

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MEETING CONDUCTED IN PERSON AND REMOTELY
VIA MICROSOFT TEAMS

MARCH 7, 2023
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
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
Mike Fortner, Senior Planner
Josh Solge, Planner II
Katie Dinsmore, Administrative Professional I

Chair Hurd started the meeting at 7:02 P.M.

Chair Hurd: Oh, look at that, a push button. Alright, good evening everyone, and welcome to the March 7, 2023 City of Newark Planning Commission meeting. This is Will Hurd, Chair of the Planning Commission. We are conducting this hybrid 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 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 so we have your name spelled correctly for the record and you 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 that they would like to speak or message the meeting organizer through the chat function with their name, district or address, and the agenda item on which they 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 then turn on their cameras and unmute themselves to give their comments. All speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must pertain to the item under consideration and be directed to the Commission. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into the record. We 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 votes. 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,

58 technological failure does not affect the validity of these meetings, nor the validity of any actions taken
59 in these meetings.

60 **1. Chair's Remarks**

61 Chair Hurd: Alright that takes me to item one, chair's remarks. I don't think I have anything, so we're
62 good.

63 **2. Minutes**

64 Chair Hurd: That takes us to item 2, the minutes. Are there any comments or corrections to the minutes
65 from the February 7, 2023 meeting? Alright seeing none, the minutes are approved by acclimation.

66 **3. Review and consideration**

67 Chair Hurd: That takes us to item 3, review and discussion of the rezoning and major subdivision with
68 site plan approval for a 6-story, 190-unit apartment building with structured parking at 65 South Chapel
69 Street. Director who's beginning?

70 Director Bensley: I will be kicking it off.

71 Chair Hurd: Ok.

72 Director Bensley: Alright thank you Mr. Chairman and members of the Planning Commission. This
73 evening I am providing the initial presentation for 65 South Chapel Street which is, as Chairman Hurd
74 mentioned, a rezoning, major subdivision, and site plan approval and, after my presentation, Mike
75 Hoffman will be presenting on behalf of the applicant. This land use application is a rezoning and major
76 subdivision by site plan approval for the property located on two parcels at 65 South Chapel Street and
77 101 Victoria Court. The applicant proposes demolishing the 3-story apartment building and 32
78 townhomes, retain the 6 existing townhouse apartments on the 65 South Chapel parcel, consolidate
79 those two parcels into one and construct a new 6-story building with a 6 and a half story internal parking
80 garage and 190 apartment units. Please note that as this project was submitted on November 30, 2021
81 this project was reviewed under the RA zoning code in place prior to the new RA zoning requirements
82 adopted by Council on December 12, 2022 and this presentation is framed as such. The applicant will be
83 providing details regarding comparison to the new code requirements as part of their presentation.

84 This parcel is located on the west side of South Chapel Street, south of East Delaware Avenue between
85 South Chapel Street and Haines Street. This property is zoned RA, high rise apartments, and RM garden
86 apartments. The applicant proposes to rezone the entire property to RA. This use is allowed in the RA
87 zoning district and in the RA zoning district at the time this project was submitted, seven floors were by
88 right with up to three additional bonus floors permitted. As this building is 6 floors at approximately 67
89 feet in height with architectural roof appurtenances extending above that to approximately 75 feet, this
90 plan is compliant with both the number of floors and the height of the building within the by right
91 allowances of the RA zoning code. The proposed plan conforms to the existing land use designation as
92 indicated in the Comprehensive Development Plan V 2.0. 65 South Chapel Street and 101 Victoria Court
93 are included in Planning Section A of the Comp Plan which currently designates this as a residential –
94 high density use for these two parcels. This project is also located in Focus Area 4 which recommends
95 residential high density and mixed urban as compatible uses for transition to the downtown.

96 Regarding site plan approval, our Code Section 32-97 provides alternatives for development and
97 redevelopment proposals to encourage variety and flexibility and to provide the opportunity for energy
98 efficient land use by permitting reasonable variations from the use in area regulations. Site plan
99 approval shall be based upon distinctiveness and excellence of site arrangement and design which
100 includes 6 criteria as listed in the code. In this case the applicant is requesting site plan approval for
101 relief from several area requirements specifically the plan requests relief from the requirements for lot
102 coverage, density, and minimum lot size. As noted above the plan is not compliant in terms of maximum
103 lot coverage, unit density, and minimum lot size under the previous RA zoning code requirements and
104 the applicant has requested the full 15% bonus density allowed through site plan approval. It should be
105 noted that if this plan had been evaluated under the new RA zoning code requirements that the density
106 and minimum lot size relief would not be required and the lot coverage relief would be reduced from a
107 differential of 23.6% to 13.6% so the Commission will need to consider these requested area regulation
108 exceptions against the standards of distinctiveness and excellence of site design that's outlined in
109 Section 32-97 and the developer's site plan approval submission.

110 Compliance with these items has been outlined on pages 5 and 6 of the Planning and Development
111 report. The proposed development meets all requirements detailed in the municipal code of the City of
112 Newark, Delaware, Chapter 27, Subdivisions, and Chapter 32, Zoning once rezoned to RA, with the site
113 plan approval provisions as detailed above. Zoning regulations for high rise apartments in the RA zoning
114 district indicate a max number of dwelling units for this 1.33-acre parcel, oh excuse me I have the wrong
115 number here, the 4 plus acre parcel shall be 170 units which is 36 units per acre. This section also
116 provides as mentioned the 15% bonus density, the density increase of 10% is given for the provision of
117 partial or below grade parking as an integral part of the apartment building, the density increase of 5% is
118 awarded for the provision of improved common open space and distinctiveness and excellence in site
119 layout, design, and landscaping. With the awarded bonus density, the project proposes 196 units which
120 is 42 units per acre.

121 Regarding traffic, South Chapel Street is a state road and Haines Street is a city street. The proposed
122 development is not expected to have a significant net impact on the average daily trips through the
123 South Chapel Street corridor over the existing traffic levels and DelDOT has determined that a TIS is not
124 required. The applicant has provided preliminary traffic generation information to DelDOT and the City
125 of Newark and they project that redevelopment will result in an additional 1,216 daily trips. Based on
126 the projected trips being under 2000 an areawide study should not be required by DelDOT. The
127 proposed apartments – regarding parking, they require 490 parking spaces, and 529 spaces are
128 provided. 511 spaces are inside the proposed garage with an additional 18 spaces provided in the
129 driveways and garages of the 6 townhomes that will remain on the property. 11 of these provided
130 spaces will be ADA spaces including two accessible spaces and there will be parking for 98 bicycles - 20
131 spaces in the outdoor parking area and 78 spaces in the parking garage.

132 Regarding design requirements, the project is subject to the requirements of Chapter 27, Appendix XIV,
133 which is for design review for major subdivisions not downtown. Those review standards are included in
134 your report,. which include the appropriateness of design elements and general architectural character.
135 While this property is outside the downtown area where a formal review is typically completed, staff did
136 apply the enhanced submission requirements of Chapter 27, Appendix XIV to this proposal during
137 review and this proposal meets those criteria.

138 Because the rezoning and major subdivision with site plan approval should not have a negative impact
139 on adjacent and nearby properties and because the proposed use does not conflict with the
140 Comprehensive Plan V 2.0, the Planning and Development department does suggest that the Planning
141 Commission take the following action of recommending to Council the approval of the rezoning as well
142 as recommending to Council the approval of the major subdivision by site plan approval. And so if there
143 are any questions for me?

144 Chair Hurd: We'll do that after, alright. Mr. Hoffman, you may go ahead.

145 Mr. Hoffman: Thank you Mr. Chairman. Good evening members of the Planning Commission. I'm
146 Michael Hoffman of Tarabicos, Grosso, and Hoffman here tonight on behalf of the owner and applicant
147 for the Continental project. Thank you, Director Bensley, for the background, it stole a lot of my thunder,
148 but we'll work thorough the presentation and certainly I'll be happy to answer any questions. With me
149 here this evening is the project team, so we are present and available to answer your questions. We
150 have Greg Rishel of Pennoni, he is the civil engineer, and Pennoni's the civil engineering firm for the
151 project. We also have the project architect Ben Garven of Fearn-Clendaniel and again we'll be happy to
152 answer your questions.

153 Just very briefly, and I see that the presentation is teed up, the subject property here tonight and
154 actually you can go to the next slide please. The subject property here tonight as mentioned concerns
155 two parcels of land altogether totaling approximately 4.7 acres combined. The parcels are located
156 between Haines Street and South Chapel Street, south of Delaware Avenue. Next slide please. The
157 property is adjacent to the student housing use which is owned as the Commission knows by the
158 University of Delaware, it's University Courtyard apartments to the east. There are commercial and
159 business zoned property to the north, and the parcels to the south as well as the property at issue here
160 today have as was mentioned, been identified as appropriate for high density residential uses in the
161 City's Comprehensive Development Plan. Last but not least, over to the west is the University of
162 Delaware campus, it's located directly across the street from the property across from Haines Street.
163 The proximity of the University of Delaware campus and the city's planning goals to promote high
164 density residential properties at this location make it a prime location to address the need for additional
165 apartment units in the city. Next slide please.

166 This next aerial zooms in and shows the existing conditions at the subject property. The western parcel
167 known as the University Commons is currently zoned RM, residential garden apartments, and the
168 eastern parcel known as the Continental Court Apartments is zoned RA, residential high-rise
169 apartments. The layout as you can see through this aerial is disjointed and candidly unremarkable and I
170 can say that with some degree of fondness since I actually lived in the Continental apartments when I
171 was a junior and senior at the University of Delaware. I had some good friends of mine live in the
172 University Commons, so I know this property well, I have some good memories but candidly it is ripe for
173 an upgrade.

174 As currently laid out Victoria Court, which is this road that connects Haines Street and South Chapel
175 Street provides both vehicular and pedestrian access between those two streets. While it's ok for
176 vehicle access it is not the best design to promote walkability and interconnectivity. Next slide. This is a
177 current view of the property from South Chapel Street, next slide and this is the view of the building
178 from the other side from the internal surface parking lot. Next slide, if we move back into the aerial, you
179 can see the two points where those two pictures were taken. The next picture will be of the University
180 Commons taken from inside the surface parking lot roughly from this area, I understand right to the
181 south. Next slide. The architecture here is characteristic of many late 1980s townhomes when these
182 structures were actually constructed. Next slide.

183 About 10 years ago the Council approved and it's since been constructed, 6 townhome units on the
184 north side of Victoria Court. Each unit, next slide, as shown in the picture here contains 4 bedrooms,
185 these are *not* proposed for demolition they will remain as part of the proposed plan. Next slide, the rest
186 of the structures you see on the screen however are proposed for demolition. And more specifically, the
187 project proposes to consolidate these two parcels, rezone the University Commons portion to an RA
188 zoning district to match the existing zoning of the Continental Court parcel, and next slide, construct a
189 single building with 190 dwelling units. You can see here where those 6 townhome units will remain
190 with the remnant portion of Victoria Court. Vehicular access will still be provided between both South
191 Chapel and Haines Street as shown on the screen here. But notably now, a separate and designated
192 pedestrian access and connection is provided. This pedestrian access will also double as a fire lane in the
193 event of an emergency. Next slide.

194 Moving over to some renderings. On the screen right now is a bird's eye view from South Chapel Street
195 at a point closer to Delaware Avenue, you can see that designated pedestrian path that doubles as a fire
196 lane as I mentioned before. And whereas the open areas at the property today are largely disconnected,
197 if you recall from that prior aerial, the proposed redevelopment will pull those spaces together and in
198 turn provide a much more usable activated space. As for architecture, you can see, and as the architects
199 noted in their prior submission, the building incorporates brick and glass to provide a solid street level
200 base along with urban facades in the upper floors to balance the building mass. A variety of material,
201 color, and texture helps to promote a dynamic street scape as presented. Also, the corners of the
202 building on South Chapel and Haines include entrance ways and balconies to help define those corners.
203 Next slide please. The next rendering will provide a view from Delaware Avenue looking south from
204 Main Street and here you will see the Tsionas office building and the proposed building as it would fit on
205 Haines Street further down. Next slide. Next will be another image from Haines Street but this time
206 looking north, next slide. And this is the building from that view. The University of Delaware campus is
207 off the screen over to the left. Next slide, moving to the next few we're going to go to the other side
208 from South Chapel Street, looking north, next slide. And as you can see the building with the University
209 Courtyard apartments located off screen to the right. Next will be an image also from South Chapel
210 Street looking south from South Chapel Street but this time closer to Delaware Avenue. Next slide and
211 now this time you can see the University Courtyard over there on the left. And next slide. We'll now shift
212 to the vehicular access which is this portion on the southern part of the building, next slide. Here you
213 can see where the utility area is proposed to be screened, there's a 6-foot-tall fence and then you can
214 see the access to the internal parking structure off of that access drive. Next slide, this next view shows
215 a bird's eye view above the structures to the north so these are the structures located along Delaware
216 Avenue and here you can actually see the top of the parking structure which is surrounded and entirely
217 enclosed by residential and architectural elements, and the design by doing this allows the project to
218 provide the code required parking without looking like a parking structure or parking garage, again it's
219 interior to the structure. The other opening to the right is a courtyard. And importantly, this courtyard
220 will not be accessible by residents. However, by incorporating it into the design the architects are able to
221 provide light to those interior units. Next slide. This next image shows the amenity space along the
222 activated open area that was previously mentioned, next slide. Which then brings us back to the birds'
223 eye view that we started the renderings with. Can we go to the next slide please?

Moving back to this 2D site plan you can see some of those elements that we just walked through such as the internal parking structure, you can see the residential units and architectural elements encasing that structure and this provides the required parking. You can also see the courtyard which again, is not accessible to residents but it included for light and air. And you can see the approximate location of the amenity space, the activated open area along with the associated plan and coordinated landscaping and pedestrian interconnectivity. As for total bedrooms, the building will contain 27 two bedroom units, 71 three bedroom units, and 92 four bedroom units for a total of 190 units as was mentioned previously. Notable the setbacks for this structure are larger than what is required by code. Specifically, the structure is set back approximately 40 to 50 feet from both Haines Street and South Chapel Street. Code requires 30-foot setbacks, next slide. As was mentioned, the project proposes a partial rezoning in that the University Commons portion, which is shown on the screen here in green, is proposed to be rezoned to match the current zoning of the Continental Court and the existing 6 townhomes. This rezoning map largely tells this story, as you can see. The proposal would complete the RA zoning district connection and further the Comprehensive Development Plan's goal of promoting high density residential uses in this area of the city; uses that are consistent with and compatible with the University's institutional uses and the uses to the north and the high density residential uses surrounding the property. There's also additional RA zoned property located further south on Haines Street again similarly promoting high density residential uses adjacent to the University of Delaware campus. Next slide, this slide as was mentioned shows the current land use designation per the Comprehensive Development Plan and next slide. And this slide compares the current land use designation to the future designation. Again, this reflects the Comprehensive Development Plan's push for residential high density uses in this area of the city. Next slide. More specifically the Comprehensive Development Plan notes have consistently encouraged development and redevelopment of apartments within walking distance of the university to provide greater density and more housing units for an increasing student population. This project squarely advances the Comprehensive Development Plan's objectives specifically for this area of the city where the proposed use is the most appropriate again given its proximity to downtown and the University of Delaware campus. Similarly, the proposed redevelopment is consistent with the development pattern in the surrounding area where recent trends have mirrored the Comprehensive Development Plan's vision towards high density residential uses. In fact, this yellow portion right here further south on Haines Street was recently rezoned RA for apartment use. Next slide.

In addition to the proposed partial rezoning, as Director Bensley mentioned the project also requires site plan approval but really only concerning modest relief from one provision of the city code and that is the maximum building lot coverage requirement. This is where it gets a little nuanced, so I apologize for any confusion but if you go to the next slide, on the screen are three sections of the code that are identified in the application as requiring relief under site plan approval again for this application. As Director Bensley mentioned, because the application was filed before the zoning requirements affecting the RA zoning district, the application before you tonight still technically requires and requests relief from all three provisions. Specifically concerning the maximum building lot coverage, additional density and minimum unit size restrictions. However, if you go to the next slide, with the recent changes adopted by City Council back in December only the maximum lot coverage does not comply or is not consistent with this plan under the current RA zoning requirements. Regarding building height as was mentioned, the prior and current versions of the code both restricted height in the RA zoning district to 7 stories. The proposed building is only 6 stories. The finished floor height for the plans is 67 feet but there are elements proposed to go higher than that and that's why it shows 75 feet. Either way, the height is compliant. Regarding minimum lot size, the prior code included both a gross minimum and a minimum required size per unit however the current code only requires the 1-acre gross maximum minimum lot size. So hence the relief being required under the former code that is not required under the current code. Similarly, the prior code included a 36 units per acre density requirement while the current code does not include such a restriction. So again, all of that is to simply say that your materials do correctly identify three provisions requiring site plan approval. But technicalities aside, the pending project is actually consistent with the current City of Newark zoning code except concerning maximum building lot coverage where the current code allows a maximum lot coverage of 30% while the project proposes a coverage of 43.6%.

Regarding that maximum lot coverage, if you go to the next slide, a comparison of proposed existing conditions helps tell this story. So as the Commissioners know the building lot coverage number is based solely on the building footprint so while the current conditions as the property exists today, shows a lot coverage of 20% that is actually in addition to 34% for vehicular paving and parking, comparatively the proposed redevelopment does increase the lot coverage to 43% to support that internal parking

282 structure, but in doing so, this design allows the project to significantly reduce the vehicular paving on
283 the site. The net effect is actually an increase of a little more than 1% of open area than what currently
284 exists on the property. In other words, although the project proposes an increase in building lot
285 coverage the proposed design serves to slightly increase, consolidate, and more thoughtfully integrate
286 open space on the property resulting in a greater emphasis on open area. In that sense the design allows
287 the project to provide the code required parking without surface parking, thus maximizing open area,
288 landscaping, property aesthetics, and amenities. Next slide.

289 Regarding the specific site plan approval standards and criteria, those elements are addressed in greater
290 detail in the submitted material. I won't waste the Commissioners' time of going through line by line of
291 what those elements are here in my presentation but certainly if there are any questions, we'd be happy
292 to revisit them and answer your questions. And with that I will pause, and we'll be happy to answer any
293 questions.

294 Chair Hurd: Alright thank you, we will begin with Commissioner Bradley. So, Commissioner Bradley, you
295 can begin if you have any comments or questions. Alright...

296 Director Bensley: I'll reach out to him.

297 Chair Hurd: Alright, then let's move to Commissioner Kadar please.

298 Commissioner Kadar: Ok, just a few comments. Lines 7 through 75 of the Planning and Development
299 department report talks about a reduction of 71% in the paved area. Congratulations – I'm happy to see
300 that, I think we have way too much concrete running around in the City of Newark to begin with. I
301 support the approval, I'm looking at this and I support the project for some of the following reasons.
302 Based on this increased and vastly improved open space as I've already mentioned, the unique parking
303 facilities treatment. I like the fact that you can't see the parking garage from the street, it's completely
304 hidden inside the building. I'm not fully on board with the unique architectural design part of it. Newark
305 has seen many projects with similar aesthetics recently, I give you The Grove and some of the other
306 apartment buildings that are put up there, they all tend to look a little bit on the modern side with
307 multiple different materials to add "texture" to the design. In fact, it looks like a facility built by the
308 University to house large volumes of students, basically a dorm and I understand that basically that's
309 what it is, but I think there could be a little bit done around the design but that's just my personal
310 comments. The landscaping is greatly improved though at this point anything would be an improvement
311 over the current situation. It fits in well with the existing community as we continue to transition to
312 higher density housing to accommodate students. Per the Comprehensive Plan as you stated earlier, in
313 the area of energy I encourage you to strive for those final 10 points in energy conservation. I'm sure
314 you can find something that will get us over the top. I don't have any comments around the major
315 subdivision, one thing I do have, on lines 304 to 311, in the Planning and Development Department's
316 report. I have a hard time believing that 1,216 additional trips through this already heavily traveled area
317 "is not expected to have a significant net impact on the average daily trips through the South Chapel
318 Street corridor". Does anyone know what the current trips through that corridor are?

319 Mr. Hoffman: Commissioner, this is Mike Hoffman for the record, I do not have the ADT volumes for that
320 corridor to get the raw number. When it comes to trip generation, that number that was identified was
321 based off the ITE Trip Generation Manual 11th Edition which is the manual that's used to generate the
322 trip generation. The specific use is the off-campus student housing essentially, off campus student
323 apartment use, and based on that is where those numbers come down and if you look at that raw, the
324 number that's given is the average daily trip, the trip within a 24 hour period, not in a singular period of
325 time, that's the peak hour trip. But when you look at what those numbers are with that ITE use, that's
326 where the conclusion has arrived that it doesn't have the impact. Just because of what the projected
327 actual trips based on the...

328 Commissioner Kadar: And the only point I'm making is that the average 24-hour trip increase is 1,216,
329 that's a big number, alright. And then when you say it has no significant impact that means that the
330 average 24-hour trips in that area are way higher than 1,216. It's just a very traffic congested area and I
331 find it very hard to believe that 1,216 additional trips during a 24-hour period is going to have
332 insignificant impact.

333 Mr. Hoffman: So, the one thing, and it's fair when you're dealing with the raw numbers in terms of what
334 that conclusion is, everything is relative to your point. In the DelDOT in terms of how they look at trips,
335 average daily trips below 2,000 as Director Bensley mentioned, 2,000 is that threshold where you're

336 triggering, you're going to have to study, you're going to have to gauge the impact. So, when you're at
337 1,200 against that 2,000 that's where that conclusion comes from.

338 Commissioner Kadar: Again, I understand and I'm sure someone will look into it, but just saying 2,000 if
339 the average daily trips in that area are 1,000 and it's under 2,000, no significant impact? I'm sorry that
340 sounds to me like a significant impact. It's just that area is heavily congested to begin with and you're
341 putting in 500 parking spaces inside that building. That's a lot of cars and students like to ride around
342 alright, I'm just saying. Now, on page 52 and 53 the Police Department comments notwithstanding
343 about the central courtyard, I hope that you have a good plan to make sure that the courtyard is clean,
344 picked up, and the landscaping in that courtyard is capable of thriving in low light conditions because if
345 not it will turn into a nightmare as I've seen many in the past do the same thing. The idea is good, but it
346 just doesn't work. Alright, now finally, I intend to support this project. So, those are my comments.

347 Chair Hurd: Alright, thank you.

348 Director Bensley: May I first comment on Commissioner Kadar's comments?

349 Chair Hurd: Sure, quickly.

350 Director Bensley: Commissioner Kadar just so you're aware the applicant has agreed to secure the
351 interior courtyard to where it would be maintenance access only. It would not be open for general
352 access.

353 Commissioner Kadar: No, I understand, I fully understand that.

354 Chair Hurd: I think his concern is that it's a six story too. Commissioner Bradley, we will come back to
355 you. We're not hearing you; you're still muted. Can we unmute him, Katie? Or not?

356 Director Bensley: He's saying he can't unmute.

357 Chair Hurd: Oh dear. Ok, while we work on that we'll move to Commissioner Silverman.

358 Commissioner Silverman: I've got a list of comments...

359 Chair Hurd: Closer to the mic please.

360 Commissioner Silverman: I have a list of comments and they're kind of eclectic. I support this project, I
361 see it as a desirable redevelopment project basically phasing out obsolete structures and bringing more
362 modern structures in, it's appropriate for high density areas, it's found in our South Chapel Street focus
363 area which emphasizes 24-hour student activity, concentrating that activity in an area which is already
364 student like with the other uses that are found around it. Do you know if there is a University of
365 Delaware bus route that services this area? I would assume it would.

366 Mr. Hoffman: I'm not familiar with the specific location but I can certainly look into that.

367 Commissioner Silverman: Ok, I would assume it would be based on the construction and the University
368 use across the street. With respect to some of Mr. Kadar's statements, the trip generation manual in my
369 experience does not reflect how college students who rent in standard type housing the apartments
370 that are being built, actually generate automobile trips. I drove by the Rail Yard about a week and a half
371 ago at 10:00 in the morning on a Tuesday and their parking lot was full of cars. That's a project devoted
372 to students. I know anecdotally that students do not fit the typical traffic patterns, they don't go to work
373 between 7:00 to 9:00 in the morning. And I believe there is a tendency for them to generate less trips;
374 that's never been really studied to my knowledge within the City of Newark, so I tend to discount those
375 textbook national standard trip generation tables at this point. That's why I asked about the bus route.
376 One of the things I like about your presentation and our chairman has commented on this in the past,
377 the illustration I think give a very good human perspective of what this rather large building on paper is
378 going to look like in relation to the buildings around it and from the existing street corners, so I applaud
379 you for that extra. Oftentimes we see an architect's rendering that is in the style of the American Heroic,
380 with large looming structures to show off the building. This places the building within perspectives
381 within the neighborhood. One of the interesting things that I found was, I did some very rough
382 calculations on the interior courtyard, and it covers about 11,000ish square feet I believe. Which is
383 about a quarter of an acre. Since that piece of real estate, it's not the structure, is not available to the
384 residents, it's not part of the living style and it's literally going to be locked away. I really don't think it
385 should be counted as building coverage. The code talks about the building footprint, there is not
386 building footprint within that enclosure, so dropping out another whatever thousand square feet would

387 very easily go toward the goal of dealing with the slight variance in lot coverage. Which I have no
388 problem with. In a previous presentation by the Tsionas group, one of the things they emphasized and
389 I'm not sure if there's a representative here or if you can address that, is the strict activity control they
390 maintain over their properties, we heard testimony and I believe it may have been the building very
391 close to this that you're excluding these townhouses, that they have their own private parking lot
392 security patrols, I don't know whether that still exists, they have an agreement with Newark PD where if
393 there's a 911 call from their buildings, building management gets immediately notified whether or not it
394 results in a police report and I understand that the management of Tsionas does investigate those kinds
395 of incidents and I also understand from the previous testimony that there are a number of things
396 written into the rental agreements that puts the continuation of living in those units in jeopardy. So, this
397 idea that this is going to be an uncontrolled congregation of students I think falls by the wayside with
398 this particular management. And I think it's ironic that the police department in their report had
399 questions about an enclosed, highly controlled courtyard when not too long ago when development was
400 taking place along Benny Street and in Focus Area 4, one of their large issues was the open space
401 between residential units and developed units and how that open space turned into spontaneous,
402 uncontrolled partying with no one really being in charge. Let me just double check my notes here...that's
403 all the comments I have thank you.

404 Chair Hurd: Thank you. Commissioner Bradley, do we want to try again? Your microphone is off it looks
405 like.

406 Commissioner Bradley: Was that me? I can barely hear the chairman, apologies. Thank you. I think it's a
407 nice presentation, a couple of questions and I might bounce around here a little bit so bear with me. Can
408 you tell me what the existing number of units versus the proposed number of units will be for this entire
409 site?

410 Mr. Hoffman: Yes, Mr. Bradley let me confirm I believe it is 79 units existing and there are 190 units
411 proposed.

412 Commissioner Bradley: Ok, thank you. Alright let's see...on the impervious area, does that include the
413 wavy paved area that's out in front of the building? Is that included in your calculations?

414 Mr. Hoffman: It does not Commissioner, and I'm looking at my team to keep myself honest, my
415 understanding is that the driveway and the wavy, I'm going to call it the technical term "the wavy" is
416 that included in...

417 Chair Hurd: Your pedestrian slash fire lane.

418 Mr. Hoffman: Yes.

419 Commissioner Bradley: So that is, or it is not?

420 Mr. Hoffman: My understanding is that it's not, our engineer is going to check. My understanding is that
421 when we're talking about the pavement is that vehicular pavement, not the pedestrian pavers.

422 Commissioner Bradley: So, if that's the case then there's quite a bit more impervious area than originally
423 proposed is that correct?

424 Mr. Hoffman: No, so keep in mind what we were trying to show with that graphic is that under the code
425 when it talks about building coverage and vehicular pavement, it doesn't get into impervious, so
426 sidewalks and whatnot. So those measurements are purely to mirror what the code looks at with those
427 items.

428 Commissioner Bradley: So, we don't have an impervious requirement for this type of project?

429 Mr. Hoffman: Correct it, Director Bensley go for it.

430 Director Bensley: So, it's considered an open area not impervious cover when you're calculating it. So
431 when you're looking at pervious versus impervious, you know vehicular paving can be both depending
432 on what materials you're using. The sidewalks and whatnot can be both depending on the type of
433 materials you're using. So, when we are looking at the calculation we break it down into three
434 categories, of building, vehicular pavement and the open area.

435 Commissioner Bradley: Ok, so just for my clarification, the open area would be anything not building and
436 not vehicular access, it would include grass and sidewalks in the open area?

437 Director Bensley: That's correct, yes.

438 Chair Hurd: Yes.

439 Commissioner Bradley: Is all of the stormwater runoff on this project going to the underground
440 systems?

441 Mr. Hoffman: Yes, it's being treated underground, I'm looking at the civil engineer and Greg is nodding
442 his head yes, the answer is yes.

443 Commissioner Bradley: And I believe in one of them, let me see here, let me come back to that. There
444 was a comment in here from the stormwater agency that the discharge is taking longer than, the way I
445 read it, the discharge from that system is taking longer than they would have liked, is that correct?

446 Mr. Hoffman: I think on that question I'm going to bring Greg Rishel up, he's the civil engineer, we have
447 reached the point of the presentation that is beyond my knowledge.

448 Chair Hurd: Thank you, just please identify yourself for the record.

449 Mr. Rishel: Yes, Greg Rishel from Pennoni and Associates. This is a simple question to answer. We're
450 holding the water too long, they want us to release it a little bit faster and we've kind of overdesigned it.
451 It was conservative.

452 Commissioner Bradley: Ok so you're actually just holding it too long, it's not being discharged too fast.

453 Mr. Rishel: Correct.

454 Commissioner Bradley: Ok, I was just looking at that backwards then. So basically, no stormwater from
455 this site is going offsite then? Is that correct?

456 Mr. Rishel: There may be a small amount around the perimeter or the fringes, but the roof area will be
457 collected and all the impervious areas in the back are intended to go towards the underground system
458 so that there's no net increase in runoff from current predeveloped conditions to post development
459 proposed conditions.

460 Commissioner Bradley: And there's no way the city would be responsible for those underground
461 systems, right?

462 Mr. Rishel: It's on private property, so no. It would be the responsibility of the owner of the property,
463 the applicant.

464 Commissioner Bradley: Ok, let's see...so bouncing around a little bit here again, the landscape plan. I see
465 that they're doing 70% native plantings, is there any reason why they couldn't do 100%?

466 Mr. Rishel: No, we can do 100%.

467 Director Bensley: I can speak to that.

468 Chair Hurd: Ok, Director Bensley-

469 Commissioner Bradley: Was there any discussion on adding solar to this building?

470 Mr. Hoffman: Was there a question on the landscaping?

471 Chair Hurd: Director Bensley had a comment on that.

472 Director Bensley: I will say that our Parks and Recreation department when reviewing these often
473 recommends a split, while a majority native, having some non-native plants in there that are non-native,
474 non-invasive plants that are more resilient for the particular landscape that they're being placed in. So
475 that would be the reason there would be a split rather than there being 100% native.

476 Commissioner Bradley: Ok, so Parks and Rec is good with the 70%?

477 Director Bensley: Yes.

478 Commissioner Bradley: Ok.

479 Mr. Hoffman: Commissioner, on your solar question. And that goes back to the point about the energy
480 conservation number. We didn't want to come in front of this body and commit to something that we
481 hadn't vetted and confirmed. So, it is our intention to get to the 10 points but until we actually write

482 that out and calculate where I can stand here and say we're meeting it, we didn't want to come in front
 483 of this body with that representation. One of the questions is solar. We're looking into it just making
 484 sure it pencils out in order of being able to incorporate it on the structure to get the bang for the buck,
 485 those we're working out. But it is the intention to work towards and achieve those 10 points.

486 Commissioner Bradley: Ok. Speaking of the roof area, I'm assuming that's where most of the mechanical
 487 stuff will be?

488 Mr. Hoffman: Ben Garvin, our architect is nodding yes.

489 Commissioner Bradley: Ok, and will any of that be visible from the street?

490 Mr. Hoffman: Ben Garvin is shaking his head no.

491 Commissioner Bradley: Thank you for the head shakes. And there's going to be landscaping in the
 492 courtyard you said?

493 Mr. Hoffman: Yes, that's the intention. Access would be limited to maintenance staff to be able to
 494 maintain it, noting the comment of making sure whatever's there can survive given low light, or that's
 495 not constant light.

496 Commissioner Bradley: Will any of the interior units that face the courtyard, do they have operable
 497 windows? Let's say the first-floor units could open the window and gain access to the courtyard?

498 Mr. Hoffman: No, so the windows will be restricted in terms of you can open them to get airflow, but
 499 you cannot fully open them to exit the unit or throw something out of the unit.

500 Commissioner Bradley: Ok, and do you have, I don't know if you can answer this or not, proposed rents
 501 for these units?

502 Mr. Hoffman: I don't know, I don't have that number right now. It'll be market, I just don't have what
 503 that number is.

504 Commissioner Bradley: Do you know if there's been any accommodation for graduate students? We
 505 hear a lot in different meetings from grad students from UD that are on stipends that can't really find
 506 places to live in Newark. And I'm thinking this would be, even if you could designate maybe one or two
 507 units for grad students, is that something that's worth discussing?

508 Mr. Hoffman: The challenge is, well we can't even designate student housing. You have to be able to
 509 provide the units, you provide the rent, and if somebody is willing to execute the rent contract, they are
 510 able to live. So, to designate grad student or otherwise, it's not something we can do. But again, I can
 511 look into the rent numbers.

512 Commissioner Bradley: The only other question I had might be more for the Planning Director. In the
 513 packet you had given out there's a section that shows where things were, where properties were
 514 rezoned from one to another, there's like 3 pages of it and that stops at October of 2021 and I'm
 515 wondering if there's been more, it's page 138?

516 Chair Hurd: The Comp Plan.

517 Commissioner Bradley: On the packet, I'm just curious if there's been more rezoning or anything to add
 518 to that list since October 21st.

519 Director Bensley: So, what you're seeing on that list, those are pages from our Comp Plan. So once that
 520 was approved, that's not continuously updated.

521 Commissioner Bradley: Ok, that makes sense. I think that's all the questions that I had. I would like to
 522 say that it was a nice presentation, nice graphics, pretty thorough in my opinion and I will be inclined to
 523 support this project. Thank you.

524 Chair Hurd: Alright thank you. Commissioner Stine?

525 Commissioner Stine: I agree with the other Commissioners when I say it's a nice looking project and I
 526 commend you for your design particularly with regard to the parking, I find it a relief that you're not
 527 asking for parking waivers because I don't know if I could possibly calculate that but I'm also amused
 528 because obviously you do feel that people bring cars, other projects say they don't bring cars so I don't
 529 know whether students drive cars or not. But to your point I will say the Rail Yard has had little to no

530 significant impact in my neighborhood in any event, so. Thank you for including enough parking for all. Is
531 there on-site management in this building?

532 Mr. Hoffman: I don't believe there's on site, but just to double back on a couple things as Commissioner
533 Silverman mentioned, Tsionas has a good reputation in the city in terms of management, they do have
534 their own security team, they do have cameras in the garages, and they do take the management of
535 their properties seriously. I don't believe there's specific on site, but their office is right down the road,
536 but again they hire security, and they take those steps. One thing I will note again anecdotally when I
537 lived at the Continental, I had a car and it sat in the parking lot. So, I think anecdotally there is support
538 for that.

539 Commissioner Stine: I'm going to figure out the student parking situation one of these days. What's the
540 clubhouse?

541 Mr. Hoffman: So, there should be, the amenity space is internal, but when you say clubhouse do you
542 mean?

543 Commissioner Stine: There's something labeled the Clubhouse on the design plan.

544 Mr. Hoffman: Yes, and if we could, that's the first-floor amenity space, so that'll be your gym, and your
545 recreational space and whatnot. As you enter the main area, that's your residential amenity space
546 within that section. It has access to the front porch and the outdoor activated space.

547 Commissioner Stine: Ok, and the boxes on the roof in the drawing, those are HVAC units?

548 Mr. Hoffman: So, on the in terms of the boxes. Ok, yes, so this is the parking structure and then
549 obviously access to the parking structure and then as Ben's point before, there are going to be utilities
550 on the roof, they're going to be set back and shielded from view from the streetscape but there will be
551 utility, HVAC, and mechanical equipment on the roof.

552 Commissioner Stine: Ok, so there won't be any on the ground?

553 Mr. Hoffman: Ben's shaking his head no.

554 Commissioner Stine: Ben says no. Think the Rail Yard, right? We're not going to get any surprises, no
555 room for surprises, ok. So, the utilities behind the fenced area, are those water meters?

556 Mr. Hoffman: So, if we actually go, yes, right here. So, this over here is kind of a loading area and over
557 here is a mechanical room, Ben, it's listed on the plans as a mechanical room, what is in the mechanical
558 room?

559 Chair Hurd: Sir, you'll need to come to the microphone, thank you.

560 Mr. Garvin: Hello, I'm Ben Garvin with Fearn Clendaniel Architects, as far as the screened in area down
561 there, this is the back utilities base, as he said the one access door adjacent to that would be going into
562 trash and the utility spaces. We have the electrical room that would be accessed down of there, the
563 metering and then within that screened in area at this time, I mean one of the things that had come up
564 in the review was the final placement of the transformer that we are going to coordinate as we move
565 forward, especially once we get the engineers involved. We were providing that space as one of the
566 possible locations but the final location where that's going to be is to be determined until we get into
567 that next phase.

568 Commissioner Stine: The transformer still shows in the plan as being internal.

569 Mr. Garvin: Right and that's one thing, just because of the requirements within the City of Newark and
570 the power they don't allow you go inside the building like other locations. So, we're going to be looking
571 at focusing on a final resting spot for that. Our preference would be to get it in the back, right down
572 from that main street then making sure it's screened from view.

573 Commissioner Stine: And also, Ben that raises my next question, which you touched on, is trash. How is
574 the building going to be handling trash?

575 Mr. Garvin: Basically, within that storage, that large roll up door they'll actually have internal storage
576 containers that the trash will be collected in, trash truck will basically come in, roll over the individual
577 containers and be dumping them into...

578 Commissioner Stine: Individual containers?

579 Mr. Garvin: Well, when I say individual, I mean they're small enough that they're manageable versus
580 having one large massive dumpster that would be (inaudible) not necessarily per unit.

581 Commissioner Stine: Ok, so similar to a residential container?

582 Mr. Garvin: No, it would be larger than that, but it won't be –

583 Commissioner Silverman: It'll be about the size of that box back there.

584 Commissioner Stine: Got it.

585 Mr. Garvin: About that size yes, it has to be a wheelable size when you're accessing it that way.

586 Commissioner Stine: Ok so will residents have to walk down with their trash or is there an internal, is
587 there a trash chute or something?

588 Mr. Garvin: Right now, that's to be determined, we haven't taken it far enough through there yet. It
589 really depends on the owner's direction and how that whole thing works out.

590 Commissioner Stine: Alright. HVAC units...ok, that's it. That's all I had, thank you.

591 Chair Hurd: Ok, thank you. Commissioner Williamson?

592 Commissioner Williamson: Thank you. Start with some clarifying questions. On the unit floor plans the
593 closets are accessed from the bathroom. Why is that, why wouldn't you have a closet?

594 Mr. Hoffman: Again, this is a Ben question, Ben if you could come up?

595 Mr. Garvin: Currently the way, the initial design of these floorplans had begun looking at the ability to
596 create the almost like a suite like condition that's one reason that the bathroom and the current layout
597 is designed, so that to be able to access through there was the most efficient and effective way to use
598 those spaces. At this stage, that was kind of the direction we'd been going. I know there's probably
599 going to be time, especially as we start going forward into the next phase of the project, that there'll be
600 refinement within these plans.

601 Commissioner Williamson: Alright, thank you. So, overall if I've got my numbers correctly, 659 bedrooms
602 compared to 205 currently? Which is a 350% increase in bedrooms, and that translates to people, so
603 you're looking at 650 residents' full occupancy. Are the leases limited to one person per bedroom?

604 Mr. Hoffman: So, I don't have the answer to that, but I can check and confirm. My understanding of the
605 current market is that the answer is yes, but I don't know that to be able to answer that today. But I can
606 look into that.

607 Commissioner Williamson: The reason I ask is because you already have 650 people, but it could go
608 upwards to 1000.

609 Mr. Hoffman: And I apologize, again I will confirm that, but I believe that it's, a bedroom is a bedroom.

610 Commissioner Williamson: So, 650 students arriving at basically the same 3 to 4 days at the beginning of
611 a semester and leaving at the end of the year, how many elevators are in the building?

612 Mr. Hoffman: Looking at Ben, how many elevators are in the building? To be determined, that'll be a
613 final construction detail.

614 Commissioner Williamson: I'm just wondering how that will work when you have all these people
615 dropping off furniture, because it's not furnished right?

616 Mr. Hoffman: Correct, it is not furnished.

617 Commissioner Williamson: So, imagine 650 people trying to bring beds up 6 flights of stairs or waiting on
618 a handful of elevators all in the same 3 or 4 days of move in and then the end of the year, the reverse.
619 And I think we've all seen many times around the end of the year in May, the trash can get incredible
620 because everyone tosses their furniture or leaves their stuff behind. So, I'm wondering, there's almost
621 this unique market you want to go after which is fine, but they also have unique characteristics. And I'm
622 hoping your company, and this goes to another topic and that's the management. It won't necessarily
623 always be your company. You could sell this building as soon as it's finished, and the next management
624 company doesn't do the same things you do. What guarantee does the city have that there's going to be
625 good management? I think anyone who lives around the college campuses knows a building with a lot
626 of, basically a dormitory, a big dormitory and you know there's going to noise complaints, policing calls,

627 trash, and so on, and it could become a headache. Now I'm taking worst case scenario, no one wants
628 that to happen, could there be a condition of approval of a very binding management plan that runs
629 with the project not just dependent on one owner who happens to be here right now doing the right
630 thing. That would be my strong suggestion and get it in writing and get it enforceable by the city.

631 Mr. Hoffman: What I would say Commissioner is that all of the challenges and logistics that you
632 mentioned are certainly not unique to this property, there are other properties in the City of Newark
633 that navigate those challenges and there's an expectation for good reason in the city, that they do it and
634 do it well. Tsionas Management has been in the City of Newark, their reputation and record speaks for
635 itself in terms of their ability to do this and their intention of not flipping properties. Again, Tsionas owns
636 this property and Tsionas owned it when I lived here and went to college. Again, this is their business
637 model, and this is what they're known for but again in terms of the logistics, the trash, and the
638 management and all of these it's not a unique item to this building and it's not unique in Newark in
639 terms of being able to deal with that and setting the expectations for that.

640 Commissioner Williamson: Alright. In the parking garage, correct me if I'm wrong, it's fully enclosed?

641 Mr. Hoffman: Correct.

642 Commissioner Williamson: And the roof has the open section. So, that's going to be completely lit 24/7
643 and have to have complete air circulation, how many, I'm assuming, is there an elevator in the parking
644 garage? If not, how many staircases?

645 Mr. Hoffman: Looking at Ben here, do we have the details on the elevators in the parking structures, are
646 there any? I saw the one stair tower, but certainly the number of stair towers for...so again when you
647 get to the construction is when you get those details and finalize it. One thing I will note on the parking
648 structures I noted before, going back to your question on logistics and management of the property that
649 Angela Tsionas the principal was adamant about is having security, having cameras, and making sure it's
650 well maintained and secured.

651 Commissioner Williamson: And I would again, there's no guarantee that your company would own this,
652 you could sell it at any time. No reflection on your company but theoretically that could happen.

653 Mr. Hoffman: And again, I think that the questions in terms of not being unique to this property and
654 within the city and I think the city is also well equipped and well versed in these items.

655 Commissioner Williamson: Ok. I'm familiar with, is this the term Texas Wrap? You've probably heard of
656 it; this is a Texas wrap right? Where the type 5 wood construction wraps around a concrete parking
657 garage. I've seen these, what I'm not seeing of course is any direct access from any of the parking decks
658 into the hallway right on the other side of the wall which would really help people not have to go
659 downstairs in the parking garage into the building and then back upstairs with groceries and whatever
660 else you're carrying. Going through a fire wall can be done with the proper doors. And the ones I've seen
661 frankly have an access on every floor so you can park on the second floor and walk onto the second floor
662 of your building. And it's safer, and it's certainly more convenient for the residents. I'm assuming there's
663 no plan to do that at this time. I didn't see it in the plans, or is there. Question.

664 Mr. Hoffman: Yes, it's not shown on the current plans, but we'll make a note of it and take a look at it.

665 Commissioner Williamson: Well, my concern is that we only get one shot at this now and it's not there.
666 And "we'll take a look at it" means that's not a commitment and frankly I'm not going to support the
667 project as I see it today because of this and some other issues. While you don't say that you're not going
668 to do them they're not in the plans.

669 Mr. Hoffman: And Commissioner the challenge when you get to the entitlement versus the construction
670 is you don't have an opportunity to go through and refine the design. And my answering the question is
671 based off of what we have, the floorplan and the entitlements and the zoning questions which is what
672 we're before the Commission looking at and addressing, recognizing full well that these questions are
673 good questions getting to the construction plan, we're just not at that process.

674 Commissioner Williamson: Ok, I've got some more. Garage connections, the "wavy" as you call it, which
675 gives you the setbacks that of course is for firetruck access. Designed for the weight of the fire trucks
676 and so forth and I assume the fire department has no problem going up 6 or 7 stories with ladders and
677 the building will have all the proper risers and fire control and sprinklers. All that's great for fire, but
678 does the fire department require that the paved area have no obstructions? What's the width that
679 there can be no obstructions for their trucks?

680 Mr. Hoffman: I'm looking at Greg, do you want to come up and talk about the width of the fire access?

681 Mr. Rishel: In order to serve as a fire lane by city and state regulations, 24 feet and that's what it shows
682 on the plans, and it would be unobstructed.

683 Commissioner Williamson: So there could be no plantings, no benches, usually nothing for 24 feet wide
684 all the way around the building?

685 Mr. Rishel: Correct.

686 Commissioner Williamson: Ok, just wanted to note that.

687 Mr. Rishel: Temporary moveable, if somebody wanted to put a chair there but it's you know.

688 Commissioner Williamson: Is the wavy fire truck access area being counted as open space I guess?

689 Mr. Hoffman: Open area, yes.

690 Commissioner Williamson: Ok. How do you ventilate the garage, that's going to have a pretty big HVAC, I
691 don't know and where would that be in the building and equipment?

692 Mr. Hoffman: These are all good questions, but way over my head.

693 Chair Hurd: Commissioner we are starting to get into the construction,

694 Commissioner Williamson: Well, these are things I think are important.

695 Chair Hurd: But that's not our scope.

696 Commissioner Williamson: But I can ask them, can't I?

697 Chair Hurd: I mean you can ask, but I'm just going to say –

698 Commissioner Williamson: Then I'm just bringing them up, I want them in the record.

699 Chair Hurd: Ok.

700 Mr. Hoffman: And again, the challenge is a lot of this has not been vetted because you're not in the
701 construction plans.

702 Commissioner Williamson: I understand.

703 Mr. Hoffman: At this point, HVAC on the roof is the intention? Well again when we get to the
704 construction, we'll...

705 Commissioner Williamson: In the building side with the courtyard, that's double-sided hallways, double
706 loaded hallways? So, some units face in and some face out?

707 Mr. Hoffman: Correct.

708 Commissioner Williamson: And on the other building it's the single sided I assume because they're up
709 against the parking garage.

710 Mr. Hoffman: Yes.

711 Commissioner Williamson: Ok. So, putting a doorway to the parking garage presuming the deck is near
712 the floor is really going only through one wall or two walls. The wood wall of the building and the block
713 wall of the garage. Ok, I just point that out. I asked about elevators, I asked that question...in the lobby
714 will there be, and I know this is another detail question, but I just recommend I guess that there be a
715 package delivery security type facility for people getting packages. And so, the city has above grade, well
716 could you describe where the electric, how the electric gets to the building? It seems to be underground
717 to some pole somewhere and where is that?

718 Mr. Hoffman: Greg will address that one.

719 Mr. Rishel: There are two potential pole locations that it could be pulled from. The plans are showing
720 the intention is an existing pole approximately in the middle of the site on the site side of Chapel Street,
721 it will come down the pole underground, run around and enter the rear of the building in that
722 approximate utility area of the plan that's you also saw on the renderings with the fence around it.

723 Commissioner Williamson: So, that facility which is nearby where it comes down the pole, does that
724 itself have to have fencing and any type of structure there?

725 Mr. Rishel: No, it's just conduit, it just runs up the side of the pole it's already existing.

726 Commissioner Williamson: Ok, thank you. I was just worried there was some big gadget out there that
727 shows up. So, I'm going to switch to sort of more opinions, and this is where I get to not worry so much
728 about the code, when I state an opinion, alright. I think the building's too big frankly. I wish there had
729 been another design, did you look at other designs where you perhaps had two buildings, one facing
730 each street and the parking garage in the middle? The parking garage in the middle could have been
731 accessed from both sides, could have been open air to some extent to allow for natural ventilation and
732 still give your units in two buildings, one facing each street, you know, not that, I know we don't have to
733 go into this, but I wonder whether this could have been done differently. Perhaps you did look at
734 alternatives and this was your best choice from your point of view. I think the massing is out of scale of
735 the current area, you know it's big. It sets a precedent, and that's the city's policy, to go to 6 or 7 stories.
736 I'm concerned about the functionality, we talked about that. And I'm concerned about management, so
737 I'll stop with that. I just wish it were different I guess and that's just a personal opinion. And based on
738 personal knowledge, I've been on college campuses where large 5 or 6 story apartment buildings
739 become noisy and the students want out the next year because they don't like them compared to living
740 in a two story house somewhere that's relatively quiet. I just again, that wagon's out of the garage and
741 so forth but that's just an opinion, comment, observation. Ok, thank you.

742 Chair Hurd: Thank you. I just have a few things to tack onto the end here, I guess from all the good
743 discussion. I will say that I concur with Commissioner Silverman about the use of ITE as a tool in a
744 situation like this where it is so clearly a pedestrian and transit-oriented location. I live at the bottom of
745 Haines Street. Haines Street itself gets very little traffic, Chapel of course backs up but that's mostly
746 people coming over on Wyoming and coming up. I think there's very little traffic coming onto Chapel
747 Street from the residences, at least during rush hour time. I would comment just that if you could do
748 something to the rear elevation to make it a little more lively. So, that the elevation facing you see from
749 Delaware Avenue has all the color, it has all the swooping and the back one which you're going to see a
750 lot going up and down is fairly plain. I would love to see a little more attention given to that. I will
751 suggest in the terms of stormwater management and thinking about coverage of the lot and such, I'm
752 always glad to see basically roof take the place of parking lots, because it's much easier to control the
753 water coming off of a roof then off a parking lot even with grading and such, contaminants and such. So,
754 I feel like that's a good trade off. And I appreciated that comparison chart showing existing coverage of
755 various things and what we have now and how it sort of balancing out. In the packet itself, one
756 comment to the department. I will ask again in the site plan approval when you do that, if we could have
757 a percent difference, it's one thing to have the different amount but then the different percent helps
758 because then it would be easier to see that 26.3% is 118%, so it's a significant number. We talked about
759 energy conservation, I would agree to do what you can to hit that. This is more for probably the city and
760 DelDOT it's – I do think we should be keeping an eye on the Haines Street light. I do see that backing up
761 at certain times of the day, you can only get about 3 or 4 cars through, especially for people trying to
762 make left turns. So, I would love to see maybe some adjustment because of this project and that
763 attention. Alright. I think that does it for me. So, we'll move to public comment, unless there are any
764 Commissioner follow up comments or questions, mostly questions? And we'll start with submitted
765 public comment. Katie, are you ready?

766 Ms. Dinsmore: Yes, we have four submitted public comments, do you want me to just go through all of
767 them first or alternate?

768 Chair Hurd: Yep, all four please yes.

769 Ms. Dinsmore: Alright, the first one we received was from Bob Stozek in District 1, "The architect's
770 rendering in the Post is ugly beyond words. This is what they consider the 'new fabric of Newark'? It
771 looks like post WWII Berlin. I have proposed for years that renderings be required to include the
772 surrounding properties so a true vision of the development is seen. Drawings such as this are all smoke
773 and mirrors re: representing what will actually end up being built. This is a massive structure that will
774 overshadow the entire area and of course, once built will be a harbinger of future development since
775 the precedent will have been set."

776 Moving to the next public comment, this is from a Mr. Everett Ramer, "Dear Newark Planning
777 Commission, I am a resident of Newark and purchased my home at 117 East Park Place seven years ago.

778 I know how expensive, even a small 1950s home, can be. I am recently retired from UD, where I worked
779 with graduate teaching assistants. UD staff and graduate students should be able to live in Newark, and
780 not have to commute from Elkton. Finally, I am a member of Calvary Baptist Church and volunteer
781 regularly in its ministry to those in Newark who are experiencing homelessness. Many of these persons
782 were born and grew up here in Newark and may have been in school with some of you. It is next to
783 impossible for us to find housing for them. My request is that, going forward, you ask developers like
784 Tsionas and Lang to build affordable housing as a requirement for your approval of their proposals. But
785 do this in consultation with those needing affordable housing to see what their needs are. Keep in mind
786 that for someone getting \$900/month a \$2.00 bus fare is a lot of money.”

787 And let me pull up the other two, the next public comment that we received was from a Mr. Collin
788 Willard. “Hello, My name is Collin Willard and I live in Newark at 120 Wilbur Street. I'd like to make
789 public comment on agenda item #3. I support modifications to the current zoning designation to allow
790 for denser development on this parcel. I lived in the University Commons townhouses during the 21-22
791 academic year, and the best part of living there by far was the location. This parcel is extremely close to
792 both Main Street and key university facilities. Adding density in this location would not only address the
793 urgent need for more housing in Newark, but it would also put more students in close proximity to the
794 University and to Main Street, which is vital for addressing traffic concerns in Newark. However, I think
795 the planning commission and the developer should give strong consideration to rezoning this parcel to
796 BB rather than RA. As designed, the proposed development allows for an excessive amount of parking
797 that could instead be utilized by additional housing units. Rezoning to BB would allow the property
798 owner to decouple parking, so that students who do not need a car do not have to pay excessive rates.
799 This parcel is located in an area with several multi-modal connections--mobility on foot around Newark
800 from this location is easy, but it is also very close to the newly-added bike lane on East Delaware Ave.
801 and also in close proximity to the Newark Transit Hub. This is located in an area where a car-free lifestyle
802 is actually quite feasible due to the multi-modal options in the surrounding area, which aligns heavily
803 with the Newark Sustainability Plan. The current owner of the property owns an adjacent property on
804 the corner of Haines Street and East Delaware Ave that is zoned BB, so extending that zoning to this area
805 would not be out of character for this part of Newark. I urge the commission and the developer to
806 reconsider this rezoning request to minimize the amount of cars present in this area. In my view,
807 upzoning in this area is an excellent idea. But the recently adopted ordinances for parking minimums
808 mean that we have the tools to add density without adding significantly more cars in the area. This is a
809 great opportunity to incentivize UD students to live a car-free lifestyle.”

810 And our last comment is from a Mr. Bruce Reinhold – he’s commenting on the traffic. “When is too
811 much traffic, too much? Adding hundreds of new student apartments along South Chapel Street in the
812 two proposed developments seems extremely reckless given the current traffic in town. Main Street,
813 Cleveland Avenue, Delaware Avenue along with the other main roads in town are already jammed and
814 backed up. I think adding more student apartments along South Chapel doesn’t make sense without
815 addressing traffic problems we already have.” And that is the end of submitted public comment.

816 Chair Hurd: Alright thank you. We’re going to open the floor to public comment, just to remind people
817 of our rules around public comment. Each person providing comments should be allotted 5 minutes per
818 person, public comment should pertain to an agenda item and must be directed to the Planning
819 Commission. Person providing comments may only orally comment once per agenda item and those
820 providing comment should state their full name, district, or address for the record. Alright, we will begin
821 with anyone present in the room that wishes to give public comment on this item? Alright seeing none,
822 if there’s anyone online who’s indicated or is indicating that they wish to give public comment? Ok, we’ll
823 take it, I know we’re outside the window but.

824 Ms. Dinsmore: Yeah, we received the comment during the meeting. This is from a Ms. Joan Schrider.
825 “Hello commissioners, one of the reasons we moved to Newark, specifically Oaklands, four years ago
826 was its walkability. That aspect of life in Newark is continuing. The other reason for our move here was
827 the small-town look and feel of Newark. That is very much under threat as very large buildings, whether
828 commercial or residential, seem to have become the norm. This is very distressing to us. We don’t like it
829 and we don’t understand it. We ask ourselves, “Who benefits from these huge buildings?” It’s easy to
830 see how the developers benefit: rents multiplied by occupants=gross profits. The University benefits by
831 off-campus housing expanding for its students without UD paying for it. How does the city benefit? We
832 would like to understand the economic benefit for the city. Real estate tax income from somebody?
833 Utility payments? Parking fees? A boon to local businesses? We would like the city to show us how
834 these large developments are beneficial to its bottom line. Then, maybe we could weigh the pros and

835 cons in a rational manner. Do we need these huge buildings to stay afloat financially? Or could
836 development that doesn't destroy the small-town ambience of Newark be economically feasible too?"
837 And that is it.

838 Chair Hurd: Ok, there we go. Thank you. So, there's no one online indicating? Going once, going twice,
839 alright I'm closing public comment and bringing it back to the dais. I will just say actually on that last
840 comment, there is a section in the report that talks about the economic, I forget how you phrase it, but
841 the economic impact of the project both in the first year and in the ensuing years which is tied to fees to
842 the city, real estate taxes, utility revenue. So, that is something that the department does and is doing a
843 better job than when I started on Commission. It was a little more vague, it's certainly much more
844 detailed now. I saw Director Bensley had a couple of follow up comments on, or addressing comments, I
845 don't know how to phrase that.

846 Director Bensley: Ok, so I did phone a friend on the traffic issue, our Director of Public Works. He
847 indicated that the current ADT on Chapel south of Delaware is 10,000 trips per day and that is from 2021
848 data but that is somewhat normal in the city. He noted that those trips are not likely to take place during
849 peak hours, and the proximity to campus means that it's more of a parking lot than a commuter
850 generator for this particular parking area. He also noted that 2,000 trips is a standard for further study,
851 so this is well below that and an operations analysis will likely be necessary but that won't necessarily
852 result in any upgrades because in looking at possible upgrades, additional lanes, etcetera those are not
853 really possible in Chapel Street and would not result in meaningful capacity. He did also note that this
854 project does filter out on both Haines and Chapel Street. So, all of the traffic would not necessarily be
855 going onto Chapel Street coming from this development. The second item regarding move in and move
856 out. Typically, what we find with move in, because most landlords tend to go on a June 1st to May 31st
857 lease year in Newark. So, what we see with move in is that it's typically spread out throughout the
858 summer before school starts depending on the plans for those particular students whether they are
859 staying here over the summer, or whether they have internships in other places or go home for the
860 summer so the move in portion tends to be a little more spread out in terms of getting things up and
861 down. Move out tends to be a little crazier because everyone's coming right after graduation, or right
862 after the end of the school year, we do work with our landlords throughout the city to do programs like
863 "UDon't Need It" where we take folks when they're moving out and they have additional things that are
864 still usable but not that they don't necessarily need anymore, they can be taken to where other people
865 can purchase and repurpose them, we also do you know, work with folks to have dumpsters, have you
866 know control of whatever is left behind from the students as they're moving out. I would also say this
867 property along with any other property within the city is subject to our new Nuisance Property
868 Ordinance so if there are excessive problems with noise or with furniture being left everywhere at move
869 out. If they accrue citations if they become a nuisance property, they will be dealt with under that
870 ordinance as well. And the only other thing is that when, Greg, can you confirm, our planner who did the
871 review of this project thought that the courtyard was already deducted from the building coverage? Yes,
872 ok. So, that is included in the open area section of the plan. So, I think that covers everything that I've
873 got.

874 Chair Hurd: Ok, we'll take one last go round. Commissioner Kadar any last questions or comments?

875 Commissioner Kadar: Just one additional comment, this is the first project in, I want to say a few years I
876 don't know if that's totally accurate, that's actually proposed more than the straight 2-bedroom
877 apartment building. And with the 3 and the 4 bedroom apartments I think that's a step forward, it gives,
878 we talked about our graduate families, and other families, an opportunity now to move into a
879 conveniently located building and not have to deal with anything more than 2 bedroom apartments. So,
880 I think that's a move in the right direction.

881 Chair Hurd: Ok, Commissioner Silverman?

882 Commissioner Silverman: I have no additional comments.

883 Chair Hurd: Alright thank you, Commissioner Stine?

884 Commissioner Stine: I have no additional comments.

885 Chair Hurd: Ok, Commissioner Williamson?

886 Commissioner Williamson: No additional comments.

887 Chair Hurd: Commissioner Bradley?

888 Commissioner Bradley: No additional comments.

889 Chair Hurd: Ok and I, I don't think I do either. Alright therefore we will move to the vote. Secretary Kadar
890 if you will?

891 Commissioner Kadar: And first we'll talk about the zoning...

892 Chair Hurd: Can you get a little bit closer to the mic?

893 Commissioner Kadar: First we'll talk about the zoning. **Because it should not have a negative impact on
894 adjacent and nearby properties, and it is consistent with the Comprehensive Development Plan the
895 Planning Commission recommends that City Council approve the rezoning of 2.07 acres at 101 Victoria
896 Court from the current RM – Garden Apartments zoning to RA – High Rise Apartments zoning as
897 shown on the Planning and Development report Exhibit E dated February 28th, 2023.**

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

899 Commissioner Silverman: I'll second.

900 Chair Hurd: Thank you, any discussion, or modifications of the motion? Alright seeing none we'll move
901 to the vote. Commissioner Silverman?

902 Commissioner Silverman: I vote aye.

903 Chair Hurd: Commissioner Stine?

904 Commissioner Stine: I vote aye.

905 Chair Hurd: Commissioner Williamson.

906 Commissioner Williamson: I vote aye.

907 Chair Hurd: Commissioner Bradley?

908 Commissioner Bradley: Aye.

909 Chair Hurd: Thank you. Commissioner Kadar?

910 Commissioner Kadar: Aye.

911 Chair Hurd: And I am aye as well, for the reasons as stated in the report and as consistent with the Comp
912 Plan. Alright, motion 1 passes. Item B.

913 Commissioner Kadar: **Because it fully complies with the subdivision ordinances, the building code, the
914 zoning code and all other applicable ordinances of the city, and the laws and regulations of the state
915 of Delaware the Planning Commission recommends that City Council approve the 65 South Chapel
916 Street Major Subdivision and site plan approval plan as shown on the Pennoni Associates Site Plan
917 Approval, Rezoning, and Major Subdivision Plan Site Plan for 65 South Chapel Street dated November
918 30th, 2021 and revised through February 24th, 2023 with the Subdivision Advisory Committee
919 conditions as described in the February 28th, 2023 Planning and Development report.**

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

921 Commissioner Silverman: I'll second.

922 Chair Hurd: Thank you, any discussions to the motion? Ok, we'll move to the vote, please do remember
923 to articulate a reason for your vote we missed that on the zoning one but please do that for this one,
924 thank you. And I will start with Commissioner Stine.

925 Commissioner Stine: Thank you. I vote in favor of the project based on the recommendation of the
926 Planning and Development department report dated February 28th, 2023.

927 Chair Hurd: Thank you. Commissioner Williamson?

928 Commissioner Williamson: I vote nay, do I have to state the reason? Ok, I'm not able to determine if the
929 subdivision fully complies with based on the material presented.

930 Chair Hurd: Ok, thank you. Commissioner Bradley?

931 Commissioner Bradley: I vote aye.

932 Chair Hurd: Thank you, Commissioner Kadar?

933 Commissioner Kadar: I vote aye for all the reasons specified in the Planning and Development
934 department report dated February 28th, 2023.

935 Chair Hurd: Thank you, Commissioner Silverman?

936 Commissioner Silverman: I vote aye for all the reasons cited in the February 28th, 2023, Planning
937 Department report as well as the additional material provided in the applicant's presentation.

938 Chair Hurd: Ok, and I vote aye as well for the reasons stated by Commissioner Silverman. Alright motion
939 passes, congratulations. We're just going to reset things here and let the applicants leave the room
940 because they don't want to stay here for the TID. I'll just state randomly for the record here, this kind of
941 project and the traffic uncertainties around it are exactly why we're trying to get this TID in place
942 because this would have captured this, we would have put money into the city to address the
943 incremental changes.

944 **4. Review and discussion of the final recommendation of the Transportation Improvement**
945 **District project**

946 Chair Hurd: Alright item 4, the review and discussion of the final recommendation of the Transportation
947 Improvement District project.

948 Planner Fortner: Ok, thank you Mr. Chairman and Planning Commissioners, this is a continuation of the
949 discussion on our January 3rd meeting. Since that report this presentation was again given on the
950 January 9th 2023 Council meeting so similar presentation, and your comments were presented there,
951 they had a discussion. All of those comments were then taken to the Steering Committee which met on
952 February 15th, 2023. And so, they incorporated the suggestions of both Planning Commission and
953 Council meetings so on your memo it lists sort of the significant changes that were made including
954 adding the project, the Welsh Tract Road sidewalk project, they took your reviews on the fees and also
955 reducing the single-family house fees by 50% in their reduction of their fees and other types of things.
956 So, I'll turn the floor over to Sarah who will give you the full presentation, thank you.

957 Planner Coakley: I'll get started in a minute. I'm just going to get connected to the meeting on here so
958 folks online can see it.

959 Chair Hurd: (inaudible) there you go.

960 Planner Coakley: Ok, there we go. So back in January we brought the...

961 Chair Hurd: Sarah? Could you get a little closer to the microphone please?

962 Planner Coakley: Sure. Back in January we brought the recommendation from the TID committee before
963 you and then it also went to City Council for information and discussion so tonight there's basically 4
964 main points, I'm going to go over that were brought up by the Planning Commission and City Council in
965 January that we went to proposal back to the TID committee in February and then they came back with
966 this modified recommendation. So, one of the requested changes was to include an additional
967 improvement along Welsh Tract Road, on the north side to fill in a missing sidewalk gap there so
968 basically from South College Avenue west towards the city park and apartment complex located west
969 from there, that's basically the only stretch of that road that has a sidewalk gap. So, this would be to fill
970 that in. So, we did create a concept which I'll show in a minute and the recommendation was to include
971 that project in the list of TID improvements so it would be eligible for funding and included in the fee
972 structure. We also updated the fee schedule using the 25% developer contribution and we'll go over
973 that as well. There was also discussion about the need to reduce the fee for preexisting individual
974 recorded single family detached lots, there's about 37 of them in the city currently so basically the idea
975 would be if and when they are developed that they would pay half or 50% of what the new
976 developments would pay and then the Planning Commission asked to include triggers or basically
977 factors for DelDOT to measure that would then require the department, DelDOT to rerun the traffic
978 analysis and make sure that the TID was still on track to work with the improvements included so I'm
979 going to go over those as well. So, this is showing the location of the Welsh Tract Road sidewalk on the
980 north side, and you'll see, you'll notice a new bridge they proposed. So, the current bridge down toward
981 the lower right side of the page there does not have the capacity to add a pedestrian facility to it so this
982 project will require a new adjacent bridge and then also you'll see there's a historic church and
983 cemetery on both sides of the project, so it also includes elevating and straightening out curve here and
984 also to avoid other properties as well. So, with those changes, and this is just showing where it connects

on the west side to the apartments and park. So, it is a nice and complete connection there, and will enable folks to travel without their vehicle to all the facilities along South College Avenue and you know vice versa to the park there. And the estimated cost for this improvement is about 2.7 million dollars and again a large chunk of that cost is due to the bridge, like the bridge itself is estimated to be over a million dollars for the pedestrian bridge. 2,660,923 dollars for that improvement. So, with adding that improvement into the list that brings the total of all the TID improvements just under 60 million. So, 59,107,500 dollars and so it's a relatively minor increase considering the benefits of adding a project in the TID and it's still feasible to achieve all of these improvements with the fee schedules that were discussed previously.

So, we updated the map showing the transportation improvements to include that sidewalk segment here. And it's also shown in area E. And then the fee schedule, so basically the committee reconvened and considered the comments received from the Planning Commission and City Council, seeing that the 25% developer contribution was what most folks were the most comfortable with. We updated the number of units and square footage for commercial development that's expected to be received for the TID, because when we first ran the analysis since then a lot of developments have already submitted so those will be, we'll discuss that next but the proposal is for anything that's submitted prior to the effective date of the approval of the agreement will basically be grandfathered and not subject to the TID unless they opt in. So basically, we're looking at 4,200 per unit by phase for single family detached residential. The difference between the by phase and by lot rates is if they pay by individual lot there's an extra 5% fee added onto that to cover the administrative cost. The city will be collecting the fees so basically, it's to encourage development to pay by phase and to limit the number of payments the city has to process in collecting the fees. Then the preexisting, individual recorded single family detached lots would be half of that. And then the remaining fees for residential are based on trip generation so the single family attached fee is 76% of the single family detached rate for the multifamily residential low rise, that rate is 71% of the single family detached rate. And then for the multifamily midrise that's 48% of the single family detached rate and so that corresponds directly to the trip generation for those units. So similarly, for the nonresidential most uses are going to come in that middle tier at least 34 but less than 75 trips per 1,000 square foot gross floor area so that would be \$4.47 per building square footage but the other ones are proportional to the trip generation rates as well. The highest category is pretty much for drive through uses is what we would see that would come in at that, so like a drive through bank, a drive through restaurant, also gas stations that would only be charged by basically the size of the retail building square footage so that's why it looks high at \$10.45 but their square footage is generally really small so that's why that is so high as opposed to the other ones so basically this makes it more consistent with trips. And this is all based on the 11th edition of the ITE trip generation manual that DelDOT just adopted last summer. So, it's current and up to date, there is a note that if the land use code is not known for a nonresidential development, then we're going to assume that it's going to be the middle tier, and they'll be charged the middle tier so this would apply especially for like tenant fit outs if for redevelopment. Also, it's important to note that these fees are for net new square footage, so for redevelopment they'll get credit for their existing buildings so they're literally only paying the fee for their new square footage and traffic generation, not existing buildings.

For the monitoring program, so we came up with threshold ideas for when DelDOT would rerun the traffic analysis and so those include changes in the land uses that would induce more than a 10% increase in trips or changes to the ITE trip generation rates that induce 10% or more trips. Also construction of a new DelDOT Transportation Improvement project within 3 intersections of state maintained roadways, beyond the TID facilities boundary so for instance like after the 896 and I-95, after that major project is done, we want to rerun the numbers and get updated counts there and rerun everything and make sure that you know everything's still good to go with the Transportation Improvements that are in the TID and finally the University, if they relocate their facilities we would also want to reevaluate everything as well and these evaluations these are in addition to the yearly reports that we'll be making to report on the status of the TID and traffic in the TID and also in addition to the every 5 years we'll do a complete reevaluation of the TID as well along with your Comp Plan updates.

So the next step is to seek city concurrence on all the TID elements, the Land Use and Transportation Plan, service standards, the list of projects and infrastructure fee and monitoring programs, execute the updated TID agreement and start implementing it, and the idea is that this will replace traffic impact studies for developments that come in consistent with the land use forecast, and again it will cover new square footage for redevelopment projects – they'll get credited for their existing square footage so that they're only paying for their increase in traffic and trips and square footage so I'm happy to answer any questions.

1043 Chair Hurd: Alright thank you, we will begin with Commissioner Stine.

1044 Commissioner Stine: Thank you for bringing those four items, I'm assuming then that Council agreed
1045 with those four items? So, these were our original recommendations then they concurred?

1046 Planner Coakley: So basically these 4 things addressed both your comments and theirs.

1047 Commissioner Stine: And their comments. Ok, great, well I greatly appreciate you making the 50%
1048 reduction in the individual single family home lots fee that's very helpful, thank you. And that's it.

1049 Chair Hurd: Ok, Commissioner Williamson?

1050 Commissioner Williamson: No comments thank you.

1051 Chair Hurd: Ok, Commissioner Bradley?

1052 Commissioner Bradley: I'd just like to say thank you for including the Welsh Tract Road project in with
1053 the TID. I think it'll add some added benefits to the folks down there in the condos and having people
1054 get up to the park area. With that I have no other comments, thank you.

1055 Chair Hurd: Ok, Commissioner Kadar?

1056 Commissioner Kadar: I have no additional comments.

1057 Chair Hurd: Ok, Commissioner Silverman has stepped out for the moment, can we see if he's because I
1058 know he had some things he wanted to say. I just had a couple of things, where are my notes. Oh,
1059 triggers. I've been to the committee and such. I feel that an additional trigger given what we've just
1060 gone through is any changes in the development code. So, when we do things like we say to the BB zone
1061 you don't have parking minimums anymore, that could have an impact on traffic. When we say you
1062 don't have a minimum unit size anymore you could have basically a denser building, I think that's going
1063 to have an impact on the traffic and trip generation numbers that I think would be worthy of a trigger,
1064 to look at sort of all of downtown basically to say what happens if BB becomes what BB could be now.

1065 Planner Coakley: So maybe change the like the changes in land uses language, changes in land uses
1066 languages, changes in land uses and maybe density or?

1067 Chair Hurd: Well, I'm just saying basically any time we change the development code specifically the
1068 zoning code, but I think there are other things that have an impact on essentially density and usage, I
1069 think those things are worthy of triggering a revaluation. The other, oh, we have the University of
1070 Delaware if they choose to move their facilities, do we need to define what a facility is or are we leaving
1071 it sort of vague on purpose? Because I doubt say if they said oh, we're moving the special services
1072 building where we've got the big parking lot, the one on Chapel and Wyoming, we're moving that
1073 location. And that's a big chunk of stuff but if they're just moving the HVAC department or something, I
1074 don't know what sort of is a threshold or what would be considered a facility for UD.

1075 Director Bensley: I think based on past history we were not really comfortable defining a specific
1076 threshold like that in part because I mean, I don't know if anyone remembers 15 to 20 years ago, some
1077 of the moves of the residential areas of UD that have happened. I know they're reworking some of their
1078 master plan items right now so we're looking I think, and Sarah or Mike, you can correct me if I'm
1079 wrong, but I think we're looking more at things that we, when we get the plans, we think would trigger a
1080 larger scale look at what traffic looks like in that area. I'd say an example would be depending on how
1081 STAR Campus develops out. Right now, we recently got the proposed building from Buccini Polin
1082 submitted that has over 200 apartment units and retail and so on and so forth, so you know if they
1083 decided to continue to develop out like that then that may be something that we look at versus you
1084 know if they develop more classroom space that we think more students will walk to as opposed to
1085 outside folks driving to. So, to answer your initial question I think we kept it vague intentionally because
1086 we weren't sure at what threshold to place it.

1087 Chair Hurd: Ok, so the English major's son is looking at those students and going it's almost so passive
1088 about what's going on. I would want to simplify it to say instead of "construction by DelDOT, new
1089 transportation" is like "construction by the University of Delaware, new buildings". Period. It's worth at
1090 least evaluating because this says that they're going to move it, well what if they add, it doesn't seem to
1091 address new, it just says removing facilities but if I follow that logic, it doesn't encompass new work. So,
1092 I'm saying I think you could simplify this to just say "University of Delaware construction" because we

1093 know that has an impact, they're rebuilding a lab building, they built that new lab building at the end of
1094 Lovett, they're doing work on STAR Campus, you know all of those things are going to have an impact.

1095 Director Bensley: I think we're also trying to walk the line of not redoing the TID analysis every time the
1096 University submits a plan.

1097 Chair Hurd: Right, ok. Well, that's just my general comment, is that I think this I think is a little too
1098 mushy, but I feel like there's a way to tighten that language up a little bit to be more about the
1099 University is building a building or doing changes with impact on traffic and transportation. And that's
1100 pretty much all I had. Commissioner Silverman?

1101 Commissioner Silverman: Building on your University of Delaware discussion, this is the first time that
1102 the city has been in a position where the University has to be involved in city land use. I agree with you
1103 Will that this definition should be tight and the way the university repurposes buildings, I think a
1104 significant change in use ought to trigger. The University could go from relatively passive activity in a
1105 building to one that can generate intensive automobile use and they don't hesitate to remodel
1106 structures, to rebuild structures to accommodate those uses. I'm thinking of where they talked about
1107 moving the administrative offices out of Hullahen Hall and now they're going to occupy a floor on one of
1108 the buildings on STAR Campus. That may morph into another new building, who knows. But they cause
1109 significant changes in traffic patterns, and I don't see where we've resolved the issue one of the
1110 Commissioners brought up earlier when we reviewed this document of University style traffic
1111 generation with respect to dormitories that we talked about with the earlier application. I don't think
1112 we can simply take a standard transportation model, look at the numbers, claim it generates so many
1113 traffic trips per day on an impact in an area. And how do you calculate fees based on something that's
1114 highly pedestrian. So, I think that begs the issue that a companion to this TID work needs to be a
1115 specialized study that deals with the true transportation impact of off campus residential use. And
1116 would you like me to continue on?

1117 Chair Hurd: Yes please.

1118 Commissioner Silverman: Ok, the technical side of the document I'm satisfied with, a lot of people put a
1119 lot of work into that. However, I expressed the opinion early on that the devil is in the details of the
1120 agreement and even though the agreement may not be under the purview from a planning point of
1121 view I'd like to offer some observations that may be taken into account by Council as they review
1122 transcripts, and they have to look at this agreement. I see this TID in Newark as being atypical that
1123 DelDOT and we in Delaware have had experiences with. A typical TID and I'm going to use Whitehall as
1124 an example, is generated out of an agricultural use, corn fields relatively low traffic volumes, that
1125 particular site I believe it's many hundreds of acres came in under master plan. There was a rational
1126 zoning pattern offered in that area and also a rational highway capacity design with arterial roads and
1127 collector roads and subsidiary roads as well as the ability to put in a shared path hierarchy with more
1128 than adequate right of ways provided as part of the design. The population that evolves out of that area
1129 is directly related to the land use and land use design, it isn't like the university that can shift uses. And
1130 the TID was a component of a larger Comprehensive Plan, the county's plan and the TID particularly in
1131 Whitehall kinds of development had no internal destabilizing influence and by that I mean a significant
1132 part of the landscape, the activity and the land use in the city of Newark is taken up by the University of
1133 Delaware who as we know has the ability legally to kind of do its own thing in a vacuum with respect to
1134 city codes. And I see the Newark TID as subject to constant change. The director just made a comment
1135 that we don't want to have to do a revaluation of the TID every time the University of Delaware submits
1136 a land use proposal. I think that's exactly what we should be doing, particularly with the kind of impact
1137 the university can have. The Newark TID, unlike what I consider more stable TID, takes into account
1138 redevelopment, replacement of obsolete structures, I think we saw one of those tonight. It takes into
1139 account the focus areas that are designed into our adopted Comprehensive Plan which is tending to
1140 concentrate higher densities of people and modal uses. The redevelopment that occurs in our city is an
1141 opportunity for land use changes on a wholesale basis, there was public testimony given in record about
1142 small town versus the changing and the redevelopment takes place in Newark on a regular basis now,
1143 increases densities in both square footage and footprints and for commercially driven and
1144 nonresidential uses as well as bringing in more population. The Newark TID, unlike a more stable TID is
1145 subject to sweeping administrative code changes that can have a major impact on what we've adopted
1146 and what we've looked at as the TID today. I've looked at the BB effort and Main Street effort that was
1147 done. Tremendous change, that's the kind of thing that should trigger a revaluation of the TID, not
1148 waiting until a Comp Plan is updated every five years.

1149 Then the near-term planning issues with reviewing the entire zoning code, which has been on the mind
1150 of the Planning Commission and its recommendation reports and has been described by the director as
1151 being on the horizon. So, there's a lot happening here that affects this whole TID process. We have a
1152 dynamic market force causing land use changes in Newark. I already spoke about the University's
1153 internal destabilization on what we think is kind of a set community. Changing existing and disclosing
1154 future development patterns is another thing that the University doesn't share with us. So, we can be
1155 surprised in a significant way, who knew the Christiana Towers were going to be abandoned, who knows
1156 what's going to happen to the Laird Campus. This isn't something that can be brought into the
1157 Comprehensive Plan that can be part of the TID process where the staff brings in future land use. We
1158 have a pretty good idea of what's going on. The STAR Campus is ever changing, 270 acres, it was going
1159 to be research and development, then it was going to be a Main Street, now it's apartments and
1160 commercial. It's another thing that we don't have a handle on that will cause the city to be very active in
1161 dealing with TIDs. Where I'm heading with this, that means there's going to be increased demands on
1162 city staff and resources with respect to the TID and having to review it. I know the work that was put in
1163 by Michael and others on this, just the coordination of getting public meetings and public review took
1164 up a significant amount of time. The IT group here at the city invested a significant amount of time
1165 generating information along with the GIS people with some of the maps we saw in the material
1166 presented. And then just general Council and staff support. What I'd like to do is add some additional
1167 information in the whereas statements because I feel that the city by virtue of the dynamics of the city
1168 will be forced into continually working with the TID, this isn't going to be a periodic look at, make sure it
1169 still conforms. I'm suggesting that whereas statements contain a statement to the effect of, and I gave a
1170 copy to the secretary here, whereas due to the unique dynamics of this TID the administration of this
1171 agreement will require city resources. All city expenses related to administering and meeting the
1172 specifications of this document shall be reimbursed from the TID fund. The payments shall take
1173 precedence over all other TID expenditures and be paid on a quarterly basis upon the presentation of an
1174 invoice by the city. Another suggested whereas, the existence of the TID gives Newark Transportation
1175 Project proposals priority in DelDOT ranking in funding. This was talked about in the background
1176 material presented time and time again as one of the attributes of having a TID. It needs to be
1177 memorialized in the contract. Those of us in this room aren't going to be here in five years, eight years,
1178 ten years out to know that this was the intent. Whereas the existence of this agreement and funds
1179 available in the TID accounts shall not be used to diminish or offset the ability of the City to receive
1180 funds appropriated by the State legislature for the use of incorporated places. We have recent history
1181 where the city of Newark for a number of years now has made a huge effort to maintain its Main Street.
1182 It works with public and private groups, capital investments were made in literally redoing the
1183 infrastructure and the street of Main Street. Yet when they say legislature and appropriated money for
1184 downtown improvements, Main Street improvements, Newark was excluded because it already did a
1185 good job. That should not happen because there's money in the TID coffers here. And my final whereas,
1186 whereas no Newark TID funds shall be used for the current or future operation, maintenance,
1187 replacement of DelDOT traffic equipment located in or contiguous to the TID. It didn't find its way in this
1188 document but it was presented in background documents that 10 years after an improvement was
1189 made by DelDOT particularly the perimeter and contiguous county improvements that the TID funds of
1190 the TID project would be responsible for replacement and maintenance of traffic signals. Probably
1191 paying the electric Delmarva bill also. I think in these whereas statements the city should, the taxpayers
1192 in the city, and the Planning Department and the other departments should not be forced to pay for
1193 maintaining the TID agreement out of funds other than TID funds. And that's just my observation.

1194 Chair Hurd: Thank you. I'm going to execute the chair's prerogative to extend the meeting to 9:30.
1195 Alright we've heard from the Commissioners, anything else? Ok, do we have any submitted public
1196 comment on this item? Do we have anyone present that wishes to give comment on this item? Is there
1197 anyone who wishes to give public comment on this item? Alright.

1198 Solicitor Bilodeau: Mr. Chair I just had a quick question if I may. At the Council meeting towards the end,
1199 I believe the mayor was talking about the monitoring program towards the back of the contract and he
1200 was kind of reluctant, he did not want to see the monitoring done in the summer months when the
1201 students are here. And there's a clause that says basically to the extent, you know that the department's
1202 discretion, they'll use their discretion for monitoring, but they'll consider reasonable requests from the
1203 city I guess I'm on page 10 or 9 out of 10. So something like that so if we requested monitoring not to
1204 take place when the students aren't here would that be deemed a reasonable request?

1205 Planner Coakley: It would be and actually when we require developers to do TIS's we require them to
 1206 get counts while school is in session including the university so that is kind of our default position, is that
 1207 we would not be doing counts during the summer.

1208 Solicitor Bilodeau: Ok, thank you.

1209 Chair Hurd: Thank you, alright I'm going to close public comment and bring it back to the dais. Any
 1210 follow up comments or discussion? Yes, Commissioner Williamson?

1211 Commissioner Williamson: Mr. Chair on the first page of the MOU agreement, where is it, the fourth
 1212 whereas, to DelDOT service standards, yadda yadda. A TID Capital Improvement Program and then
 1213 infrastructure fee program. Related to the other Commissioner's comments about operating expenses
 1214 or routine maintenance. Is capital only the initial construction? How does DelDOT see that, is there a
 1215 definition that would satisfy that concern that 5 years later we're not paying for routine replacement?

1216 Planner Coakley: Yes, so there is a line in the agreement, let me find it here. Section 7 E2 says
 1217 "improvements by the department's division of maintenance and operations are excluded from the TID
 1218 CTP and are not eligible for funding through the infrastructure fee program" So we're not allowed to use
 1219 the TID funding for maintenance. It can only be used for the initial capital expenditures now replacing
 1220 something 10 years later that would basically be viewed as another capital project because it's already,
 1221 the item has already exceeded its useful life but ongoing maintenance and operations we're not allowed
 1222 to use TID funds for.

1223 Commissioner Williamson: Thank you, that was my one question, second comment to the Chair's
 1224 comments about university or some other developer. The first bullet in the monitoring or the program
 1225 changes in land uses of 10%. So, if the university builds on vacant land that's more than 10% you'd
 1226 capture that there and even if a building is renovated, if the net change is no more than 10% that
 1227 shouldn't impact so I think to a large extent your concerns are covered perhaps by that term. You could
 1228 even interpret this to say land uses, allowed land uses, existing and allowed that way it kind of covers
 1229 the code should we suddenly rezone something that allows more than 10% even though it's not built
 1230 that would trigger the program. And finally, I kind of concur with the Planning Director to leave well
 1231 enough alone with the university language about significant; that was probably a well-chosen term, the
 1232 last bullet, those are just comments.

1233 Chair Hurd: Ok, thank you. I'll ask Commissioner Silverman if item 7 E2 seems to address your concerns
 1234 around the use of TID funds for ongoing support of equipment and such?

1235 Commissioner Silverman: I wasn't quite sure what the scope of the division and maintenance and
 1236 operations was.

1237 Chair Hurd: Ok. Do you feel you know now or?

1238 Commissioner Silverman: I do now, because I saw an earlier submittal of examples where there was a
 1239 statement about 10 years in the TID would be paying for maintenance and operations and I didn't know
 1240 whether that type of thinking was included or excluded in that subparagraph too.

1241 Chair Hurd: Ok, and I appreciate Commissioner Williamson's trying to help me find my way through this
 1242 too. I just I'm always a fan of clearer language. But I think, I guess my concern is and I think
 1243 Commissioner said this at one point, this is the agreement that's going to live. So, it can't just be oh we
 1244 understand what we mean when we say to the university, it feels better to me to say we've got
 1245 something here that says when the university does stuff, whatever that stuff is, that's a trigger. Because
 1246 DelDOT's going to look at that language too, I don't want DelDOT to say and go, that's not a triggering
 1247 event. I want to make it easy for the city to say this is a triggering event for a reevaluation and DelDOT
 1248 to go yes, you're right it is because it matches the language that we had. That said that's just my concern
 1249 if the city and DelDOT currently feel like they understand and are comfortable, I'm generally ok with it.
 1250 Ok, alright so we shall move to our vote. Secretary Kadar?

1251 Commissioner Kadar: **The Planning Commission recommends that City Council adopt the proposed**
 1252 **Transportation Improvement District (TID) and TID agreement as presented with the DelDOT report**
 1253 **presented on January 3rd, 2023, shown in Exhibit A with amendments from the DelDOT report**
 1254 **presented March 7th, 2023, shown as Exhibit F in the Planning and Development Department's report**
 1255 **dated February 28th, 2023.**

1256 Chair Hurd: Thank you, do I have a second?

1257 Commissioner Stine: Second.

1258 Chair Hurd: Thank you. Any discussion to the motion, specifically Commissioner Silverman, did you want
1259 to offer your whereases as amendments?

1260 Commissioner Silverman: I'd like to do that.

1261 Chair Hurd: Ok let's do them one at a time to make life easy. So, could you go with the first one please?

1262 Commissioner Silverman: Yes.

1263 Commissioner Kadar: Oh, you want me to include it. Ok, included with the statements as specified by
1264 Commissioner Silverman, statement one **"whereas due to the unique dynamics of this TID the
1265 administration of this agreement will require city resources. All city expenses related to administering
1266 and meeting the specifications of this document shall be reimbursed from the TID fund. The payments
1267 shall take precedence over all other TID expenditures and be paid on a quarterly basis upon the
1268 presentation of an invoice documentation by the city."**

1269 Chair Hurd: Alright that's number one, do I have a second?

1270 Commissioner Stine: Second.

1271 Chair Hurd: Alright any discussion to the amendment to the motion? Alright, so we'll vote on that one
1272 and I'll begin with Commissioner Williamson.

1273 Commissioner Williamson: I vote aye.

1274 Chair Hurd: Thank you Commissioner Bradley?

1275 Commissioner Bradley: I vote aye.

1276 Chair Hurd: Thank you, Commissioner Kadar?

1277 Commissioner Kadar: I vote aye.

1278 Chair Hurd: Commissioner Silverman?

1279 Commissioner Silverman: I vote aye.

1280 Chair Hurd: Commissioner Stine.

1281 Commissioner Stine: I vote aye.

1282 Chair Hurd: And I vote aye as well on the amendment number one. The second amendment please?

1283 Commissioner Kadar: Statement number 2, **"whereas the existence of the TID gives Newark
1284 Transportation Project proposals priority in DelDOT ranking in funding"**

1285 Chair Hurd: Thank you, do I have a second?

1286 Commissioner Stine: Second.

1287 Chair Hurd: Thank you, any discussion or amendment to this motion.

1288 Commissioner Williamson: One comment is, our action doesn't really influence what DelDOT does, it's
1289 kind of a nice statement but it's not binding on DelDOT?

1290 Planner Coakley: So, our prioritization criteria for our CTP already includes extra points in our TID and it
1291 would take basically our Council on Transportation governs those criteria so it would take them
1292 changing that criteria for that change. So, it's already basically in our regulations.

1293 Chair Hurd: Ok, so I think the concern from Commissioner Silverman are those DelDOT regulations aren't
1294 necessarily reflected in here. So, it just says the projects will get put into the CTP, it doesn't say there's
1295 going to be points, or anything. So, if anything this is memorializing that existence of priority.

1296 Commissioner Silverman: That was my purpose.

1297 Chair Hurd: Ok, so do we feel this has an impact? So, if we're saying whereas something that already is,
1298 you feel we're, ok?

1299 Solicitor Bilodeau: Whereas clauses you have a contract, and you have several whereas clauses, but here
1300 I think for the purposes of this I think the whereas clauses certainly provide enough guidance for I think
1301 future generations.

1302 Chair Hurd: Alright then to the vote of amendment 2. Commissioner Bradley?

1303 Commissioner Bradley: I vote aye.

1304 Chair Hurd: Commissioner Kadar?

1305 Commissioner Kadar: I vote aye.

1306 Chair Hurd: Commissioner Silverman?

1307 Commissioner Silverman: I vote aye.

1308 Chair Hurd: Commissioner Stine?

1309 Commissioner Stine: I vote aye.

1310 Chair Hurd: Commissioner Williamson?

1311 Commissioner Williamson: Aye.

1312 Chair Hurd: And I am aye as well. Motion carries. Are there any further amendments?

1313 Commissioner Kadar: There's two more.

1314 Chair Hurd: Two more ok.

1315 Commissioner Kadar: Amendment 3, **"whereas the existence of this agreement and funds available in**
1316 **the TID accounts shall not be used to diminish or offset the ability of the City to receive funds**
1317 **appropriated by the State legislature for the use of incorporated places"**

1318 Chair Hurd: Thank you, do I have a second?

1319 Commissioner Stine: Second.

1320 Chair Hurd: Thank you, any discussion to this amendment? Alright Commissioner Kadar?

1321 Commissioner Kadar: I vote aye.

1322 Chair Hurd: Commissioner Silverman.

1323 Commissioner Silverman: I vote aye.

1324 Chair Hurd: Commissioner Stine.

1325 Commissioner Stine: I vote aye.

1326 Chair Hurd: Commissioner Williamson.

1327 Commissioner Williamson: I'm going to abstain, I just don't know enough to vote either way.

1328 Commissioner Silverman: You cannot abstain by city code.

1329 Commissioner Williamson: I didn't know that alright. I just want to vote no, I'm just not sure, I'm just not
1330 sure.

1331 Chair Hurd: Alright that's absolutely fine. Commissioner Bradley?

1332 Commissioner Bradley: I vote aye.

1333 Chair Hurd: Thank you and I vote aye as well. Motion carries. Right, so that includes the amendments to
1334 the original motion, is there any discussion on the original motion. Oh, wait, there's one more.

1335 Commissioner Williamson: We don't need that anymore, Sarah explained.

1336 Planner Coakley: That was about the maintenance?

1337 Chair Hurd: Yes, right, that's why I thought we, thank you. Any further the discussion on the original
1338 motion approving the TID and its agreement? As amended, thank you, I always forget those parts.
1339 Moving to the vote Commissioner Silverman?

1340 Commissioner Silverman: Aye.

1341 Chair Hurd: Commissioner Stine?

1342 Commissioner Stine: Aye.

1343 Chair Hurd: Commissioner Williamson.

1344 Commissioner Williamson: Aye.

1345 Chair Hurd: Commissioner Bradley?

1346 Commissioner Bradley: Aye.

1347 Chair Hurd: Commissioner Kadar?

1348 Commissioner Kadar: Aye.

1349 Chair Hurd: And I am aye as well, motion carries. Yay, we have a TID, almost. Alright, in the interest of
 1350 being on top of things is there any objection to continuing the meeting to include our informational
 1351 items, new business and general public comment? Seeing no objection, we will continue the meeting no
 1352 later than 10 but to conclude the agenda.

1353 **5. Informational Items**

1354 Chair Hurd: Alright that takes us to number 5, informational items.

1355 Director Bensley: Alright, thank you Mr. Chair. So, I'm going to take the first portion of this then I'm
 1356 going to kick it over to Jessy for the land use specific items. So, in talking about Council over the past
 1357 month, so February 13th the Council approved all three of the ordinances that had been previously
 1358 considered by the Planning Commission for the BC gas station changes, the downtown parking lot design
 1359 changes, and the subdivision fee increases. They also approved the commercial indoor recreation special
 1360 use permit for 141 East Main Street which was for an indoor arcade at that location which is the old
 1361 Performance Bicycle and DeOne Credit Union buildings. 62 North Chapel Street they approved the
 1362 revised architectural renderings that were submitted adding balconies and the roofline for that project.
 1363 They also gave us an extension on our Nuisance Abatement Plan application. February 27th, we had two
 1364 big items for planning on there. One was the 532 Old Barksdale Road Comp Plan amendment, rezoning,
 1365 major subdivision, apartment special use permit that was approved by Council. We also had the Council
 1366 prioritization discussion which I will get into a little later in my report. Council meeting upcoming on
 1367 March 13th we have the affordable housing overview similar to what we gave for you guys in February so
 1368 we will have that discussion and part of that is going to be adding some additional information that was
 1369 not available at the time that we presented to you all related to the Newark Housing Authority, and
 1370 their upcoming redevelopment project for their Main Street property. The March 13th meeting also has
 1371 a special use permit for a restaurant with alcohol service for 139 Grove Lane which is going to be the
 1372 First Watch location which is a breakfast, brunch, lunch place there. We will have the Nuisance
 1373 Abatement Plan application on that meeting to be approved as well as a, having Council approve the
 1374 extension of our two temporary planners for an additional year which would put them through to the
 1375 end of December in 2024. At the March 20th Council meeting we're looking to present with DART for the
 1376 DART Connect Newark pilot approval so they can move forward with that. As well as doing a demo for
 1377 Council of the Energov software that we are proposing for our permitting and licensing as well as our
 1378 development plan approval process and the related contract approval for that. And then March 27th we
 1379 currently have queued up the TID final approval. So hopefully after March 27th we can mark that one off
 1380 our list. Other items, or other priority projects. Property Maintenance code updates are continuing to
 1381 implement the 2021 IPMC and as I mentioned before the Nuisance Abatement Plan is going to Council
 1382 on the 13th and that'll wrap up the nuisance property project for us.

1383 The Rental Housing Workgroup recommendations as I mentioned we're doing an affordable housing
 1384 review, Newark Connect, or DART Connect Newark as it's being rebranded is, we had three public
 1385 meetings in the last month for that. We had approximately 40 people attend those three meetings held
 1386 and we got some good feedback from the public and this is in addition to the 183 responses we had
 1387 from both our paper and online surveys, so we have the presentation schedule for Council on the 20th
 1388 and if Council elects to move forward after the 20th we are looking at a July launch for that program. The
 1389 Council prioritization that discussion as I mentioned happened on the 27th of February. Affordable
 1390 housing, DART Connect Newark, impact fees, Energov implementation, and a potential supplemental

1391 census count have been added to the Planning Department's priority list in addition to the 2022
1392 priorities that are currently in progress.

1393 Our next Planning Commission meeting is on April 4th, for that agenda we are looking at the first round
1394 of zoning code changes for affordable housing focusing primarily on barriers that have been raised by
1395 the Newark Housing Authority for their upcoming development project at their East Main Street
1396 property. So when we met with them and their development partner a few weeks ago, there were some
1397 specific items particularly related to the tight timeline that they're going to have to get this project
1398 through the approval process based on when they know about their final grant fundings being awarded
1399 versus when of their grants start to expire so we are looking at a very condensed timeline so we're
1400 looking at for that project potential changes to our zoning code including having an accelerated timeline
1401 for I should say an accelerated approval timeline for affordable housing projects that are funded with
1402 tax increment financing which would mean it would be permanently designated as affordable units and
1403 basically saying if you are doing that type of project in Newark you are going to go to the front of the
1404 line in the review process so you're not in the queue based on when you submitted, if you have that you
1405 go to the front for review. We're also looking at potentially waiving subdivision and zoning related fees
1406 for those types of projects. We're looking at removing parking minimums for those projects and we're
1407 also looking at adding affordable housing that is tax increment financed as a specific criteria that can be
1408 considered in the site plan approval process to help them with area variances they might need for the
1409 project.

1410 So that will, that's part of our affordable housing overview that we're giving to Council on Monday to be
1411 able to get feedback on where they are on those 4 things because we would be looking to as I
1412 mentioned bring these things to you in April to have it in front of them in May so by the time the
1413 Newark Housing Authority finds out about their award of tax increment financing credits in July they can
1414 be ready to submit and know what's going on. We're likely not going to not have a plan ready for
1415 Planning Commission in April, so we are reviewing additional policy items that we have in the queue
1416 that we can put on that agenda.

1417 Staffing, our Code Enforcement Manager Stephanie Peterson, her last day with Newark was yesterday,
1418 so we do have a vacancy in that division, the posting for that position closes on March 24th. Also not
1419 staff but Planning Commission related, we do have a nominee for the District 4 Planning Commission
1420 spot so they're going to be on the March 13th Council agenda for consideration. So hopefully by April we
1421 will have a full panel again. So now I'm going to turn it over to Jessy to give you guys the land use
1422 division update.

1423 Deputy Director Ramos-Velazquez: Good evening everyone so can everyone hear me clearly? Ok, so for
1424 planning review currently we have a certificate of occupancy for Raising Cane's has been submitted, new
1425 plans we have 65 and 67 North Chapel which is a minor subdivision dividing the house from the
1426 remaining parcel. New plans, we currently have 1115 South College Avenue which is the first submittal
1427 under the new BC code proposed special use permit and a minor subdivision plan for a convenience
1428 store with gasoline pumps. We also have a new plan for 1050 South College Avenue which is first
1429 submittal, proposed special use minor subdivision for a Wawa drive through sandwich and coffee shop.
1430 We have a plan for 502 South College which is a two high rise apartment building with one story of
1431 retail. That is going to need some variances through the Board of Adjustment so we're currently working
1432 on that new submission. Another new submission is 25 North Chapel Street, first submittal for that
1433 proposing an additional fifth floor to the plan previously approved by Council. Also in our queue, existing
1434 project updates, 532 Old Barksdale Road approved February 27th. 65 South Chapel Street for this
1435 evening during the meeting. Submission in the queue for review is 30 South Chapel and 515 Capitol Trail
1436 and we're waiting on responses from the applicant at this time is 244 Kells Avenue, 1025 and 1033
1437 Barksdale Road, 1115 South College Avenue, 55 Benny Street, 249 East Main, 178, 182, 186 South Main
1438 Street and 528 Old Barksdale Road as well as 339, 341, and 349 East Main are currently on hold. And
1439 that's what we have at the moment.

1440 Chair Hurd: Ok, thank you. In the amended agenda packet, there were article on affordable housing, I
1441 did feel those were important to get in front of us given this conversation is ongoing especially as it's
1442 moving towards Council, it behooves us to be informed of what's going on out there in the general
1443 world. Also today, it was today, right? We got the slides from the Advanced Law class, I'll just say
1444 personally I would listen to Max Walton discuss law and code all day long, he loves it it's so much fun.
1445 Ok, I think that does it for informational items, yes? Yes.

1446 **6. New Business**

1447 Chair Hurd: Ok, that takes us to new business. Any items of discussion by city staff or Planning
1448 Commissioners for items not on the agenda but wish to be added to? Yes, Commissioner Williamson?

1449 Commissioner Williamson: Sort of an update and an opportunity, this Friday I'm meeting with faculty at
1450 the University of Delaware where I think they're moving towards making me what I think is called an
1451 affiliated faculty member, it means you get no money of course unless you teach a course which is fine.
1452 But they've got me meeting with planning students and so forth and I'm looking forward to it immensely
1453 so what I'd like to maybe have everybody think about and by no means commit anyone is whether or
1454 not in the past or in the future the Commission you know has a little workshop for students where the
1455 students come in and have kind of a moot Planning Commission practice, something like that I don't
1456 know if there's any interest in getting involved in that way. And it's no answer needed tonight, it's just
1457 an opportunity.

1458 Chair Hurd: That's an interesting thought thank you. Anyone else for new business.

1459 **7. General Public Comment**

1460 Chair Hurd: Ok, any general public comment? Anything submitted, no. Anyone present? No. Anyone
1461 online wishing to give general public comment for items not on the agenda but related to the work of
1462 the Planning Commission? Alright seeing none that closes item 7, and that concludes our agenda and
1463 with no further business the meeting is
1464 adjourned.

1465 **The meeting was adjourned at 9:38 P.M.**

1466 Respectfully submitted,

1467

1468

1469 Karl Kadar, Secretary

1470 As transcribed by Katie Dinsmore

1471 Planning and Development Department Administrative Professional I

1472