven stories of brick which, can you do something with that? As you drive North
372 on Chapel correct me if I'm wrong, you'll see that tall brick structure. Now you do see the rest of the
373 building to the left and that's attractive no doubt, there's trees and so forth. I think to the right side of
374 that tower and the stairwell the whole way up and there's certain reasons why you don't want windows
375 in there and so forth because it's a stairwell, smoke, evacuations, and all that. But the other end of that
376 end; is that part of an apartment? I'm not necessarily suggesting windows, but did you think of...it's just
377 sort of a big blank wall.
378

379 Mr. Locke: Yeah, funny enough you brought that up because I commented on that to our rendering guy
380 and he said, "oh yeah we can change that no problem". Because we would like to let some light in that
381 wall and into that space because if you walk into a stair tower at that height you really don't want to feel
382 like you're in a closed box. If you walk into some they're not very appealing and kind of creepy a little bit

so what we'll end up doing is amending this before submission to Council with some windows of that wall and introducing some natural light into the stair tower. So that's a good point thank you for pointing it out. I wasn't sure if anyone was going to catch it, I was like "I should fix it" but my rendering guy was out of town for a little bit, and he couldn't get to it. Good point.

Commissioner Williamson: When I first started writing environmental impact reports in California, this was 40ish years ago a parking garage was 10 stories tall and I called it monolithic, and a developer did not like that. Thank you for being very ready to change you've already thought of that yourselves. Question, there are 65 apartments and some of them are ADA I believe. So, the elevator, it's hard to tell from the diagram, I'm sure that's a standard elevator and I just wonder, when students are most of the residents and they're all moving at once? Does one elevator really work?

Mr. Lang: We're doing this right now with turnovers, we're turning over I think 275 apartments over a 17-day period. So, what we do at our buildings that are elevated for that exact reason if you've ever moved a kid into the UD dorms, you'll realize that elevator can be used quite frequently during move in. So, we staggered the move ins for each of those elevators so only maybe 4 or 5 apartments per day are moving and using that elevator; it's a well-used elevator but parents appreciate it.

Mr. Locke: And if you notice, there's space for a second elevator so if you look at our little plan what we're trying to figure out is, we know that we have a core once you get up into the center of the building and if determine the need because we will actually have a building of similar size right behind the hotel with a little bit fewer units and we want an elevator there. So, the question is if we find out that we find out that we need two elevators, we've accommodated that in this design with potential to put a second one in. It's a good point though, it's one of those things when you see the traffic coming in and out of the building and you get a number of complaints.

Mr. Lang: And if it should ever break down your ADA residents are you know.

Commissioner Williamson: Right. Ok, that's good news. There was some comments a couple of places about outside utilities, and you know one of the external utilities in one of the electric boxes showing up on site and gas meters and I'm assuming you're in control of that.

Mr. Lang: We work with the Public Works and Electric Departments to adjust (inaudible)

Commissioner Williamson: And finally, you made some comments tonight about a potential reuse of the open parking area. So, if something were to go in there how would you replace your parking in the building?

Mr. Lang: To be determined based on what the code might be at that particular time.

Commissioner Williamson: Ok.

Mr. Locke: One of the things, we advocate for at least one space per unit so we would want to reserve at least one space per unit on site if we can locate another space off site and we do own a parcel literally right behind Lot 5 which is right past three parcels down, Bing's Bakery. We own a parcel there it's an acre and we've actually over the history of our life here, in conjunction with the city we've designed a garage on top of Lot 5 in the back of our site. That would be 300 to 400 car garage which would be a fantastic garage downtown also depending on where you want to locate one. And we worked on one in Lot 1 so we've been talking about garages downtown for a number of years. And we can accommodate these residents at that location, it's actually within 500 feet which actually meets code funny enough for the present code structure. But that is what we would think about doing. And even if we build a garage here, we might not allow our residents to be in this garage we might put them over there and make this a downtown public garage based on what you know the need is in the downtown market.

Commissioner Williamson: Top levels of parking garages are sometime good party venues, you rent out the top space and have a band.

Mr. Locke: Good idea.

Commissioner Williamson: I've been to a few. Well thank you and just in general as I said it before I'm relatively new to the city, 6 months and was quite impressed with your buildings downtown in comparison with some of the plain things that get built in many places, so I just wanted to make that comment. Thank you.

447 Chair Hurd: Alright thank you, so just a few things to add. I guess I'll add my comments about the
448 renderings. They really do need to be enlarged to get the context of the buildings adjacent to them I think
449 that's crucial to understanding the scope of this building. You need to especially the one looking from the
450 corner because we need to see that transformer. That's been something that Council has been very clear
451 about also is like any of that equipment that's outside needs to show up on the rendering because that's
452 kind of what they're approving. If it shows up during construction, there's going to be an issue.

453
454 Mr. Lang: And one of the frustrating things on our end, sorry to interrupt is that we work with the electric
455 department (inaudible). First, they tell us where they want to put it and we're like "well we don't want
456 to put it there" and they go "well it's got to go there" but we don't want it there. And you know with the
457 gas company which we don't control and neither does the city. So, we meet with Delmarva, and they
458 decide "oh we're going to move the gas up here" So it ended up in the front of our hotel and we're trying
459 to figure out how to screen it which we didn't even know it was going to go there. We were like, "what's
460 this thing doing here?" It was just this huge meter, so now we have to figure out how to screen it in the
461 front on our building so as a developer it's a very frustrating process because I know that everyone on
462 staff, Council, and Planning Commission wants to see where we're going to put it, what it's going to look
463 like and we don't even know where it's going and then we got to figure out how to render it before we
464 even get to the meeting when we haven't even gotten any real direction on where it's supposed to go.
465 So, we kind of suggest where it's going to be located and then the electric department tells us where it's
466 going to go.

467
468 Chair Hurd: I know especially with the Hillside project with all that mechanical equipment appeared right
469 next building and I know that was, you're not going to have the same issue because you don't have that
470 small stuff-

471
472 Mr. Locke: Full disclosure, we had nothing to do with that.

473
474 Chair Hurd: I know you didn't I'm just talking about that project in general. But I mean it talks about that
475 rendering is very tight to building and it really should be seeing the building behind, the buildings across
476 the way, the buildings behind and such.

477
478 Mr. Lang: We'll see if we can get, actually we're working with a very good group, and I think we can get
479 them to place it in almost like an aerial.

480
481 Chair Hurd: Ok.

482
483 Mr. Lang: Because we're working on another project that we might see you all in a couple months and
484 he's developed an aerial that shows in context with the adjoining buildings and I'm like "how come we
485 can't see it?" and they said that we just got the software and we're working on it, so I was like ok.

486
487 Chair Hurd: Oh, and when you do that, you want to remove the fire department building that's in there.

488
489 Mr. Locke: Oh, yeah.

490
491 Chair Hurd: Because and just while we're on that, the other thing that isn't really showing that's a key part
492 of this is the wall around that plaza. Because in this rendering it looks like a broad open space that the
493 public can partake in.

494
495 Mr. Lang: We'll actually have more of a fence than we will a wall. You know a nice black, wrought iron
496 fence.

497
498 Chair Hurd: And I think that also needs to be clear because this is telling one story and the plans are telling
499 another one. And I think it really needs to come together so there aren't any misconceptions. I guess I had
500 a small concern about the small size of the commercial space. And its only access through the lobby, but
501 I understand that there isn't a lot of space there in the first place.

502
503 Mr. Locke: And one of the things; we're always designing our buildings so that we have the height on the
504 first floor so that if there ever was an opportunity to capture some of that space for a larger commercial
505 use we don't do our first floor garages like 7 feet tall, we do them 13 feet floor to floor so it's a true
506 commercial floor knowing that times change, codes change and there's commercial space for commercial
507 residents or tenants to utilize this valuable space even if we build a garage next door we could take the
508 whole first floor and put a Target in it for example. You know in theory and then you go "oh what a great
509 idea" But if we don't design the building that way, we can't accommodate the Target, so we think through
510 that, but I agree with you on that.

511
512 Mr. Lang: I hope, we're hoping eventually for some of the recommendations from the subcommittee on
513 parking will be taken into consideration.
514
515 Chair Hurd: Yeah, I guess what was concerning to me is that this was such a prominent corner, it had been
516 such an active commercial corner with the Burger King and everything else, it sort of is an opportunity to
517 reintegrate something into the street fabric and there's almost nothing kind of coming into the street
518 fabric that isn't privately sort of (inaudible)
519
520 Mr. Lang: And I think that's why we designed the building the way we did on one side of the property so
521 that you do have that potential to you know, in the future whether it's a parking garage or commercial
522 space or the fire station.
523
524 Chair Hurd: That would be lovely if we could get that. Ok. Alright, that takes us to public comment. Ms.
525 Dinsmore, do we have any public comment that was submitted online? Yeah.
526
527 Ms. Dinsmore: Yes Chairman, thank you. We received an email from a Mr. Willam Rhodunda of Rhodunda,
528 Williams, and Kondrashaw LLC. "Planning Department, please accept this e-mail on behalf of my client,
529 the Main Street Court Apartments, which are located on an abutting property to the proposed project.
530 My client is very concerned that this project will exacerbate the already existing parking problems in this
531 area. The proposal calls for 65 two-bedroom apartments and 300 square feet of retail, yet only 132 parking
532 spaces. Has the developer agreed to limit each apartment to two total residential tenants? If 4 tenants
533 are permitted in each apartment, this project will undisputedly worsen the parking situation in the area.
534 Please feel free to contact me if you have any questions".
535
536 Chair Hurd: Alright thank you. Do we have anyone present who would wishes to give public comment?
537 Is there anyone online who wants to give public comment? Going once, alright that closes to public
538 comment and we return to the dais for Commissioners, I will begin with Commissioner Silverman.
539
540 Commissioner Silverman: I would like to continue with the public parking opportunities on this site. I think
541 this site illustrates the inefficiencies of the existing parking regulations and further demonstrates the need
542 to really delve into the recommendations of the Parking Committee. There's an ideal opportunity for such
543 things as decoupling parking, the applicant already mentioned that they have remote parking maybe a 5-
544 to-10-minute walk from here it's available. Some jurisdictions for example reduce onsite parking
545 requirements by as much as 30% with the presence of a public transit system and at this particular corner
546 if my research is correct, we have the DART system, the city Unibus system, and the University bus system
547 which in their last report shows they carry over a million passengers a year that all pass by this corner
548 further reducing the need for occupant parking on this particular site. There is remote off-street parking
549 available either for hire or in this particular case other properties. So hopefully as the parking regulations
550 are considered by City Council the other portion of this lot in parking can be developed under these new
551 concepts. As it sits right now, again some very quick math, about 56% of this 1.3-acre site is devoted to
552 surface asphalt. It brings in virtually no tax revenue into the city. Properties in the area are selling in the
553 multimillions of dollars and it seems from a city tax property revenue point of view that parking is really
554 the tale that's driving the activity here. So that's just my comments that this proposal does illustrate those
555 inefficiencies that we have in our parking now. Thank you.
556
557 Chair Hurd: Thank you. Commissioner Willaimson?
558
559 Commissioner Williamson: Thank you Chairman Hurd, thinking about parking also and this is a rhetorical
560 question here, not looking for an answer. When you recall being a student, you may not use your car
561 Monday through Friday it's just stored more or less. You may need it on the weekend to go to the store;
562 you're not going to walk back with Costco bags and all that. So, it's not your typical workday parking in
563 and out every day, which suggests there might be an opportunity to store cars off site, and you're probably
564 familiar with that. I wonder whether you've done, you probably have done parking studies of your
565 residents and how many roommates have individual cars versus only 2 per unit and there's only 4 living
566 there and on and on. So, I'm sure you've got all of that handled. And I will support the project and I was
567 wondering asking the Director, Chair, and others to support and maybe have a statement relying on the
568 applicant's statements about the 7-story tower being changed to be visually interesting or something to
569 that effect to be in the record as part of that. Thank you.
570
571 Chair Hurd: Alright, thank you. Commissioner Kadar?
572
573 Commissioner Kadar: I for one was very pleased coming here this evening that I wouldn't have to talk
574 about a parking waiver because almost every time we've got a site plan coming forward for a major

575 subdivision there's always a discussion about parking waivers. The spaces are adequate, but I think we
576 have a, and I understand where Commissioner Silverman is coming from, we desperately need in the city
577 to clean that parking requirements up and it would be extremely beneficial I would think if you built a
578 parking garage, and we could stop talking about parking waivers because there are plenty of spaces
579 downtown to do your parking in. But anyway, enough on that. I'm very pleased with the building. It's
580 aesthetically pleasing, some of the most recent ones haven't been but this one is. And so, I commend you
581 on the work you've done here.

582
583 Chair Hurd: Thank you. And I echo the other comments, the design of the building is good, I could have
584 done with a little more variation with height but I know you're kind of maxing out so there isn't really
585 anywhere to bump up or down I think that's probably the one thing that could have helped it a little was
586 to have a little more shift in the massing. Did you, or would you consider a recommendation to decouple
587 the parking from the apartments and have the spaces sold separately?

588
589 Mr. Locke: We have not done that without other buildings, so at this point no, we would not be willing to
590 do that.

591
592 Chair Hurd: Ok. Because that is also one way to address the concern of someone bringing too many cars,
593 they actually have to pay to put a car on the lot.

594
595 Mr. Lang: Well, we don't find that to be an issue. The tenants tend to work it out among themselves as
596 to who's going to park which car where, and we do have other parking alternatives for them at other sites
597 that we have extra parking so if they really want, they can do that.

598
599 Chair Hurd: Ok, so it's sort of pseudo decoupled, in the sense if they want more than the two.

600
601 Mr. Lang: Exactly. As an aside I think one of the things that you're going to see, and the code really drives
602 the parking which then the resident figures out that they get two because the code provides two so then
603 they expect two. So, if you don't provide two, and Chris and our historical buildings never had any parking,
604 and we had no problem leasing that. When the trend changed politically about 10 or 15 years ago where
605 everyone said we have to provide parking then we started having all these buildings that had all of this
606 valuable commercial space where parking is located as well as larger surface lots just like this garage.
607 Ideally, in a downtown urban environment as Councilman Silverman said as well as a number of you have
608 echoed this would be a commercial space on the 1st floor, residential on the upper floors, there would be
609 a garage on the first floor or a garage someplace to park your car and the next-door space might be a
610 public park, it might be a Target, it might be whatever it is. But you wouldn't have big so as an organized
611 community we need to think about how to value our space better so that we discourage use of cars in our
612 downtown district and make them on the preferred which is good urban planning, but the question is how
613 we organize it in our code.

614
615 Chair Hurd: And I will say that Council does seem to be getting closer to getting that to happen, it's only
616 been how many years Chris, since we did parking permits?

617
618 Mr. Lang: I think it was 6 years ago, maybe 5 years ago?

619
620 Chair Hurd: Yeah, ok, I think that brings us to the motions. So, Secretary Kadar?

621
622 Commissioner Kadar: Ok, the first motion is for the amendment to the Comprehensive Plan?

623
624 Chair Hurd: Yes, we have to do them in order.

625
626 MOTION BY KADAR, SECONDED BY SILVERMAN – THAT THE PLANNING COMMISSION TAKE THE
627 FOLLOWING ACTION:

628
629 BECAUSE THE PROPOSED USE DOES NOT CONFLICT WITH THE DEVELOPMENT PATTERN IN THE NEARBY
630 AREA, RECOMMEND THAT CITY COUNCIL REVISE THE COMPREHENSIVE DEVELOPMENT PLAN V LAND
631 USE GUIDELINES FOR 30 SOUTH CHAPEL STREET FROM COMMERCIAL TO MIXED URBAN AS SHOWN IN
632 THE PLANNING AND DEVELOPMENT REPORT EXHIBIT G-1.

633
634 VOTE: 4-0

635
636 AYE: WILLIAMSON, KADAR, SILVERMAN, HURD

637 NAY: NONE

638 ABSTAINED: STINE

639

640 MOTION PASSED

641

642 Commissioner Kadar: **Because the proposed use does not conflict with the development pattern in the**

643 **nearby area, recommend that City Council revise the Comprehensive Development Plan V Land Use**

644 **guidelines for 30 South Chapel Street from commercial to mixed urban as shown in the Planning and**

645 **Development report exhibit G-1.**

646

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

648

649 Commissioner Silverman: I'll second

650

651 Chair Hurd: Thank you. Alright to the vote. Solicitor Bilodeau is this one that we need to articulate reasons

652 or is this one?

653

654 Solicitor Bilodeau: Yes when you're amending the Comprehensive Plan and it could be...

655

656 Chair Hurd: So, everything, we'll just say everything needs a reason. I keep thinking there's one that's not

657 going to, but I don't think there is. Alright we will begin with Commissioner Williamson.

658

659 Commissioner Williamson: That's fine. Let's see, I vote aye for the reasons and content of the staff report

660 dated May 31, 2022, and whatever was said during the hearing.

661

662 Chair Hurd: Alright, Commissioner Kadar?

663

664 Commissioner Kadar: I vote aye for the reasons stated in the May 31st, 2022, Planning and Development

665 department report.

666

667 Chair Hurd: Thank you, Commissioner Silverman?

668

669 Commissioner Silverman: I vote aye for the reasons cited in the May 31st, 2022, Planning and Development

670 report.

671

672 Chair Hurd: And I vote aye as well for the reasons cited in the Planning Department report. Alright, that

673 passes. Next?

674

675 Commissioner Kadar: The zoning?

676

677 Chair Hurd: Yes.

678

679 MOTION BY KADAR, SECONDED BY WILLIAMSON – THAT THE PLANNING COMMISSION TAKE THE

680 FOLLOWING ACTION:

681

682 BECAUSE IT SHOULD NOT HAVE A NEGATIVE IMPACT ON ADJACENT AND NEARBY PROPERTIES,

683 RECOMMEND THAT CITY COUNCIL APPROVE THE REZONING OF 1.33 ACRES AT 30 SOUTH CHAPEL

684 STREET FROM THE CURRENT BC (GENERAL BUSINESS) ZONING TO BB (CENTRAL BUSINESS DISTRICT)

685 ZONING AS SHOWN ON THE PLANNING AND DEVELOPMENT REPORT EXHIBIT E.

686

687 VOTE: 4-0

688

689 AYE: KADAR, SILVERMAN, WILLIAMSON, HURD

690 NAY: NONE

691 ABSTAINED: STINE

692

693 MOTION PASSED

694

695 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby properties,**

696 **recommend that City Council approve the rezoning of 1.33 acres at 30 South Chapel Street from the**

697 **current BC (General Business) zoning to BB (Central Business District) zoning as shown on the Planning**

698 **and Development report Exhibit E.**

699

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

701

702 Commissioner Williamson: I'll second.

703
704 Chair Hurd: Thank you, oh sorry I forgot to say, any discussion or amendments to the motion? Alright
705 seeing none we'll move to the vote. Commissioner Kadar?
706
707 Commissioner Kadar: I vote aye for the reasons stated in the Planning and Development department
708 report dated May 31st, 2022.
709
710 Chair Hurd: Thank you, Commissioner Silverman?
711
712 Commissioner Silverman: I vote aye for the reasons cited in the May 31st, 2022, Planning and Development
713 department report.
714
715 Chair Hurd: Thank you. Commissioner Williamson?
716
717 Commissioner Williamson: I vote aye for the reasons stated in the May 31, 2022, staff report and for
718 comments stated in the public hearing.
719
720 Chair Hurd: Thank you and I vote aye as well for the reasons stated by the previous Commissioners.
721 Alright.
722
723 Commissioner Kadar: Site plan next?
724
725 Chair Hurd: Yes.
726
727 MOTION BY KADAR, SECONDED BY WILLIAMSON – THAT THE PLANNING COMMISSION TAKE THE
728 FOLLOWING ACTION:
729 BECAUSE IT FULLY COMPLIES WITH THE SUBDIVISION ORDINANCES, THE BUILDING CODE, THE ZONING
730 CODE, AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY AND THE LAWS AND REGULATIONS OF
731 THE STATE OF DELAWARE RECOMMEND THAT CITY COUNCIL APPROVE THE 30 SOUTH CHAPEL STREET
732 MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN AS SHOWN ON THE KARINS AND ASSOCIATES
733 MAJOR SUBDIVISION PLAN, SPECIAL USE PERMIT, AND COMPREHENSIVE DEVELOPMENT PLAN
734 AMENDMENT SITE PLAN FOR 30 SOUTH CHAPEL STREET DATED OCTOBER 1, 2021 AND REVISED MAY 12,
735 2022 WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS DESCRIBED IN THE MAY 31, 2022
736 PLANNING AND DEVELOPMENT REPORT
737
738 VOTE: 4-0
739 AYE: WILLIAMSON, KADAR, SILVERMAN, HURD
740 NAY: NONE
741 ABSTAINED: STINE
742 MOTION PASSED
743
744 AMENDMENT TO THE MOTION BY SILVERMAN, SECONDED BY WILLIAMSON – THAT THE PLANNING
745 COMMISSION TAKE THE FOLLOWING ACTION:
746 RECOMMEND APPROVAL TO THE MOTION FOR MAJOR SUBDIVISION AND SITE PLAN APPROVAL WITH
747 THE CAVEAT THAT BASED ON THEIR COMMENTS IN THE MEETING, THE APPLICANT REDESIGN THE
748 STAIRTOWER TO INCLUDE MORE WINDOWS AND MAKE IT MORE VISUALLY INTERESTING.
749
750 VOTE: 4-0
751 AYE: SILVERMAN, WILLIAMSON, KADAR, HURD
752 NAY: NONE
753 ABSTAINED: STINE
754 MOTION PASSED
755 Commissioner Kadar: Ok. **Because it fully complies with the subdivision ordinances, the building code,**
756 **the zoning code, and all other applicable ordinances of the city and the laws and regulations of the state**
757 **of Delaware recommend that City Council approve the 30 South Chapel Street major subdivision and**
758 **site plan approval plan as shown on the Karins and Associates Major Subdivision Plan, Special Use**
759 **Permit, and Comprehensive Development Plan Amendment site plan for 30 South Chapel Street dated**
760 **October 1st, 2021 and revised May 12th, 2022 with the Subdivision Advisory Committee conditions as**
761 **described in the May 31st, 2022 Planning and Development report.**
762

763 Chair Hurd: Thank you do I have a second?
764
765 Commissioner Williamson: I'll second.
766
767 Commissioner Silverman: I'll second.
768
769 Chair Hurd: Thank you. Any discussions on the motion? Commissioner Silverman?
770
771 Commissioner Silverman: Is this where we insert the commitment by the applicant to redesign the stair
772 tower?
773
774 Chair Hurd: We can, yes.
775
776 Commissioner Silverman: Mr. Bilodeau do we need to add an amendment, or can we just include that?
777
778 Solicitor Bilodeau: That would be an amendment, so you would basically submit the amendment and get
779 the approval.
780
781 Chair Hurd: So, you wish to amend the motion to include the comments and commitments made by the
782 applicant at the meeting?
783
784 Commissioner Silverman: That's correct.
785
786 Chair Hurd: Ok. Alright.
787
788 Commissioner Silverman: You'll need a second.
789
790 Chair Hurd: I'll need a second on that motion.
791
792 Commissioner Williamson: I'll second that.
793
794 Chair Hurd: Thank you. Any discussion of that amendment? Alright, voting on the amendment,
795 Commissioner Silverman?
796
797 Commissioner Silverman: I vote aye.
798
799 Chair Hurd: Thank you. Commissioner Williamson?
800
801 Commissioner Williamson: I vote aye.
802
803 Chair Hurd: Commissioner Kadar?
804
805 Commissioner Kadar: Aye.
806
807 Chair Hurd: And I am aye as well, alright the amendment passes. Moving to the motion itself.
808 Commissioner Williamson?
809
810 Commissioner Williamson: I vote aye for the reasons stated in the May 31 staff report and public hearing.
811
812 Chair Hurd: Thank you. Commissioner Kadar?
813
814 Commissioner Kadar: I vote aye for the reasons stated in the May 31st, 2022, Planning and Development
815 department report.
816
817 Chair Hurd: Thank you. Commissioner Silverman?
818
819 Commissioner Silverman: I vote aye for the reasons cited in the May 31st, 2022, Planning Department
820 report and the comments by the applicant at the public hearing.
821
822 Chair Hurd: Thank you and I vote aye as well for the reasons stated by the Commissioners. Ok, special use
823 permit.
824 MOTION BY KADAR, SECONDED BY WILLIAMSON – THAT THE PLANNING COMMISSION TAKE THE
825 FOLLOWING ACTION:
826

827 BECAUSE THE PROPOSED USE DOES NOT ADVERSELY AFFECT HEALTH AND SAFETY, IS NOT
828 DETRIMENTAL TO THE PUBLIC WELFARE, AND IS NOT IN CONFLICT WITH THE PURPOSES OF THE
829 COMPREHENSIVE DEVELOPMENT PLAN, RECOMMEND THE 30 SOUTH CHAPEL STREET SPECIAL USE
830 PERMIT FOR 65 TWO BEDROOM APARTMENTS AS SHOWN ON THE KARINS AND ASSOCIATES MAJOR
831 SUBDIVISION PLAN, SPECIAL USE PERMIT, AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT
832 SITE PLAN FOR 30 SOUTH CHAPEL STREET DATED OCTOBER 1, 2021 AND REVISED MAY 12, 2022 WITH
833 THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS DESCRIBED IN THE MAY 31, 2022 PLANNING
834 AND DEVELOPMENT REPORT.

835
836 VOTE: 4-0
837 AYE: KADAR, SILVERMAN, WILLIAMSON, HURD
838 NAY: NONE
839 ABSTAINED: STINE

840 MOTION PASSED

841 Commissioner Kadar: Ok, **because the proposed use does not adversely affect health and safety, is not**
842 **detrimental to the public welfare, and is not in conflict with the purposes of the Comprehensive**
843 **Development Plan, recommend the 30 South Chapel Street special use permit for 65 two bedroom**
844 **apartments as shown on the Karins and Associates Major Subdivision Plan, Special Use Permit, and**
845 **Comprehensive Development Plan Amendment site plan for 30 South Chapel Street dated October 1st,**
846 **2021 and revised May 12th, 2022 with the Subdivision Advisory Committee conditions as described in**
847 **the May 31st, 2022 Planning and Development report.**

848
849 Chair Hurd: Thank you, one small correction to the motion, we are recommending approval, not
850 approving. The language in the report did say “approve” we need to recommend approval.

851
852 Commissioner Kadar: Do you want me to reread it?

853
854 Solicitor Bilodeau: I think we’re fine.

855
856 Chair Hurd: I think we’re fine we just need to make sure that it says “recommend” in the official. Alright
857 thank you do I have a second?

858
859 Commissioner Silverman: I’ll second.

860
861 Chair Hurd: Alright any discussion on the motion? Alright moving to the vote, Commissioner Kadar?

862
863 Commissioner Kadar: I vote aye for the reasons in the May 31st, 2022, Planning and Development
864 department report.

865
866 Chair Hurd: Thank you. Commissioner Silverman?

867
868 Commissioner Silverman: I vote aye for the reasons cited in the May 31st, 2022, Planning Department
869 report.

870
871 Chair Hurd: Thank you, Commissioner Williamson?

872
873 Commissioner Williamson: I vote aye for the reasons stated in the May 31st, 2022, staff report.

874
875 Chair Hurd: And I vote aye as well for the reasons stated by the Commissioners. Alright, and we done are
876 that item, thank you gentlemen. Alright.

877
878 **4. Discussion regarding the contents of the Planning Commission Packet**

879
880 Chair Hurd: Alright that takes us to item 5, item 4 excuse me; discussion regarding the contents of the
881 Planning Commission packets. Deputy Director Bensley?

882
883 Deputy Director Bensley: Hi, for the record I am Renee Bensley, Deputy Director for the Planning and
884 Development Department and I’m here tonight to discuss a more administrative item with you regarding
885 Planning Commission packets. So, one of the things we talked about when I came on board, and I
886 discussed with Commissioner Silverman as well is that we’ve had a lot of changes in Planning Commission
887 and Council in recent years and the reports that we’ve been producing for you and Council have been
888 based on feedback from previous Commissions and previous Councils. So, we wanted to do a little bit of
889 a check in to make sure that the product that we’re providing you is meeting the expectations of what

890 you need to make your decisions. Are we giving you too much? Are we giving you not enough? Are there
891 some things you find more useful than others? Are there some areas where you'd like to see more detail
892 or less detail? We tend to have quite large packets at times, and we are aware of the fact that Planning
893 Commissioners are volunteers, Council members are part time, and we want to make sure that we're
894 getting to the meat of the presentation that you want to consider and not having details getting lost in
895 the shuffle because we've given you too much. So, in the memo that I gave you in your packet I outlined
896 what's currently in the Planning and Development report, so I won't read that verbatim tonight. But we're
897 just looking for feedback from you all for what your views of what we're presenting are. Are there things
898 that you think would be more useful? Are there things that we're adding that you don't find value to?
899 It's a pretty simple discussion I think and we're just looking for some feedback from you. And we'll be
900 taking this to Council in the future and getting the same feedback from them and we will use that feedback
901 from both groups to have a decision on any changes that need to be made on what we're presenting.
902 Thank you.

903
904 Chair Hurd: Alright, thank you. We will start with Commissioner Kadar.
905

906 Commissioner Kadar: When I first agreed to come on board the Planning Commission and got my first
907 package I was absolutely overwhelmed, I'd never seen so much detail and information in one place and I
908 thought to myself "what would I possibly do with all of this" but I can honestly say that over the last, how
909 many months, I think it's been 18 I don't know, it's been a long while. I have needed to refer to almost
910 every one of those documents in there and to get a little more detail once I read through the Planning
911 and Development Department report it referenced one of the appendixes, I went to the appendix, and I
912 found more information that helped me I hope to make a better decision. And as far as the paperwork
913 that's being provided now, in my mind is fine. I'm not asking for anymore and I'm sure that I don't want
914 any less.

915
916 Chair Hurd: Thank you, Commissioner Silverman?
917

918 Commissioner Silverman: Thank you. This is an excellent document, and it serves many purposes and
919 many audiences I kind of look at it as a filing cabinet having had a background in planning and having to
920 research when two years down the road, five years down the road somebody says, "now wasn't there
921 something about such and such?" In the presentations used by the Planning department and Newark it's
922 all here in this packet. Who commented on what, what dates things were received? So, it serves a
923 valuable function almost being a filing cabinet and compendium of everything in one spot. Having said
924 that I think some of the content could be winnowed. There are and let me specifically refer to the section
925 on zoning for the purpose of the application which has a land use associated with it. What could happen
926 in the future with that zoning district, there's extensive coverage of everything that could happen in this
927 zoning district for example tonight I don't need to know about locating cell towers at 1000-foot distances,
928 it's in the packet though. So maybe the zoning section could be winnowed down to what's particularly
929 pertain for the particular recommendation, that would be one recommendation that I would have. Or, if
930 it's helping the future opportunity of the zoning district because zoning is there for relatively ever until
931 it's changed. Maybe as was done in the sections of the document contained in Exhibit G here, yellow
932 highlighting could be done over the text to show what's particularly applicable in the entire zoning
933 description or the zoning district, that would be helpful to simply draw the eye to what we're looking at
934 here tonight. A table of contents on a cover sheet would be nice. So, if I'm quickly looking for the original
935 letter from the department to the applicant, I know about where it appears in the document, I know
936 assembling documents like this you can't page number everything, but at least I know that it would appear
937 from the second tab or whatever from the back of the document. With respect to the one particular
938 thing, I'd like to see clarified because this is for a range of users let me go to the approval section and
939 tonight's document and the section on recommendation. So, it's very clear on everyone's mind, the
940 Councilperson's, the person whose reading it, what actions are going to take place. And I'm referring to
941 line 456 in tonight's document. I'd like to see a heading added right here it has Paragraph A, Paragraph
942 B, Paragraph C, Paragraph D, a heading added for example with Paragraph A saying, "Comprehensive Plan
943 Amendment", so I know that everything in that, we have to do a Comprehensive Plan Amendment the
944 public knows that the interest groups that are interested in the Comprehensive Plan know that. The
945 second paragraph, rezoning simply that statement, and I would know immediately that everything in that
946 paragraph deals with rezoning and the details of it. Major subdivision plan and special use permit a
947 heading again. And with this particular paragraph the special use permit for the two-bedroom apartments
948 so it's very easy to pick out when I'm going through. Or we're working with it here at the dais. Sometimes
949 things get convoluted and there's a lot of discussion. We lose track of the sequence in which we do things,
950 so we need to be very clear here. That's pretty much my comments for the content. And I agree with my
951 colleague that it looks intimidating but everything you need to know is in here. The other thing I would
952 change is the letter that goes to the applicant with the SAC comments, with the review comments, I really
953 don't, for my purposes, I don't need their original letter which is just the department side. The very

valuable piece of correspondence is the applicant's response and I do like the format where the applicant types in below the department's comments, so I don't have to go back and forth between two pieces of paper. So maybe if I were to be asked what one thing, I would drop out of this packet it would be the initial letter from the department to the applicant because that information is already captured in the applicant's response to the department. And Will, that's the end of my comments.

Chair Hurd: Thank you. Commissioner Stine?

Commissioner Stine: Thank you. I think it's a fantastic document and I'm always amazed at how comprehensive it is and how thorough and well done it is. The only, when I'm reviewing it, I always feel a little bit guilty about exhibit B, just because I feel like I have this same information and I keep getting it over and over and maybe we're killing a lot of trees by printing the entire zoning requirement but then I save these and do reference them. So, I'm thinking down the road, those zoning requirements may change obviously, and you'd want to know what was in effect at the time that this project came before the Planning Commission. So, if there was any one thing that could be scaled back, I could certainly reference the zoning requirements in my own binder while I'm reviewing this document if you're looking to save some paper somewhere maybe that might be the place to do it where we would just reference somewhere the zoning requirements in effect at the time were dated June 1, whatever. But other than that, I love this document. It's easy to read, it's easy to follow and I have no other comments about it thank you.

Chair Hurd: Thank you, Commissioner Williamson?

Commissioner Williamson: I would repeat some of the same comments. The zoning section could be scaled back to just the relevant sections and then maybe make a note of here's the website if you want to see the whole thing. Also, your comment about the letter with the replies, why so not to duplicate things. A suggestion, in terms of graphics; so, the plans – the site plan is pretty limited to just the block around the building, it might be useful to have something like a Google location map that's larger, is that smaller scale that gives you a larger area?

Chair Hurd: Yes.

Commissioner Williamson: I get that backwards. Something that shows the whole downtown or something where the building is as part of a context. And then for some projects if you can wiggle it out of the applicants, a photo montage of the context and the buildings around it you know should be required. Especially if the findings are stating that it's in context when we've got to see something. But the staff reports are your administrative record plus your files, and it's the job of the Planning Commission to get in the weeds, and this is the weeds. That's fine. Now when it goes to Council do you replicate this, or do you put in another staff report on top that summarizes and says here's the attached Planning Commission?

Deputy Director Bensley: Yes, so the Council gets the packet that you get in addition to a cover memo from Director Gray that outlines all of the kind of the timeline and the actions of the project so far. And that would include any reference to Planning Commission actions and any changes that happened between Planning Commission and Council and until it gets to Council. There's also a memo with the motions outlined that you all adopt as part of the packet.

Commissioner Williamson: That's great. And one thing that you don't include which I'm happy not to see is an entire resolution for after, like those documents which would be drafted later and signed?

Deputy Director Bensley: Yes, so the City Secretary's office drafts those subdivision agreements, which is kind of a memorial, it's basically a contract in between the city and the developer memorializing all of the different conditions for the development. In addition to that there's a resolution that adopts that subdivision agreement. So those all go with the packet, if there's anything that's required by ordinance so any Comprehensive Plan amendments or rezonings they come as separate ordinances with exhibits to the Council as part of the packet as well.

Commissioner Williamson: Thank you.

Chair Hurd: Ok thank you. I agree that this is a very useful document. And I hadn't fully thought of, but it's true that what I like to about its totality is that there's no assumptions about prior knowledge or information. So, when it's attached to the agenda there's everything you need to know about this project at this point in time. For the zoning I think, my inclination would be to keep printing if it's a rezoning project printing the full you know code of the new zoning. Because as we said that zoning is going to

continue forever. You need to have some sense of what it could be if the thing we approved changes at some point. They could put a cell phone tower there. I'm not sure if we need to see the code for the existing zoning, I think that doesn't tell me a whole lot. Yes, it's BC, but we're not keeping the BC, we're moving on. So, if we're dropping something I would say drop the existing code section and just keep the proposed zoning section. The other thing that I would like to see added and I know we've talked about it before, and it just keeps coming up. When you have that table for the site plan relief request the very last column you need a percentage or percent of change or percent of difference between what's being required and what's being requested. I believe this has come up before, when it looks small but it's actually like a 50% difference. It helps give you a scale of like how much relief are they looking for on the various items. And we've talked a little bit about the presentation or the requirements from the applicant in terms of the documentation so I'm not going to go into that too far. But I think as we saw here, we really do need to hold them to saying those renderings need to show the building and at least the adjacent properties or across the street. I think the Design Committee section in the code has some specifics about what it's looking for in terms of elevations I think we've pointed to. And that's like the buildings across the street, the buildings adjacent. I think that's something we need to start hammering them with and you're such a good hammer. Now that we have a hammer.

Deputy Director Bensley: Ha ha.

Chair Hurd: Oh, and I think one item to add to your list of things that you provide here is the list of the design guidelines review for the districts, or district projects. I think that's one of those things that's useful too. Yes, Commissioner Silverman?

Commissioner Silverman: Will, just something. My preference is to use the legislative format with the line numbers. It makes it easier to find things particularly with the electronic interface that we have. I would like to see that anytime a department generated document is part of our packets like the Design Review exhibit I, that there be line numbers provided in the left margin for just quick reference rather than trying to say "page 7 at the top of the page, 3rd paragraph down" we can just say go to line 409. It just makes things flow a lot easier.

Chair Hurd: It does. Especially when we're in the hybrid mode.

Commissioner Silverman: The hybrid mode, yes.

Chair Hurd: But yeah, I think I'm in agreement. There really isn't anything I'd take out because to take it out would remove that information from both our ability to consider it without having to sit there and go, well where is that located? And you know we don't want to assume anyone who comes into this meeting to do this knows everything about what's happening on that corner so as a record of that point I think it's a good size. Though the table of contents, I would vote for that too if we can because I think mostly to give a sense of what we're looking at in this packet. It's just to dig into that. So, this discussion, if there's any public comment, do we have anything submitted? No? Anyone online wishing to give public comment? It's quiet, ok...any follow-up? No, we're good. Alright.

Deputy Director Bensley: Thank you.

Chair Hurd: Thank you.

Commissioner Silverman: Thank you.

Chair Hurd: And really, thank you for checking, because I think it's a good thing to check every so often to be sure of that. Because you could be doing a lot of effort for little gain and that would not be useful.

Deputy Director Bensley: Better to check twice than be wrong once.

Chair Hurd: Yes. Ok.

5. Informational Items

Chair Hurd: That takes us to informational items for which we have the Planning Director's report.

Director Gray: So, I have a couple of items then I will defer to Deputy Director Bensley. So, I start off with sad news. Tom Fruehstorfer has submitted his resignation; he is moving on to another job opportunity and his last day is June 14th. So, he will be missed.

1082 Chair Hurd: Yes.
1083
1084 Director Gray: And he made a great contribution to the Planning Department and to the city. He's not
1085 leaving the city so he'll be a Newarkian, but he will no longer be part of the city, but we really wish Tom
1086 all the best in his new adventure. So, projects that went, oh and along those lines we have posted the
1087 position and we're seeking to fill it as soon as we can and backfill the position that should become vacant
1088 with his position so.
1089
1090 Commissioner Silverman: Are you searching for someone with an engineering background?
1091
1092 Director Gray: No, we're searching for a planner. So, we've posted the position internally and if that
1093 position if we promote from within that will create a vacancy from within then that will create a vacancy
1094 from within and then we will go outside to fill that position. Ok projects that went and are going to
1095 Council. On May 9th the Planning and Development department presented our priorities, I think I
1096 mentioned last time that the Council, the City Manager worked with Council on prioritizing this huge list
1097 of projects that Council wanted us to work on and they came up with 14 and 11 of those were in Planning
1098 and so we presented, we were tasked with putting together a work plan for that. And we presented that
1099 to Council on May 9th, and it was an energetic discussion on that. So, we are proceeding accordingly to
1100 implement that, and Deputy Director Bensley will have a little bit more to say on that because we've
1101 already begun to implement that. So, we've got stuff going on all over the place. So, on May 16th, we
1102 presented a discussion similar to the discussion we had with you all on Accessory Dwelling units and City
1103 Council, Chairman Hurd were you there?
1104
1105 Chair Hurd: I read the article, I have not listed to the recording, but I got a sense.
1106
1107 Director Gray: The article was...
1108
1109 Chair Hurd: Accurate?
1110
1111 Director Gray: So right now, we are not moving forward with that.
1112
1113 Chair Hurd: Yeah, there seemed to be numerous concerns by Council on the issues around it and so they
1114 kind of stopped it. A shame.
1115
1116 Director Gray: So, moving on to May 23rd, where we presented the outcome of the Charette and the
1117 proposed tenants of the revisions to the BB and RA zoning ordinance. And that was a long discussion on
1118 that, and we are currently digesting that discussion and working to bring back our draft to Council. So,
1119 we've had many discussions internally and with AECOM and we're meeting again with AECOM tomorrow.
1120 So, we hope to be proposing, we would return a rough draft to Council because it wasn't all crystal clear.
1121 So, before we move on to a first draft, we thought it would be helpful to bring a rough draft. But that is a
1122 work in progress. But be that as it may we are moving as quickly forward as quickly as we can. First
1123 reading on the five-year review of the Comprehensive Development Plan and then the second reading for
1124 that is on June 27th. And we have presented this plan to the CAC Conservation Advisory Commission, and
1125 they haven't commented on it, but they have reviewed it.
1126
1127 Deputy Director Bensley: So, the CAC, did not have a quorum in May to meet so they have not, we were
1128 not able to present the plan to them. But we are scheduled on their June meeting provided they have a
1129 quorum.
1130
1131 Director Gray: Ok.
1132
1133 Deputy Director Bensley: We did present to Diversity and Inclusion Commission.
1134
1135 Director Gray: Oh, I got them reversed. I thought there was Diversity and Inclusion Commission that we
1136 weren't able to get a quorum.
1137
1138 Deputy Director Bensley: No, we're good on that.
1139
1140 Director Gray: I had them reversed, ok. So, what Deputy Director Bensley said on that. So, we're very
1141 excited about that as you all know it was a fabulous piece of work done by the leadership of the Steering
1142 Committee and with the efforts of Mike Fortner. So, we're excited to bring that to conclusion. There's a
1143 modification to the Grove Project, in building I for a special use permit for a drive through and that was
1144 approved. Regarding the work plan that we are just rocking on, we will be presenting our work plan for
1145 the downtown parking study - I did mention a couple of times tonight, our parking stuff and what we're

doing with it. We are doing lots of stuff with it and we've been working very hard on trying to get these things done and so there would be a number of and Deputy Director Bensley will step though kind of where we are on that. Council meeting coming up on June 27th, second reading of the Comprehensive Plan and the second reading of 10 and 16 Benny. Ok, I mentioned the Charette, we're also working on the Energov project, haven't been able to work too much on that we've been working on other things. This is really for this Council, but it does take up a lot of the Planning Director's time, is the nuisance property ordinances 1, 2, and 3. Yes there are three of them. So, the big one is the revision to the property maintenance code. And we've been working and meeting on that one. We got diverted to working on nuisance ordinance 1, which Council passed which adopted about 6 weeks ago and we are working on final language for another ordinance regarding swimming pools, exterior storage, exterior lighting, storage, temporary storage, and bamboo. And we hope we'll be bringing that to Council shortly. That does not involve Chapter 32 or Chapter 27, but it does involve time. Transportation Improvement District, we had a very helpful meeting in May and we're having another meeting tomorrow so looking forward to that. So, we're progressing on that, and it's been a very helpful and fruitful project. So, land use projects, I think there's some updates on the projects we have in house, and some recent meetings we've had for potential developments that we are poised to get some applications on. 1119 South College Avenue, we received a response to the SAC letter and that's in process. 25 North Chapel, we received a SAC letter response to that and that is scheduled for the July Planning Commission meeting so you will see that project. The 339, 341, 349 East Main Street, we just received a response to that, we just received this big slug of responses. So that's in process. 65 South Chapel we've also just received a response to that SAC letter we're looking at that. 532 Old Barksdale project we have not received, oh we just sent a SAC letter on that, so we haven't received a response on that. Also tracking, it's not on the edge of a major or minor subdivision, 1025 and 1033 Barksdale Road, we received a response to the SAC letter on that. We've had two projects, inquiries, and development meetings on the 896 corridor and two on the Capitol Trail corridor, so two opposite ends of Newark. So, the next Planning Commission meeting is July 5th so now I'm going to hand it over to Renee.

Deputy Director Bensley: Ok, thank you. So again, for the record, I'm Renee Bensley, Deputy Director of Planning and Development. So just a few updates from the land use division so as Director Gray mentioned, Council elected not to move forward with the ADU ordinance after discussion on May 16th, so staff is pausing the Rental Housing Workgroup recommendations for now in order review recent guidance reviewed from the White House, potential Federal Funding Incentives for implementing items that help to make housing more affordable. Several of the preferred policies referenced in the competitive grant announcement for the application process are some that are directly in the Rental Housing Workgroup recommendations so staff would like to present to Council the potential fiscal impact of implementing those policies. So basically, the announcement stated that if you have x, y, z out of this menu of policies that they consider to be helping affordable housing then you would be scored more highly in the competitive grant process for funding for some of these projects. So, in addition with the Comprehensive Plan as Director Gray mentioned, we went to the Diversity and Inclusion Commission on both April 26th and then followed up at their May 24th meeting regarding their review of the plan. They had some good comments. While they are not part of the formal state process nor is the Conservation Advisory Commission in approving the plan, we wanted to present to both groups to have other opportunities for public input so, we got some good feedback. That will be memorialized in their minutes for the meeting which will go with the packet to Council so that they have that information. As I mentioned the CAC meeting in May was cancelled due to lack of quorum, and we are scheduled to present at the June 14th meeting for that and then it would go to Council on June 27th. We've also been working with Parking Division staff on the Newark Downtown Parking Plan implementation workplan which as Director Gray mentioned is on the June 13th Council agenda, pending Council's blessing on the workplan that we've presented, we will start bringing items to Planning Commission on future agendas beginning in July. First up is going to be the zoning and off-street parking recommendations for the BB zoning district, depending on if you guys finish that in one meeting or if it goes into a second meeting will depend on when the next item which the design requirements for parking lots is will come to you guys. So that will probably be in the August and September timeframe depending on when you guys finish with the zoning parking requirements.

Chair Hurd: Assume two meetings.

Deputy Director Bensley: I think Commissioner Silverman had a...

Chair Hurd: Commissioner Silverman, yes?

Commissioner Silverman: Your presentations will not be for parking will not be global? They're going to be limited to just the BB district.

1210 Deputy Director Bensley: So, the presentation that we are working with is part of the downtown parking
1211 plan recommendation.
1212
1213 Commissioner Silverman: Ok.
1214
1215 Chair Hurd: So I think part of it was that the BB district is the one that has parking waivers attached and
1216 so it was I think if I'm remembering all of this one of the reasons that we focused on that zoning is because
1217 that's where if they don't provide the parking they need the parking waiver so we have to address how
1218 much parking they really need to be providing so, because other zonings you can't do a parking waiver
1219 you have to provide the parking as is.
1220
1221 Director Gray: Right, and I don't want to diverge too far. The original parking strategy included that
1222 focusing on the downtown but also talked about having the parking recommendations for outside of
1223 downtown. That was not included in the phase 2 downtown parking study. It just focused on the
1224 downtown and commercial requirements.
1225
1226 Commissioner Silverman: So that aspect is yet to be done, it's not lost to the ages?
1227
1228 Director Gray: Sure, now you all can add that in I mean you can say that you want to add that too. Should
1229 you wish to make that recommendation then you can make that recommendation.
1230
1231 Commissioner Silverman: Ok, thank you.
1232
1233 Director Gray: You're welcome.
1234
1235 Deputy Director Bensley: And those are the two primary items from that work plan that will be coming to
1236 Council, excuse me, coming to the Planning Commission. The majority of the other items are either in
1237 chapters that can go to Council directly or are items that are, we're looking to establish a parking advisory
1238 committee so it would go to that committee or to Council once it's established or they're administrative
1239 in nature and we can take care of those internally instead of going to Planning Commission or Council.
1240 And then finally as Director Gray mentioned, the Planner II position is currently posted. Applications are
1241 open until this Friday, it's an internal posting only, so we anticipate that if there's a successful promotion
1242 within the Land Use division that the posting for that position will be filled shortly thereafter. And that's
1243 my report for tonight, thank you.
1244
1245 Chair Hurd: Alright thank you very much. Any questions? Ok, thank you.
1246
1247 **6. New Business**
1248
1249 Chair Hurd: That takes us to item 6, new business. Introduction of new items by city staff or Planning
1250 Commissioners. Commissioner Silverman, I believe you had indicated?
1251
1252 Commissioner Silverman: Yes. Since the auxiliary dwelling unit discussion has apparently been moved to
1253 a backburner. I'd like to bring up the notion that I've discussed many times, that the city and the
1254 Commission needs to reconsider the whole design aspect and zoning category of duplex units. The
1255 decision was made a while, I believe this was identified in one of the housing studies, there's an issue
1256 because it gives us the opportunity to provide additional housing units within single family residential
1257 districts and for all intents and purposes the structures are designed in such a manner that they very
1258 closely mimic the architecture and the mass of buildings and the lot sizes that are commonly found
1259 throughout the city. And from a perspective of providing affordable housing, it gets into the arguments of
1260 the owner on site where they can rent the dwelling unit next door at a lower rent than market rent, they
1261 can meet the mortgage on their major property, so it helps build equity and housing opportunity within
1262 the city. So maybe that's something that we can start looking at?
1263
1264 Chair Hurd: Well, I think, if I'm right, that was part of the Rental Housing recommendations that are
1265 currently on hold while you evaluate the priorities in the federal?
1266
1267 Deputy Director Bensley: Yes, so that was inclusionary zoning which would include having multiple units
1268 such as you described, is part of the preferred or I should say part of the zoning preferences that the White
1269 House elaborated on in their release. So that will be part of the evaluation that we present as far as the
1270 opportunities for Federal funding that would come with the implementation of some of these policies.
1271
1272 Commissioner Silverman: So, we would be looking towards the opportunity to reintroduce duplex
1273 structures into our zoning code. They only currently exist under what a special permit kind of thing?

1274
1275 Director Gray: No, they're currently not an allowed use.
1276
1277 Commissioner Silverman: Oh, they're not. Ok, thank you.
1278
1279 Chair Hurd: I think all the ones in the city are existing nonconforming correct
1280
1281 Director Gray: Legally nonconforming, yes.
1282
1283 Chair Hurd: Ok. So, it does sound like it is on the department's radar, but I think, I do understand and
1284 agree that if we can couple this effort with preferred federal funding grant stuff than that makes it a little
1285 sweeter for sure.
1286
1287 Commissioner Silverman: Yes, thank you Mr. Chairman.
1288
1289 Chair Hurd: Alright, yep. Anyone else for anything with new business.
1290
1291 Commissioner Williamson: Yes, Mr. Chair yes. Accessory dwelling units may yet come back in some form
1292 because the feds are probably really going to give you points along with inclusionary. The inclusionary
1293 you might consider as part of the zoning redo where like tonight's project the, essentially the density
1294 bonus of three extra stories without any deed restrictions on affordability it almost it wouldn't seem like
1295 a big ask to say 10% or 15 have to be affordable to get that bonus.
1296
1297 Director Gray: Commissioner Williamson, that was in the Charette recommendations that Council did not
1298 want to move forward on.
1299
1300 Commissioner Williamson: Oh ok, did not want to do but if there's potentially reasons then...
1301
1302 Director Gray: So, what is not the, we presented the accessory dwelling unit ordinance or discussion to
1303 Council, they did not wish to move forward with it. What is still on the drawing board is the inclusionary
1304 zoning ordinance. So, we have not presented that, but we will certainly be doing the same exercise,
1305 presenting it to Planning Commission first then taking it to Council. Because that was part of one of the
1306 recommendations from the Rental Housing Workgroup.
1307
1308 Commissioner Williamson: You might find again looking at the federal grant guidelines that ADU with
1309 small letters?
1310
1311 Director Gray: Oh, it's in small and big letters, it's kind of all over in there.
1312
1313 Commissioner Williamson: For them, but for here Council might re-entertain a very reduced version of
1314 that just to kind of get the grant proposal and check the box.
1315
1316 Deputy Director Bensley: So, I think that's part of why we're doing his presentation.
1317
1318 Commissioner Williamson: Ok, yeah. Call it a second unit ordinance, call it something else but...
1319
1320 Deputy Director Bensley: So, I think the idea behind doing the presentation on potential Federal funding
1321 incentives is to give another perspective on why some of the items we will be bringing forward may be
1322 beneficial to the city and to have that discussion before we bring additional items back to them from the
1323 Rental Housing Workgroup so they can have a wider perspective of what some of the effects of these
1324 changes could be.
1325
1326 Commissioner Williamson: The usual big ones are ADUs, density bonuses, and inclusionary zoning which
1327 are getting done. Thank you. Two other questions really. Since a lot of the streets are state streets, you
1328 know I'm just driving around, I'm seeing Elkton Road being widened and I've heard, a neighbor told me, I
1329 could be wrong, this is a question. Is there eventually going to be an 896 and I95 interchange?
1330
1331 Director Gray: Yes, there's already an approved design and construction will be starting fairly shortly.
1332
1333 Chair Hurd: They're also holding a public meeting about that soon about that interchange.
1334
1335 Commissioner Williamson: So, my question is about a quick little study session or something about what
1336 the state is up to? In terms of street.
1337

1338 Director Gray: So, Ethan Robinson, our Deputy Director of Public Works, he's got the skinny on all that.
 1339 And DelDOT does a fairly good job of public outreach and public workshops as well. So, you said they're
 1340 having another public meeting?
 1341
 1342 Chair Hurd: Commissioner Williamson, so are you saying sort of like we have the quarterly updates on the
 1343 work plan, like some sort of regular update?
 1344
 1345 Commissioner Williamson: It could just be a memo attaching the Public Works Power Point or something
 1346 like that just gives us something like a map and there's dots on it and this is going to happen here and
 1347 there, just some background there.
 1348
 1349 Chair Hurd: Just sort of what's on the horizon there.
 1350
 1351 Commissioner Williamson: Yeah. Just a suggestion. And my last comment as a demographer I'm always
 1352 interested in aging the population forward. As we sit here, we're a certain demographic obviously, and
 1353 we talk about the students that's a certain demographic. I was just wondering since the census 2020 block
 1354 level data and it gives all ages you know by every city block, what percentage of the population is aging
 1355 Baby Boomers, that means that neighborhood's going to flip eventually. Maybe it's 10 years, and who's
 1356 moving in? You know South Delaware is getting a lot of retirees coming from all over the country we
 1357 always have a turnover in students but what's the rest of the demographic doing here, might be something
 1358 to, I know you have plenty to do, but...
 1359
 1360 Director Gray: So, I can give you a reference to Ed Ratlidge, he's a demographer that runs the Center for-
 1361
 1362 Commissioner Williamson: Ok, with the state
 1363
 1364 Director Gray: No, he's with the University of Delaware. And he is the head demographer who helps the
 1365 Delaware Population consortium. Are you familiar with that?
 1366
 1367 Commissioner Williamson: It's like a state data center.
 1368
 1369 Director Gray: No, not that. The Delaware Population Consortium it was an informal group that got tother,
 1370 I've been part of it for years, that got together with Ed and that compiled numbers based on numbers that
 1371 he got and took the census data and all sorts of Delaware specific data and comes up with annual
 1372 population projections and it originally the state statute was just for the three counties to use for their
 1373 Comprehensive Plans and now there's been recent legislation that was passed three years ago
 1374 establishing the Delaware Population Consortium as an official group and now any public agency has to
 1375 use those numbers. So just Google that, Delaware Population Consortium and they have, and Newark is
 1376 one of the municipalities that has numbers broken down. And the meetings are public and they're going
 1377 to start meeting, Renee you're going to be sitting on that soon, right? June or July? And you can sit in on
 1378 it or attend virtually as well and they're fascinating. As a demographer I think you'll find them very
 1379 interesting. And we talk about state trends, local trends all of that.
 1380
 1381 Commissioner Williamson: Ok, I will do that thank you.
 1382
 1383 Director Gray: You're welcome.
 1384
 1385 Chair Hurd: I was just going to say that maybe the amateur demographer would like to make his own
 1386 presentation on the data to us rather than burden staff.
 1387
 1388 Commissioner Williamson: I'd be happy to bring it back.
 1389
 1390 Director Gray: Somebody else already does it.
 1391
 1392 Chair Hurd: Commissioner Silverman?
 1393
 1394 Commissioner Silverman: For the deputy director. In your presentation and your arguments with respect
 1395 to the federal funding and the upcoming project one of the things that has surprised me in Newark is the
 1396 requirement and I'm going to need help on this, that the minimum square footage in any habitable space
 1397 is 700 square feet. This kind of goes against efficiency units and smaller footprint units.
 1398
 1399 Chair Hurd: That was part of I think in the Charette report and the report on ADUs.
 1400
 1401 Director Gray: I'm sorry what was it?

1402
1403 Chair Hurd: The need to address the minimum dwelling unit sizes.
1404
1405 Commissioner Silverman: There's a schizophrenia about all these large units with 6 bedrooms, but no
1406 one's willing to look at the other side of the equation of those of us who may want to downsize into a 300
1407 or 400 square foot what used to be called an efficiency apartment, they just don't make them.
1408
1409 Director Gray: So, one of the recommendations in the Charette was to get rid of the 800 square foot
1410 requirement and there were a couple of Councilmen that did say that sounds like a good idea.
1411
1412 Commissioner Silverman: It's 800, ok. Is there a way of-?
1413
1414 Director Gray: So, the recommendation is that we're going to recommend taking that out. To delete that
1415 requirement
1416
1417 Commissioner Silverman: Good. Because I'd like to see the market provide there rather than an arbitrary
1418 number.
1419
1420 Chair Hurd: Commissioner Stine?
1421
1422 Commissioner Stine: Thank you. I'm really sorry I missed the discussion on Accessory Dwelling Units
1423 because obviously as a real state professional affordable housing is something that is central to my
1424 business and something that we talk about a lot I just missed the meeting because I was at the legislative
1425 meetings what we call midyear for the National Association of Realtors, and I actually work as the
1426 presidential elect for the Sussex County National Association of Realtors. And I'm coming to you tonight
1427 from my 585 square foot fabulous apartment in downtown Rehoboth Beach. I love this, what other cities
1428 are doing with Accessory Dwelling Units, and I understand the concern of the "not in my backyard"
1429 mentality approach that the Council took to that topic. But I hope that this group does not give up. That's
1430 the answer to our aging population. I had to buy a house for my parents, I would have gladly improved
1431 my property to put them in the backyard to keep an eye on my dad. There's more than just students that
1432 would want to live in ADUs and we have to think about keeping people aging in place. They could put
1433 somebody in the backyard that could provide nursing help to our aging population. There's so many other
1434 uses, we only focus on students and that's a shame. But I wanted to mention that the National Association
1435 of Realtors is so committed to this issue of affordable housing that they offer grants, and I would highly
1436 comment you especially when you're talking about demographics, they have all of these statistics. And
1437 they are happy to help you do any of the research they issue grants to municipalities to pursue affordable
1438 housing and I wouldn't ignore all of the resources of the National Association of Realtors. That's what
1439 they're there for.
1440
1441 Chair Hurd: Alright thank you, good information. Anything else for New Business?
1442
1443 Commissioner Kadar: As long as overseas shipping containers are not allowed in the backyard as a
1444 secondary living, I'm ok.
1445
1446 Director Gray: They are not.
1447
1448 Chair Hurd: But they're not as easy to convert as people think.
1449
1450 Director Gray: They're not, they're very difficult.
1451
1452 Chair Hurd: Alright, concluding New Business.
1453
1454 **7. Public Comment**
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1456 Chair Hurd: That takes us to General Public Comments for any comments for items not on the agenda. Do
1457 we have anything submitted?
1458
1459 Ms. Dinsmore: No Chairman we do not.
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1461 Chair Hurd: Is there anyone online that wishes to offer general public comment? Alright, that closes item
1462 7 and having completed the agenda the meeting is adjourned. All right.
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1464 **The meeting adjourned at 8:54 P.M.**
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1466 Respectfully submitted,
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1469 Karl Kadar, Secretary
1470 As transcribed by Katie Dinsmore
1471 Planning and Development Department Administrative Professional I