

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MEETING CONDUCTED IN PERSON AND REMOTELY
VIA MICROSOFT TEAMS

DECEMBER 6, 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

Scott Bradley

Staff Present:

Paul Bilodeau, City Solicitor

Renee Bensley, Director of Planning and Development

Mike Fortner, Planner

Jacob Higgins, Planner

Katie Dinsmore, Administrative Professional I

Chair Hurd started the meeting at 7:00 P.M.

Chair Hurd: Good evening, everyone, and welcome to the December 6th, 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 meeting platform. I'd like to provide some guidelines for the meeting structure so that 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 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 questions 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 attending in person, they should sign up on the sheet near the entrance and will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment 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 relate 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. 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, nor the validity of any actions taken in these meetings.

60 **1. Chair's Remarks**

61 Chair Hurd: That takes us to item 1, Chair's remarks. I have nothing, it's been a very uneventful month
62 which is good.

63 **2. The minutes from the November 1st, 2022, meeting**

64 That takes us to item 2, the minutes. Are there any corrections to the minutes from November 1st
65 meeting? Alright seeing none, the minutes are approved by acclimation.

66 **3. Review and Consideration of the Downtown Parking Lot Design Standards**

67 Chair Hurd: That takes us to Item 3, Review and consideration of the Downtown Parking lot design
68 standards. Director Bensley, is that you?

69 Director Bensley: Senior Planner Fortner is going to be presenting.

70 Chair Hurd: Awesome.

71 Director Bensley: We're spreading the wealth tonight.

72 Chair Hurd: Oh absolutely.

73 Planner Fortner: I'm going to have to stand a little closer to the mic now, they're a little too sensitive.
74 Alright thank you. Here to introduce the proposed ordinance changes for Chapter 27, Appendix II,
75 Design Requirements for Parking Lots. The proposed changes – you have the Department report in front
76 of you – Exhibit A shows the proposed changes. The blue underline is the proposed added text and then
77 the red crossed is the proposed deleted text and I will go through those later in the presentation. The
78 proposed changes come from the staff's implementation effort of the Newark Downtown Parking Plan
79 Phases I and II from the consulting firm [Kimley] Horn which includes a series of recommendations from
80 the Planning Commission's parking subcommittee. Exhibit D in your report is an abridged version that
81 focuses on the section pertaining to design requirements for parking lots.

82 As you know the Planning Commission has recently reviewed this section as part of the
83 recommendation of the 2022 Downtown Charette regarding the BB and RA zoning districts, so Exhibit C
84 shows the current zoning ordinance kind of where we all started from, the design requirements for
85 parking lots and then Exhibit D is the ordinance as amended by – as recommended by the Planning
86 Commission from their previous meeting and is pending Council approval. But that doesn't have the
87 amendments as proposed in Exhibit A, that's just where you left off from your last meeting. So, Exhibit A
88 shows what we're proposing this time. The proposed ordinance was created through a series of
89 meetings involving the Planning and Development department including Code Enforcement and Parking
90 administration, PWWR, Parks and Recreation, Electric, and the Police. And the framework was not only
91 to review the recommendations but to kind of fix problem areas. So, we asked them, anything that you
92 feel wasn't adequately addressed, you know, let's just correct it with this kind of review.

93 So, I'll go ahead and walk you through Exhibit A which is the proposed amendment ordinance. As you
94 see with the blue text here that is added text and the new section came from the downtown parking
95 report on page 15 with parking lot circulation. So, we added a little section on that and basically worked
96 the language into an ordinance form, so three different parts on that. When we get to part B if you
97 notice we deleted that text. We're just trying to keep a consistency – we just have each section
98 introduce a topic. So, then we took the rest of the text and basically made that one. And we did a slight
99 adjustment to the text we thought was unnecessary and kind of streamlined that text. Same with
100 number 2, we just took off some words we didn't feel were necessary for the ordinance and same with
101 3. There was a very wordy part of the ordinance, there wasn't much important within that text, so we
102 basically streamlined that text in the blue wording that you see and deleted the rest of the text for more
103 direct language. The rest of the 4, 5, 6, and 7 remain the same. We actually added text from your review
104 anyway.

105 We go down to section C, which is just a renumber. That text remains the same, D interconnection of
106 parking areas, that text remains the same I think that's from your review as well and the Charette. And
107 then we get to E, parking table. This was all reworked, we added number 1 which references another
108 section of the code that was a principle – I know that the Planning Commission has always encouraged
109 us to do – is that when we write a code, pretty much another code that might be in another section of
110 code we just reference that section of code so if someone goes and changes that section of code then
111 we don't have to worry about going back and changing the other section of code. So, we tried to keep it

112 consistent, we tried to keep that principle throughout this document. And so, as you see we basically
113 reformatted this whole thing this graphic redesign and then we redesigned the table which we hope is a
114 clear read from the one that was there previously. On page 15 of the Downtown Parking Report also
115 encourages us to address stormwater drainage, so we added section F in there, that's on page 15 of the
116 parking study or the parking report. Then we get into the next table which was added as part of the
117 report too that's on page 16 which is some sort of cement for the design standards. Then we get into
118 section H which was for bicycle facilities which is in the original document. We added a little wording on
119 allowing lockers and similar storage areas which was allowed in our code, but we added "at the
120 discretion of Public Works and Water Resources" so they just want to review that kind of stuff, so they
121 added that in there.

122 And then on 5 we added some language, this was part of the Newark Bicycle Plan, this is an example of
123 adding some clarifying code. Bike racks will have what they call at least a 2 different points horizontally
124 and shall conform with other applicable...so that's your inverted U usually, so a bicycle rack has a two-
125 point touch type of system that helps the bike stay up better. If it's something like what the little slanted
126 racks, those only have one point so a bike would fall down with that. So, when new bike racks get
127 installed, we want to have this two point. That was in our Newark Bicycle Plan, so we always enforced it
128 that way but now we have it in Code.

129 Landscaping, again we were encouraged in page 16 of the Downtown Parking report we just referenced
130 the sections that they should refer to, lighting the same thing, we reference the sections that should be
131 referred to. And finally, we get to K, which is the parking access and revenue control systems, PARCS.
132 This was one of the big things that we were encouraged to add kind of a unifying design standards for all
133 for the parking lots, we have some public parking lots and private parking lots, and we want to have
134 some sort of consistency on their approach, what they look like, and what customers can expect. And
135 so, the recommendation in the report was to not specify specific equipment or systems, so we just put
136 out some general guidelines, basically we'd ask them to submit a parking management plan just so we
137 can review this and make sure it makes sense. We give them the criteria of the things we're looking for,
138 about how we want them to address it, and then we also put in some sign posting requirements
139 specifically we want people to know when they come into a private lot that it's a private lot, who owns
140 that lot, what are the rates, hours of operation, and what are the penalties and how you can address an
141 appeals process. And we want those things addressed in the signage. And that concludes that part of
142 the report and that concludes the recommendations that were proposed during the staff committee,
143 and I can take any questions if you have them.

144 Chair Hurd: Ok. Why don't we begin with Commissioner Bradley?

145 Commissioner Bradley: Thank you Chairman Hurd. I didn't have many comments on this just a couple
146 things. First off, flexible pavement is that considered asphalt?

147 Planner Fortner: I really don't know. This was all put in by Public Works and they put in what they
148 thought that was. But you're looking on page 4 and 5, section I, is that what you're looking at? Flexible
149 pavement?

150 Commissioner Bradley: Yes.

151 Planner Fortner: Ok.

152 Chair Hurd: I believe that is asphalt paving, yes.

153 Planner Fortner: Ok.

154 Commissioner Bradley: Ok. On part B item 1 under entrances and exits, the entrances and exits should
155 be positioned so that they have as little as possible effect on the movement of traffic. Should be shall
156 on that or are we keeping that should?

157 Planner Fortner: So, you said B and what number?

158 Commissioner Bradley: One.

159 Planner Fortner: One. That was something I have on mine parking lot entrances shall, that was
160 something discussed with the group whether or not to use should or shall. And so, in the first line, shall
161 is probably a deliberate change. And we did try to take out should, so is there a should in there?

162 Commissioner Bradley: Under B-1.

163 Director Bensley: That's the existing code, that has not been changed as part of this so anything that is
 164 there in black without a strikethrough, or an underline is existing code that it's not been amended by
 165 this.

166 Planner Fortner: And let me just confirm that too...

167 Commissioner Bradley: Correct and my question is should we change it to shall?

168 Planner Fortner: So, it says whenever possible, so there are scenarios I guess that it might not be
 169 feasible so I think that's why we went with the should. But I mean shall whenever possible would work
 170 too, but I think that's why we went with the weaker. For the most part when we want it to be a
 171 regulation we put shall and there's language in there sometimes where you put should. But on this I
 172 think it might have been more purposeful since it's referring to what we prefer.

173 Commissioner Bradley: Ok. Under H Bicycle facilities, number 6.

174 Commissioner Silverman: Scott, line numbers please.

175 Commissioner Bradley: Oh, I'm sorry line 90. I guess that would be easier, wouldn't it? Conformity with
 176 this subsection and shall possesses the discretion. The shall possesses, should we remove shall or
 177 actually it says shawl.

178 Planner Fortner: Oh, it does say shawl. Don't know if that was a typo on my part or the computer. And
 179 so, it should at least say shall because looking at that it appears to be a typo. Shall possess.

180 Commissioner Bradley: Right, just some typo stuff there.

181 Planner Fortner: Ok.

182 Commissioner Bradley: Line 97, lighting. Since all of your headings are italicized should lighting be
 183 italicized.

184 Planner Fortner: Yes.

185 Commissioner Bradley: Ok, that's that page. They were all the comments I had.

186 Planner Fortner: Ok.

187 Chair Hurd: Ok. Commissioner Kadar?

188 Commissioner Kadar: Well written, I have no additional comments to add at this time.

189 Chair Hurd: Alright. Commissioner Silverman?

190 Commissioner Silverman: I concur that this is well written and a great comprehensive effort. I would like
 191 to add some additional thoughts here, on lines 7 and 8, it says the use of islands, meetings, curbing,
 192 etcetera. I'd like to see paint striping also be an option for delineation. Particularly in areas that are
 193 retrofitted with existing parking lots and redevelopment. I hate to give a radius for a piece of fire
 194 apparatus because there's a raised curb and that kind of thing. Where paint striping could direct the
 195 public as much as it does on a highway or public right of way and achieve the same protection as asked
 196 for in the standard.

197 Planner Fortner: So, you're recommending that paint striping makes a use of islands, medians, paint
 198 striping, or curbing, paint striping, and landscaping for example?

199 Commissioner Silverman: Yes. Particularly for retrofitting a redevelopment of existing projects and lots.

200 Planner Fortner: Certainly.

201 Commissioner Silverman: Moving to line 49, parking table. I believe I brought this topic sometime
 202 during the discussion. There are no provisions for two wheeled motor vehicles in the stall standards and
 203 design standards. It would appear to be much more economical if two, three, or four mopeds or
 204 motorcycles could be parked in a single stall. And counted toward the motor vehicle count or the
 205 parking space count, just something to look at. And along that same line, I haven't kept up with the
 206 bicycle task force and some of their discussion but are electric powered bikes, or assisted bikes or
 207 human powered bikes treated the same with respect to bicycle parking areas or do electric powered
 208 bikes have to be parked along with motor vehicles? Just a question.

209 Planner Fortner: No, Electric bicycle at least the ones I've seen have had the same parking need as a
210 regular bicycle, so I think they'd work well on a regular bicycle rack in most cases.

211 Commissioner Silverman: Ok, and my third area is line 76, the bicycle areas involve a collection point
212 where there's a lot of coming and going; there are individuals who are distracted by virtue of securing
213 their bicycles, etcetera, I'd like to see additional lighting be provided in those areas, particularly if
214 they're going to be incorporated in areas that are partially under a building just for security purposes.
215 You know we talk about lighting for the parking lots and open areas, I'd like to make sure that bicycles
216 are going to be located in a well-lit area. And that might be incorporated into line 97 somehow.

217 Planner Fortner: 97, ok.

218 Commissioner Silverman: Yeah, where it says all.

219 Planner Fortner: In the lighting section not in the bicycle section. You're concerned about lighting in the
220 bicycle areas.

221 Commissioner Silverman: That's correct. Because from what I've seen with respect to how bicycle racks
222 and areas are located in existing projects in the city, they're often tucked back in the corner, they may
223 be under an under-hang kind of thing, and I think that might pose a personal security problem if they're
224 not well lighted and are remote. And that concludes my comments.

225 Chair Hurd: Alright thank you. Commissioner Stine?

226 Commissioner Stine: Thank you. Look at line 21, that's new language so we replaced the red language
227 with the blue language?

228 Planner Fortner: That's correct.

229 Commissioner Stine: Alright. So, sort of swept up in that red language, is this issue of these lot full
230 indicator lights, which I find really, extremely helpful. So, the rest of this paragraph sort of talks about
231 this reservoir of spaces which I assume is a place where I could sort of tuck myself out of the way of
232 traffic while I'm waiting to enter the lot. Is that the definition of a reservoir? It's an overflow area?

233 Planner Fortner: Yeah.

234 Commissioner Stine: Ok, so do you see how right in the middle of that it talks about the lot full indicator
235 lights that we currently have on the lots? And that sort of got knocked out as well but doesn't reappear
236 so far as I can tell, anywhere else in the document. So, should that be added under the required
237 signage?

238 Planner Fortner: Well, the thing is we don't want to get too...that didn't prescribe that it needed to be
239 put in there, this was just saying that if you have one you put it here. So, there's nowhere in code saying
240 you have to have one, in some lots it's very helpful but in other lots it might not be necessary. So, we
241 didn't want to prescribe it, so what we have is more of a parking management plan and so for lots of
242 certain sizes...it is a very good practice, very helpful for drivers. It would be something that we would
243 work in the plan that you would review in the subdivision regulations.

244 Commissioner Stine: But not required.

245 Planner Fortner: It wouldn't be necessarily a requirement because not all lots, it's not applicable for all
246 lots.

247 Commissioner Stine: Ok, that makes sense I just wanted to make sure we weren't overlooking that little
248 bit of language that was sort of involved in that reservoir of discussion.

249 Planner Fortner: Absolutely.

250 Commissioner Stine: That's it, looks great – thank you.

251 Chair Hurd: Commissioner Williamson?

252 Commissioner Williamson: Yes, thank you Chair Hurd. I had a couple of comments and observations, I
253 guess. In line 6, based on the land use served, it could be more than one use, just add an "s" land uses
254 or parentheses. On line 8, pedestrian circulation areas. So, we all recognize that pedestrians have to
255 walk through the traffic lanes to get to your parking. You know you can't separate pedestrians from
256 vehicles completely and wouldn't want to, I mean we all understand that. I'm just wondering if there's a
257 way to say something like "primary pedestrian circulation" or major or somehow if that's even

258 necessary. I just point that out. Line 21, at first, I thought that reservoir was a typo for reserve, I hadn't
 259 heard that term used. The term I'm familiar with is stacking and you know you have stacking spaces as
 260 you enter or exit a parking lot, just an observation maybe if that's just a better term. But if you're used
 261 to using that one, that's fine. In the parking table line 60 or perhaps in 51 where you reference the
 262 other section, I assume the other section would deal with ADA spaces and the sizes for those. Just
 263 wondering if in the table there ought to be a note that says something like ADA spaces, see or whatever.

264 Planner Fortner: Ok.

265 Commissioner Williamson: Ok, if you're ready. Line 66, "and icy conditions" or standing water and icy
 266 conditions. Just I think everybody understands what that means, just wondered if there was a better
 267 way to say that but if not it's fine the way it is. Ice prone, potential ice, you know something a little
 268 more definitive instead of just conditions it's sort of undefined. Let's see, line 71 reading by "cars and
 269 small trucks for rigid and flexible pavement" I had noted that but now I understand it, so. Oh, line 70,
 270 line seven zero, any off-street parking area, should that be all? Instead of any?

271 Planner Fortner: You think all?

272 Commissioner Williamson: Almost done. Line 111, this is the signage must be posted at minimum at
 273 each entrance I think the intent is vehicle entrance, not pedestrian entrances.

274 Director Bensley: Not necessarily because we're looking to catch people before they leave the lot as
 275 well.

276 Commissioner Williamson: Ok, great. Line 117 or line 116 are those parking lots issuing penalties. So,
 277 parking lot operators? A parking lot itself doesn't do anything. So, it'd be the operators?

278 Chair Hurd: The vendors maybe.

279 Commissioner Williamson: I know that's kind of picky, but a parking lot operator rather than?

280 Planner Fortner: Parking lot operators...

281 Commissioner Williamson: Are the ones issuing tickets.

282 Chair Hurd: You mentioned vendors in the previous section about who's operating the lots. So, maybe
 283 the vendor.

284 Commissioner Williamson: Just an observation. I think...oh line 119 right after the reference to section
 285 20 etcetera, comma parking "in and towing from private parking areas does not supersede signage"

286 Director Bensley: That's the title of that section.

287 Commissioner Williamson: It is, ok. It's just a little awkward. But that's the nature of code.

288 Director Bensley: That's what it is in that section right now.

289 Commissioner Williamson: Alright. Thank you.

290 Chair Hurd: Thank you. I'm just going to cover a couple of the sort of further formatting. Lines 37 and
 291 43 should also be italicized as Commissioner Bradley pointed out.

292 Planner Fortner: Ok.

293 Chair Hurd: And then line 40 we had that long conversation last month about should and shall which Mr.
 294 Bradley brought up. But line 40 it says all off-street parking spaces shall be located to the side or rear
 295 wherever possible. So, I think that needs to be a should. Because that's not an absolute that's a
 296 recommendation.

297 Planner Fortner: Ok, line 40 and then off-street parking space shall be located.

298 Chair Hurd: So, I'm suggesting should be located since it's a wherever possible sentence which is
 299 different than item 1 which is saying you can't have it in the front yard. That's...oh line 75 and 86 you
 300 used the abbreviations for the Public Works and Water Resources department. Whereas later in that
 301 section on line 89 we use their full title. What is the standard for code?

302 Director Bensley: We'll make it the full title.

303 Chair Hurd: Ok. I'll just say my standard in this sort of document is to use the full title the first time and
304 then you can use the initials later, this is sort of backwards.

305 Planner Fortner: Yeah, I think it should be all the time because people don't necessarily know who that
306 is.

307 Chair Hurd: That was all I had. Commissioner Bradley has his hand up? Let me give him a second chance
308 here.

309 Commissioner Bradley: Thank you, I just wanted to go back to line 68, it says "measures to address
310 drainage such as plottage rains, pervious pavement, may be used" should it be approved the
311 appropriate department?

312 Chair Hurd: That's a good question. Is there an assumption that?

313 Director Bensley: This would be reviewed as part of the construction improvement plan which are
314 reviewed by all departments, so if for some reason it was not deemed to be compliant with this section
315 as for example if it was not considered a flat area or if it was considered a flat area and they didn't
316 accommodate then that would be something that would come up during the Public Works section of
317 that review.

318 Commissioner Bradley: Ok, and that was it, thank you.

319 Chair Hurd: Alright thank you very much. Katie, do we have any submitted public comment?

320 Ms. Dinsmore: No Mr. Chairman.

321 Chair Hurd: Ok, is there anyone present who wishes to give public comment? Alright seeing none I'm
322 going to close public comment and bring it back to the dais. Do we have any further comments or
323 discussion by the commissioners? Then I have a question for the commissioners. Do we feel that the
324 edits and changes that we've suggested are minor enough to recommend approval or do we want to see
325 it come back?

326 Planner Fortner: Also, I wasn't sure with the icy conditions one if we really wanted that change or. A
327 couple of them I got a bit of direction on, I don't know if there's consensus or there's a couple that we
328 didn't really.

329 Chair Hurd: I guess for me if I read that I get the intention of it, and it's less about direction and more
330 about providing a reason for why we care so much about slope and drainage. I think if you design a
331 parking lot, and you don't know about standing water and icing or the forming of ice then you're in the
332 wrong business.

333 Commissioner Williamson: Mr. Chair? My suggestion is that if staff is comfortable or wants to ask a few
334 more questions I would be comfortable with going ahead with the changes as listed.

335 Chair Hurd: As amended.

336 Commissioner Williamson: But if they want to bring it back then by all means.

337 Planner Fortner: We don't want to bring it back, we just wanted to get the clarification, we want the
338 paint striping, I thought that made sense, right. It's the paint striping and the one section that Alan
339 recommended. It's G on line 70 changing that from any to all. We're going to keep the icy conditions,
340 and there was another one too that was kind of stuck.

341 Commissioner Stine: The shoulds and shalls.

342 Planner Fortner: There's a should and a shall. Oh, and then the parking lot, we want to say parking lot
343 vendor.

344 Chair Hurd: Yes.

345 Planner Fortner: Vendor or I guess we could say provider? If they're not selling, they might have towing
346 rules.

347 Director Bensley: Well, we're taking about issuing penalties or fines so that would be a vendor in that
348 section.

349 Planner Fortner: A vendor, ok. But they might not be selling the parking I'm just thinking, if it's just a
350 parking lot they have, they'll tow you. Like the shopping center for example.

351 Director Bensley: Yes, but I think if it's just towing, we do say that this section doesn't supersede the
352 towing section so that's what would apply at that point.

353 Chair Hurd: Ok, I would say stick with vendor because you say in the previous section "the vendor
354 operated the lot" Ok. So, if you want to say if for those parking lot vendors issuing penalties that way,
355 we keep the parking lot in there. And we say vendor so now there's a noun, there's a person or entity
356 that can actually issue things.

357 Planner Fortner: Alan's comment on the lighting for bicycles, it's easier for us to amend this chapter, H,
358 to put some sort of lighting requirement than it is to go to whatever the lighting section is because that
359 might be outside the zoning code.

360 Director Bensley: So, the reason we didn't put a specific reference for the lighting section is because it's
361 currently in Chapter 17 which is the Property Maintenance code, and we are in the process of doing a
362 complete rewrite and revamp of that, so any code citation that we would put in that section would be
363 obsolete by the end of the first quarter of 2023. So, we don't anticipate changing the wording which is
364 why we put the wording of the section in there. But as far as the actual code reference that will be
365 changing in the not-so-distant future.

366 Planner Fortner: Oh ok, you're right. So, putting in lighting and providing additional lighting for bicycle
367 areas could be, that seems to work, ok.

368 Chair Hurd: My suggestion would be to put it in item 2 where it says bicycle racks shall be located in
369 areas visible from adjoining or nearby streets and sidewalks and adequately lit. Because I think that sort
370 of –

371 Commissioner Silverman: I agree Will.

372 Planner Fortner: I agree as well.

373 Chair Hurd: And that kind of leaves it then to Public Works who's going to be reviewing this to decide is
374 it adequately lit, is it visible, is it, have we met those requirements. Alright. So, Planner Fortner do you
375 feel comfortable?

376 Planner Fortner: Yeah.

377 Chair Hurd: Alright, then we can move to the motion. Secretary Kadar?

378 Commissioner Kadar: **I move that the Planning Commission recommend that Council adopt the**
379 **proposed changes to Chapter 27, Subdivisions, Article II, Design requirements for parking lots as**
380 **presented in Exhibit A of the Planning and Department report dated November 29th, 2022, with the**
381 **minor changes that were noted during the meeting.**

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

383 Commissioner Stine: Second.

384 Chair Hurd: Alright. Any discussion of the motion? Alright moving to the vote. Secretary Kadar?

385 Commissioner Kadar: I vote aye.

386 Chair Hurd: Commissioner Silverman?

387 Commissioner Silverman: I vote aye.

388 Chair Hurd: Commissioner Stine?

389 Commissioner Stine: I vote aye.

390 Chair Hurd: Thank you. Commissioner Williamson?

391 Commissioner Williamson: Aye.

392 Chair Hurd: Commissioner Bradley?

393 Commissioner Bradley: Just a quick question on the ADA parking, is there a subsection somewhere that
394 details the design requirements for ADA parking?

395 Chair Hurd: I don't know specifically, but I do know that the building code has reference to the
396 accessibility code which has defined dimensions for handicapped parking and such. Our code may get
397 into number, but it's also defined in external codes that the city code references.

398 Commissioner Bradley: As long as it's somewhere, my vote is aye.

399 Chair Hurd: Yeah, ok. And I am aye as well. Motion passes. Thank you. Alright.

400 **4. Review and consideration of adding language to define a convenience store/gas station in the**
401 **code for all zoning districts**

402 That takes us to item 4, review and consideration of adding language to define a convenience store/gas
403 station in the code for all zoning districts. Planner Fortner again?

404 Planner Fortner: Yes, it's my show until it's Jacob's turn. Alright, let's see – this is an example of a section
405 of code that the Planning and Development Department in enforcing the code felt had regulations that
406 were out of date, inadequate, or stifling positive redevelopment effort. So, with this department report
407 which you have before you we're proposing changing the wording of the definition for automobile
408 gasoline service station as well as proposed changes to the special requirements under the BC zoning.
409 Just a quick little summary, an automobile gasoline service station is only permitted in the BC General
410 business zoning district, which is fairly limited in the city, usually it's an auto oriented type of area like
411 near 896 near the highway, a couple mostly on the outskirts of town and there are some pockets within
412 the town. So, it's fairly limited and it's only permitted with a Council approved Special Use Permit, so
413 Council reviews all new gas stations, and they review that against their criteria that they have for all
414 special use permits.

415 So, Exhibit A in the report will show the existing ordinance and the definition. It does not address the
416 convenience store/gas station model that is common today. As a result, certain brands have tried to
417 argue that their brand isn't actually a gas station, it's really more of a retail store that sells gas as an
418 accessory use because it doesn't really fit into our definition. And so, for example when you look at this
419 it says "any premises supplying gasoline, oil, and motor accessories" they'll say, well we won't sell oil or
420 minor accessories so we're not a gas station. So, we wanted to put some clarification on that and kind
421 of update that definition.

422 Then we go into some of the special conditions, one of the main reasons they're trying to argue for
423 these little exceptions or trying to argue that they're not a gas station is in section I of our ordinance
424 which requires a 300 feet between gas stations. So, it's says a "minimum distance between structures
425 of any services station or repair garage and another service station or repair garage shall be 300 feet
426 measuring along the street lines" That includes across the street so across the street, if your directly
427 across the street, there's no feet difference between that, there's no buffer according to our code. And
428 so that's been kind of a stifling thing for development as well. And then finally D and E have a series of
429 setback requirements that kind of limit the design options for a site and kind of force a suburban style
430 design when other kind of options would be more appropriate for a pedestrian scale. So, we looked at
431 our existing regulations as well to see how we could improve that. So, exhibit B shows the Planning
432 Department's edits and amendments when you look at that and we believe that these are a more
433 appropriate definition, so if you'll look at section B. Well, we believe it's a more appropriate definition
434 reforms and special requirements will expand the development and design options without taking away
435 the regulatory oversight provided by Council, and we will review the proposed changes later, we'll go
436 through those in a bit. I also just wanted to, in D, in addition we did a survey of area zoning codes that
437 we mentioned, and we did a comparative analysis of that as well and I'll be referencing that as I go
438 through the proposed changes.

439 So, I'm on Exhibit B, and I'm sorry we didn't put the numbers on there, it's only one page but, we
440 overlooked that. So, the red underline is the added text, so we changed that sentence some, so any
441 premise for supplying gasoline at retail direct to the motor customer, so we rearranged that sentence so
442 that if you're selling gas to motorists, you're a gas station, to make that clear. Then we say you may also
443 be including retail food store as defined in this chapter which is basically a place that sells food primarily
444 for consumption off site as well as the sale of oil, motor accessories, or the service of automobiles. So
445 anyway, so then we limit it, so it's not some things that do major body repair or motor repair that's
446 another part of the code that's allowed it, it has its own separate regulations. And that's how we're
447 proposing to change that definition so that if you're selling gasoline directly to the motorist then you're
448 a gas station essentially. When you get to the special requirements on the BC zoning district, it all stays
449 the same until to get to D. We, if you notice the wording on that was very particular, it says there's a

450 minimum setback that exempts the service station and exempts the canopy and of course gas pumps
451 are regulated in another part of the section. So, it really only meant since under this section there's also
452 body and paint shop, so we just said that the minimum setback for the body and paint shop from all
453 street lines is 40 feet. Because everything else is exempt and we thought it was just a word salad that
454 didn't go anywhere. And then we deleted the section for distance, the buildings on all property lines
455 other than street lines shall be 25 feet. We eliminated that we felt it's adequately regulated in other
456 parts of this section. And there might be sections if you're a convenience store...well it's regulated by
457 the BC zoning district. If you're a convenience store, then you don't necessarily need those type of
458 setbacks. There used to be an upholstery store down where Hal Prettyman's apartments were that I
459 used to live behind they didn't have any setback like that it was nonconforming and so a lot of these
460 things aren't bad uses, I mean a convenience store would just have normal BC setbacks and
461 requirements.

462 And finally, the big one is I, which we basically struck the whole thing out, we looked at other zoning
463 districts, only Dover had something similar. We checked with the fire marshal, our fire safety specialist
464 rather. And there's nothing under their fire codes that would require this type of distancing. And our
465 fire specialist saw no reason for this ordinance. So, it is stifling development there's a lot of
466 development on 896, a lot of times gas stations like to locate across the street from each other, and
467 there's several sites that have the eye of those. But we already have gas stations on there and 300 feet,
468 it takes a lot of land out of play, and we just don't find any reason for it. And so those are the main
469 changes from it, and also you have this table. Alan, I distributed your email you sent. Alan sent an email
470 with just some thoughts on it. One of the things he thought, and Katelyn can bring that up for both you
471 and Scott to look at. One of the things he says are we would like to consider bringing the definition to
472 the 21st century and move the reference to automobile gas service stations substitute automobile
473 refueling service station which could be workable. But this provides options for refuel from a variety of
474 sources which include gasoline, diesel, LP, Hydrogen, and electricity. The only real concern that we had
475 about that was the electric option. Including that in this because the electric cars are going to be more
476 decentralized, they're not going to need to go to specific service stations, like we have them here in our
477 parking lot, you have them at home. The vision is that any main parking lot you go to will have one of
478 these so that would make everything a service station so we want to be careful saying that the electric
479 would be part of that. Really what we want to regulate is where gas stations are, I think is the main
480 thing. I don't know if diesel is implied in a gas station, if we discuss that I don't know if you think it is or
481 not. I mean obviously they're at all gas stations. And I'm not sure so much about Hydrogen or LP. And
482 then the other thing, we could add some sort of language about circulation, the second comment, about
483 site design and the different uses and make sure there's, a line could be added if you like.

484 Chair Hurd: So just to clarify, you're concerned about including electricity under the refueling. Is that
485 sort of by this definition anyone who has a charger would become an automotive refueling station?

486 Planner Fortner: That wouldn't be the intent we're going for.

487 Chair Hurd: No, but that's your concern that if you say that it says and those are only allowed in BC and
488 suddenly...

489 Planner Fortner: Yeah, it's that too to some extent but anyway like your grocery store is going to have
490 these as well but we're not going to regulate them like a gas station. We don't need to regulate EV
491 chargers like we do gas pumps.

492 Chair Hurd: Ok.

493 Commissioner Williamson: Chair Hurd, is it when you're ready to?

494 Chair Hurd: Yeah, I just wanted to make sure I understood and get that out there. Ok, we'll begin with
495 Commissioner Kadar.

496 Commissioner Kadar: I have a, let me, I have an issue with the elimination of the standard on the 300
497 feet between gas stations. Imagine if you will that we wind up with 3, 4, 5 gas stations in a row because
498 we have property located near to an interstate which is usually the prime location for refueling. And do
499 we really want to turn sections of the city into the equivalent of the auto mall on East Cleveland Avenue
500 where it's just different branded gas stations but up and down. I think the 300 feet provides a bit of a
501 deterrence from building these gas stations. So, I'm just kind of curious as to how you feel about that.

502 Planner Fortner: Well, they're providing a lot of deterrents. Basically, around that strip there's very
503 limited, it takes a lot of that land out of play, it's a big barrier. These stations they're mostly

504 convenience stores that are coming in, that they think the market's there and that they can do well.
505 They could take another place out. It's kind of protecting service stations that are already there they're
506 protected and some of them might not be as dynamic or interesting as a service station that could come
507 in so the market will dictate the supply and demand of gasoline in that area. So, a certain station may
508 not be doing as well if say a Wawa comes in, it might close the gas station across the street. So, our
509 feelings are why regulate it, to let the market regulate.

510 Commissioner Kadar: Ok so you're comfortable that this would probably never happen. Alright.

511 Planner Fortner: Yes, it's keeping people from the market.

512 Director Bensley: I think the other point to bring up is we have especially in some of these corridors,
513 some more we'll say undesirable properties that have things that have not been of good reputation in
514 the city, and there are people who are looking for opportunities to redevelop some of these properties,
515 that have been problems for us. And we're looking at potentially how can we remove some of the
516 barriers for that as well.

517 Chair Hurd: And I'm just going to jump in quickly here. These all still require special use permits. So,
518 there is still another level of we're not going to get wall to wall necessarily. Because there is the
519 additional sort of stamp of the Council saying, "yeah I agree that it will not be constructive to have five
520 gas stations in a row".

521 Director Bensley: I think DelDOT will probably have something to say about it as well.

522 Commissioner Kadar: That becomes easier to do once there's some sort of ordinance behind it. When
523 there's no ordinance and well it won't look good. Well, I don't know if that will hold up. If everyone
524 here is comfortable with that then let's move on. Thank you.

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

526 Commissioner Silverman: Other than dropping the word gasoline, which is like saying payphone I have
527 no problems with this.

528 Chair Hurd: Ok, Commissioner Stine?

529 Commissioner Stine: I have no comments, thank you.

530 Chair Hurd: Ok, Commissioner Williamson?

531 Commissioner Williamson: Thank you. Picking up on Commissioner Silverman's suggestion which I was
532 glad to see because I had a similar thought. The term automotive itself implies a car rather than a
533 vehicle. So, what if it was vehicle fueling or vehicle refueling stations, that could be trucks, motorcycles,
534 anything. I think if you just say vehicle refueling instead of automotive gasoline sort of as a word
535 replacement, in several places it's probably ok. I would leave the EV charging there. That doesn't
536 preclude EV charging anywhere else. It just recognizes that by having a generic term just refueling
537 you're allowing evolving technologies, whether it's EV; I could see a day, I'm just winging it here, where
538 you drive up and you swap out a battery. The whole battery goes out you get a new battery; you just
539 stick it in. And rather than changing the code all the time, just say refueling and let safety issues that are
540 covered elsewhere take care of you know potential on site safety design. So that's my suggestion.
541 Vehicle fueling or refueling and just allow EV. Anyway, fast charging is as quick as ten minutes
542 sometimes-

543 Planner Fortner: Well, EV is allowed. It's not in the code but it's allowed wherever. But just to your
544 points. Vehicle replacing automobile now kind of interestingly in the definition it says automobile
545 gasoline service stations is what it says in our code currently. When you go to that section of code it just
546 says automobile repair and or service station. The word gasoline isn't necessarily in that. So, we could
547 take out the word gasoline, you could put fueling. But fueling implies fuel rather than electric right?

548 Director Bensley: I think the issue that we're trying to address with this is we have applicants coming to
549 us with the convenience store gas station format, that is very common right now arguing to us that this
550 section should not apply to them because they are not service stations. So that is the issue that we're
551 trying to address with these changes. So, I think the addition of gasoline was meant to emphasize yes,
552 even if you make more profit from selling sandwiches, if you're selling gasoline this also applies to you.
553 So that to I think the context is important in the conversation as to what we're trying to address because
554 we want to make sure that we are addressing this particular model of refueling station, gasoline station

555 because those are the applications we're seeing. We're not seeing the old school you know you get
556 your gas; you get your oil changed at the same place kind of deal. Which is what our code was written
557 for.

558 Planner Fortner: That's what we put after gasoline because our code says gasoline and oil, so they're
559 saying we won't sell, but once they sell all we'll sell oil. But they'll say...so we're just trying to get that
560 into this section.

561 Director Bensley: Yes.

562 Commissioner Williamson: Well, again I recommend my change, change it to vehicle fueling. If you see
563 the need to keep gasoline in there, then I guess ok. The other comment is that I agree with the 300-foot
564 issue or at least it's a concern. Understanding, I live near 896 and no one wants to see that become a
565 wall of eight gas stations in a row, there's already four there and two Shells one on each side. If that's
566 the only land use that will replace the Boston Market and other things that's pretty sad. Is that the only
567 thing viable down there?

568 Planner Fortner: Yeah, not the Boston Market, it's not proposed for there but they're active developers.
569 I mean there are a lot of hotels going down there to be fair, lots of hotels. Fast food restaurants, that's
570 the type of development you're going to see there. Now that area is becoming more bicycle and
571 pedestrian friendly with this new fly over thing so that's getting rid of some of the setbacks. You can do
572 better design options there.

573 Commissioner Williamson: All I'm putting out is, and this is a question, if you take away the 300 feet and
574 five years from now when there's seven here in a row, will you say "oops, that was not a great idea"?
575 And I'd hate to be there. I understand the idea of letting the market work but sometimes the market
576 gives you bad outcomes, right? We try to manage the market to some extent, so we don't get bad
577 outcomes. You may have seven gas stations and maybe four of them are anemic because the business is
578 now spread out among seven instead of four and you're making it worse in a way. It's a tough call I'll
579 just say that. So, I just wanted to express that concern.

580 Director Bensley: And I will say it has been our experience in the past, there have been areas in town
581 when a new area like this, I'll use the Wawa that's on 273 right outside of town. Formerly across the
582 street from that was a gas station that station went out of business and now that property's been
583 redeveloped into something else. And that may be what happens with some of the properties that
584 you're looking at along that 896 corridor at some point. I think that you know when we were reviewing
585 this one of the primary challenges we had was we could not find a substantive reason as to why that
586 300-foot distance was chosen. We had no documentation as to why it was chosen and we talked to fire
587 safety folks, the folks who were working on the code through that time, and there was no justification
588 for it.

589 Planner Fortner: We looked at other zoning codes and didn't find anything.

590 Director Bensley: Right. So, in looking at we were hard pressed to keep that in as a recommendation
591 when we couldn't find it being something that was being done substantially in other jurisdictions. We
592 couldn't find a substantial safety reason to be doing it from fire perspective so that's where we came
593 from in looking at this recommendation.

594 Commissioner Williamson: You mentioned earlier DeDOT, and I'm just thinking about each station
595 having numerous curb cuts and that's not a potential issue or that's their issue I suppose?

596 Planner Fortner: There are some regulations on curb cuts and spacing on that in here but that's a traffic
597 kind of thing. I think to your point on the use of gas station, I think you could say too much of any one
598 use will be bad, too many fast-food restaurants but we don't space those out so we're kind of putting
599 this arbitrary regulation on one kind of business.

600 Commissioner Williamson: That's all thank you.

601 Chair Hurd: Thank you. Commissioner Bradley?

602 Commissioner Bradley: Thank you Chairman. Sticking on what Commissioner Williamson was talking
603 about, I like their vehicle fueling station idea, but it be vehicle fueling and convenience store? I'm having
604 a problem with under the automotive gasoline service station where it may include making of minor
605 repairs. Most of these, we'll all of these Wawas and Royal Farms, they don't make any repairs. It's just

606 gas and food and convenience items. Should there be a separate section for a vehicle repair shop as
607 opposed to fueling and convenience stores?

608 Planner Fortner: So, there is another section that covers more major repairs. This section should be,
609 well there is a vehicle service station where we decided to call it, it is a convenience store, it's not
610 separate. A convenience store, if it was just a convenience store and didn't sell gasoline then they
611 would just be a retail food store. And we would classify it under that. But if they sell gasoline then we're
612 actually saying you are a gas station and you sell from your convenience store. So, this allows, so some
613 gas stations do have minor repairs, so this is covered under section 1. There is a section 2.1 that more
614 covers your major body repair shops and motor, it's defined as motor repair and those are your more
615 involved things. And those are regulated even further.

616 Commissioner Bradley: What's considered a minor repair?

617 Planner Fortner: Well, it's described in this definition right here, it says may include the making of minor
618 repairs but not including major repairs such as spray painting, body, fender, clutch, transmission,
619 deferential, axel, spring, etcetera... So minor repairs-

620 Commissioner Bradley: So, what would a minor repair be?

621 Planner Fortner: So, it could be changing your oil, or it could be you know windshield wipers, you know
622 like routine little things. So, there's Shell stations around here that do these little minor repairs, but
623 everything described in this definition gives exception. So, if it's not covered under that I guess you
624 could argue in most cases it's a minor repair, but this tries to give the definition in here what's excluded
625 for minor repairs.

626 Director Bensley: I think our intention also is to not make any existing businesses nonconforming but to
627 make sure that new businesses with this convenience store model are covered. So, there are some
628 stations currently, gas stations that do have minor repair shops attached to them that still operate.
629 They're not the new businesses trying to open but we don't want to disqualify existing businesses that
630 are already operating lawfully under this code.

631 Chair Hurd: Right.

632 Commissioner Bradley: And I'm not suggesting disqualifying anybody, but the new business model with
633 the Wawas and the Royal Farms, they're not in the service business, they're just in providing food, fuel,
634 and items for people to stop in and go. If you have repair shops included in that now you've got stacked
635 vehicles sitting around the parking lots, I'm just looking down the road, what if Wawa wants to get into
636 the vehicle service business? Now all these Wawas you can add to that some service bays and that just
637 creates more a problem. I understand what the intent is, but just a suggestion of maybe separating the
638 two.

639 Planner Fortner: If Wawa were to get into major vehicle repairs, they would fall under another section
640 of the code, for example there's a brand that has car washes, not a Wawa but I think it's a drive in or
641 something. But there's a section for motorized carwashes they would have to meet all of those
642 requirements, so that would be outside of this definition of a service station.

643 Commissioner Bradley: But under this definition they could do oil changes, tire changes, tire rotations, is
644 that correct?

645 Planner Fortner: They could, yeah. Wawa's probably not going to get into that business but there would
646 be some stations who would do that. And so, they would fall under this definition. So, you could be a
647 convenience store Royal Farms and you wouldn't do that, or you could be a little small minor repair
648 place that sells gasoline like some on 896 so it covers both of those places.

649 Commissioner Bradley: Ok. I did want to jump back to the 300-foot issue. So, with removing this
650 language imagine if you will as some very intelligent person said earlier where the Red Roof Inn is,
651 there's an open pad space there, next door to that there's probably going to be some type of
652 convenience store, Wawa, Royal Farms, something like that. Could it possibly be there's a Wawa and a
653 Royal farms next to each other at that location under this new language?

654 Commissioner Silverman: Yes.

655 Planner Fortner: Yes, they would be on different parcels, but they would have to meet all of the
656 requirements which is 14,000 square feet, they'd have to meet the 14,000 square feet so that's a lot of

657 space. In fact, our requirements are sort of high but yes you could have gas stations right next to each
658 other, across the street from each other.

659 Commissioner Bradley: I'm ok with across the street from each other or at different corners of
660 intersections but one stacked right next to each other with an adjoining property line I don't know if
661 that's what we want to have.

662 Planner Fortner: Well, I don't know that they want to have that either. I don't think a Royal Farms
663 would want to go right next to a Wawa. They might want to be across the street to get the traffic going
664 the other way they might find that more advantageous. The way our code currently is they could yeah,
665 but.

666 Commissioner Bradley: So, I'm opposed to taking the distance out of the language. That's just my
667 personal opinion. And then the other one was just an easy one, just a typo on line 87.

668 Planner Fortner: Line 87, you're in the report?

669 Commissioner Bradley: Yes. The premise may include a retail goods store should that be food store.

670 Planner Fortner: (inaudible) ok.

671 Commissioner Bradley: Or a vehicle refueling and convenience store. That's my last comment thank you.

672 Chair Hurd: Alright thank you. The one thing I did note, and I think whatever we title this, automotive
673 gasoline service station or such I kind of see the point of keeping service station because we're talking
674 about services and trying to maintain the existing definition with a slight modification so we don't have
675 to write an entirely new section in the BC zoning, and we can just use what's there. But I think we
676 should make the titles, the names match because item 1, it says automobile repair and or service station
677 but the definition we're talking about is automotive gasoline service station, so you know item 1 should
678 match whatever we decide the definition is.

679 Planner Fortner: Ok.

680 Chair Hurd: Now I would say we could pull the word gasoline out of the title and just call it an
681 automotive service station which is then any premises used for supplying you know vehicle fuel or
682 something a little more general to the retail. Because I worry that someone's going to come along and
683 say "I'm not doing gasoline I'm doing LP gas" or something and I think part of the intention of regulating
684 this is you know motor fuels have hazard issues, they have flammability issues, they have circulation
685 issues, so you don't want to say it's just gasoline. It's anything that sort of flammable of that sort of
686 nature that you're putting into a vehicle. And you're right electric doesn't fit into the sort of safety
687 concern, but it does sort of fit into automobiles coming in, trying to use it, and parking and moving
688 around the spot. But I certainly don't want to create a definition that makes you know Lot 1 suddenly a
689 service station because it's got two automobile chargers. So that's my sort of thinking. I don't know if
690 we've come to a conclusion. A consensus on the language but I think we want to make sure it's not so
691 narrow that it stops being viable in a couple of years. Those are my thoughts on the definition.

692 So, I think I want to make it broad enough to cover fueling without being so broad that it covers every
693 single way you can make cars keep going. Item G, under number I, I'm not sure what the square
694 brackets around "shall be" are for? And I know they seem to be in the original code, but they don't
695 make sense to me.

696 Planner Fortner: They're on, what did you say?

697 Chair Hurd: B1 G.

698 Planner Fortner: Maximum distance between any access driveway in any residential districts...that's the
699 original in code right now...

700 Director Bensley: Typically, that's done by the codifier if they feel like language is missing. So, it wasn't
701 in the ordinance, but they add it in there.

702 Chair Hurd: So, could we strike those square brackets at this point?

703 Director Bensley: Sure.

704 Chair Hurd: Since it's been here forever. I will say that I'm in favor of removing the 300 feet, I kind of
705 agree with the department's analysis that there isn't a compelling reason to do it. All I can imagine is

706 that some point some people said, “I don’t want to this road to be too filled with it so let’s put a
707 distance in there”. And what it mostly does is protect the existing businesses that were there when the
708 code was enacted and its sort of doing an unfair economic benefit for that. I’m not a big fan of zoning
709 being used for economic benefit. (inaudible) this is the clean version, so that’s why you see it twice.
710 We’re ok. So those are my thoughts. Have we had any public comment submitted? No, ok. Is there
711 anyone present that wishes to make public comment? Alright seeing none we’ll close public comment
712 and bring it back to the dais. My sense is that I don’t know that we’re in complete agreement on sort of
713 the two biggest things which is the language in the definition and the 300 feet. Do we have –

714 Commissioner Silverman: Mr. Chairman?

715 Chair Hurd: Commissioner Silverman, yes?

716 Commissioner Silverman: An observation on the 300 feet I don’t know how many people are present or
717 listening, remember the number of gasoline stations there used to be on Main Street. And if it was like
718 the fast-food considerations on Main Street, and the adult entertainment and the number of bars on
719 Main Street, I would place an educated guess on the table that the 300 feet was used to restrict the
720 number of gasoline stations that were located along Main Street and probably Elkton Road. My
721 educated guess is that’s the origin of the magic number 300 feet.

722 Chair Hurd: Ok.

723 Commissioner Williamson: Mr. Chair?

724 Chair Hurd: Yes, Commissioner Williamson?

725 Commissioner Williamson: Perhaps there’s a compromise of sorts?

726 Chair Hurd: That’s what I love.

727 Commissioner Williamson: Less than 300 feet, maybe given the size of the parcels in the areas where
728 this is being sought more or less, existing parcels. If the number were lower, and sort of represented the
729 typical size of a parcel, in other words you’d get one parcel between the stations if it were 200 feet say.

730 Chair Hurd: Or even the minimum lot width which is 140.

731 Planner Fortner: Well, the thing is, across the street thing...

732 Commissioner Williamson: Well across the street makes sense it’s serving a different market in a way.

733 Planner Fortner: Yeah, well right now it would limit that, that’s 0 feet, the place across the street is 0
734 feet.

735 Commissioner Williamson: Oh, ok.

736 Chair Hurd: So, you’d have to rewrite that for the (inaudible) side.

737 Planner Fortner: And I don’t know what the number would be. Because if we measure from canopy to
738 canopy even that. So, you know you could finesse that, it just seems silly to be doing that. Again, there’s
739 a demand for this stuff. Main Street, they don’t have gas stations on Main Street anymore because the
740 demand dried up there.

741 Commissioner Williamson: What about a minimum lot frontage? That there just needs to be for a –

742 Planner Fortner: Well, we do have...we have a minimum depth, a maximum lot width, which I guess is
743 140 feet, we have parameters for –

744 Commissioner Williamson: You have a maximum but not a minimum.

745 Chair Hurd: No, it’s minimum lot (inaudible)

746 Commissioner Williamson: Oh, it is, got you.

747 Commissioner Bradley: Chairman? I like the idea of a compromise, and I like that idea of having
748 something separating the two, even if it’s minimal, could we say something along the lines of they can’t
749 have adjoining lot lines?

750 Commissioner Williamson: Yes, that would work.

751 Commissioner Bradley: We're not specifying the distance between them, it's going to come out in the
752 wash and it's not going to be probably 10 feet obviously, but it's going to be some distance between
753 them that, I don't want to say force them, but basically not have them right next to each other as
754 neighbors. And adding to what Commissioner Silverman was saying, yes back in the day there were a lot
755 of gasoline stations on Main Street, well that was a different business model. That was a couple pumps,
756 a service guy, two bays and a garage but they would do everything for your car. Today's gas station isn't
757 that business model anymore. It's the big convenience stores and 15 gas pumps. It's the super Wawas,
758 it's the Royal Farms. There's traffic issues putting two of those right next to each other. Again, I don't
759 have a problem with them on the same road or across the road, but I have an issue with adjoining
760 property lines. Case in point would be the Red Roof Inn scenario. I doubt that would happen but under
761 this scenario it could happen.

762 Chair Hurd: Ok, well let's look at this. So, one for the definition, I think it sounds like we're in agreement
763 with the intention of the definition, in that we understand it needs to include the sale of gasoline and
764 other fuels, so that we capture projects that fall between the cracks. I'm comfortable saying to staff,
765 you know clean that up a little bit, make sure that the titles match in the code and the definition, to get
766 that to work. With the distance, we can do what we've done before which is we say ok, we're going to
767 make a motion to approve this as recommended and then someone can make a modification to the
768 motion to change that language around the distance. And we'll vote on that modification on its own
769 merits. And sort of take the temperature of the room that way. I think that might be easier than trying
770 to sit here and collectively develop a distance and such. Does that seem to work? I think Paul's nodding
771 his head.

772 Commissioner Kadar: Mr. Chair, I tend to agree with the change in the definition I would suggest that it
773 be gasoline and other volatile fuels because of course electricity is not a volatile fuel. So that would take
774 care of it. And I would reject any idea to try and include an electric charging station at this point in time
775 even though it's fairly obvious at some point that we're going to be where there are more electric than
776 there are gas powered cars and then we'll see convenience stores putting up nothing but a series of
777 electric charging stations and that's an issue we'll have to address into the future. But I don't think we
778 need to do that right now.

779 Director Bensley: So, if I can offer?

780 Chair Hurd: Of course.

781 Director Bensley: The discussion regarding adjoining lot lines, I do have some concerns with that, simply
782 because if you have you know, smaller parcels next to larger parcels that are looking to be potentially
783 redeveloped, those larger parcels may be able to get a distance away from canopy to canopy with the
784 others but if you put it in as adjoining lot lines then they're disqualified from being able to do that. So,
785 you know, I would rather see a smaller distance than see it be, if you have a parcel next to another
786 parcel then you are disqualified.

787 Chair Hurd: Ok. Would we, for whoever's crafting that, what's the best way to measure that distance?

788 Director Bensley: So, at this point we measure when we're determining the distance, we measure from
789 canopy to canopy on the same side of the road. So, when it's across the street we go across and then
790 measure from that point to the canopy of the other gas station. So, for the example of the sketch plan
791 that's online for 1115 South College right now, if you look at the distance from the Sunoco, because you
792 have to go straight across the street and then measure it down the street, they're having trouble
793 meeting that 300-foot distance. We have other folks that have contacted us with interest in
794 redevelopment in the area that would also have similar issues with that 300 feet. But I think we may
795 potentially be causing bigger issues for some of those property owners with the adjoining lot line
796 language.

797 Chair Hurd: Gotcha. So, it sounds like the language would probably want to say canopy to canopy on the
798 same side of the street. So, I'm hearing rumblings that across the street might be palatable but along
799 the same side, that's the distance that people have the most issue with. Alright. Planner Fortner do you
800 feel?

801 Planner Fortner: I'm just looking at, Dover had something like a same side of the street on the same
802 block...

803 Chair Hurd: Middletown did, or it was one of those.

804 Planner Fortner: They did have a thing but didn't include across the street.

805 Chair Hurd: It was Middletown that said minimum 800 feet same side of the street within the same
806 block. So, Middletown also says basically once you cross the street, you're in another block.

807 Planner Fortner: (inaudible) within 800 feet of another service station but on the same side of the
808 street, within the same block too, which makes me think that there's a street...

809 Chair Hurd: Yep, that's what I was interpreting too, as soon as you cross the street that resets
810 everything. But that could be a guideline for it. Alright, anything further before we move to the motion?
811 Alright Secretary Kadar are we ready?

812 Commissioner Kadar: So, the intent is to bring in a secondary motion to incorporate those changes?

813 Chair Hurd: Well, the intent would be to put the motion forward as written, and then allow a
814 commissioner to make an amendment.

815 Commissioner Kadar: Alright. So, the proposed amendment. **To update the City of Newark's zoning
816 code's definition of automobile gasoline service station, to regulate a retail food store that sells
817 gasoline under the special requirements of Section 32-19(b)(1) the Planning Commission recommends
818 that City Council amend Chapter 32, Zoning, Article II, Section 32-4(a), Definitions, by changing text for
819 Section 32-4(a)(6) for automotive gasoline service station as shown in both Exhibit B and Exhibit C of
820 this report from the Planning Department dated November 29th, 2022.**

821 Chair Hurd: With the corrections as discussed? This is just for the definition.

822 Commissioner Kadar: Ok, **with the minor corrections as discussed.**

823 Chair Hurd: Right. So, this is just for the definition section. Do I have a second?

824 Commissioner Stine: Second.

825 Chair Hurd: Thank you. Any discussion on this motion? Which to remind you this is for Section 32-4, the
826 definition of the automotive gasoline services station.

827 Commissioner Williamson: Just a point of clarification, can we repeat what the intent is for the record?
828 Or even a draft terminology.

829 Chair Hurd: My understanding is the intention is to expand, add to the word gasoline, add gasoline and
830 other volatile automotive fuels so that we are covering diesel, hydrogen, LP as potential fuels for
831 vehicles so that the definition of an automotive service station, is covering the sale of fuels as well as the
832 sale of goods. And providing of minor services.

833 Commissioner Williamson: So, per discussion of the motion, is that what we're in? I would not support
834 that I think you're missing an opportunity to update the code to allow EV charging and there's
835 considerable federal funding and –

836 Planner Fortner: We do allow EV charging in every zoning district.

837 Commissioner Williamson: But not at a service station.

838 Planner Fortner: No, we do. We just think that's a part of any service station can install those, but we
839 want to be sure we don't call that a fuel, gasoline fuel, any place, we don't want to state any place that
840 sells EV is a service station we don't want to declare that, but any place that sells gasoline is a service
841 station but not any place that sells electric.

842 Commissioner Williamson: I understand a service station that sells, it's the semantics. If by listing, it as
843 one of the "fuels" that doesn't force all EV station to be service stations.

844 Planner Fortner: But we're not listing it as one of the fuels. Any place can do that.

845 Chair Hurd: I think someone could read this could say any premises supplying electricity at retail is a
846 service station now.

847 Planner Fortner: And we don't want to do that.

848 Commissioner Williamson: I agree with that.

849 Chair Hurd: Yeah, so that's –

850 Commissioner Williamson: Alright, I understand thank you.

851 Chair Hurd: Ok. Good?

852 Commissioner Williamson: Yes.

853 Chair Hurd: Any further discussion? Alright moving to the vote. Where am I.... Commissioner Kadar?

854 Commissioner Kadar: I vote aye.

855 Chair Hurd: Thank you.

856 Planner Fortner: Excuse me, was there going to be an amendment?

857 Director Bensley: This is for the definition.

858 Chair Hurd: This is for the definition.

859 Planner Fortner: Yes, but we haven't put in fueling (inaudible)

860 Chair Hurd: Well, we said as discussed at the meeting.

861 Planner Fortner: Ok, so are we saying vehicle fueling service station, is that what we're? That's what I
862 got.

863 Chair Hurd: Sure. We want to make sure that service station is in there because we want to make sure
864 to capture service stations as they exist. We want to take out gasoline and call refueling. And generalize
865 automotive to vehicle. I think that would work.

866 Planner Fortner: Ok.

867 Chair Hurd: Ok. That was Commissioner Kadar. Commissioner Silverman?

868 Commissioner Silverman: I vote aye.

869 Chair Hurd: Thank you. Commissioner Stine?

870 Commissioner Stine: I vote aye.

871 Chair Hurd: Commissioner Williamson?

872 Commissioner Williamson: I vote aye.

873 Chair Hurd: Thank you. Commissioner Bradley?

874 Commissioner Bradley: Aye.

875 Chair Hurd: Alright and I am aye as well, amendment 1 passes. Alright now to amendment 2.

876 Commissioner Kadar: Ready?

877 Chair Hurd: Yep.

878 Commissioner Kadar: **To reduce the regulatory barriers for redevelopment and encourage pedestrian
879 scale redevelopment in the BC zoning district, the Planning Commission recommends that Council
880 amend Chapter 32, Zoning, Article VI, BC districts (general business), Section 32-19(b)(1) with the
881 following changes as shown in both Exhibit B and Exhibit C of this report from the Planning and
882 Development Department dated November 29th, 2022.**

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

884 Commissioner Stine: Second.

885 Chair Hurd: Thank you. Any discussion or amendments to the motion? Commissioner Bradley has his
886 hand up.

887 Commissioner Bradley: I would like to make an amendment and maybe someone can help me out with
888 the language here, to reduce the 300 feet to 0 feet when you have the occasion where they're across a
889 defined road so that way a gas station could be right across the street from each other. You don't have
890 to go across the street and then down and it's only across the street, I hope that makes sense. And to
891 add a minimum distance between two vehicle fueling stations on the same side of the street.

892 Chair Hurd: Ok, do you have a distance you want to propose?

893 Commissioner Bradley: 50 feet.

894 Solicitor Bilodeau: So, as I understand it there's no limitation in distance when you're across the street?

895 Chair Hurd: Based on where the discussion was heading, we're looking to remove that restriction.

896 Solicitor Bilodeau: So, this limitation when the service stations across the street and as an amendment
897 there is a 50-foot distance limitation when you're on the same side of the street?

898 Commissioner Stine: I don't think that's correct I think the motion removes completely 300 feet.

899 Chair Hurd: I was getting to that, so the motion as put forward with the changes removes section I which
900 had the minimum distance definition so we would have to reinsert section I with language saying, it
901 sounds like, "minimum distance between canopies- "

902 Commissioner Bradley: Why do we go with canopies and not, excuse me, why do you go with canopies
903 and not the property line?

904 Director Bensley: So, we do it with canopies because it says minimum distance between structures and
905 the canopy is usually the furthest out structure.

906 Planner Fortner: I was just looking for a format, looking at the Middletown format, a little bit. Now it
907 has vaguer, well it just says service station it doesn't say property line...if you wanted it between
908 property lines?

909 Director Bensley: So if we're looking to keep the existing way we administer it, to incorporate
910 Commissioner Bradley's suggestion, if you look at exhibit A which has the current code for 32-19(b)(1)(i),
911 my recommendation would be to strike 300 and insert 50 at that point and then at the section where it
912 says "for similar use establishments located on the opposite sides of the street" you can strike the
913 remainder of that sentence and in it's place say the minimum distance shall not apply.

914 Commissioner Bradley: But if we're going from structure to structure, they could still be right next to
915 each other, correct?

916 Chair Hurd: They could be adjacent properties they would just have to have the distance between the
917 structures on the property would have to be 50 feet.

918 Commissioner Bradley: If we're going by structure, then I would amend my 50 feet to be larger than
919 because the 50 feet from structure to structure doesn't accomplish what at least I'm trying to put
920 forward. I think there needs to be a separate parcel, whether it's an easement that they buy from a
921 property owner or what have you to separate those two businesses from each other via property not
922 just by the structures. I mean one could put it all the way over to the right of a property, one could put it
923 to the left of the property. They meet our definition, but they're still, they still have an adjoining
924 property line.

925 Commissioner Silverman: Is the issue visibility? Or I'm sorry visual or is it use?

926 Commissioner Bradley: I believe it's use. Because the amount of traffic that come into these things is
927 much greater than getting into these stations 20 to 30 years ago.

928 Commissioner Silverman: Ok along that issue. Someone earlier mentioned what's the DelDOT standard.
929 What is the distance between entrance and exits of any adjoining parcel along a road like 896 a major
930 arterial. Maybe that really controls here. Maybe DelDOT says you can't have driveways that generate
931 1000 trips a day close within and x number of feet. That's an unknown to me that may be controlling.

932 Commissioner Bradley: I agree with that. Maybe the department goes back and looks at those issues or
933 those criteria and we revisit this one item.

934 Chair Hurd: Well, the thing is the DelDOT requirements would preclude someone from basically putting
935 in a service station convenience store on a parcel if they're too close to an adjacent use. So, there's
936 overriding other factors.

937 Commissioner Bradley: Should we match what the DelDOT criteria is?

938 Chair Hurd: I'm loath to put a DelDOT standard into our zoning code.

939 Planner Fortner: They regulate entrances and exits so; you know you get a lot of traffic from drive
940 through restaurants. I doubt there's something in DelDOT code that says two gas stations can't be next to

941 each other or need to be 300 feet. We didn't find that in our research of anyone doing that. A lot of
 942 businesses generate a lot of traffic like I said drive through restaurants. And a lot of these basically,
 943 Royal Farms and Wawa are fueling stations, but they have other things like food. I mean what's the
 944 difference. That we would need to regulate this business?

945 Chair Hurd: Yeah, I'm kind of with the director. I think the simplest thing to do to sort of take the
 946 temperature here to see where people are is to put section i back in, change the distance of 300 feet, I
 947 mean 300 feet is a barrier, but you could say you want 300 feet to stay in there, I mean pick a number.
 948 And remove the requirement to have that separation distance apply across the street and lets you know
 949 put that out there as the amendment. I feel like we're getting bogged down in editing an amendment
 950 that may not, we're trying to figure out what the consensus is and the whole point of the amendment
 951 was to find out where people were on this.

952 Commissioner Bradley: Mr. Chair let me revise my amendment. **To reinsert Section 32-19(b)(1)(i) to**
 953 **include the 300 feet but remove the 300 feet for stations that across the road from each other** does
 954 that make sense?

955 Chair Hurd: Yes.

956 Commissioner Williamson: I'll second that.

957 Chair Hurd: Alright I have a motion and a second.

958 Commissioner Williamson: Can we have a discussion?

959 Chair Hurd: We can have a discussion on that amendment, yes.

960 Commissioner Williamson: Just briefly I was thinking the same thing Commissioner, and one thing is
 961 there's an emphasis on bike paths and pedestrian friendly that we haven't really talked much about on
 962 that section and that's a challenge down there on 896. So, I think this is kind of a compromise for the
 963 across the street issue and leave the 300 feet on the same side of the street. So, I will support this
 964 amendment.

965 Chair Hurd: Ok. Alright. Yes, Commissioner Silverman?

966 Commissioner Silverman: Mr. Chairman, to simplify I know there's been a second but a thought on this.
 967 The distance measured across the street shall be equal to the public right away and just leave it at that.

968 Commissioner Bradley: I like that.

969 Commissioner Silverman: It's clean, if it has to be 48 feet or 75 feet and who knows what it is along that
 970 particular section of 896.

971 Commissioner Bradley: I think that's a clean way, yes, I would agree with that.

972 Commissioner Silverman: So that I think takes care of the one, the across the street issue. That the
 973 distance shall be the public right away.

974 Chair Hurd: So, **the distance between structures on opposing sides of the street shall be equal to or**
 975 **greater than the width of the public right away?**

976 Commissioner Silverman: The dedicated public right away, yes.

977 Chair Hurd: Ok. Alright. We're not writing this down entirely, but we are saying it into the record. Ok, to
 978 the amendment to the motion. Commissioner Silverman?

979 Commissioner Silverman: This has the 300-foot distance?

980 Chair Hurd: Yes.

981 Commissioner Silverman: I vote no.

982 Chair Hurd: Ok. Commissioner Stine?

983 Commissioner Stine: I vote no.

984 Chair Hurd: Commissioner Williamson?

985 Commissioner Williamson: I vote aye.

986 Chair Hurd: Alright thank you. Commissioner Bradley?

987 Commissioner Bradley: Aye.

988 Chair Hurd: Ok, Commissioner Kadar?

989 Commissioner Kadar: I vote no.

990 Chair Hurd: And I vote no as well. So that is 4-2 against. To the original motion. Any further discussion
991 or amendments?

992 Commissioner Stine: I just wanted to, you know I feel like this conversation sounds like we don't...it
993 really sounds random when we're trying to throw numbers out there, we really don't have enough
994 information to say that 150 feet or 50 feet from canopies from property lines is appropriate. And it feels
995 very, it reminds me of our 5 story, 40-foot building conversation. I don't think we know the unintended
996 consequences of the action we're trying to take. I think the only thing to do, in my opinion would be to
997 take the recommendation of the department to remove the 300 foot, its limiting development is what
998 I'm hearing them say.

999 Chair Hurd: I hear you, thank you. So, the 300 feet is out in this one.

1000 Commissioner Stine: Ok, thank you.

1001 Chair Hurd: So, we are back to language in Exhibit B and C which is the clean version.

1002 Commissioner Kadar: Do you need me to re-read it?

1003 Chair Hurd: No, we're ok. Alright to the original motion, Commissioner Stine?

1004 Commissioner Stine: I vote aye.

1005 Chair Hurd: Thank you, Commissioner Williamson?

1006 Commissioner Williamson: I vote no.

1007 Chair Hurd: Thank you. Commissioner Bradley?

1008 Commissioner Bradley: I vote no.

1009 Chair Hurd: Ok, thank you. Commissioner Kadar?

1010 Commissioner Kadar: I vote aye.

1011 Chair Hurd: Commissioner Silverman?

1012 Commissioner Silverman: I vote aye.

1013 Chair Hurd: Thank you and I vote aye as well, that 4-2 for the motion. The motion passes – thank you.

1014 **5. Review and consideration of increasing development fees in Chapter 27 and Chapter 32**

1015 Chair Hurd: Alright, to item where are we now, I lost track...Item 5, review and consideration of
1016 increasing development fees in Chapter 27 and Chapter 32. Alright, so who?

1017 Director Bensley: That is going to be our planner Jacob Higgins for his introductory presentation to the
1018 Planning Commission.

1019 Chair Hurd: Welcome Planner Higgins.

1020 Planner Higgins: Thank you, good evening, everyone again my name is Jacob Higgins, I'm the newest
1021 planner for the Planning Department here at the City of Newark and for the last few months I've been
1022 focused on looking at the fines and fees of Newark and Delaware's various cities. So, this year, like in
1023 2020, staff recommends increasing the fines and fees in Chapters 27 and 32 by 10% just like we did in
1024 2020. The city will be undertaking a larger review of the fees which will be included in the fiscal year
1025 2024 budget process, but it is worth noting that the city does not currently charge for sketch plan
1026 submissions, construction improvement plan applications, or lines and grades submissions. Planning
1027 staff does recommend adding these fees and included them in the proposed changes.

1028 For sketch plan submissions, the proposed fees can be found on lines 90 to 94. For the CIP, Construction
1029 Improvement Plan, those can be found on lines 112 to 114, and for lines and grades plans submissions,
1030 those can be found on lines 115 to 118. So finally, the parking waiver fees are also being contemplated

1031 as part of the BB zone parking review. That bill will be heard at the December 12th City Council meeting.
 1032 But we went ahead and incorporated the updates from the bill into the attached proposal. I believe
 1033 those are lines 202 to 205 if I'm not mistaken.

1034 Chair Hurd: Oh, there we are, yes.

1035 Planner Higgins: And then those are our proposed fines and fees, everything you see marked through
 1036 has been replaced with a 10% increase rounded up to the nearest increment. And so, this is what the
 1037 Planning and Development department recommends for fines and fees in Chapters 27 and 32.

1038 Chair Hurd: Alright, thank you. We will begin with Commissioner Silverman.

1039 Planner Higgins: I think he may have stepped away.

1040 Chair Hurd: Ok, then we will begin with Commissioner Stine.

1041 Commissioner Stine: Thank you. The only, will you walk me through lines 182 let's say to 185. So, the
 1042 Board of Adjustment fee for a single-family use, 305 dollars, is that for if I want to build a house?

1043 Planner Higgins: I believe that's for if you go to the Board of Adjustments and Renee, please correct me
 1044 if I'm wrong.

1045 Director Bensley: Yes. So, this is for folks who have been denied a building permit or who have
 1046 submitted a plan that is not compliant to code and what we wanted to do, and we changed this several
 1047 years ago, but what we wanted to do at that time was originally we had if you were in a residential
 1048 zoning, you paid one fee and if you were in any other zoning, you paid another. But what we ended up
 1049 with was a lot of these larger scale development projects were paying the same fee for a much more
 1050 complex variance process as the homeowner who wanted a two-foot variance to build a deck. So, what
 1051 our intention was by setting it up this way and the way it's been administered, for a single-family use,
 1052 being one single family home asking for a variance for something gets charged that fee. And any use
 1053 other than a single family, so if it's a larger residential development, or if it's a commercial development
 1054 something like that they get charged the larger fee.

1055 Commissioner Stine: Ok, I just wanted to make sure that the 1200 dollars was not a homeowner.

1056 Director Bensley: No, that would be, they would be qualifying as a single-family use.

1057 Commissioner Stine: Ok so that's not for say if I wanted to build a garage. That doesn't mean anything
 1058 other than my house I pay 1200 dollars, that's for use other than a house.

1059 Director Bensley: Yes, that's correct.

1060 Commissioner Stine: Ok, that's it, that's all I have thank you.

1061 Chair Hurd: Ok, we can go back to Commissioner Silverman.

1062 Commissioner Silverman: I have no comments.

1063 Chair Hurd: Alright. Commissioner Williamson?

1064 Commissioner Williamson: No comments so much on the 10%, more so a question. Does the city have a
 1065 procedure to for some very large, unusual project that falls outside the fee structure to collect a deposit
 1066 and charge against it or something like that? Or do you always have to find a fee which is fixed and may
 1067 not cover your cost.

1068 Director Bensley: So, none of these fees cover our costs, we'll start with that. So, I guess 5 or 6 years
 1069 ago now we did a complete top to bottom review revamp of our fees because they were much lower
 1070 than this. And it was at the time it was, we wanted to increase to get close to covering our costs, but we
 1071 didn't want there to be complete and total shell shock with the development community. So as part of
 1072 that ordinance we were tasked at that point with reviewing every two years. So, what that has turned
 1073 into in some ways, is being the catalyst for a CPI increase but that's part of the reason why we're looking
 1074 to do a larger scale review as part of the 2024 budget process. So, we had looked at it originally for this
 1075 year but by the time, or I should say, we were originally looking to do a full review for 2024 but in
 1076 looking at what was needed for the balance of the budget this year revenue wise, we were asked to do
 1077 an interim increase as part of that so that's what this is facilitating. And looking at what inflation rates
 1078 have been since 2020, 10% in right in line with what a CPI increase would look like if not a little lower.
 1079 So that's where we came up with the numbers for this year.

1080 Commissioner Williamson: Thank you.

1081 Chair Hurd: Anything further? Ok, Commissioner Bradley?

1082 Commissioner Bradley: In comment to your comment about these fees don't cover costs, is the intent as
1083 of 2024 for the fees to increase enough to break even?

1084 Director Bensley: I would say that it's unlikely that would happen. But it would get us closer to closing
1085 the gap.

1086 Commissioner Bradley: Ok, I just had two other quick ones. Line 111, the improvement plan application
1087 fee, is being stricken. So, there's no application fee anymore is that correct?

1088 Director Bensley: So, the intent is to replace the construction improvement plan application fee with the
1089 larger review fee which we are not charging at all at this point.

1090 Commissioner Bradley: Ok. And line 115 through 117 for the lines and grades plan review. A and B seem
1091 ok to me, but C might open somebody up to having a very large fee for lines and grades review where,
1092 let's take the example of, I know there's probably not many 20-acre parcels left but let's say there's a
1093 20-acre parcel and I want to build a house on it. But the house is only disturbing an acre. I'm paying
1094 10,000 for a lines and grades review plan.

1095 Director Bensley: That scenario is much less likely than the University coming in with a plan on a large
1096 piece of property that would go under lines and grades review.

1097 Commissioner Bradley: So, this over one acre is kind of aimed at UD?

1098 Director Bensley: They would be the customer that is most frequently affected by this.

1099 Commissioner Bradley: But the customer in my scenario of the 20-acre parcel who wants to build a
1100 house, they would have to pay 10,000 dollars for a lines and grades review?

1101 Director Bensley: I don't know of any 20-acre parcels that are open in Newark that are not owned by the
1102 University or that are not some other sort of other institutional use right now.

1103 Commissioner Bradley: Could it be separated into commercial and residential?

1104 Director Bensley: UD isn't a commercial use.

1105 Commissioner Bradley: Single family, I'm talking about.

1106 Director Bensley: I think the scenario that's being offered is not one that is going to an issue in this
1107 particular area. And I would be hesitant to make a change to it without consulting with Public Works
1108 first.

1109 Commissioner Bradley: My opinion would be to have two separate items, one for residential and one for
1110 commercial. Because even if it's a 5-acre parcel and you're only disturbing say a quarter acre for a small
1111 house, you're paying 2500 dollars for lines and grades review.

1112 Director Bensley: And I would offer that with the number of rounds of submissions that we deal with, if
1113 we're worried about recovering cost, the amount of staff time that's put into it across all departments
1114 that's probably an appropriate cost recovery for larger sized developments.

1115 Commissioner Bradley: I'm talking for single family homes not developments. Like one parcel that's
1116 going to have one single family home.

1117 Chair Hurd: I hear you. So, you're thinking something more like what the board of adjustment fee had?
1118 Which is a single-family use separated from any other use kind of scale?

1119 Commissioner Bradley: That would work.

1120 Commissioner Stine: Use or future use, because some of the University properties are zoned residential.

1121 Chair Hurd: Right well so it's not the zoning it's the use and the application.

1122 Director Bensley: But I would offer with STAR Campus developing as it is we're going to (inaudible) on
1123 university properties.

1124 Chair Hurd: So, I think the thing you may not see Scott is that the lines and grades plan goes through
1125 several departments. Public Works does it...

1126 Director Bensley: Public Works, Planning, Electric, Parks, who am I missing Mike? Who else would be
1127 part of it?

1128 Chair Hurd: They all look at it just because that's essentially the site plan review for some of the smaller
1129 projects.

1130 Director Bensley: And then within departments, so planning you're going to have planning, code
1131 enforcement, fire, all reviewing it.

1132 Commissioner Bradley: So again, if I come in and I'm a parcel owner and I have let's say a 2-acre parcel
1133 where I want to build a single-family residence on, I'm going to pay 1000 dollars for that, is that correct
1134 even though I'm not disturbing the whole parcel?

1135 Director Bensley: Yes.

1136 Commissioner Bradley: And the lines and grades, I mean I know what you're talking about, commercial
1137 lines and grades law, those things. But residential lines and grades for a one family home on a big
1138 property you're really just concerning yourself with the small area that needs graded around that foot
1139 plan. You're not concerned with the larger part of the property typically. And it just would bother me
1140 that a homeowner that comes in for that, they're paying an exponentially large amount for what the
1141 plan actually shows compared to what you're proposing here.

1142 Director Bensley: Well usually with larger parcels you're also talking about more being disturbed then
1143 you might think, because you're talking about utility installation, which on a larger parcel is going to be
1144 further because you have more distance to cover from the existing utilities, you've got the footprint of
1145 the house itself, you've got any requirements related to stormwater that have to be dealt with so it's
1146 not just the footprint of the house itself, it's all of those related items that come in.

1147 Commissioner Bradley: Understood, but a lot of those items are underground and don't change the
1148 grading of the property.

1149 Director Bensley: That's just the name of the plan. It's a full review of your utilities, it's all of those
1150 pieces, construction improvement plans are limited to major subdivisions, lines and grades under our
1151 process are for anything else.

1152 Commissioner Bradley: Understood, I would just like to see something carved out for single family
1153 dwelling on a larger piece of property. And that's all of my comments.

1154 Chair Hurd: Alright. Commissioner Kadar?

1155 Commissioner Kadar: Am I reading this correctly on lines 154 to 156? Sewer tapping and inspection fee,
1156 4 inches or greater than 8 inches, you crossed out 550 dollars plus 2 dollars per linear foot for the first
1157 100 feet to be replaced by 550 dollars plus 2 per linear foot after the first 100 feet.

1158 Director Bensley: Well, that's a typo.

1159 Commissioner Kadar: If I had to take a guess it was probably 500 and a 1.50 or something.

1160 Director Bensley: I think you're right; I'm going to pull that up right now.

1161 Commissioner Kadar: And I'm thinking it should be 2.50 a linear foot because you're charging that for 8
1162 inches plus and if you've got to dig you've got to dig.

1163 Chair Hurd: Well, the tapping and inspection fee is just the work on the pipe, the trenching's usually
1164 done by the customer.

1165 Director Bensley: So, the existing fee is the 550 plus 2 dollars so it should be 610. 550 is what's existing.

1166 Commissioner Kadar: Ok so that would go to 610....

1167 Director Bensley: Sorry it should be 605 plus 2.50 – it should match what's in (22)(b).

1168 Commissioner Kadar: I just found that kind of odd. Alright.

1169 Chair Hurd: So, it's still 2.50 a linear foot for both of those?

1170 Director Bensley: Yes.

1171 Chair Hurd: Ok. Anything else?

1172 Commissioner Kadar: No, I'm done.

1173 Chair Hurd: Ok, I was a little unclear about the parking fee. So, it says you've updated it to match the
1174 proposed change. But there's no markups on line 204, the 25,000 per space is that?

1175 Director Bensley: We included the changes if it will be adopted on Monday. So, we're not proposing
1176 that as an additional change here since that change is already moving forward.

1177 Chair Hurd: Ok. So, we're not?

1178 Director Bensley: You've already approved that.

1179 Chair Hurd: So technically by the time we approve this, and it gets to Council...

1180 Director Bensley: That will be done.

1181 Chair Hurd: Ok, that explains why that's that. Ok. Any further discussion or comments before we move
1182 to public comment? Alright. Any public comment received on this item?

1183 Ms. Dinsmore: No Chairman.

1184 Chair Hurd: Ok, anyone present wishing to make comments on item 5?

1185 Commissioner Silverman: Mr. Chairman, 9 o'clock hour.

1186 Chair Hurd: Thank you, I'll handle that next. Alright seeing no one, I'm closing public comment and
1187 bringing it back to the dais. And exercising Chair's prerogative to extend the meeting to 9:30. Any
1188 further discussion or comments? Corrections or etcetera? Ok. We can move to the motion then I
1189 believe.

1190 Commissioner Kadar: Is there a motion? I don't see one here.

1191 Chair Hurd: Are we moving to recommend this Director Bensley?

1192 Director Bensley: We are, and we should have included a motion. So, the requested motion would be to
1193 go ahead.

1194 Commissioner Kadar: Ok, **I recommend that the Planning Commission move to approve the changes to**
1195 **the land use application plan review and public works and water resources fees found in Chapter 27**
1196 **and Chapter 32 consistent with the Planning and Development Department's letter dated November**
1197 **29th, 2022, with the corrections to lines 156 to read 610 dollars plus 2.50 per linear foot.**

1198 Chair Hurd: 605

1199 Commissioner Stine: 605.

1200 Commissioner Kadar: Correction, **605 plus 2.50 per linear foot.**

1201 Chair Hurd: Thank you, do I have a second?

1202 Commissioner Stine: I'll second.

1203 Chair Hurd: Thank you. Any discussion to the motion? Alright seeing none, we'll move to the vote.

1204 Commissioner Stine?

1205 Commissioner Stine: I vote aye.

1206 Chair Hurd: Thank you. Commissioner Williamson?

1207 Commissioner Williamson: I vote aye.

1208 Chair Hurd: Thank you, Commissioner Bradley?

1209 Commissioner Bradley: Aye.

1210 Chair Hurd: Thank you, Commissioner Kadar?

1211 Commissioner Kadar: Aye.

1212 Chair Hurd: Thank you, Commissioner Silverman?

1213 Commissioner Silverman: Aye.

1214 Chair Hurd: And I am aye as well, motion passes. Alright, thank you.

1215 **6. Adoption of the 2023 Planning Commission Work Plan**

1216 Chair Hurd: That takes us to item 6, adopt the 2023 Planning Commission work plan.

1217 Director Bensley: Ok, so that will be me presenting. So back at our November 1st meeting, there were a
1218 couple of amendments to the draft that was provided there. We did incorporate those. I do want to
1219 incorporate those. I did want to point out the one thing that we did not include but should have been
1220 included is on page 2, the section beginning with line number 80, adding to the end of that paragraph as
1221 part of the review including a form-based code with the inclusionary zoning so we will be looking to add
1222 that as well. That was Chairman Hurd's suggestion.

1223 Also, as part of the – let me make sure I didn't miss this one. We should also be deleting number 6 from
1224 line 39 because that was a typo. And then on line number...we did include the site plan development
1225 process. So, the only one we were missing was the form-based code portion. So, with that edit this
1226 should have incorporated everything that was in the November 1st discussion.

1227 Chair Hurd: Alright thank you. We'll begin with Commissioner Stine.

1228 Commissioner Stine: I have nothing, thank you.

1229 Chair Hurd: Ok. Commissioner Williamson.

1230 Commissioner Williamson: Just two questions, in the city climate action plan and those type of issues,
1231 they're taken care of by another commission? How is that handled?

1232 Director Bensley: So, we have, two parts. We have a separate sustainability plan that deals with the
1233 city's climate goals and we do have the Conservation Advisory Commission which deals specifically with
1234 environmentally related issues.

1235 Commissioner Williamson: Ok, thank you. Because often climate action plans are folded in the Planning
1236 Departments. The other question is, is there, as you go through a year and something comes up, federal
1237 legislation, a state grant program, for something not in the workplan per se. You're still able to
1238 entertain those?

1239 Director Bensley: Yes. Work plans get changed quickly.

1240 Commissioner Williamson: Alright, thank you.

1241 Chair Hurd: Alright, Commissioner Bradley?

1242 Commissioner Bradley: I have no comments.

1243 Chair Hurd: Alright, Commissioner Kadar.

1244 Commissioner Kadar: I have no comments.

1245 Chair Hurd: Ok, Commissioner Silverman?

1246 Commissioner Silverman: I have no comments.

1247 Chair Hurd: Alright, I have a very small pedantic thing, lines 60 through 76 are square bullets and they're
1248 round bullets everywhere else. Because one of the round bullets were unfilled and I was like that's odd
1249 and then I just noticed.

1250 Director Bensley: We will correct that before it goes to Council.

1251 Chair Hurd: Because we want it to look good for Council, we want it to look professional and on top of
1252 things.

1253 Director Bensley: I think it's because those two things got copied from two different documents.

1254 Chair Hurd: Yeah, that's usually what happens. Otherwise, I'm happy, I was looking for the site plan
1255 process review and was glad to find it in there – in a different place than where I would have thought it,
1256 but it was there. My things are in here, so I'm happy. Alright. Is this a comment thing? Do we have any
1257 public comment submitted on this item? Anyone present that wishes to comment on this item? We've
1258 been losing guests. Alright any further discussion before we move to the motion? Alright, we don't have
1259 the language here.

1260 Commissioner Kadar: Well, my first comment is can we date this document?

1261 Chair Hurd: Did we date it?

1262 Director Bensley: We typically haven't historically. But we can.

1263 Chair Hurd: We can say adopted on December 6th and put that in the title there.

1264 Director Bensley: Will do.

1265 Chair Hurd: Ok.

1266 Commissioner Kadar: I recommend –

1267 Chair Hurd: No no, we're not recommending, this is ours we're approving.

1268 Commissioner Kadar: Ok, we're good then.

1269 Solicitor Bilodeau: I think you still need a motion to approve.

1270 Commissioner Kadar: I submit a motion that **the Planning Commission approve the document adopted**
1271 **on December 6th, 2022, City of Newark Planning Commission 2023 Work Plan.**

1272 Chair Hurd: Thank you do I have a –

1273 Solicitor Bilodeau: With the minor amendments.

1274 Commissioner Kadar: **With the minor changes as recommended by Ms. Bensley.**

1275 Chair Hurd: Thank you, do I have a second?

1276 Commissioner Williamson: I'll second.

1277 Commissioner Bradley: Second.

1278 Chair Hurd: That's fine. Moving to the vote. Commissioner Williamson?

1279 Commissioner Williamson: Aye.

1280 Chair Hurd: Thank you Commissioner Bradley?

1281 Commissioner Bradley: Aye.

1282 Chair Hurd: Thank you, Commissioner Kadar?

1283 Commissioner Kadar: Aye.

1284 Chair Hurd: Thank you, Commissioner Silverman?

1285 Commissioner Silverman: Aye.

1286 Chair Hurd: Thank you, Commissioner Stine?

1287 Commissioner Stine: Aye.

1288 Chair Hurd: And I am aye as well. Motion passes.

1289 **7. Review and approve the 2022 Planning Commission Annual Report**

1290 Chair Hurd: Alright last thing we've got to deal with here is item 7, review and approve the 2022
1291 Planning Commission Annual Report. I already did. I do it very quietly, so no one notices. Anything we
1292 should be noticing in the report?

1293 Director Bensley: I'll just say that this is basically a compilation of the quarterly reports that the Planning
1294 Commission receives so that is largely what you're seeing here. Since we have gone past the Planning
1295 Commission year, of which typically starts in October, we did include the items that were part of the
1296 October 18th and the November 1st meeting in here to make it a complete report. So, there was not a
1297 question when it's brought to Council in early 2023 as to why those things were omitted.

1298 Chair Hurd: Gotcha. Ok, let's see we can start with Commissioner Williamson, any comments or...

1299 Commissioner Williamson: No comments.

1300 Chair Hurd: Commissioner Bradley?

1301 Commissioner Bradley: No comments.

1302 Chair Hurd: Thank you. Commissioner Kadar?

1303 Commissioner Kadar: Some clarification. On lines 114 to lines 118 there's a reference to the Wooden
 1304 Wheels service and repair shop. I distinctly remember that discussion being one of approving a
 1305 microbrewery and a craft distillation operation. And yet this talks about the Council approving serving
 1306 alcohol. And that also gets back to line 226, which was our original discussion back in February. And it
 1307 subsequently led to a special use permit to serve alcohol? I thought it was to produce alcohol. Did I
 1308 miss something?

1309 Chair Hurd: Did the application change between? Oh, here comes Planner Fortner.

1310 Director Bensley: My first day was February 14th with the Planning Department so I'm going to phone a
 1311 friend and ask Senior Planner Fortner to respond to that.

1312 Planner Fortner: So Wooden Wheels is a microbrewery that's what they applied for. I don't remember
 1313 you all reviewed the special use permit; I don't think you would've. It would have gone to Council, but I
 1314 think you would have known about it. So, you guys did that. They serve alcohol there too because they
 1315 have the tastings and things. But it would be a microbrewery.

1316 Commissioner Kadar: So, it was to produce alcohol, not just to serve it.

1317 Planner Fortner: So, they produce it and consume it on site.

1318 Director Bensley: So, I think we can delete lines 114 through 118 because that would not have been
 1319 something that the special use permit for the microbrewery would not have been what the Planning
 1320 Commission was considering because it's on less than an acre. So, I think it would be appropriate to
 1321 strike those lines, 114 through 118 and then in line number 226 changing that special use permit from
 1322 "review the special use permit" to "have a microbrewery at Wooden Wheels"

1323 Commissioner Kadar: Or to produce and serve.

1324 Chair Hurd: So, in reading this it looks like we amended the code to make microbreweries a special use
 1325 in the BB which then they could apply for the special use permit, but we did the code change. I don't
 1326 think it was specifically an application from Wooden Wheels. That precipitated it but what we did was
 1327 amend the code. Not their special permit. So, I think your language is correct on the changes on line 223
 1328 and on, but I think you're right – we didn't review and approve a special use permit. Ok. So that
 1329 wouldn't be under development approvals. Good catch.

1330 Commissioner Kadar: That's it.

1331 Chair Hurd: Ok. Commissioner Silverman?

1332 Commissioner Silverman: I've lost track where are we here?

1333 Chair Hurd: We're discussing the 2022 Annual Report.

1334 Commissioner Silverman: I have nothing to add.

1335 Chair Hurd: Ok. And then lastly Commissioner Stine?

1336 Commissioner Stine: The only comment I had and granted my memory's not the best, but I don't recall
 1337 us meeting on March 31st, at least I didn't have anything on my calendar where we met on March 31st.

1338 Director Bensley: Oh, that was just the testing of the hybrid meeting equipment, and we did not have
 1339 that many members that were able to attend that.

1340 Chair Hurd: I don't think it was an official meeting.

1341 Commissioner Stine: Do we want to, on 83 and 84. Do we want to remove that? Did we send out, was
 1342 that even a...

1343 Director Bensley: We did post that.

1344 Commissioner Stine: Was it?

1345 Director Bensley: Yeah, because we didn't know if a quorum was going to show up or not, so we did post
 1346 it.

1347 Commissioner Kadar: Yeah, I was right here in this room (inaudible)

1348 Chair Hurd: Right, but the question was whether it was a noticed meeting with the possibility of
 1349 conducting business. So, I hear what you're saying Commissioner Stine. But it sounds like if we noticed
 1350 it, we could say that we met at that point.

1351 Commissioner Stine: Was I here?

1352 Director Bensley: You were not. At that point it was more the folks that were planning to stay hybrid
 1353 that were worried about participating so we could make sure that all the equipment worked, that they
 1354 could hear and see everything from home and the folks that were planning to be in person.

1355 Chair Hurd: Yeah, pretty sure I was here, but we had a few people on the screen and making sure you
 1356 could see the camera, you could turn on your mic.

1357 Commissioner Stine: Alright so long as I didn't miss a meeting. Cool, alright.

1358 Chair Hurd: My only comment and really, it's a formatting one again because the content is lovely. Can
 1359 we remove a line somewhere so that Mr. Williamson appears on the first page with everyone else?

1360 Director Bensley: I'm pretty sure that will happen when we remove the large draft mark at the top of
 1361 that page, yes.

1362 Chair Hurd: Alright, because I do not want our at large person to live on his own little separate – he's at
 1363 large over there. And that's all I had that just sort of jumped out at me. Alright. Any public comment
 1364 submitted? Anyone online wishing to make comment on our annual report? Alright seeing none, I'll
 1365 bring it back to the dais. Any further discussion? Ok, we can move to the motion Secretary Kadar.

1366 Commissioner Kadar: **I recommend that the Planning Commission approve the Planning and
 1367 Development Department's Planning Commission 2022 Annual report adopted December 6th, 2022,
 1368 with the following exceptions. Delete lines 83 and 84, delete lines 114 through 118, and revise the
 1369 wording on line 226 to read "special use permit to produce and serve alcohol".**

1370 Chair Hurd: Ok do I have a second?

1371 Commissioner Silverman: I'll second.

1372 Chair Hurd: Thank you. Just a clarification I thought that we were keeping we met on March 31st because
 1373 we noticed or are we saying we're not meeting because we didn't have a quorum. Secretary Bensley
 1374 what's your interpretation on that?

1375 Director Bensley: It's not Secretary anymore.

1376 Chair Hurd: Well, when you were Secretary Bensley how would you have interpreted this?

1377 Director Bensley: If we had a gathering that we had noticed, I would keep it in there.

1378 Chair Hurd: And you said we did notice it right?

1379 Director Bensley: We did, yes.

1380 Chair Hurd: Ok, so I think we can reinsert 83 and 84.

1381 Commissioner Kadar: Alright one more time. **I recommend that the Planning Commission approve the
 1382 Planning and Development Department's Planning Commission 2022 Annual Report adopted
 1383 December 6th, 2022, with the following exceptions: delete lines 114 through 118 and revise the
 1384 wording on line 226 to read "special use permit to produce and serve alcohol".**

1385 Chair Hurd: Alright, thank you. Do I have a second?

1386 Commissioner Silverman: I'll second

1387 Chair Hurd: Any discussions to the motion beyond the discussions we already had? We're good – ok.
 1388 Moving to the vote. Commissioner Williamson?

1389 Commissioner Williamson: Aye.

1390 Chair Hurd: Thank you, Commissioner Bradley?

1391 Commissioner Bradley: Aye.

1392 Chair Hurd: Thank you. Commissioner Kadar.

1393 Commissioner Kadar: Aye.

1394 Chair Hurd: Commissioner Silverman?

1395 Commissioner Silverman: Aye.

1396 Chair Hurd: Thank you. Commissioner Stine?

1397 Commissioner Stine: Aye.

1398 Chair Hurd: And I am aye as well. Motion passes 6 nothing.

1399 **8. Informational Items**

1400 Chair Hurd: That takes us to item 8, Informational items and the only item we have in front of us is the
1401 Planning Director's report.

1402 Director Bensley: Ok, recognizing the time, I will keep it quick. So updates on projects that went and are
1403 going to Council. As you may remember, we had been scheduled to have a joint Planning Commission
1404 and Council meeting on November 3rd on the TID which was cancelled, however I did just want to
1405 highlight it because we did send out a doodle poll request for availability to reschedule that we are
1406 looking at January and February dates, so if everybody could complete that and get it back to me, I
1407 would really appreciate it. November 7th – Council had their first and last budget hearing, they did
1408 adopt the budget that evening. Planning and Development related items did include the increases in
1409 subdivision fees that you reviewed tonight as well as increasing parking rates and fines. The November
1410 14th Council meeting we did have the second reading for the nuisance property ordinance which was
1411 adopted with some minor amendments; they did also, we were also directed to bring back a proposed
1412 format for the nuisance abatement plan that will be part of that within 90 days of passage. So, we're
1413 looking to bring that back to Council by February. We also had the second reading and adoption of the
1414 parking fine restructures that we proposed. Those have been adopted and will go into effect on January
1415 1st. And we had the first reading for the BB parking changes and the first reading for the BB/RA zoning
1416 code changes that evening. November 28th, Council did review the project for 1119 South College
1417 Avenue which is the current Red Roof Inn development, and it was approved 7-0 with a minor
1418 amendment to extend the fence along the rear property line along Old Cooches Bridge Road. Also, that
1419 evening Council reviewed the special use permit request for the Greene Turtle to have alcohol service at
1420 their new location which was also approved 7-0 with a restriction on outdoor music at the location being
1421 prohibited. It would currently be prohibited anyway under city code but if they went to Board of
1422 Adjustment, they could have gotten a variance to do it. So, this prohibits that. The last Council meeting
1423 for this year is this upcoming Monday, on December 12th and it's going to be a big night for us. We've
1424 got the second reading for the BB parking changes, we've got the second reading for the BB/RA zoning
1425 code changes, and the second reading for the parking rate increases that are being contemplated for
1426 city parking lots. So, anybody who is interested is welcome to tune in online or come in person. Other
1427 happenings – I updated you where we are with BB/RA, and the downtown parking strategy
1428 implementation. Property Maintenance Code updates as I mentioned the nuisance abatement plan is
1429 still being crafted and we're still working or continuing work on the 2021 International Property
1430 Maintenance Code adoption and related amendments and we're hoping that's ready to go in the first
1431 quarter of 2023, part of that will be the restructuring of our rental permit fees. So, stay tuned for that as
1432 well.

1433 Next Planning Commission meeting is scheduled for January 3rd, and we're also looking to have a joint
1434 Planning Commission and Council meeting rescheduled at some point for the TID. I have discussed with
1435 Chairman Hurd and Commissioner Silverman potentially cancelling the January meeting because we
1436 won't have a plan ready to go. Right now, everything that's close enough to go is on hold with people
1437 wanting to see where the BB/RA zoning changes land before they come to Planning Commission and
1438 Council with a plan. And we're unlikely to have any substantive policy items ready because of staff
1439 holiday vacations. The January 3rd meeting is the day after our New Years holiday and the packet
1440 deadline would be the day after our Christmas holiday and I'm off the week before that, so it's unlikely
1441 we're going to have a substantive agenda for you that evening. So, we may be cancelling that evening.
1442 Or I should say Chairman Hurd may be cancelling that meeting. As far as updates for the Land Use
1443 Division – plan reviews, items submitted since the last Planning Commission meeting, 94 East Main
1444 Street which is the Green Mansion project has submitted a special use permit request for alcohol service
1445 at the bar they plan to have in that location. That came in today.

Existing project updates, we talked about 1119 South College, 339, 341, and 349 East Main Street is currently on hold. 65 South Chapel Street has indicated they weren't in a rush to get to Planning Commission, but they're still in the SAC review process. We're working on their next round SAC letter; they're on their third submission. 532 Barksdale Road, which you guys considered at your last meeting, we are waiting on outstanding items related to Public Works for them prior to them being scheduled for Council. So that is in the developers' hands right now. 55 Benny Street, we sent a SAC letter on November 10th. 249 East Main Street, we sent the SAC letter on November 8th. 178, 182, and 186 South Main Street and 528 Old Barksdale Road, we sent that SAC letter yesterday. 44 Corbit Street, we sent the SAC letter for that one on November 15th, it has been administratively approved and is waiting on plans and fees for recordation. 29 West Park Place which is also an administrative subdivision, we sent the SAC letter and notification letter to the surrounding neighbors on December 2nd, so the deadline for any objections to that approval and recordation is December 12th. Submissions in the queue currently for review are 1105 Elkton Road, we're also waiting on responses from the applicants for 244 Kells Avenue, 515 Capitol Trail, 1025 & 1033 Barksdale Road, and 1115 South College Avenue.

Staffing, we did hire a new Deputy Director of Planning and Development, so she will start on Monday, January 9th so I look forward to introducing her to you all in the new year. And that's my update.

Chair Hurd: Alright, thank you. That concludes informational items.

9. New Business

Chair Hurd: That brings us to item 9, New business – introduction of new items for discussion by city staff or planning commissioners. Anyone got anything? No. Ok.

10. General Public Comment

Chair Hurd: Item 10, general public comment, items not on the agenda but related to the work of the Planning Commission. Anything submitted prior to the meetings Katie? No, ok anyone online wishing to make general public comment? Alright seeing none, that closes item 10 and that concludes our agenda, and we are adjourned. That's the word I'm looking for.

Director Bensley: Alright.

Commissioner Bradley: I just want to say thank you for the department's hard work for all this stuff and for everyone to have a happy holiday.

The meeting adjourned at 9:25 P.M.

Respectfully submitted,

Karl Kadar, Secretary

As transcribed by Katie Dinsmore

Planning and Development Department Administrative Professional I