

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MEETING CONDUCTED IN PERSON AND REMOTELY
VIA MICROSOFT TEAMS

AUGUST 2, 2022
7:30 P.M.

Present at the 7:30 P.M. Meeting:

Commissioners Present:

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

Commissioners Absent:

Stacy McNatt
Allison Stine

Staff Present:

Paul Bilodeau, City Solicitor
Renee Bensley, Acting Director of Planning and Development
Michael Fortner, Planner II
Joshua Solge, Planner II
Katie Dinsmore, Administrative Professional I

Chair Hurd called the Commission to order at 7:35 P.M.

Chair Hurd: Let me get my microphone set up here, there we go. Alright, good evening everyone. Thank you for your patience as we got the technical stuff worked out. Good evening, everyone and welcome to the August 2nd, 2022, City of Newark Planning Commission meeting. This is Will Hurd, chair of the Planning Commission. We are conducting this meeting through the Microsoft Teams platform. I'd like to provide some guidelines for the meeting structure so that everyone's able to participate. Katie Dinsmore, the department's Administrative Professional, will be managing the chat and general meeting logistics. At the beginning of each agenda 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 a commissioner has additional comments, they would like to add later they should ask the chair to be recognized again when all members have had the 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 in person, they should sign up on the sheet at the entrance so we can spell their name correctly and will be called on to speak at the appropriate time. If members of the public attending virtually they should use the hand raising function in Microsoft Teams to signal the meeting organizer to indicate 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 would like 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 turn on their cameras and unmute themselves to give their comments. All speakers must identify themselves prior to speaking. Public comment will be limited to 5 minutes per person and must pertain to the item under consideration. Comments within 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 discussion from the commissioners then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote. If there are any issues during the meeting, we may adjust these guidelines if necessary. While the City of Newark strives to make our public meetings accessible

pursuant to 29 Delaware Code 10006A, technological failure does not affect the validity of these meetings, nor the validity of any actions taken in this meeting.

1. Chair's Remarks

Chair Hurd: That takes us to item 1, Chair's remarks, which I have none because it's too hot.

2. The minutes of the July 5th, 2022, Planning Commission meeting

Chair Hurd: That takes us to item 2, the minutes; we have the minutes from July 5th. I've sent Katie my small edits, are there any additional edits or corrections to the minutes? Alright seeing none, the minutes are approved by acclamation.

3. Informational Items

Chair Hurd: That takes us to item 3, informational items. We will begin with the Acting Planning Director's report.

a. Acting Planning Director's report

Acting Director Bensley: Good evening everybody. Since our last meeting we've had several eventful Council meetings. On July 11th, we had the second reading for 3 of the items related to the Downtown Newark Parking Plan. Those were establishing a Parking Advisory Committee, updating the parking enforcement responsibilities, which was cleaning up the code language that formerly had them under the Police Department and putting them under Planning and Development and changing the on-street parking limit. All three were approved with no amendments. Council also at that meeting discussed the BB/RA draft tenets that were based on the feedback that they gave at the May 23rd Council meeting. They generally were supportive of what was presented and we're moving forward to the next step in the review process which is the joint Planning Commission and Council meeting scheduled for August 25th. Also, as part of that discussion, Council decided not to move forward with the interim building height ordinance that had been proposed by them and discussed by the Planning Commission at the last meeting and instead focused on finishing the BB/RA zoning amendment project as a whole. The July 25th Council meeting, we had a couple of items related to the Code Enforcement side of the house, with the amendments, we call it the Pools etcetera ordinance, which was a couple of items that banned pools in front yards as well as some clean up items for frequently offered property maintenance complaints that we had some enforcement issues with the existing code language at that point. So that was approved unanimously, and we also had a fourth ordinance related to the Downtown Newark Parking Plan which was the residential parking permit program zone process codification. And both of those were approved. We also at that meeting had the first reading for the Comp Plan amendment and rezoning for the 30 South Chapel Street project. That hearing is set for the August 22nd Council meeting for the Comp Plan amendment, rezoning, major subdivision, and special use permit for that project.

Also, at that meeting the Council provided direction for the date of the BB/RA zoning code workshop. We had some initial issues where surprisingly when you ask 13 different people what their availability is it's hard to get one night to agree on. But thankfully a few Council members were able to change up their availability, so everyone is scheduled to be present on August 25th. For looking forward, the August 8th Council meeting will be bringing back the Comprehensive Development Plan V version 2.0 revisions that Council had requested; there were three specific edits they had asked for. One is adding more about the history of the African American community information in our community profile. The second which is also related was to add language to Focus Area 1 emphasizing Council's desire to preserve the historic African American churches in that area. And the one that was the biggest change was for Focus Area 3, that was the Center Street focus area, they requested that it be shrunk down to just the North Chapel Street corridor, so that change has been made as well. So those will be presented to them and hopefully the plan will be adopted at the August 8th meeting. We're also diving into budget season, so August 15th we'll be presenting as part of the FY 2023 budget review. August 22nd as I previously mentioned will be the 30 South Chapel Street hearing and August 29th is our Planning and Development specific departmental budget hearing.

Other happenings for the BB/RA district zoning changes I did meet with the consultant on July 21st to kind of finalize our path forward to get ready for the workshop. So, we are making progress on that. The

Downtown Parking strategy implementation we are also, in addition to the bills that have been adopted, we're also working on the Parking plan discussion that Council has asked for as well as working on the additional items that need to come to you all for review. The main one being the design section of the Downtown Newark Parking Plan which we're targeting for your September agenda. The ordinance language that you guys approved at your July 5th meeting regarding the BB zone parking changes, we are, after discussion internally, we are going to be holding the final ordinance for that to run in concert with the other BB/RA zoning changes. So, you should expect to see that come to Council when the remainder of the BB/RA zoning changes come, which we had tentatively set for November.

Property Maintenance code updates and the nuisance properties ordinance. We met internally on July 26th to discuss the latest iteration of that. The draft ordinance for nuisance properties has been sent to other departments for review and input and then it will go to our distinguished solicitor for review before doing some stakeholder outreach then being scheduled for Council. And I updated you on Comp Plan V already and the next Planning Commission meeting is September 6th, which is the day after Labor Day. So, I'm looking to verify that a quorum will be available for that meeting, I know we don't have everyone here tonight, so we'll do some outreach after. But if folks have conflicts, please let me or Katie know so we can make sure we have a quorum for that meeting. As I mentioned we will not have a project application ready to go for that meeting, but we will be bringing the next item from the Downtown Newark Parking Plan and potentially some other minor text amendments for review.

Looking at Plan reviews, items submitted since the last Planning Commission meeting. We got a plan for 178, 182, and 186 South Main Street and 528 Old Barksdale Road. That plan is a Comp Plan amendment, rezoning, special use permit, major subdivision by site plan approval, and parking waiver for a 7-story building with parking on the first floor and 54 two-bedroom apartments on the 2nd through 7th floors as well as 7 three story 6-bedroom townhouse apartments. Existing project updates, 30 South Chapel Street we've talked about, 25 North Chapel Street we're in the process of reviewing the SAC comments and applicant materials to determine what needs to still be submitted in order for them to be scheduled for Council. 1119 South College Avenue is on tonight's agenda. 65 South Chapel Street, we've received SAC comments from all departments and the second round SAC later will go out next week. This project will likely need another round of review prior to being ready for Planning Commission. Submissions that are in our review queue include 339, 341, and 349 East Main Street, 1025 and 1033 Barksdale Road, 515 Capitol Trail, 1115 South College, 249 East Main Street, and 55 Benny Street. Items where we have sent our SAC comments and are waiting for a response from the applicant include 532 Barksdale Road and 244 Kells Avenue. Anticipated to be submitted soon is 1050 South College Avenue which is the former Boston Market site.

And then a quick staffing update, we have hired our temporary Community Planner I, to fill what was formerly Josh Solge's position since he was promoted to Planner II. Jacob Higgins will be starting with us on Monday, August 22nd, so we're looking forward to having him on board. And then for the director of Planning and Development recruitment, the first round of interviews for that position finished today. So, we will find out what the path forward is after that. Thank you.

Chair Hurd: Thank you very much. Just wanted to draw attention to the packet this month, the information is heavy on parking requirements articles so that we can just get that into the record and in front of Council so that they're not so scared of the concept. And also, in there, it's always fun to read this, is the Quarterly report thank you for staying timely on that, it makes the (inaudible) so much easier. Alright that closes informational items.

4. Review And Consideration of a Text Amendment Amending the Zoning Code to Expand the Definition of Offices for Professional Services and Administrative Activities in Nonresidential Districts

Chair Hurd: That takes us to item 4, review and consideration of a text amendment amending the zoning code to expand the definition of offices for professional services and administrative activities in nonresidential districts.

Planner Fortner: Good Evening Mr. Chairman and Planning Commissioners. I'm here to present the department's report. Again, this is to amend the definition of offices for professional services and administrative activities for nonresidential districts to include the word "therapist". This came from a list

178 of a workplan, or a secondary priorities list not on your workplan, we chose something simple to knock
179 out of the way because we had a little time. So, this came up fairly recently, our definitions for professional
180 services and administrative has a list as you look on line 22 there, it includes things like physician, dentist,
181 and optometrist. It doesn't include the word therapist so historically we looked at this and discussed and
182 decided if we had a therapist application it was like this and so we included it in this. But of course,
183 therapist isn't exactly a physician so we would be more clarifying if we put therapist in this definition. We
184 think this is the most appropriate place to put therapist. We think it's related to this kind of land use
185 classifications. By putting it in there it would automatically be in the zoning districts at the bottom of the
186 page and the top of the second page where this zoning classification is allowed. We would use the
187 definition from the Merriam Webster's dictionary, which starts on line 66 there that's the default
188 dictionary on how we define words that aren't otherwise defined. And again, this would be clarifying, we
189 think this would be the appropriate place to put this definition and I'd be happy to answer any of your
190 questions.

191

192 Chair Hurd: Thank you.

193

194 Planner Fortner: Oh, I'm sorry the recommendation's on the third page, as written there.

195

196 Chair Hurd: Ok thank you. We'll start with Commissioner Kadar.

197

198 Commissioner Kadar: I have no comment on it, I think it's appropriate.

199

200 Chair Hurd: Thank you. Commissioner Silverman?

201

202 Commissioner Silverman: Mr. Fortner does this include practices such as independent nurse practitioners
203 and physical therapists?

204

205 Planner Fortner: Certainly, physical therapists, yes. That's the intent of this, a nurse practitioner we might
206 be able to, it's one of those things there's so many classifications of employees, but that might be a person
207 who works for a physician's office.

208

209 Commissioner Silverman: But you emphasize medically oriented?

210

211 Planner Fortner: Medical or physical, a physical therapist would be an example, a speech therapist would
212 be an example, any type of therapist.

213

214 Commissioner Silverman: Ok, thank you.

215

216 Chair Hurd: Commissioner Williamson?

217

218 Commissioner Williamson: No comment on this. I do have a question whether, sometimes to refresh the
219 zoning code you know look at the American Planning Association definitions and look for things you
220 haven't run into yet but just an idea.

221

222 Planner Fortner: Thank you.

223

224 Chair Hurd: I had just a quick question sir, does this have any impact on residential home occupancy? Does
225 this definition fall for that or is this a use that wouldn't be allowed in residential?

226

227 Planner Fortner: Something like that would be a professional, yes it would impact that, it has a
228 professional office that has a classification that can have up to one employee as a home occupation. We
229 would run that through the special use process if it was in the home, there would be different regulations
230 on those.

231

232 Chair Hurd: Ok. But it would use the same definition?

233

234 Planner Fortner: Yes, certainly a physical therapist would be able to run out of their home.

235

Chair Hurd: Ok, thank you that's all I had. Do we have any public comment on the item? Anything submitted? Anyone present? Anyone online who wishes to speak on the item? Ok. Closing public comment and bringing it back to the dais. I'm assuming there's no further comment required from the Commission. So, Secretary Kadar may we have the motion please?

Commissioner Kadar: Ok. I move that **the Planning Commission recommend that City Council amend chapter 32 zoning article 2 section 32-4A Definitions by adding the following text for 32-4A 82.1. 82.1 Offices for Professional Services and Administrative activities in nonresidential districts, offices for agents, physicians, dentists, therapists, lawyers, architects, engineers, musicians, artists, teachers, optometrists, photographers, governmental offices serving the public including post offices and utility offices, copy service facilities, and other associated office functions and including sale of products customarily incidental to these services and activities.**

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

Commissioner Silverman: I'll second.

Chair Hurd: Thank you. Any discussion to the motion? Seeing none we'll move to the vote. Commissioner Silverman?

Commissioner Silverman: I vote aye.

Chair Hurd: Commissioner Williamson?

Commissioner Williamson: I vote aye for the reasons stated in the staff report.

Chair Hurd: Commissioner Kadar?

Commissioner Kadar: I vote aye.

Chair Hurd: And I vote aye for the reasons stated in the staff report. Motion carries, thank you.

5. Review and consideration of the major subdivision and special use permit to construct a 6 story 126 room hotel at the property located at 1119 South College Avenue

Chair Hurd: Alright that takes us to item 5, review and consideration of the major subdivision and special use permit to construct a 6 story 126 room hotel at the property located at 1119 South College Avenue. Acting Director Bensley will start.

Acting Director Bensley: Thank you Mr. Chair. This land use application is a major subdivision with a special use permit for the property located at 1119 South College Avenue including demolishing the existing Red Roof Inn hotel structure and constructing a 6 story, 126 room hotel with ground floor parking. An additional future commercial site is designated on the site map however this is not part of the application for this evening's hearing and will be considered separately for review in the future.

And I'm going to go over some highlights from the report and a few questions that were asked before the meeting. For zoning, this property is zoned BC or general business, and this use is allowed in this zoning district. The proposed plan does conform to the Comprehensive Plan V and will not require a comprehensive plan amendment to change that designation. The Board of Adjustment granted two variances for this property on July 19, 2018. One variance for three loading berths resulting in no loading berths being required. And a variance of 15 feet between any access driveway and any residence district resulting in a 35-foot minimum distance being required. With these variances, the proposed development meets all of the requirements detailed in the Municipal Code, Chapter 27, Subdivisions, and does not require site plan approval.

This project proposes a hotel, which is permitted in the BC district with a special use permit. The code generally limits structures in this district to a height of 3 stories and 35 feet but includes an exception allowing a hotel or motel to be erected up to 7 stories or a maximum height of 80 feet. This project is utilizing this exception in proposing to construct a 6 story 76-foot-tall hotel and parking facility. Regarding

the special use permit requirement for the hotel, there are no special requirements for a hotel other than the standard requirements for Zoning Code Section 32-78, Special Use Permits, which stipulates that the Council may issue a special use permit providing that the applicants demonstrate that the proposal will not affect adversely the health and safety of persons residing or working within the City of Newark boundaries or within 1 mile of the City of Newark boundaries and within the state of Delaware, be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the state of Delaware, and be in conflict with the purposes of the Comprehensive Development Plan of the city. While this hotel is replacing the existing hotel, the existing hotel did not have a special use permit since it was constructed in the 1960s. However, staff feels that the proposed hotel is expected to meet the special use permit requirements, particularly since that is the current use on the parcel. Regarding traffic, South College Avenue is a state owned and maintained roadway. A traffic impact study was prepared by Duffield and Associates in December of 2016. The Traffic Impact Review Study letter was issued by McCormick Taylor and accepted by DelDOT on June 23, 2017, finding the TIS to conform to DelDOT's development coordination manual. DelDOT reviewed site plans for the proposed Home 2 Suites hotel at 1119 South College Avenue and on April 28, 2022, issued a letter of no objection to recordation of the project. The plan as submitted proposes a 131-suite hotel generating 562 average daily traffic and replace it with a 126-suite hotel projected to generate 546 average daily traffic. The proposal reconfigures the site's south entrance to exclusively allow right turns in eliminating left turns into the site from Route 896 and shifting right turns out to the current Friendly's opening further north. The impact on traffic in area should therefore be minimal. The traffic impact of development on the commercial pad site will be evaluated when an application for its development is submitted and its future use is known.

Regarding parking, the proposed plan reflects shared parking with adjacent businesses, the Candlewood Suites at 1101 South College Avenue and the Friendly's at 1115 South College Avenue. The plans require 133 for the proposed hotel in addition to the 110 spaces at the Candlewood Hotel and 148 spaces at the Friendly's restaurant for a total of 291 required parking spaces between all three properties. A total of 326 parking spaces are provided across the three. In addition, a convenience store with gas pumps has been proposed on the site of the Friendly's restaurant since this application was submitted and the applicant has provided and adjusted future parking rationale at the department's request to account for that proposed use. If the convenience store with gas pumps is approved as proposed, it will have a reduced parking requirement from 48 spaces to 25 spaces and will provide 26 spaces. This reduces the number of required parking across the three properties from 326 to 268 a total of 289 parking spaces will be provided across the three properties if the convenience store with gas pumps is approved as currently proposed. The proposed plan provides, as I mentioned, the required parking in both scenarios; however, the Planning Department does recommend as part of the Subdivision Advisory comments, that a cross access agreement be required between the three parcels to memorialize the shared parking agreement.

For the recommendation, because the major subdivision plan and special use permit with the Subdivision Advisory recommended conditions should not have a negative impact on adjacent and nearby properties and because the proposed use does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that the Planning Commission take the following actions as listed in the report – to recommend to City Council that they approve the major subdivision for 1119 South College Avenue as well as to approve the special use permit for a 126-room hotel at 1119 South College Avenue. And that concludes my presentation. Thank you.

Chair Hurd: Thank you. And who is presenting for the applicant?

Commissioner Silverman: Chairman are we starting with questions?

Chair Hurd: We just have to do applicant first. We'll do that after (inaudible)

Mr. Tracey: Good Evening members of the Commission. John Tracey from Young, Conoway, Stargatt and Taylor here on behalf of the property owner and applicant. With me in Chambers is Steve Gorski, he's the project engineer from Verdantas formerly Duffield. Online watching remotely are Jeff Ivins, the project architect from Devers Architecture. Peter Bai and Mr. Patel, the property owner as well as perhaps Matt Ott who is the project manager for the project itself. And before I get into the depths of the application, which Ms. Bensley has stolen much of my thunder by saying a lot of the same things that I was planning on saying. I do want to thank the Commission again publicly for helping me to navigate a conflict that was

on my schedule this evening, a hearing in another jurisdiction that was going to be starting at the same time as I explained other reasons, it was too late to change the time, that did not go forward but that was the fault of nobody in this room that it did not move forward.

As is their usual fashion, the department has prepared an incredibly thorough overview of the project that I know has been available for your review for some time. And I will obviously try not to read from the record, read verbatim from that 144-page report but I will probably be touching on some of the highlights. I will also note this project is somewhat, for lack of a better term, less complicated than projects than I think the Commission is used to hearing. As things such as a Comprehensive Plan amendment, or rezoning, or site plan approval, or a parking waiver are not a part of this application. As you heard Mrs. Bensley note we only need two approvals: major subdivision approval as well as Special Use permit. Moving onto the slide show, if we could have the first slide there...

This gives you an aerial of the property in question, the Red Roof Inn is this big “L” shaped type structure that you see there. It is a three story and two-story structure depending on where you are looking at it from. It was also formerly the Howard Johnson’s. Friendly’s that you heard reference to earlier is this property right here. That is currently closed and is not a part of my client’s property, but I am aware that an application was recently filed for development of that property, but that’s not part of this application. This is the Jersey Mike’s Subs which is here just for reference and then you also have the Candlewood Suites hotel which is also 6 stories high on the left side of the property. This property is zoned BC as you heard, and all of these uses are permitted with the zoning district.

The next slide gives you some current aerial photographs of the property, again I think it is a property that most are familiar with. As you could see this is the old school model of a motor lodge, it was typical in the 1960s, if you ever made some trips up and down I-95 to Florida like I did then you probably stayed in some places that look like this. It’s all open with all rooms accessed through external doors. As I mentioned it three stories on the front portion of the hotel and then two stories as you get to the rear and that is because as you can see, is because of the slope of the property. The property itself is accessed by both Route 896 and as well as Welsh Tract Road. And as the department noted, access flows across all of these properties currently. The hotel in the past has been the source of some issues for the city, the Red Roof Inn, previously the Howard Johnson’s, as most know has been at this location for the past 60 years and is what I refer to in the past as a transient hotel, again representing the era of highway hotels where folks typically stopped one way north or south or perhaps visiting someone at the University of Delaware. As a result, its clientele, like its use, is transient. Due to the large size, the external access to the rooms, and significant blind areas from the existing construction of the building there is no requirement for guests after checking in to go by a front desk, they can then go back and forth directly to their rooms and visitors can access the rooms without having to go through the front desk as well which again has led to the aforementioned issues.

The next slide shows where the proposed construction is taking place, you can see this cross hatched and “X” ed area is where the construction on the site is going to take. As you heard we are going to be removing the entirety of the nearly 137,000 square foot building as well as substantial amounts of paving associated with parking, walkways and entrances to be reconstructed as part of the new project. Over to the left is the access I mentioned to Welsh Tract Road which is not being touched as a result of this application. To the bottom, you can see the access points off of 896. This one to the right, I guess I’ll call that the southernmost is a full entrance and exit, rights in rights out. As well as a rights out over here on the Friendly’s property. Off camera, you see this is 896 in front of you – if you’re heading south on 896 currently, you can make both a left turn into the property as well as a U turn at this location.

The next slide is the site plan for this project, as you heard in the place of a roughly 131 room hotel, we’re proposing a 126 room Home 2 Suites hotel which is a Hilton project. The overall square footage of the building is 74,000 square feet or just over half the square footage of the current Red Roof Inn. The first floor as you heard will be primarily underground parking or under building parking and you can see the access to that over here running through the building while the second floor will be the lobby largely with amenities and a few rooms as well. Floors 3 through 6 are almost exclusively hotel rooms. Access to the hotel with the exception of the front door into the lobby and the elevators from the parking to the lobby will be exclusively through card key access so there won’t be free access around the hotel, there won’t be free access into the rooms, folks will have to go by the front desk, and they will have to have a room card to get up into the elevator. And the elevators themselves will be controlled by keycards as well. This also

shows additional landscaping that's being added to the site as well as a new stormwater facility that's going to be included on the property. You can see on the bottom the realigned entrances that I referenced earlier. This entrance right here which was the subject of the variance you heard Ms. Bensley talk about is actually 10 feet further away from the neighboring properties than the old access point used to be and again it provides only a right turn into the property as I mentioned. What you did see previously down here on 896 will no longer allow a left turn into the property that was per DelDOT's review. But it will still permit U turns to be made from that location. As noted by Ms. Bensley, this was reviewed by a TIS that was a larger project at the time both a hotel on the property as well as a convenience store with gas pumps, this project has been revised into phases. So we're moving forward with the first aspect of it which is the hotel but there is no current plan for this future development piece that you see here. It's obviously something that can be developed in the future, but it is not something that is in front of the Commission today.

The Friendly's as you heard earlier has been the subject of the newly submitted plan of a convenience store with gas pumps. Again, that is not part of this application that is going to be considered separately if and when it gets to the point of being considered by the Planning Commission and Council. But again, neither of those two potential development options, this development option nor the development of the Friendly's site is in front of the Commission this evening and each will be, as I mentioned, required to submit their plans ultimately to the City for review and approval.

The next slide, or I think there are two slides actually, are the architectural renderings of the property. This is the property as you look in from 896. As you can see, it's 6 stories from 896 similar to the Candlewood Suites. Next, you're looking at it from Cooches Bridge Road and this will be largely 5 stories on the Cooches Bridge Road side again due to the slope of the property. There's no variance or special relief that's required for the height. The code has a requirement for the height if you want to go up to 7 stories is dictated by a ratio of the square footage of the property versus the overall acreage of the property and we are well below the threshold that allows us by right to go to the height that you're seeing here. We also have just after this a couple of the schematic renderings of the height that you can see this is looking at it in the front and the rear and on the next slide is looking at it from, well if we could go back to that slide for just a second? One thing I forgot to mention is along the rear of the property there will be an external patio which will be behind masonry walls; it will not be out in the open. There's also going to be a pool, that pool is an entirely indoor pool, it's not an outdoor pool.

As was mentioned we need two pieces of relief as part of this application, the first is Major Subdivision plan approval as Ms. Bensley noted and the department's report notes we comply with all aspects of the city code and the building code, and we will be compelled to comply with all aspects of the building code when we submit the building permits. So that I believe all aspects for Major subdivision approval have been met for this project. The project also requires a special use permit to permit the construction of the hotel on this property, of course it should not go unnoted that there is already a hotel on this property that's essentially being swapped one for one for this hotel. It'll be a smaller building as I said just a little over half the square footage and roughly 5 to 6 fewer rooms than are currently in the Red Roof Inn. But the standards are it will not adversely affect the health and safety of people in an around Newark, it will not be detrimental to the public welfare, or injurious to property and will not be in conflict with the Comprehensive Plan and again we believe that this meets all of those requirements. The project should have no adverse impact on either surrounding properties, visitors or residents of the city of Newark. Indeed, we think this will be a benefit of those coming to Newark by eliminating a tired and at times problematic hotel that was open on all sides for guests and visitors alike to a fully enclosed more modern hotel with a controlled entrance providing short term and long term stays for those coming to visit or work in Newark. In addition, as I mentioned the entrance to the property was revised to meet with DelDOT's requirements as we could and also to control the ingress and egress of the property and eliminate as I mentioned the left turn movement off of 896 into the property. Finally, as you heard Ms. Bensley mention in the third aspect of the standard for a special use permit is this is consistent with the Comprehensive Development Plan V, it's a permitted use in the zoning district, in fact Comprehensive Plan V promotes the redevelopment of commercial properties along the 896 corridor which certainly this clearly does. And again, no new uses are proposed by this plan, no new operation is proposed by this plan. It's simply taking the old L shape Red Roof Inn and replacing it with a new hotel therefore not increasing the burden on the use on the property while as I mentioned still getting benefits such as stormwater management, and a fully enclosed hotel. So, with that...

472 Chair Hurd: Alright thank you. We will begin with Commissioner Williamson.
 473
 474 Commissioner Williamson: Thank you Mr. Chair thank you. I have a series of questions...one thought
 475 before I start with some specifics you know I recently drove across the country and certainly you see these
 476 5 or 6 story hotels almost on every intersection on every interstate. I guess that is the norm now
 477 throughout the country and the reason is security and other reasons that make sense. They are large
 478 boxes with many windows, and I haven't seen spectacular architecture yet, but it is what it is right?
 479
 480 Mr. Tracey: Yeah, I think you hinted at it, it's the way that it's been moving, I mean we all me included in
 481 the 70s and driving back and forth from Florida. Staying in places like Santi, South Carolina when you had
 482 nothing but these two three story open access hotels. And you do find we are moving away from it. And
 483 this hotel has struggled with some of the issues that come with having an open hotel. So that's one of the
 484 benefits of eliminating that.
 485
 486 Commissioner Williamson: So, I'll just go to some questions I had jotted down. Will this hotel be pet
 487 friendly and the reason is if it is then there's a nuisance factor outside which could also affect water quality
 488 runoff if there's not doggie stations or something?
 489
 490 Mr. Tracey: I will answer the question as best I can, and I can follow up. I know the Home 2 Suites brand
 491 advertises itself as pet friendly, so I would presume that this would be pet friendly. I would also presume
 492 with the national standards of these brands that they would have to have the necessary areas or the
 493 appropriate places in place to deal with the issue that you're raising.
 494
 495 Commissioner Williamson: The obvious issue, I'm a cat owner so there's only so much I can relate to. The
 496 pad site which remain undeveloped for a while, I'm assuming that will have some sort of vegetation
 497 coverage, grass or? You don't want erosion and such?
 498
 499 Mr. Tracey: I'll let the engineer answer that. I mean that's what it appears to be on the plan, but I want
 500 him to go ahead and answer that question. So, this will be Steve Gorski from Verdantas.
 501
 502 Mr. Gorski: Yeah, I guess John already mentioned that site is a clean slate we don't know what's going in
 503 there but there would be landscape islands associated with parking bays or foundation stabilizers.
 504
 505 Commissioner Williamson: And is that a city requirement? That a lot be vegetated? I don't know if that's
 506 a Code Enforcement issue, that all lots have to have vegetation for runoff and wind and erosion.
 507
 508 Acting Director Bensley: So, there are requirements around stormwater runoff and being able to comply
 509 with the restrictions that the state code requires I believe a 15% reduction in stormwater runoff for sites
 510 such as these that are being redeveloped and did not have stormwater management prior to that. So that
 511 would be part of the stormwater facility that has been added there. Additionally, we do have rules
 512 regarding open space around that. In BC those are, and I'm going to have to look up the exact percentage,
 513 but our Parks and Recreation department manages the review portion of the project in regard to open
 514 space and landscaping requirements. And they have had their comments included in here which have
 515 been accepted by the developer.
 516
 517 Mr. Gorski: And I can add to that, yes it will be stabilized until a development plan comes in for that.
 518
 519 Commissioner Williamson: Ok. The bioretention area next to it, is that fenced off or open?
 520 Mr. Tracey: I don't think we're proposing it to be fenced off the bioretention, it's mostly going to be a dry
 521 facility it's not going to be a wet pond or anything like that. It's an infiltration facility and Steve I'm looking
 522 to you if it'll be fenced or not? It's not proposed to be fenced.
 523
 524 Commissioner Williamson: The reason I ask is, well it rains here a lot, and you get the runoff from the
 525 pavement of course will go into that and that grass for a while could be a little bit nasty and you've got to
 526 clean it every now and then. And it is one of the green areas I'm getting to outside areas for kids or walking
 527 dogs and the large lot, that's going to be an attractive place to maybe walk right? Or the retention area.
 528 And just asking whether or not that's an issue to consider; the water quality, people walk on it, or kids
 529 touch it or something like that.
 530

531 Mr. Tracey: We don't believe it will be an issue but it's obviously something we're aware of and can take
532 a look at. And if there's a need for something you know a lot of times you see these facilities have little
533 signs on them that say, "this is a bioretention area, don't go in there" and I don't think that what you see
534 as the bioretention area will necessarily be something that people will want to walk on because it'll be
535 indented for purposes of drainage. But again, with the larger piece, the future development piece, if need
536 be, we can obviously take steps to close that off.

537
538 Commissioner Williamson: It could be a liability for your own operations. Do these hotels attract tractor
539 trailer trucks or overnights?

540
541 Mr. Tracey: The old hotel did. I do not believe that is the target audience for this hotel. The old hotel
542 because again of the type of hotel it was you would have trucks coming in there. That is not the target
543 audience for this hotel. And the rooms candidly would not be at the rate that you might want to enjoy if
544 you were a trucker so to speak.

545
546 Commissioner Williamson: But you can't really deny someone that drove in. I mean if a truck came off of
547 95 it conceivably could go in here.

548
549 Mr. Tracey: It could, yes.

550
551 Commissioner Williamson: How would it park; I mean what would it do?

552
553 Mr. Tracey: It would be right now it's a wide-open site I mean I think we've all seen, and I don't know if
554 this has happened on the Friendly's site as well since it's closed. I mean truckers tend to find an
555 opportunity where they can pull over and perhaps grab sleep without having to go into a facility. But
556 obviously this would be policed as a Hilton property as opposed to what the Red Roof Inn property is,
557 that's not the target audience of this hotel, it's a completely different clientele.

558
559 Commissioner Williamson: If a truck showed up and it's idling outside the office can you turn them away
560 because you have a vehicle you can't park is that?

561
562 Mr. Tracey: Honestly, I don't know the answer to that question.

563
564 Commissioner Williamson: Because it could block many parking spaces.

565
566 Mr. Tracey: I don't know if the owner wants to raise their hand and comment on that particular question
567 or certainly again this is something we can follow up with. But again, this is not you know the Red Roof
568 Inn for better or worse became that type of facility, but I think it's in part also the rates were just what
569 folks were looking for and this is going to be a different type of facility.

570
571 Commissioner Williamson: Ok. The trash pickup in the rear, I can't tell if that's roofed and secured?

572
573 Mr. Tracey: It's an enclosure, it's not an open pad it's a full dumpster enclosure.

574
575 Commissioner Williamson: Ok, and let's see, the owner owns the Candlewood as well?

576
577 Mr. Tracey: Correct.

578
579 Commissioner Williamson: I go to the Jersey Mike's and it's kind of a concrete desert.

580
581 Mr. Tracey: It is its own property.

582
583 Commissioner Williamson: I know it's another property, that used to be a gas station I believe?

584
585 Mr. Tracey: Yes, it did.

586
587 Commissioner Williamson: Just would be nice if the several owners could get together and dress up a little
588 bit there. Because it's kind of, it would be a nice complete area if you could get everyone to work together.

589

590 Mr. Tracey: There might be some, I don't know I haven't seen the plans, but it would not surprise me
591 knowing as I do how certain of the high-end convenience stores are if that proceeds on the Friendly's site
592 you might see some at least over on that side of the property.
593
594 Commissioner Williamson: Oh, and will the under-story parking will that have security gates at each end?
595
596 Mr. Tracey: It's not planned to have security gates at each end, but the police department has asked for
597 security cameras and again the elevator there that would access the hotel would only go to the lobby, it
598 would not go to the upper floors where the rooms are.
599
600 Commissioner Williamson: Thank you, those are all my questions.
601
602 Chair Hurd: Thank you. Commissioner Kadar?
603
604 Commissioner Kadar: Ok, just a few questions. First of all, on one of the first paragraphs that defines the
605 project, it says that the project is "an extended stay hotel". What does that mean?
606
607 Mr. Tracey: It's like if you stayed in a Cambrio which is one of the ones I've stayed in, they're standard
608 hotel rooms, but they include inside a kitchen facility so if you wanted to cook you could cook in there so
609 you could stay there for one night or a week. It's more of the business travelers coming in for instance
610 perhaps working at the STAR Campus or doing something else that will be here more than a day that don't
611 want to have to go out to a restaurant every night.
612
613 Commissioner Kadar: Is there a maximum limit?
614
615 Mr. Tracey: I believe the city code regulates a maximum limit for stays. I believe it's 30 days.
616
617 Commissioner Kadar: Mr. Solicitor?
618
619 Solicitor Bilodeau: Yeah, I believe that's right we were having a problem with that over Covid with people
620 staying over 30 days and so yeah there is that in the code.
621
622 Commissioner Kadar: Ok, so that would kind of make sure that it wouldn't turn into student housing with
623 maid service.
624
625 Mr. Tracey: Oh no no no, the only time my understanding is that you see students in hotels is when and
626 this Commission probably knows better than I, when a developer is unable to complete promised housing
627 in time. And so, they have to find places for students to stay, but that's not what this would be targeted
628 to. Again, and the Candlewood is also a suites hotel, so it has the same ability. And I've stayed when we
629 go to Washington DC to visit my kids, we stay in a Cambrio it's basically the same thing it has a little
630 kitchenette in addition to the bedroom.
631
632 Commissioner Kadar: Ok, thank you for that. Now one other observation maybe. I've gone through the
633 Subdivision Advisory Committee letters that were dated April 1st and July 5th if you want to follow along
634 it's Exhibit F one through ten and F twenty-seven through thirty-four. Your responses came back on May
635 2nd and July 8th F36 and F38-44. Now as I go through them, I see several recommendations from the
636 Subdivision Advisory Committee and the responses from you are "Noted" and "Understood". Are you
637 prepared to go on record to say that when you say "noted" and "understood" you are in fact committing
638 to complying with the recommendation and doing what is recommended?
639
640 Mr. Tracey: Can you give me an example; I mean my answer prior to checking is yes but just to get an
641 example. Oftentimes when we get these comments, they aren't necessarily asking for a response they
642 just say you have to do this, and you say "noted" because you know you have to do this. It's not a way to
643 beat around the bush so to speak.
644
645 Commissioner Kadar: Ok, it's F13 to F26. Ok...
646
647 Mr. Tracey: I'm just looking through these notes added to the plan as required...
648

649 Commissioner Kadar: On page F16, recommendation 15, no 14. "Individual electric meters will be required
650 for each commercial unit and all meters must be grouped in one location and keys must be provided to
651 access the electric meter room if meters are inside-noted"

652

653 Mr. Tracey: Yeah, that means we understand, and it will be provided with the CMP and then as you look
654 down there-

655

656 Commissioner Kadar: Recommendation 15, understood. Recommendation 16 understood.
657 Recommendation 17 understood. So that means we agree and will comply.

658

659 Mr. Tracey: We are aware of our obligation, and we will be complying with our obligation.

660

661 Commissioner Kadar: Ok, that's what I wanted to hear you say.

662

663 Mr. Tracey: Yeah, it's shorthand that you see on a lot of these-

664

665 Commissioner Kadar: No, I understand, but the definition, well ever since what is the definition of "is"
666 right? Noted and understood do not mean accepted and we will comply.

667

668 Mr. Tracey: Noted.

669

670 Commissioner Kadar: Alright that's all I have thank you.

671

672 Chair Hurd: Thank you, Commissioner Silverman?

673

674 Commissioner Silverman: I'm going to have a number of questions that range across a number of topics.
675 And I will try to go from the broad picture to the specifics. The data column references parcel A and parcel
676 B, I cannot find a parcel A and parcel B on your drawings.

677

678 Mr. Tracey: Ones the Candlewood, I'm looking over at Steve here I know he wants to respond. One is the
679 Candlewood, and the other is the new hotel I can't tell you as I'm standing here but.

680

681 Commissioner Silverman: That's what I assumed. They're under management of the SSN is that correct?

682

683 Mr. Tracey: Correct.

684

685 Commissioner Silverman: So, we do have two parcels that are referred to in the parking rationale. So that
686 needs to be clarified on the plan.

687

688 Mr. Tracey: Take your notes.

689

690 Commissioner Silverman: It may be visible on the exhibit you have, but there is a very odd shaped parcel
691 for 1101 South College Avenue, Candlewood Suites. Is there any reason that you're maintaining that
692 configuration when you have the opportunity to reconfigure parcel lines? I can understand the two parcels
693 for business purposes, mortgage takedown lines, investment lines, but as I see it right now there appears
694 to be a projection from the front of the building that goes across a property line.

695 Mr. Tracey: We saw that. I saw that, it will be addressed; that will not be left there assuming the parcel
696 lines remain. The parcel lines were put into place originally for all of the financing that was associated
697 with the construction of the Candlewood Suites so that the entire parcel wouldn't be encumbered just a
698 portion. I can't tell you what the status of that obligation is.

699

700 Commissioner Silverman: Ok, but this would be a great opportunity to clean up all of those parcel lines if
701 you can imagine an old-fashioned key across.

702

703 Mr. Tracey: I see exactly what you're talking about.

704

705 Commissioner Silverman: Ok.

706

707 Mr. Tracey: And I don't remember as I sit here today why it was done that way. That was done back in I
708 think 2015 or 2016 I don't recall why it was done that way.
709

710 Commissioner Silverman: In both the, moving onto the next question. In both the variance application
711 and in your presentation tonight, you spoke about an existing cross access agreement. Do we have
712 documentation on that?
713

714 Mr. Tracey: There should be, it's referenced on the Candlewood plans and a note on the Candlewood
715 plans, and we can obviously submit it as well but there was a cross access and stormwater easement that
716 was done back in 2012 or 2013.
717

718 Commissioner Silverman: For parcel A and parcel B?
719

720 Mr. Tracey: And there's three parcels as part of it, it was actually before parcel A and parcel B were
721 subdivided. So, they were one parcel and the Friendly's was another parcel.
722

723 Commissioner Silverman: Ok, and currently Friendly's is owned by others?
724

725 Mr. Tracey: Yes, it's never been owned by us. RRC or something like that is I think the name of it?
726

727 Commissioner Silverman: Ok. That brings me to my next point. I notice on the cover sheet drawings that
728 your drawing shows what appear to be, assuming the heavy lines represent improvement, that there are
729 improvements for 1115 South College, the Friendly's property. You're improving somebody else's
730 property, but we can't talk about improvements you're going to make tonight because it's not part of this
731 application. What's happening (inaudible)?
732

733 Mr. Tracey: Well, no what you see highlighted in color there to the left of the exit is on the Friendly's site.
734 That's the improvement that's proposed.
735

736 Commissioner Silverman: And I'm going to take us right to that improvement. One of the
737 recommendations I'm going to make as an amendment to the proposal from the department is that the
738 common property line between 1115 South College Avenue and 1119 South College Avenue become a
739 denial of access strip that extends from the public right away 896 in an easterly direction to the rear of
740 the 1115 South College Avenue property, that there be no direct access or crosslink near the 896 rights in
741 and rights out. I think this site is busy enough. Particularly with an unknown use in the commercial pad
742 site. That to go into the convenience center; traffic should be pulled as far away from 896 and the conflicts
743 in and out of the entrance as possible.
744

745 Mr. Tracey: I appreciate what you're saying Mr. Silverman, this design was reviewed and approved by
746 DelDOT, this design if you recall, could we go back one slide previously?
747

748 Commissioner Silverman: But the design is not in the DelDOT right of way. This is on private property.
749

750 Mr. Tracey: No, but part of it was also reconfiguring the access into the Friendly's parcel previously you
751 can kind of see on the left side of the, so you can see over here, this used to run straight through from the
752 Red Roof Inn right down through this property, so you had the ingress egress over here and then you had
753 an ingress egress over here and then you had ingress egress over here. When we went through the process
754 with DelDOT and were reconfiguring the entrance they wanted to eliminate this ability to get out onto
755 896 and instead have the traffic come into the site and into this facility over here as well as having the
756 ability to get in this way which is unrelated to our project. Any change to this would have to be something
757 that would need to be endorsed by the neighboring property owners as well because now in addition to
758 closing off this access point, we're also now reconfiguring the entrance over here.
759

760 Commissioner Silverman: As you clearly stated we're not dealing with a neighboring property owner; the
761 property line is part of your property. And I believe we can condition a denial of access as part of the
762 agreement to approve this plan and project that denial of access strip to such a point that it conducts any
763 traffic that's in front of your site to and is going to take access through the cross-access agreements with
764 the neighbor away from the DelDOT required entrances.
765

766 Mr. Tracey: I guess what I'll say Mr. Silverman is obviously the Commission can make that
767 recommendation, I'm certainly in no position to speak as accepting that because I don't know what the
768 people who own Friendly's what their reaction is going to be.

769
770 Commissioner Silverman: I understand that.

771
772 Mr. Tracey: I wanted to just state that on the record, I can't speak for that.

773
774 Commissioner Silverman: That goes without saying. Because one of the things I did was I researched the
775 Institute of Transportation Engineers site and its material that deals with automotive trip generation by
776 use and for the adjacent site of some 4000 plus or minus square feet of commercial space and 12 what
777 they call "fueling spaces" literally the hoses that are involved there. The number of automobile trips per
778 day into that site using national standards and I'm sure DelDOT has a very similar number available. For
779 every 1000 square feet of this premier space that's proposed would create 3000 automobile trips in and
780 out of the site each day for commercial use. And ranging from 2000 to as many as 6600 trips for the gas
781 pump activity. That range is there because of locational factors, and I would think that a site like this on
782 State Route 896 with 34,000 automobile trips a day right off an interchange on the interstate with 117,000
783 trips a day would be towards the higher end of the range of those numbers. So, there are going to be a
784 lot of turning movements in and out of this site and I believe they're transient. They're people that are
785 looking at their Google map reference and not where they're going. They're trying to decide if they're
786 going to the Candlewood Suites or the suite that's subject to this property or whatever's going to be on
787 the commercial path. So, they're not going to be paying a whole lot of attention. I thought that this was
788 also brought to the forefront with the traffic impact study that was done. I've seen a lot of those, and this
789 was the first one that talked about automobile collisions and pedestrian accidents and actually called that
790 out as being a problem. And I understand that resulted in the elimination of left turns from 896
791 southbound into the site. But that just shows that there's a level of potential there.

792
793 Mr. Tracey: Right and I guess as I said our plan originally had if you recall, it never made it here but it
794 originally had a convenience store with gas pumps on our property which is not part of the application
795 anymore but that was what the TIS evaluated and that's what DelDOT had previously approved. I don't
796 know what the Friendly's site will have to do. I presume they will have to have some type of traffic analysis
797 when they proceed forward with their project. I don't know what DelDOT is going to say as a result of that
798 traffic analysis because again I'm not involved in that project and they haven't, at least to my
799 understanding, they haven't even reached that stage. But what you saw here is the entrance that was
800 proposed and approved when we were showing a potential convenience store with gas pumps on our
801 property and the Friendly's was going to be a Friendly's. The swapping of that, I have no idea how that is
802 going to impact what DelDOT will approve.

803
804 Commissioner Silverman: I agree with you and with the commercial gas pump operation on your site, you
805 very eloquently demonstrated in your variance proposal the splitting of traffic coming into your site off
806 the interstate with the decel lane and highways reinforced that with no left turn into the site that works
807 on your site. But we're talking about a site that's adjacent to yours, that's going to take its access off of
808 yours, and the kind of conflicts I believe will occur based on my experience when those decisions are taken
809 as far away from a major traffic intersection as possible it helps to minimize both the confusion of both
810 motor vehicle and pedestrian conflicts.

811 Mr. Tracey: I mean I know you understand completely what my position is in regard to this.

812
813 Commissioner Silverman: Yes, I do, I'm just raising this, and I believe it's something for Council to consider
814 since the Newark Police Department is the group that's going to go down there to investigate everything.

815
816 Mr. Tracey: And they did for what it's worth, they didn't have a negative comment about the entrance
817 configuration.

818
819 Commissioner Silverman: Well, that was the other thing I was going to bring up to the acting director – I
820 was very surprised that the Police Department did not comment on the number of incidents at this
821 particular intersection.

822
823 Mr. Tracey: Yeah, and if you notice I don't think, and I look at Steve for corroboration I don't think we
824 received any comments from the Fire Marshal on this either.

825
826 Commissioner Silverman: Moving on to some lesser global issues. I would like to see the square footage
827 of the commercial site be labeled on here.
828
829 Mr. Tracey: Of the parcel?
830
831 Commissioner Silverman: Of the schematic here.
832
833 Mr. Tracey: It's just a placeholder, it may be smaller, it may be bigger, it's going to have to go through the
834 process. We just designated an area without I think, we certainly didn't do any calculations I'm looking at
835 Steve. It's parked I think for general commercial. Steve you've got to come up and answer.
836
837 Mr. Gorski: It's just a blank slate again, it's not part of this application.
838
839 Commissioner Silverman: I'm a little nervous in reviewing a project with a hole in the middle of it where I
840 don't know what's going to happen.
841
842 Mr. Gorski: We don't know either.
843
844 Mr. Tracey: And to be fair I did actually revise that language to as it says "potential and future
845 development" because we don't know what's going to, all it is essentially blocking off an area depending
846 on who the user is the building could be bigger, it could be smaller it's going to be dictated as you know,
847 largely by parking as to what can go onto the property.
848
849 Commissioner Silverman: And just to point out something that we were talking about, the police
850 reference. The police would like a 6-foot black fence around your retention basin.
851
852 Mr. Tracey: We noticed that, and we did respond.
853
854 Commissioner Silverman: Before you agree to that, my colleagues talked about your response. We might
855 want to make it clear that the bioretention area will not function as a wet retention pond, and not be an
856 attractive nuisance therefore the police request for a 6-foot fence may not be...
857
858 Mr. Tracey: Correct, and I think we did respond to that comment with no fencing, and we did note in that
859 comment that it was not going to be a wet pond, that it was going to be an infiltration facility.
860
861 Commissioner Silverman: When this parcel came up in previous discussions, I don't know whether there's
862 anyone from the public here who will address this, but the Lloyd property and the Kimmy property had
863 representatives speak and they were very concerned about runoff from this site being concerned by curb
864 and storm sewers so there is no running onto their residential sites. And I assume that's going to continue.
865 I couldn't find any details showing inverts or raised curbing, there was some discussion of fencing along
866 there?
867
868 Mr. Tracey: There is going to be fencing along there.
869
870 Commissioner Silverman: And the same goes with light wash from floodlights and all?
871
872 Mr. Tracey: Yeah, there's comments again in the report and I think the staff report noted we gave them
873 lighting locations and things like that. It is going to be fenced, Steve did you want to comment at all, is it
874 still going to be raised curb along that side or has it not been fully engineered yet?
875
876 Mr. Gorski: Yeah, according to the plans it's going to be completely curbed along the basically the whole
877 perimeter of the parking lot.
878
879 Commissioner Silverman: I studied the landscape plan, and I didn't see any curbing.
880
881 Mr. Gorski: There's a double line, there's a symbol. And it'll be more detailed during construction approval.
882
883 Commissioner Silverman: Ok thank you.

884
885 Acting Director Bensley: Commissioner Silverman I'd also note that the recent changes approved by
886 Council to the Property Maintenance Code do address exterior lighting and not having it directed at other
887 properties.
888
889 Commissioner Silverman: Ok thank you. So, we did the detail on stormwater management...the discussion
890 about trucks on this site and I can address this to the city. Can this site be restricted for having truck
891 parking other than delivery? Picture a trucker with a refrigerated unit running underneath your window
892 most of the night and within a residential area. I don't know whether that can be done.
893
894 Acting Director Bensley: I will defer to the solicitor for that.
895
896 Solicitor Bilodeau: You're all looking at me. Ok well I don't know the answer 100% but I think you could
897 restrict your customers.
898
899 Chair Hurd: As a private entity?
900
901 Solicitor Bilodeau: Yes.
902
903 Commissioner Silverman: Well, we'd be depending on the owner for that, would we be able to make this
904 a condition of the subdivision agreement? That the only trucks permitted on the site would be for servicing
905 the site?
906
907 Solicitor Bilodeau: Well, you need to define "trucks" what type of trucks, are you talking about 18
908 wheelers? I mean you could, and you could put signage up as well.
909
910 Commissioner Silverman: We could come up with a performance definition that there be no diesel running
911 for an extended period of time which gets into the air pollution standards for the city and noise pollution
912 standards for the city.
913
914 Solicitor Bilodeau: The idling ordinance?
915
916 Commissioner Silverman: Yes, there's an idling ordinance.
917
918 Chair Hurd: Sir, we are going to.
919
920 Solicitor Bilodeau: We could build something there.
921
922 Commissioner Silverman: And I have a few more comments written down here. I think that pretty much
923 is my comments. Oh, and incidentally in spite of the criticism I am going to support this project. And on a
924 very positive note, I think this is a prime example of how cross access agreements and shared parking
925 work so instead of requiring 100% of the parking, your parking will be on your site, your parking is
926 distributed in concert with others. So, it's a good example of some of the code changes we're talking
927 about. How the cooperation can come about, and I thank you for that. And one last thing, I see my note
928 here. I've stayed on sites very similar to this, and something that's helped me out greatly if I'm at your
929 entrance and if we could bring that picture back up, please. And its University of Delaware homecoming
930 weekend, and I decide I want to go back home to Baltimore, I found in similar circumstances that the
931 property owners put up...
932
933 Mr. Tracey: Internal direction signs?
934
935 Chair Hurd: Yes.
936
937 Commissioner Silverman: Yes, I was trying to think of it there was a technical term for wayfinding signs.
938
939 Mr. Tracey: I think they're actually called directional.
940
941 Commissioner Silverman: Right, wayfinding signs for southbound, traffic light-controlled intersection to
942 take me from the convenience store or the hotel back over to Welsh Tract Road and extend it so I can

943 come out of a traffic signal-controlled intersection rather than coming out where I came in and figuring
 944 out how I'm going to get across two or three traffic lanes and the left turn lane make my U turn. So, it's
 945 not a code requirement, it's just something to look at on the site.

946

947 Mr. Tracey: We can certainly look at that.

948

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

950

951 Mr. Tracey: Understood.

952

953 Chair Hurd: Ok thank you. I will say I'm in general approval of the hotel, I mean it's sort of a hotel kind of
 954 place. I did want to talk a little more about the entrances. Because I'm confused by what's written by
 955 DelDOT and what has sort of been talked about and what's being presented in the drawings. So, I don't
 956 know if the drawings haven't caught up or where we are. So that drawing and the rendering both show
 957 that as being a left turn in, the second entrance as being available for left turns in. And my understanding
 958 was that it was going to be a right in, right out if that was staying, correct?

959

960 Mr. Tracey: Would you care to respond to that Steve?

961

962 Mr. Gorski: Yeah, the southernmost entrance is just a right in.

963

964 Chair Hurd: Right, but the one after it, I thought was going to be right out only?

965

966 Mr. Gorski: There will be a right in and a right out.

967

968 Chair Hurd: So why do we need two right in entrances because the way that is now, people are going to
 969 make a U turn and left turn into there across traffic.

970

971 Mr. Gorski: That was actually the intent, that's what DelDOT preferred versus, the elimination of the left
 972 turn into the first entrance. They didn't want to negate the second access.

973

974 Chair Hurd: The way I read DelDOT's comments, they wanted the left in gone from the second entrance
 975 from either entrance, correct?

976

977 Mr. Tracey: You can't make a left in it doesn't align, so you can't make a left turn into the site that
 978 entrance.

979

980 Chair Hurd: So, by making the U turn you have to make the right turn, ok.

981

982 Mr. Tracey: You have to, you can't make it, the left turn previously and it doesn't show it well, it kind of
 983 aligns with where you see that isolated right turn in, but that's kind of where the left turn is now, and
 984 that's being closed off now so the left turn would essentially go into the island there.

985

986 Chair Hurd: I can see it. Alright so they would U turn, cross traffic and come in that way. Which still doesn't
 987 excite me, it worries me a little. I will say generally this project would have been better understood if
 988 those site plans were a little larger and went a little farther towards 95. Because a lot of this conversation
 989 was about 95 and the exit off of it and you can't see as much of that so a broader picture would have
 990 helped, I think in the discussion about the alignments of things. Because it sounded also like Mr. Tracey
 991 had said talking with DelDOT that they wanted the entrance from Friendly's to, you know, basically not
 992 be there and to not have. So, I personally would think that we get rid of that second right in right out
 993 entrance and you're using the second entrance from the Friendly's site as the getting out and now there's
 994 separation between your entrances and there's a little better instead of having everything sort of stacked
 995 up. I'm sure and we're coming in late but just sort of looking at it from this way.

996

997 Mr. Tracey: We actually went back and forth many times for about 6 years with this and it died about 4
 998 years.

999

1000 Commissioner Silverman: Oh, they fast tracked you.

1001

1002 Mr. Tracey: Yeah, it was a review with about four years dead zone there. But the Friendly's entrance they
1003 want to move to shift it, so it aligns with the straight shot back to the hotel site, in a better fashion
1004 (inaudible) you have to make a semi-U-turn to get around the existing Friendly's entrances now. And they
1005 also wanted the ability to get out of that second entrance for traffic flow onsite trucks coming and going.
1006 For instance, the trucks that come into pump gas pumps. At that time there was a concrete pad with the
1007 fill tanks right there so the truck could come in and go out without too much issue.
1008
1009 Chair Hurd: I got you.
1010
1011 Mr. Tracey: That's kind of (inaudible) from that but it still serves a purpose.
1012
1013 Chair Hurd: Because it seems like from the conversations that DelDOT was kind of saying that this entrance
1014 based on one sort of use, that use is now not you know there, and it may not come back so you know is
1015 that entrance still the best entrance for the hotel or is the hotel better served by the long right turn in
1016 something further down and then exiting on Welsh Tract and not having that entrance so close. That's
1017 just sort of my, and I don't know if you remember the Springhill Suites, we had some issues about how
1018 they had originally configured their entrances in that conversation at that intersection.
1019
1020 Mr. Tracey: And to be fair as I mentioned, I don't know whether DelDOT's review on what will ultimately
1021 happen on the Friendly's site they may have made some suggestions but again I don't know. I'm not
1022 involved in that project, and I can't comment on any discussions that they've had. I know again as I said
1023 they see this entrance design and my understanding was that the sketch plan was submitted to the city
1024 shows this entrance design.
1025
1026 Chair Hurd: Obviously we can't control this, but it would be lovely to look at this more holistically and go
1027 alright we have this collection of 4 or 5 things, let's have a logical entrance, exit, through way, through
1028 traffic, make it make sense instead of hodge podge is the word I would use.
1029
1030 Mr. Tracey: Yeah, and to my knowledge nothing's happening on the Jersey Mike's sub shop site so you're
1031 safe so that's not part of this and isn't controlled by either of the two owners that we've been referencing.
1032
1033 Chair Hurd: I will echo the concern about the property lines in your projection there because certainly
1034 here you've got something in the other property.
1035
1036 Mr. Tracey: As I said that will be corrected.
1037
1038 Chair Hurd: Yeah, so that's going to be a problem. I think that was it, otherwise I think the hotel makes
1039 sense, I think this location makes sense working with the grade. I guess when you were working with this
1040 you had something in mind for that sort of pad closer to 896 and that's why the hotel didn't go there.
1041
1042 Mr. Tracey: Correct, the logical place for the hotel was in where the bulk of the Red Roof Inn section was.
1043 Chair Hurd: Ok. I believe that is my comment. Thank you. We will move now to public comment, Katie
1044 have we had any public comment submitted online or?
1045
1046 Ms. Dinsmore: Online no Mr. Chairman but we do have someone present that would like to speak.
1047
1048 Chair Hurd: Ok, thank you then we'll move to public comment in the chamber. Just please identify yourself
1049 at the microphone this one here. You just need to come to this microphone and identify yourself for the
1050 record.
1051
1052 Mr. Gaines: I wasn't going to say one solitary thing, I have to commend you guys first of all, I'm a resident
1053 of Old Cooches Bridge Road-
1054
1055 Chair Hurd: Sorry sir, could I have your name for the record? Thank you.
1056
1057 Mr. Gaines: Donald Gaines. I'm a 47-year resident of Old Cooches Bridge Road, I live right behind this
1058 project. And you guys make me feel like you're my neighbors, but I don't recognize any of you. I really do
1059 appreciate how knowledgeable you have been, and I don't say that lightly; in terms of what's going on
1060 with this particular project, I feel sorry for you guys that is because what you're trying to do is to change

1061 the culture of this hotel as a result of building a new hotel and that's yet to be seen, as to whether or not
1062 you can change the culture. The culture has not been good at all as you guys know, the police know me
1063 personally, they're there 5 times a day sometimes and even more than that at night. So, you have summed
1064 it up in terms of the kinds of things that we have been dealing with. I would appreciate it if you would put
1065 the map back up there that shows the building because one of the things that has been happening is that
1066 no attention has been given to the neighbors who live in the neighborhood. All the attention has been
1067 given to the building. We understand as neighbors that there was nothing that was going to be rebuilt
1068 here with the exception of a hotel. So, we've accepted that fact and we were happy to hear that an
1069 upgrade hotel was going to be built and at the same time this has been in some form three years now.
1070 We all up and down 896 are suffering from the same kind of thing, and that is vouchers have been given
1071 to people to be residents of this hotel. So, on the one hand we're on a balancing act here. The attorney
1072 general doesn't like the idea of enforcing the law like it should be enforced so that puts our police
1073 department at a particular disadvantage. And at the same time, we as the citizens who live, who pay our
1074 taxes every single solitary day, are just being disregarded.

1075
1076 This tree line that you have in the back of the hotel here affects me directly. And we've brought this up.
1077 People come and go from this hotel, I don't know how they do it, but everybody's got a dog. Everybody's
1078 got a dog, 8 or 9 people living in one room but they've got a dog. And the dogs walk up and down, and I'm
1079 a lawn guy. And so, to come across the street and crap on your lawn or pretend your lawn is their lawn is
1080 a daily kind of experience which just keeps something going all the time. So, I appreciate the fact. One of
1081 the meetings I attended a while back was that they were going to do something behind this hotel, a tree
1082 line, we talked about a fence, they talked about a couple of things. And I think the answer was pretty
1083 similar to the answer that you gave, it was noted but nothing has happened. So, one of the things I'm
1084 most concerned about is that what's going to happen behind the hotel that separates the hotel from the
1085 residents on Old Cooches Bridge Road? Something more concrete than some bushes. You're talking about
1086 putting a parking area underneath the hotel, and I like that idea because people can't climb in and out of
1087 the windows in the back like they do right now. And at the same time someone was asking, and I get it
1088 out of term, there is an ordinance as a matter of fact I've got it posted on my wall in my garage, for trucks
1089 that idle. And the hotel hasn't followed too many rules, but they have followed that rule if a truck is out
1090 there idling and I've called the police, they've got to move right away. A comment that one of you made
1091 with what do you do with trucks that end up coming, you can't control who's actually going to come, but
1092 there should be a designated area for trucks to go just in case trucks do show up in your parking lot. There
1093 should be a designated area where they end up having to go.

1094
1095 I heard some comment about fencing. There is a fence on the south side which is made of plastic, and
1096 what happens is that the cars back up to the fence and put a hole in the fence and the fence is halfway
1097 down most of the time. So, any barriers that you're talking about putting around here, as fencing, it needs
1098 to be substantial fencing, not just fencing that's going to be (inaudible) it needs to be something
1099 substantial. I think that part of changing the culture of your hotel has got to be extending also to your
1100 neighbors. Howard Johnson was one of the best neighbors we ever had. One of the best neighbors we
1101 ever had; they took care of the property, we didn't have the kind of police interference like we're having
1102 right now, so any things that you guys can think of that you can use that lends itself not just to the hotel
1103 property, but to the neighbors who live along Old Cooches Bridge Road will probably get you a long way
1104 to changing the culture.

1105
1106 I had a number of other things that I wanted to mention, but you guys have done such a good job, that I
1107 really feel like I better get to know my neighbors a little bit better. Thank you so much.

1108
1109 Chair Hurd: Thank you sir. Is there anyone online that wishes to comment?

1110
1111 Ms. Dinsmore: No Chairman.

1112
1113 Chair Hurd: Alright, seeing none we're closing public comment. And bringing it back for the last round. So,
1114 we'll start with Commissioner Kadar, any follow up questions or comments?

1115
1116 Commissioner Kadar: I have none.

1117
1118 Chair Hurd: Ok, Commissioner Silverman?

1119

1120 Commissioner Silverman: I have none.

1121

1122 Chair Hurd: Thank you, Commissioner Williamson?

1123

1124 Commissioner Williamson: None from me.

1125

1126 Chair Hurd: Ok, I'll just add I think dialogue with the neighbors about what kind of separation and security

1127 they're looking for along that, especially that common property line on the south side I think will go a long

1128 way. I don't know how feasible it is to secure it from Cooches Bridge Road because that's a little more

1129 transparent and such, but I think certainly something durable and such. And I know there's great issues

1130 there as well, that and the runoff is just sort of coming together. Ok. Alright if there are no further

1131 comment I think we are ready to move to the motion. Secretary Kadar?

1132

1133 Commissioner Kadar: **Because it fully complies with the subdivision ordinances, the building code, the**

1134 **zoning code, and all other applicable ordinances of the city and the laws and regulations of the state of**

1135 **Delaware the Planning Commission recommends that City Council approve the 1119 South College**

1136 **Avenue major subdivision as shown on the Duffield Associates record Major Subdivision Plan and**

1137 **Special Use Permit site plan for 1119 South College Avenue dated December 22nd, 2021 and revised**

1138 **through July 27th, 2022 with the Subdivision Advisory Committee conditions as described in the July**

1139 **26th, 2022 Planning and Development report.**

1140

1141 Chair Hurd: Thank you, do I have a second?

1142

1143 Commissioner Williamson: I'll second.

1144

1145 Chair Hurd: Thank you. Any discussion to the motion?

1146

1147 Commissioner Silverman: I'd like to propose an amendment.

1148

1149 Chair Hurd: Ok, may I have your amendment, yes what is the amendment.

1150

1151 Commissioner Silverman: There's a reference to the site plan as submitted. I'd like to propose an

1152 amendment that **in addition to the site plan as submitted that the southerly property line connecting**

1153 **1115 South College Avenue and 1119 South College Avenue where there are current cross access**

1154 **agreements to the property formerly known as Friendly's restaurant, a denial of access be established**

1155 **on that property line to such a point extending from the public right away and the property line at South**

1156 **College Avenue 896 in a generally easterly direction toward the rear of the Friendly's property to a point**

1157 **where traffic crossing from the subject property into 1115 South College can take access beyond that,**

1158 **denial of access line.**

1159

1160 Chair Hurd: Ok. Do I have a second?

1161 Commissioner Kadar: Second.

1162

1163 Chair Hurd: Alright thank you, any discussion to the motion?

1164

1165 Commissioner Williamson: With all due respect I would not support that, you know it's gone through a

1166 process of good transportation people and my experience is they usually know more than we do, with all

1167 due respect. And even if, keep in mind when that Friendly's project comes through review, if they build

1168 these curves and gutters and so forth, they could all get torn out again because of what Friendly's is doing

1169 and it'll just happen. I mean not likely, but it could happen to make it work. So, I think we're ok in a sense,

1170 I trust the process. That's my point.

1171

1172 Chair Hurd: Ok, so moving to the vote, Commissioner Kadar on the amendment.

1173

1174 Commissioner Kadar: On the amendment?

1175

1176 Chair Hurd: Yes.

1177

1178 Commissioner Kadar: Nay.

1179
1180 Chair Hurd: Thank you, Commissioner Silverman?
1181
1182 Commissioner Silverman: Aye.
1183
1184 Chair Hurd: Ok, Commissioner Williamson?
1185
1186 Commissioner Williamson: No.
1187
1188 Chair Hurd: And I am no as well, so the amendment fails. Returning to the original motion, any further
1189 discussion or amendments to the motion? Ok seeing none we'll move to the vote. Commissioner
1190 Silverman?
1191
1192 Commissioner Silverman: Aye. For the reasons stated in the Director's report.
1193
1194 Chair Hurd: Thank you, Commissioner Williamson?
1195
1196 Commissioner Willaimson: Aye for the reasons in the staff report and presented at the hearing.
1197
1198 Chair Hurd: Thank you. Commissioner Kadar?
1199
1200 Commissioner Kadar: Aye for the reasons for the reasons stated in the Planning and Development
1201 department report dated July 26th, 2022.
1202
1203 Chair Hurd: Thank you. And I vote aye as well for the reasons stated in the report and as presented at the
1204 meeting. Alright motion carries. Letter B?
1205
1206 Commissioner Kadar: [Because the proposed use does not adversely affect health and safety, is not](#)
1207 [detrimental to the public welfare, and is not in conflict with the purposes of the Comprehensive](#)
1208 [Development Plan, the Planning Commission recommends that City Council approve the 1119 South](#)
1209 [College Avenue special use permit for a 126 room hotel as shown on the Duffield Associates record](#)
1210 [Major Subdivision Plan and Special Use Permit site plan for 1119 South College Avenue dated December](#)
1211 [22nd, 2021 and revised through July 27th, 2022 with the Subdivision Advisory Committee conditions as](#)
1212 [described in the July 26th, 2022 Planning and Development report.](#)
1213
1214 Chair Hurd: Thank you, do I have a second?
1215
1216 Commissioner Silverman: I'll second.
1217
1218 Chair Hurd: Thank you, any discussion to the motion? Alright seeing none we'll move to the vote.
1219 Commissioner Williamson?
1220 Commissioner Williamson: Aye for reasons in the staff report and presented in the hearing.
1221
1222 Chair Hurd: Thank you. Commissioner Kadar?
1223
1224 Commissioner Kadar: Aye for the reasons stated in the July 26th, 2022, Planning and Development
1225 department report.
1226
1227 Chair Hurd: Thank you, Commissioner Silverman?
1228
1229 Commissioner Silverman: Aye for the reasons stated in the department's development report.
1230
1231 Chair Hurd: Thank you. I vote aye as well for the reasons stated in the report. Alright, motion carries. And
1232 that closes our item. And their being, oh wait we're not done, so close. Thank you, gentlemen. Thank you,
1233 sir.
1234
1235 **6. New Business**
1236

1237 Chair Hurd: Item 6, new business which is items of introduction and new items for discussion by city staff
1238 or Planning Commissioners, new items requiring public notice will be added to a future agenda. Anything
1239 on people's minds?

1240

1241 Commissioner Williamson: Mr. Chair I have something. In the current edition of the Newark post dated
1242 July 29, page 3 which is free. There's a couple of interesting pieces of information. The Newark Free library
1243 received 4 million dollars and it will be building a new building. So, I will expect somehow that it will...

1244

1245 Chair Hurd: Does it say if it's at the same site or?

1246

1247 Commissioner Williamson: At its current location on Library Avenue or if the County will seek to acquire
1248 a different site. Which makes it sound like it's a county project?

1249

1250 Chair Hurd: It is a county project.

1251

1252 Acting Director Bensley: Yes, so in New Castle County, all libraries whether they're in a municipality or
1253 not, are managed by the county. For that particular project they are still very much in the early stages and
1254 looking into if there's an available site where they can construct something larger or if it would be more
1255 cost efficient to build an expansion or demolish and rebuild on the existing site.

1256

1257 Commissioner Williamson: And then the other item on there which talks about the Bond Bill, the Bond Bill
1258 also includes millions in road projects, local projects include \$900,000 to improve South College Avenue
1259 as a gateway into Newark. Not sure where along South College but it's good news. And that's all those
1260 items.

1261

1262 Chair Hurd: You're good? Ok.

1263

1264 **7. General Public Comment.**

1265

1266 Chair Hurd: That takes us to item 7, general public comment regarding items not on the agenda but related
1267 to the work of the Planning Commission. Have we had anything submitted online or previously to the
1268 meeting?

1269

1270 Ms. Dinsmore: No Chairman.

1271

1272 Chair Hurd: Is there anyone attending the meeting who wishes to make general public comments? Ok
1273 seeing none we close general public comment and having reached the end of our agenda the meeting is
1274 adjourned.

1275

1276 **Chair Hurd adjourned the meeting at 9:14 P.M.**

1277

1278 Respectfully submitted,

1279

1280

1281 Karl Kadar, Secretary

1282 As transcribed by Katie Dinsmore

1283 Planning and Development Department Administrative Professional I