

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON**

**OCTOBER 3, 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
Scott Bradley
Kazy Tauginas
Chris Williamson

Staff Present:

Paul Bilodeau, City Solicitor
Renee Bensley, Director of Planning and Development
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
Katie Dinsmore, Administrative Professional I

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

Chair Hurd: Good evening, everyone and welcome to the October 3rd, 2023 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 the guidelines for the meeting structure so that everyone is able to participate. We have a new camera system that auto tracks whoever is speaking so it's helpful to keep your microphones off until you're ready to speak so the camera isn't bouncing around. Katie Dinsmore, the department's Administrative Professional, will be managing the cameras, chat, and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order for questions of the staff or presenter. If a Commissioner has additional questions they would like to add later, they should ask the Chair to be recognized again when all members have had the opportunity to speak. For items open to public comment, we will then read into the record comments received prior to the meeting followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, we would ask you to sign up on the sheet near the entrance so we can get the spelling of your name correct and, they 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. We are unable to manually turn on cameras or microphones through Microsoft Teams. 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. 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 vote for any land use items. If there are any issues during the meeting, we may adjust these guidelines if necessary. The City of Newark strives to make our public meetings accessible. While the City is committed to this access, pursuant to 29 Delaware Code 10006A, technological failure does not affect the validity of these meetings, nor the

59 validity of any actions taken in these meetings, nor the validity of any action taken during these
60 meetings.

61 **1. Chair's Remarks**

62 Chair Hurd: That takes us to item 1, Chair's remarks, I'm looking forward to the Council meeting on
63 Monday, when two of our current Commissioners, Commissioner Silverman and Commissioner Kadar,
64 are up for renomination and we have one new commissioner up for appointment, so we'll soon be back
65 to a full setup.

66 **2. Election of Officers**

67 Chair Hurd: Alright, item 2, elections. We are required every October to elect our Commission officers.
68 And I will begin with nominations for Chair. You've got to unmute the microphone, there you go, you
69 might be able to use your pen to push it.

70 Commissioner Silverman: I nominate Will Hurd.

71 Chair Hurd: Thank you, do we have any other nominations?

72 Commissioner Kadar: I second the motion.

73 Chair Hurd: Ok, I think we're all present so all in favor say aye.

74 All Commissioners: Aye.

75 Chair Hurd: Any opposition? Ok, and now I'll take nominations for Vice Chair. And I will nominate Alan
76 Silverman for Vice Chair.

77 Commissioner Bradley: Second.

78 Chair Hurd: Ok, any other nominations for consideration? No, ok, all in favor signify by saying aye.

79 All Commissioners: Aye.

80 Chair Hurd: Those opposed say nay. Alright, and then I will take nominations for Secretary. And I will
81 nominate Commissioner Kadar for Secretary if you accept.

82 Commissioner Bradley: Second.

83 Chair Hurd: Ok, all in favor say aye.

84 All Commissioners: Aye.

85 Chair Hurd: Anyone say nay? Alright.

86 Commissioner Kadar: Better hope the City Council approves me.

87 Chair Hurd: Yeah, all conditional, our officers have not actually been formally approved, but that's ok,
88 now they have to.

89 Commissioner Kadar: Going to have two vacancies if they don't.

90 Chair Hurd: Yeah.

91 **3. Minutes**

92 Chair Hurd: Alright that takes us to item 3, the minutes. Are there any edits or corrections to the minutes
93 from September 5th? Alright seeing none the minutes are approved by acclamation.

94 **4. Review and consideration of the minor subdivision and special use permit for the use of an**
95 **automobile fueling service station for the property located at 1115 South College Avenue**

96 Chair Hurd: Alright, that takes us to item 4, review and consideration of the minor subdivision and
97 special use permit for the use of an automobile fueling service station for the property located at 1115
98 South College Avenue. Director Bensley, are you starting off? You're on.

99 Director Bensley: Yes. Alright, so this land use application is a minor subdivision with a special use
100 permit for the property located at 1115 South College Avenue. The applicant proposes demolishing the
101 existing commercial building and constructing a convenience store with gas pumps. Please note that as
102 this project was submitted on February 17th, 2023, this project was reviewed under the new BC zoning

requirements adopted by Council on February 13th, 2023. Additionally, as this parcel is less than one acre the Planning Commission is being asked to review only the minor subdivision not the special use permit associated with this project. This parcel is located on the east side of South College Avenue just south of the intersection of South College Avenue and Welsh Tract Road. The proposed plan does conform to the existing land use designation indicated in Comprehensive Development Plan V 2.0 and is included in Planning Section F of the Comp Plan which currently designates commercial for the parcel.

The existing zoning for this parcel as mentioned is BC, General Business, and the site is fully developed and currently occupied by an out of service restaurant and its associated service parking lot. The proposed automobile service station is conditional use within the BC zoning district requiring a special use permit which will be considered by the City Council. As I mentioned earlier this project was submitted after the change in uses, permitting retail food sales as part of the use for automobile service stations. Furthermore, the project is subject to an exemption to the service station parking requirements approved by Council on August 28th which allows an automobile service station offering retail food service to provide parking at a rate of 5 spaces per 1000 square feet of floor area as a retail food store. This was the standard prior to February 13th and was inadvertently changed by that amendment so we brought this back to the Planning Commission and Council to get that corrected. The proposed development as I mentioned has been determined to require a special use permit for an automobile refueling service station. We do note as a department that as a condition of the special use permit approvals by Council for the automobile service station, the developer has agreed to the installation of an oil and water separator on the site, the specifications and location of which will require Public Works and Water Resources approval during the review of the Lines and Grades plan. As a further condition of the special use permit for the automobile service station, the developer has agreed to the installation of an electric vehicle charging station and an additional location to be made ready for a future electric vehicle charging station. The final location and specifications for that of each of those will require the Electric Department's approval during the review of the Lines and Grades plan.

The proposed development does meet all requirements detailed in Chapter 27, Subdivisions, and Chapter 32, Zoning, with the special use permit that's required. Regarding traffic, South College Avenue is a state road. The proposed service station is estimated to generate 3,320 daily trips, an increase from the 654 trips estimated for the current restaurant use. While a Traffic Improvement Study is not required for a minor subdivision, Traffic Impact Studies were approved by DelDOT, excuse me, a Traffic Impact Study was approved by DelDOT for a proposal to construct a hotel and gas station at the adjacent 1119 South College Avenue parcel in June of 2017. However, the plans approved for 1119 South College Avenue only included a hotel and vacant commercial pad site. Future development of the commercial pad site will require a separate application and approval. On September 1st of this year, DelDOT did issue a Letter of No Objection to Recordation for the proposed site plan. No objection to recordation does not constitute an endorsement of the project nor does it authorize commencement of any construction. The responsibility for the ultimate approval rests with the City of Newark.

Regarding parking, the plan proposes shared parking with adjacent businesses, which are the Candlewood Suites at 1101 South College Avenue and the Red Roof Inn that's soon to be redeveloped into a Home 2 Suites hotel at 1119 South College Avenue. The plans require 30 parking spaces for the proposed gas station with retail food store in addition to the 133 spaces required for the Home 2 Suites and 110 required spaces for the Candlewood Suites. As designed the plan provides 26 spaces on the site of the proposed service station and another 262 spaces on parcels of the existing Candlewood Suites and the proposed Home 2 Suites hotels. The Planning and Development Department does recommend requesting a copy of the cross-access easement between the three parcels memorializing the shared parking arrangements to be submitted prior to the issuance of building permits.

Because the minor subdivision should not have a negative impact on adjacent and nearby properties and because the proposed use does not conflict with the Comprehensive Development Plan, the Planning and Development Department suggests that the Planning Commission recommend approval to Council for the minor subdivision plan for 1115 South College Avenue as shown on the plans before you. I'm now open to any questions.

Chair Hurd: We'll hear from the applicant, so we'll take the applicant presentation now thank you.

Mr. Tucker: Thank you, Chairman, Ms. Bensley and Planning Commission members. My name is Shawn Tucker, I represent the applicant this evening. Thank you for reading our application. Ms. Bensley certainly did a thorough summary of the application before you and I'll try to briskly walk through my PowerPoint, I think I said that last time I was here, and it took a bit longer than perhaps folks would have

159 appreciated. But I will do my best tonight particularly with a minor subdivision plan and not the special
160 use permit for consideration this evening. I understand that the slideshow is being controlled this
161 evening by the city so thank you for that. So, with me tonight is our civil engineer Mr. Gorski who will be
162 testifying as well along with the owner representative, Mr. Wittig. And with that, if I could ask for the
163 first slide, please.

164 Just a quick identification of the parcel off of the New Castle County parcel view map, as was mentioned
165 this is under an acre, actually 0.99 so just barely under an acre but under an acre none the less. So just a
166 quick slide showing you South College as you'd be getting off I-95 into Newark from the southbound
167 ramp, you would see this site on your right. And it is the old Friendly's restaurant and some of you know
168 this location very well, it's been vacant for some time, similar to the Boston Market unfortunately, that's
169 across the street. So, these redevelopment opportunities I think are important to everybody and really
170 provide an opportunity to update the area and this commercial corridor. Next slide please.

171 I just wanted to display the zoning in the area. The blue star is the location of this project approximately,
172 it is shown as commercial on your existing land use map under the existing zoning and in your future
173 land use map as well, it retains the commercial designation. So just showing the consistency with the
174 Comp Plan here with this slide. Next slide please. Just another vantage point, with an aerial included to
175 give you a better sense of location. Next slide please. And next would be the shot you have heading into
176 the city from I-95 in the southbound lane and the arrow, of course, points to the old Friendly's location.
177 Next slide please.

178 So, as Ms. Bensley indicated, we're here only for the minor subdivision plan this evening, next slide. And
179 for the record just so you all know the qualifications for building a minor plan include a building less than
180 20,000 square feet which we are and we're not proposing any new streets or roads. And that's how we
181 fit under that section, and here is a copy of the plan – this is before you currently for consideration. And
182 I have Mr. Gorski here just to give a brief overview to talk about the square footage and the GFA is 4,736,
183 which is below the 20,000 threshold. And the uses, as Ms. Bensley indicated, falls under the new
184 ordinance as an automotive gasoline service station which also includes a convenience store. And with
185 that, Mr. Gorski, could you just give the board or Commission an overview of height and the setbacks,
186 then we'll talk a little bit about the landscaping plan just to confirm code compliance for the commission.
187 Thank you, sir, and state your name for the record please.

188 Mr. Gorski: Yeah, good evening I'm Steve Gorski with Verdantas LLC and I'm a Senior Project Manager
189 and a Civil Engineer licensed here in the State of Delaware. So, as Shawn had mentioned and Renee, if
190 you could get the next slide, please, actually keep going there's a color rendering here, there you go. So,
191 the site is located at 1115 South College Avenue and the setbacks are met basically BC, general business,
192 setbacks required, zero side, zero front yard with a 10-foot rear yard setback which would be this line.
193 This site is accessed by four existing entrances: two will be reconfigured on South College Avenue to be
194 shared with the Home 2 Suites, there's an entrance off of Welsh Tract Road as well and a shared
195 entrance between Jersey Mike's and the current Friendly's and proposed Wawa. The store will have an
196 entrance on two sides, the main entrance on the front by the gas pumps and one in the back as well for
197 anybody who's not going there for gas. The gas area will be here, under canopy as usual, there are five
198 dispensers and 10 pumps situated perpendicular to South College Avenue traffic. Next slide please.

199 So, this is a blow up of what we were just looking at just to get a better feel for where things are, parking
200 in the front side and back as mentioned by Renee. There'll be landscaping in the front along the street,
201 we're proposing gumtrees, limbed up so they don't cause any security concerns. There's also an
202 additional, that's not shown here, an island here that will have a medium sized citrus tree as well. That
203 was part of a comment we got from Parks and Recreation, a few weeks back. So, there'll be 7 trees here
204 and an additional tree there.

205 Mr. Tucker: Mr. Gorski, could you comment on the area identified in light blue towards the rear of the
206 property?

207 Mr. Gorski: Sure, the blue area is an existing bioretention facility that we're expanding slightly to allow
208 for the site to meet stormwater requirements. That is shared also with Home 2 Suites and Candlewood,
209 it was built with the Candlewood site and, again, we're expanding it. There's also an underground
210 stormwater facility here that provides flood control. That still will provide flood control after this project
211 is constructed.

212 Mr. Tucker: And in terms of parking, can we go back one slide?

213 Chair Hurd: Could you get closer to the microphone please?

214 Mr. Tucker: Sure, could you comment on the shared parking? I'm sure some folks have questions about
215 that. Can you clarify where that's located on the landscape plan?

216 Mr. Gorski: Sure, so there's a shared parking agreement that's in place currently that will be updated to
217 new use. So, there's parking and 26 spaces on site, there will be additional parking along this strip here,
218 there's four there and then 18 here that can be shared with the hotel. The hotel which came before the
219 Planning Commission I think last August, it's been a while, has underground parking, and then parking
220 with Candlewood around the perimeter here and here, and back down in this area too.

221 Mr. Tucker: Mr. Gorski, based on your calculations under the code and the shared use agreement that
222 you provide a parking rationale on the plan...

223 Mr. Gorski: Yeah, we did.

224 Mr. Tucker: And does that satisfy the code requirement for the minimum parking?

225 Mr. Gorski: It does.

226 Mr. Tucker: And lastly, the Wawa seems to be turned, not facing the road, but maybe to the south I
227 guess, which is a little unusual for Wawa to do. Can you explain to the Commission how we got there a
228 little bit?

229 Mr. Gorski: Yeah, there are a couple reasons. We will get more parking with this configuration. If it were
230 flipped the other way, we wouldn't have an opportunity to have a loading bypass lane and trash bins in
231 this area. So, it provides better traffic flow on site.

232 Mr. Tucker: Also, who originally asked for it? I can help with that. I apologize but I didn't mean to put you
233 on the spot. So, it was actually the department I thought made a fine suggestion, generally these stores
234 want to always face the road and they have marketing reasons that they're convinced of that drive that
235 but my client did go back to them after we heard from the department early on and asked if they would
236 consider the shift so you don't have the pumps right on the road, so Wawa did agree to that and I was
237 not aware that we were able to get additional parking so that's nice to hear because of that but that was
238 the original driving factor for us to talk to Wawa about turning the building to the south. Alright, Mr.
239 Gorski, I don't know if there's anything else you wanted to add about the plan?

240 Mr. Gorski: I don't believe so, Renee had mentioned that Wawa generates roughly 300 trips per day, I
241 just wanted to clarify, most of that is considered bypass by ITE, the Institution of Transportation
242 Engineers, which means that 75% of traffic is not new to the site, it's bypass. So, it's cars from cars that
243 would not normally make a new trip just to go to get gas, they're coming home from work, or they're
244 going somewhere else so that's pretty much an industry standard, not DelDOT driven, but they do accept
245 the ITE manual requirements for that. So yeah, it's industry standard so there's not as much additional
246 as you would originally think.

247 Mr. Tucker: And Ms. Bensley's also mentioned that DelDOT has issued a Letter of No Objection, is that
248 correct?

249 Mr. Gorski: That's correct, yes.

250 Mr. Tucker: And is that the final approval from DelDOT or do you also need entrance plan approval?

251 Mr. Gorski: We do need entrance plan approval, we're almost there we're in for a second round of
252 review with them they've already agreed to entrance location and sizes it's just we need to cross a few
253 more "T"s and dot a few more "I"s to get there.

254 Mr. Tucker: Thank you, Mr. Gorski, please stay, I'm sure you were going to, just in case there's questions.
255 Just for the record in my experience with convenience store type users, they do come to these kinds of
256 locations because they want to pull existing traffic off the road. They want to come to where the
257 customers already are as you can imagine. Wawa and Royal Farms I believe are particularly sensitive to
258 that and you certainly have those folks who will go out just to go to a Wawa but at this location, there's
259 other fueling opportunities on the other side of the road certainly. There is a no left at the perpendicular
260 road that's just to the North of us that helps keep the traffic tight there and you certainly can make a
261 right and or come out on the shopping center side to come out at the light. So, there are logical ways in
262 and out. But it is remarkable at least it was for me when I initially learned the stats on this, but I believe
263 DelDOT IT manual identifies about a 75% pass by capture when they do their analysis. That number as

264 Steve mentioned seems like a big number, but the vast majority of it according to our traffic experts in
 265 the world and that manual is one adopting across the country by various DOTs, statistically it shows us
 266 the vast majority of trips do come by already and it's a matter of exiting and reentering the roadway at
 267 these types of uses.

268 This is just an example of what's intended to be built there, I don't anticipate any deviation from this,
 269 this is sort of Wawa's latest and greatest. You see the stone coming up partially that protects the stucco
 270 type finish and the variation in color to give some context and differing appearance to the building as
 271 you walk or drive by it. Next slide on the canopy please. And the well-known Wawa type canopy and
 272 you also see some of that stone brought into that for consistency with the architecture somewhat. Next
 273 slide please. And just to recap, proposed 4,700 plus retail food store with gas pumps. The picture there
 274 designates the Level 1 State Strategies Investment Map which is cross referenced in your comprehensive
 275 plan where the state and municipalities agree that infrastructure exists or should be improved upon to
 276 support new development. Next slide.

277 Permitted use, it's certainly not a rezoning situation so it is permitted under your BC district consistent
 278 with the most recent ordinance from this year that was adopted. This does certainly qualify as
 279 redevelopment and your Comp Plan guides us a bit on that. In particular, Chapter 10 under Land
 280 Development, the City of Newark land development principles is listed below on one of those on your
 281 Comp Plan, on page 133, says "appropriate infill and redevelopment are the most efficient and
 282 sustainable uses of land to preserve and protect natural and cultural resources as well as limit the need
 283 for new infrastructure."

284 So, you see your Comp Plan, which you certainly all were part of is encouraging the redevelopment as
 285 opposed to going out and potentially going into green areas that are undeveloped today as
 286 redevelopment is a well-established complex and this location in particular just off of I-95 certainly
 287 seems logical to have this type of use closer to vehicles coming off the interstate. It's also helpful I think
 288 that the hotel is next door in terms of walkability and connectivity ability. So, you'll have people that
 289 would have maybe otherwise come to the hotel, jump on 896, drive around a little bit in the area where
 290 now they can walk to a convenience store and pick up the things that they need. So, you can actually see
 291 a positive sometimes where you're reducing trips, leaving other uses in the area because you can now
 292 walk to this site.

293 So, in conclusion a minor subdivision plan only this evening and certainly the department weighed in on
 294 the compliance with code, Mr. Gorski talked about the setbacks and the landscaping in terms of code
 295 compliance and therefore we would ask you all to please follow your department's recommendation and
 296 support our minor plan this evening. Thank you.

297 Chair Hurd: Thank you, we will begin Commissioner comments with Commissioner Bradley. You just
 298 turned it off.

299 Commissioner Bradley: Greetings, everybody thanks you. Thank you for the presentation, another
 300 Wawa, more to go. These are going to be in no particular order just like the last set that we did. The
 301 parcel behind this Wawa is the existing hotel.

302 Mr. Tucker: Can you come up; I know you handled that history.

303 Mr. Gorski: Yes, the back Candlewood and Home 2 Suites.

304 Commissioner Bradley: The sliver between the Wawa and the proposed hotel is that the existing hotel?

305 Mr. Gorski: Yes.

306 Commissioner Bradley: And is there a shared access agreement with that?

307 Mr. Gorski: There is, with Jersey Mike's which is to the North and also the Home 2 Suites and the existing
 308 hotel.

309 Commissioner Bradley: And how about the Red Roof Inn site right now? Is there a shared use access
 310 agreement with that?

311 Mr. Gorski: There is.

312 Commissioner Bradley: So, all those exist?

313 Mr. Gorski: Yes.

314 Commissioner Bradley: So, I think there's a note in one of the comments about obtaining that before
315 permit?

316 Mr. Tucker: It does exist but the proof I think is required by SOP to be provided before the building
317 permit, but it is a recorded document. We're happy to share it.

318 Commissioner Bradley: Ok, I saw that and wanted to make sure that all these shared access agreements
319 were in place.

320 Mr. Tucker: Yes, so it is a bit like herding cats so that's great question, and fortunately they've been
321 (inaudible).

322 Commissioner Bradley: And does that allow you to use the shared parking? Because of that shared
323 access agreement. How do we get the one entity parking across all these other properties?

324 Mr. Tucker: It's included in the shared access agreement.

325 Commissioner Bradley: Ok.

326 Mr. Tucker: So, it talked about the Friendly's sharing that was anticipated in the future. Which certainly
327 was in planning and people were cooperating.

328 Commissioner Bradley: So, the exit out towards Welsh Tract Road is feasible because of that shared
329 access. Ok. There was a note about approved variances from July of 2018. On the, notes 32 and 33,
330 note 31 says "variance from the following City of Newark code."

331 Mr. Gorski: Yes, that refers to the southernmost entrance of 896 which required a variance for having a
332 commercial site less than 50 feet from the residential zone to the south. It was prepared and approved
333 for the Home 2 Suites project that we share access with as well.

334 Commissioner Bradley: So, the plan we're looking at here is these entrances because on (inaudible) it
335 says, "existing entrance to be removed, CSSN hotel plans" So are these entrances we're looking at on
336 here, do they reflect what's proposed?

337 Mr. Tucker: They do.

338 Commissioner Bradley: Ok. Good, just a cleanup thing, there's two of the same notes on this plan, 50
339 and 54. I love reviewing plans, sorry.

340 Mr. Tucker: That's quite alright.

341 Commissioner Bradley: Parking, the way I read it, are we short 4 spaces and we don't need a variance
342 because Council did away with that requirement? Am I reading it that we're still short 4 spaces on this
343 plan, it requires 30 but has 26?

344 Mr. Tucker: Can you walk us through that?

345 Mr. Gorski: Yes, that's part of the shared parking agreement with the neighboring properties.

346 Mr. Tucker: That's how we make up the gap and more.

347 Commissioner Bradley: Ok.

348 Mr. Tucker: Which is always good I think for a convenience store of this nature.

349 Commissioner Bradley: There was that. On record plan 03 there's, sorry wrong page, there's a proposed
350 mountable curb. In your opinion do you think that's going to do anything there? I live on Welsh Tract
351 Road, so I know this property very well. Is that something people are going to drive over constantly you
352 think? If it's mountable?

353 Mr. Gorski: Which area are you referring to?

354 Commissioner Bradley: Between this and Jersey Mike's.

355 Mr. Gorski: That's there for any trucks that may end up making a turn.

356 Commissioner Bradley: Ok, so you're going to expect regular vehicles to traverse over that thing to get
357 out of Jersey Mike's.

358 Mr. Gorski: It's there to not, to prevent that but...

359 Commissioner Bradley: But it's mountable?

360 Mr. Gorski: Yes.

361 Mr. Turner: And Commissioner Bradley, your point's well taken. We see DelDOT look at that issue too and
362 we want a way for the trucks to get through for the same development, because if it's brand new you
363 obviously want to try and better manage non-trucks from doing that but there is always some risk that
364 people could do that. But I think visually though, they see that angled, or slightly raised area and most
365 people tend to avoid that, maybe not all, there's a few that would probably ignore that.

366 Commissioner Bradley: The EV charging, you have one of the plans in that bump out area but then
367 there's an alternate that's not on your property. Is that allowable due to the shared access?

368 Mr. Turner: That I'd have to double check, this is a tight site to put a convenience store on as you might
369 imagine typically you see a little bit more room on sites. So, we were kind of limited on how many of
370 those we could identify. Of course, things change over time, and as these become more prevalent
371 certainly it's going to come back to you, and we'll try to add some additional spaces. I don't know off the
372 top of my head if the shared use parking agreement contemplates EVs but that is certainly something we
373 can supplement the record with.

374 Commissioner Bradley: Because in the future as you've said, EVs are going to be more and more
375 prevalent. So right now, we're looking at this and it only has one charging station, correct?

376 Mr. Tucker: That's correct.

377 Commissioner Bradley: Which is less than the two that the last one had. There's a good opportunity
378 here with all the shared access.

379 Mr. Tucker: And you're spot on, we talked about that internally, about the site being smaller and us
380 trying to get it to fit for redevelopment purposes you want to see more. If the shared use agreement
381 does permit that and I don't, off the top of my head I don't recall it doing that, it's been a while since I've
382 read it but if it does it would certainly be something we would offer to Wawa. But we also talked
383 internally about if and when that demand comes, and it probably will to your point certainly. Could we
384 come back to the city to modify and allow more of this, it might require a variance or two, but we would
385 be prepared to do that on behalf of Wawa or our client.

386 Commissioner Bradley: I'm assuming there's no lighting issues because we're surrounded by everything
387 that's already lit up?

388 Mr. Tucker: That's a great observation, the standard installation that Wawa puts in, and I would
389 anticipate it here, if you wanted to make it a condition we would certainly understand. Their new
390 lighting would be designed to not bleed off site even though there is some existing lighting that does
391 bleed off site a little bit. And they use shielding and reflectors to accomplish that. They also video, from a
392 security standpoint, you saw some of that in the comments – that's required for law enforcement
393 purposes, a video and recording and adequate lighting. So, to answer your original question, they do
394 have the ability to manage light leaving the site and from a standard they always design to avoid that. I
395 don't know if there's been a lighting plan submitted yet, right Steve? And that's certainly something that
396 we could provide to Council, but it's manageable either way depending on the will of –

397 Commissioner Bradley: And it's surrounded by lights.

398 Mr. Tucker: Yes, it certainly is. That's certainly true.

399 Commissioner Bradley: Wawa has a lot of these canopies all over the place now, is there any talk about
400 solar on them?

401 Mr. Tucker: I don't know. I don't know if Mr. Wittig has any thoughts or discussions on that.

402 Mr. Wittig: That's an interesting question, I haven't heard anything.

403 Commissioner Bradley: It's a prime location. Ok, so traffic flow. So, then, I'm sorry for asking this, the
404 Red Roof Inn, what is that place going to be called now? It's just a pad right now, right?

405

406 Mr. Tucker: I believe so and I'll defer to the gentleman who handled the approval.

407

408 Mr. Gorski: Yes, it will be a Home 2 Suites hotel.

409 Commissioner Bradley: Ok, so we're going to have one entrance in from 896 northbound and then an in
410 and out between the two properties?

411 Mr. Gorski: Correct.

412 Commissioner Bradley: And then an in right before Jersey Mike's?

413 Mr. Gorski: That's correct, that's existing.

414 Commissioner Bradley: And in at Jersey Mike's?

415 Mr. Gorski: Yes.

416 Commissioner Bradley: And an out at Jersey Mike's and an out at Welsh Tract Road.

417 Mr. Gorski: Yes.

418 Commissioner Bradley: I, you know, I know what your traffic studies say but the size of the parking and
419 the amount of traffic that Wawas generate, I know you're working within the confines of the plan and
420 property but I just, good luck.

421 Mr. Tucker: Let me ask you this, because it's a fair question and certainly a fair concern. Mr. Gorski, were
422 there any sign deviations needed for the LONO?

423 Mr. Gorski: Not, no. Actually, there was one, it had to do with the distances between the entrances. We
424 expanded that due to the existing conditions of where Jersey Mike's and the hotel was, we couldn't meet
425 the right turn lane length requirement and they accepted.

426 Mr. Tucker: And when you say them, you mean DelDOT?

427 Mr. Gorski: DelDOT, yes.

428 Commissioner Bradley: What we used to see a lot when this was the Friendly's was people would come
429 right out of Friendly's and cross right across Jersey Mike's in to go out. So, you get a lot of cross traffic
430 trying to get out of these parking lots when they are active. But ok.

431 Mr. Tucker: Well, it is, you see the language in the Comp Plan about sustainable tenants or users and
432 certainly Wawa I think we can fairly describe as meeting that criterion. But then you did get, the reason
433 that they're so sustainable is that they're generally very successful so there is a bit of give and take there.
434 DelDOT in my experience is not a big fan of design deviations and they only tend to grant them for these
435 types of infill or redevelopment projects because of existing conditions. But your point is well taken, Mr.
436 Bradley.

437 Commissioner Bradley: Is the lane behind the Wawa, the 10-foot lane is that enough for fire trucks and
438 emergency vehicles?

439 Mr. Tucker: Mr. Gorski, do we have the city's Fire Marshal approval yet?

440 Mr. Gorski: We do have Fire Marshal approval. That's not a fire lane, it's not needed to be a fire lane, it's
441 there for traffic flow, primarily for trash trucks to come and go.

442 Mr. Tucker: Mr. Gorski for clarity for the record is that because they only need access to so many fronts
443 or sides?

444 Mr. Gorski: Correct.

445 Mr. Tucker: Ok.

446 Commissioner Bradley: This might be more of a question for the Planning Department, but
447 hypothetically there could be another gas station convenience store next to this is that correct?

448 Director Bensley: Hypothetically, it has the zoning that it could get that and with a special use permit, but
449 Council would have the discretion as to whether or not to grant the special use permit for the adjacent
450 site. In the Home 2 Suites approval, we did include specifically in the subdivision agreement that
451 commercial pad site that's there that was not designated for a particular use would have to go through
452 the normal approval processes and that wasn't considered, or rather I should say the Home 2 Suites
453 approval was not considered an approval for that commercial pad. So, they would have to go through
454 the application process and all of that to determine what would be permitted to go there.

455 Commissioner Bradley: And with the recent code, I think we're down to 50 feet between canopies
456 instead of 300 is that correct?

457 Director Bensley: With the final version there's no distance separation requirement between the
458 canopies.

459 Commissioner Bradley: Ok, thank you.

460 Mr. Tucker: Yes, (b)(1)f, it's 50 foot in general, not canopy specific.

461 Commissioner Bradley: Getting there, sorry. You know one thing I didn't pick up that you guys pointed
462 out during your presentation, is this is a side elevation that's facing 896. And right now, we already have
463 a side elevation on the hotel that's already 6 to 7 stories tall. It's very plain looking, especially being that
464 tall and now we're going to have this. Is there any way we could dress up the side and make it look more
465 presentable from an aesthetic standpoint? That's just a personal comment.

466 Mr. Tucker: I don't know if perhaps it might be helpful to bring that slide up just to ponder that for a
467 moment. Certainly, there's not a tremendous amount of landscaping at 896 today, it is something that I
468 will submit that does help break things up. But maybe looking at that exhibit a little bit might help.

469 Chair Hurd: And I did have an actually similar comment, as to whether Wawa would want the sign at
470 least moved to that end that's facing the street.

471 Commissioner Bradley: You know in all honesty that would really help, just that simple thing.

472 Mr. Tucker: That's certainly something that we would be happy to approach them about I think that's a
473 fair point. But one of the things that you don't obviously appreciate with this rendering, I know it's ours
474 not yours, is the landscaping and the trees that would be from the front and side view in particular help
475 minimize that, so I think that does help. It may not be everything you were hoping but it helps certainly
476 something that we'd love to see more of a long that stretch as other uses redevelop like the Boston
477 Market, but we've certainly I think got a foot heading in the right direction. I'm sure Mr. Wittig would be
478 happy to discuss with Wawa some additional things for that side of the building. If that was something
479 you would ask us to pursue, we would be happy to do that.

480 Commissioner Bradley: I think it would benefit everybody to have a better façade facing 896.

481 Mr. Tucker: Ok.

482 Commissioner Bradley: Ok let's see here...parking...(inaudible)...that's already taken care of...fire hydrant.
483 Ok page 2, September 15th, 2023 Planning Department comments, Fire Marshal number 2. The location
484 of the nearest fire hydrant is just shy of 305 feet, and you say add another one, but I didn't see that on
485 there, it says it should be added prior to Planning Commission.

486 Mr. Gorski: Yes, that's actually one letter old, the last Planning letter did identify that the department had
487 no other comments. We did work with them and added a fire hydrant near the proposed sign.

488 Commissioner Bradley: Perfect. On the landscaping plan, the 7 black gum trees and there was a note
489 saying to change them prior to Planning Commission? Has that been changed?

490 Mr. Gorski: We're trying to get a hold of I believe it's Joe Spadafino, I think that's how you pronounce it.
491 We weren't able to get ahold of him before the Planning Commission. He subsequently and the same
492 comment but mentioned it with the required prior to Council consideration. We are willing to change it,
493 his concern was having all black gum trees, he just wanted a mix and that's not a problem.

494 Commissioner Bradley: There was a comment in that same section, but I think you guys addressed it, are
495 you adding a landscape area to the front left corner of the building? Because there was a note about 250
496 square feet of landscape area?

497 Mr. Gorski: We are, if you turn to the landscaping slide, go back one more, (inaudible).

498 Mr. Tucker: Just for the record because of the mic, Mr. Gorski indicated that there will also be a tree
499 planted there along that corner.

500 Commissioner Bradley: Is there going to be curb there now?

501 Mr. Gorski: (inaudible)

502 Chair Hurd: For the record, was that a, yes?

503 Mr. Tucker: Yes.

504 Commissioner Bradley: Ok guys I have one more. That's it. I'm done. Thank you for bearing with me.

505 Mr. Tucker: Thank you, Mr. Bradley.

506 Chair Hurd: Thank you, Commissioner Kadar?

507 Commissioner Kadar: Just one item.

508 Chair Hurd: Microphone, sir.

509 Commissioner Kadar: Sorry, there we go. Just one item that I'm a little confused on, and that's on the
510 Planning and Development Department report dated 9/25, lines 213 and 214 indicate "please see
511 proposed transformer location, if suitable please include it in the plans". So, I look at the plans, drawing
512 our REC-03 it shows the transformer along the street in the landscaping area along 896. The June 2nd,
513 2023, Planning and Development department letter to Steve Gorski page F2 says a "suitable location
514 approved by the Electric Department will be required for pad mounted transformer during the CIP phase
515 of the project." Is the location on REC-03 that approved location by the Electric Department or not?
516 Because I had trouble finding any reference to what the Electric Department wanted to do.

517 Mr. Gorski: That's a good question. So, what happened, we discussed this, and I left a message with Mr.
518 Patel in the Electric Department today. He wanted the transformer, which I don't think he realizes, right
519 in the middle of our stormwater management facility and we can't put it there. The only other place for
520 it to go would be down by 896 and we made that comment as a response, and I guess maybe he didn't
521 quite see why we couldn't put it there. So, we're working with him to straighten that out prior to
522 Council.

523 Commissioner Kadar: Right. Now if a transformer is located on top of a utility pole that's one thing.
524 Residential areas, underground electric utilities, transformers are located along the street just off the
525 sidewalk. Low volumes of traffic and not a big deal. This is a pretty heavily traveled road and you're
526 putting a transformer right off the road. And you've got an entrance that pulls in there, two lanes there's
527 going to be oops I missed it and knocks the car off and they're going either into the trees or into the
528 transformer. Is there any way to take that transformer and move it further back on the property where
529 there's less volume of traffic?

530 Mr. Gorski: We'll take a look at it, there's not a whole lot of pervious behind the curb areas on the
531 property, it's very small as you know. The rest of the site is either paved or stormwater management
532 facility. It is outside the clear zone, which is the accident occurrence zone from 896 as established by
533 DelDOT and IT as well, the national overseer for such things.

534 Mr. Tucker: But we can certainly look into that because we do have until the Council to wrap it up
535 according to the latest Planning comments, we do have some time there sir to look at that.

536 Commissioner Kadar: How big is this transformer?

537 Mr. Gorski: I'm not an electrical engineer, I probably have to defer on that.

538 Commissioner Kadar: Is it bigger than a breadbox?

539 Mr. Gorski: It is bigger, yes. We can also put bollards around it to protect it.

540 Commissioner Kadar: Even from the aesthetic standpoint that's not going to look good along the street.
541 Just my comments. Other than that, thank God we've got another Wawa, I'm really appreciative of that,
542 because we were running a little low. And I see you're following all of the zoning, the building
543 requirements. I have no further comments on this, I am sure that there will other comments on the
544 access into this, I understand my Vice Chair Silverman is going to address that. Thank you very much.

545 Mr. Tucker: Thank you.

546 Chair Hurd: Thank you. Commissioner Silverman?

547 Commissioner Silverman: Commissioner Bradley was reading over my shoulder on my checkoff list, so
548 it's been reduced substantially. Let's start with one of the last comments made first, in this particular
549 area, bollards should be looked at to protect that electric transformer. As I understand it, the frontage is
550 pretty much set by DelDOT which DelDOT has approved?

551 Mr. Tucker: Yes, sir.

552 Commissioner Silverman: Ok, I'm going to make an observation on that. I believe DelDOT has created
553 another circumstance here very much like the Chik-fil-A over at Christiana Hospital, if you've been over
554 on Route 4, Stanton Ogletown Road, and attempted to go into Samoset Drive which is the most westerly
555 entrance to the hospital complex. As you're making your turn through a very busy intersection and
556 you're squeezing over to the right, you think you're in the de-cel lane to go into the hospital complex and
557 I've found myself driving around Chik-fil-A's parking lot and I'm over there a lot. Sometimes it gets very
558 confusing. Particularly you commented about the passerby traffic coming entering the site. The site is a
559 quarter of a mile off of an interstate that has almost 100,000 automobile trips. Just up the road is the
560 University Stadium that draws 25,000 people on a football weekend and somehow DelDOT thinks this
561 site is located on a minor classified road and should be held to a vanilla design standard. They seem to
562 be very unwilling to work with the applicant and in the past reviews we've had with this project, even
563 with the Planning Commission. So that's just kind of my observation on this.

564 Moving again toward DelDOT, are we locked into the entrance into the subject property that's in close
565 vicinity to the gasoline pumps immediately on 896? I'm coming down the road, there's a Wawa, great,
566 oops I'm going into the hotel site, now I have to pull back out into traffic. I'm a little confused, I take my
567 right in, I'm barely a car length off of 896, and I see the entrance to my left now I've got to figure out
568 how to get to the gas pumps or how do I find my way over to the convenience store and I'm doing all of
569 this with traffic backing up behind me. This is a repeat of the comments I made when we looked at the
570 hotel site, I would like to see this lower entrance closed and traffic taken back into the hotel site into the
571 more easterly existing entrance. This works very successfully at the Wawa located on Ogletown Road
572 and Marrows Road next to the post office where a very busy traffic area pulls traffic off of the road for
573 people to make their decisions. That's an observation.

574 I find the traffic flow on this site extremely challenging. This is a tight site, and it meets all of the
575 requirements, but I find conflicts for example to the rear of the building where there are trash
576 containers. I'm trying to picture how a trash truck, using these large commercial trucks are either front
577 end load or rear end load, is somehow going to come into a 10-foot entrance, do a three-point turn to
578 pick up a dumpster. I don't know how that's going to work but that's not a planning problem.

579 Mr. Wittig: Robert Wittig from DSM Commercial, developer of the project. There will unlikely be, or it will
580 be unlikely that they would have a front-end loader or even a rear end loader here. They'll have
581 containers.

582 Commissioner Silverman: Ok, thank you, that answers that problem.

583 Mr. Tucker. Mr. Silverman, if I may just stay on your questions, I don't want to forget the answers. Mr.
584 Gorski, what is the curb depth coming off of 273 there? Or 896.

585 Mr. Gorski: The entrance width?

586 Mr. Tucker: Yes, and the depth, isn't there a DelDOT minimum standard we need to follow for that?

587 Mr. Gorski: Yeah, and we do they accepted it.

588 Mr. Tucker: (inaudible) the end all be all (inaudible)

589 Commissioner Silverman: Yes, DelDOT has made the choice for us here, I'm just saying I'm not happy
590 with the way DelDOT's cooperating. And I don't think it's to the applicant's benefit necessarily either.
591 The signage on the side of the building we've already talked about that, something to dress up that
592 particular side, maybe some type of architectural feature.

593 Let's go back to the traffic flow, I notice on the plan that the proprietary air station, I assume that's the
594 tire pump, tire fill station is located right along the 896 side of the parking lot. It's also part of the main
595 travel lane around the building. I can see individuals nosing into the tire filling station and their
596 automobiles cutting off a substantial portion of that travel lane.

597 Mr. Tucker: Mr. Silverman, that is something we had not, I had not personally considered. I think that is a
598 location that is certainly flexible, so we'll definitely take a look at that.

599 Commissioner Silverman: Yes, because I'm looking at the circulation around the site. I patronize Wawa
600 and they're very busy particularly at peak times and traffic flow gets very challenging and to have
601 someone simply stop their car and fill tires which disrupts circulation. I'm going to ask our Director. Are
602 directional and identification signs required in entrances? In other words, will there be an electric or a
603 highly visible sign indicating Wawa entrance to help avoid some of the confusion that I believe DelDOT
604 has created.

605 Mr. Tucker: I would just offer that the convenience stores appreciate installing them, they tend to trigger
606 variances unfortunately, but it's certainly something we're willing to explore with the department and
607 other members of the city if there's an appetite for that for the very safety reasons you're raising.

608 Commissioner Silverman: That's why I directed my question to the director also.

609 Mr. Tucker: Ok.

610 Commissioner Silverman: I think this would help minimize some of the confusion. Am I going into the
611 hotel? Am I going into the to be developed pad site? Am I trying to find my way into Jersey Mike's? If it's
612 very clearly marked Wawa, then I can anticipate where I'm going particularly from a distance.

613 Mr. Tucker: Understood, that's something we can certainly explore, not that this solves that concern.
614 One note though is that because of the repeat customers you tend to get at these locations because
615 there are people that tend to travel the road every day that they pull from, eventually folks figure it out
616 but initially you have some problems so we're happy to look at that. I did hear from DelDOT years ago
617 that when they update intersections, improve them, expand them, widening them, they typically see

618 initially an increase in accidents because people are not used to the new pattern, even though it might
619 be a better safer, more thought out pattern, and there's that learning curve but I don't disagree with you,
620 the entry signs would be helpful and we'll explore them. If the City's going to support them and I'm
621 guessing they probably would, but we're happy to talk to Ms. Bensley about some options.

622 Commissioner Silverman: And with respect to the common property line with Jersey Mike's and the
623 subject property. The drawings show a fence down that side yard, I assume it's on Jersey Mike's side.

624 Mr. Tucker: Yes, that's an existing fence on Jersey Mike's property.

625 Commissioner Silverman: I'd hate to see Jersey Mike's become the quick in and out overflow parking for
626 someone who doesn't want to deal with the gas pumps and that kind of thing when they're going to
627 Wawa so that fence will be maintained?

628 Mr. Tucker: So, far as I know yes. I did learn from your Planning Director recently that apparently there's
629 a Wawa planned on the opposite side of the road, heading to the south, but no gas pumps. So, whether
630 that happens or not I'm not sure, but I find that interesting. So, a fourth. I'm not involved in that one, at
631 least not yet. So, maybe I will be someday but not for now.

632 Commissioner Silverman: Ok, so I did mention the bollards around the utility.

633 Mr. Tucker: Yes sir.

634 Commissioner Silverman: And that's pretty much it for my questions...oh, with respect to the charging
635 stations, I'm a little confused as to whether those charging stations are on the hotel property or on the
636 subject property.

637 Mr. Tucker: I believe that one is definitely on, but I think the second may be off. Mr. Gorski, is that
638 correct?

639 Mr. Gorski: Yes, one is on, completely there's a finger of the Wawa property that jumps up into the hotel
640 site, that's actually part of the property that's why I put it there, and the other is partially on the SSN
641 hotel property.

642 Mr. Tucker: And Mr. Silverman, I missed the second one when I reviewed this prior to the hearing and
643 that's why I indicated to Mr. Bradley that I do need to double check the agreement between the parties
644 to make sure the second one can be installed. I don't know if, I don't think two were required, we have
645 one by the department, but we certainly do appreciate that is the direction the world is heading in, and
646 we will install what we can with Wawa's blessing of course.

647 Commissioner Silverman: My issue is not so much the presence or absence; it's how they're going to be
648 controlled and how they're going to be used. I pull into the hotel with my electric vehicle, I see an electric
649 charging station, and I'm there for the next 12 to 18 hours, Wawa loses the use of it. Whereas someone
650 who's going to stop at Wawa, they've got a quick charge and only need 20 minutes of time. They could
651 lose the use of the asset.

652 Mr. Tucker: Yes, and this is an excellent point. As you may have heard recently, or at least I did, the
653 Secretary of the Department of Education took an electric vehicle through part of the country and ran
654 into a similar issue I recall, where she had stopped to charge and was dominating that, not on purpose,
655 but there was a lady with a baby who pulled up and needed it. So, those are certainly some of the – that
656 we're going to be facing as we try to manage this new world of charging stations. But I don't think we
657 can say what Wawa's practices right now unless Mr. Wittig knows.

658 Mr. Wittig: I think Steve may be able to add a little clarity as it relates to the hotel's organization.

659 Mr. Gorski: Yes, the hotel does have three of their own EV stations that are immediately fronting their
660 property and we would expect EV cars would use those stations.

661 Commissioner Silverman: Ok, because that's something we're working out as a Planning Commission is
662 we're looking into how EV charging stations are going to be used and that kind of thing. And Mr.
663 Chairman that concludes my comments.

664 Mr. Tucker: Thank you, Mr. Silverman.

665 Chair Hurd: Ok, thank you. Commissioner Tauginas?

666 Commissioner Tauginas: Oh, it worked ok. So, I had a few thoughts, a lot of my ideas were brought up
667 already, so I'll reiterate quickly I won't take up much time.

668 Mr. Tucker: Please take your time.

669 Commissioner Tauginas: So, my first thought is traffic from 95, right? Wawa is banking on this being a
670 busy area and that's why they put that location there anyway. If nothing happens with this pad site this
671 is going to be the last gas station and the last exit in Delaware for 95. So, DelDOT says that's not going to
672 affect traffic?

673 Mr. Tucker: I don't know if DelDOT believes that or not, they have standards that we have to meet.

674 Commissioner Tauginas: I get that but let's be real about it, it will affect traffic, already that area, and this
675 is not, I'm just being honest about the situation, I've spoken with people who live off of Welsh Tract Road
676 earlier today and they had concerns about the traffic anyway. The coming out of Jersey Mike's, if you're
677 going to have to get back, like if you come off there you want to turn back around you can what cut back
678 to Cooches Bridge, come back around and take Welsh Tract and make that left back onto 896 to get back
679 onto the expressway right? So, we're going to increase traffic to this one tiny little site, and then people
680 are to be still potentially able to make that right out of Wawa to go and jump across and try and make
681 that quick U-turn to get back onto the expressway?

682 Mr. Turner: You're talking about a U-turn off of 896?

683 Commissioner Tauginas: Yes.

684 Mr. Turner: There's a no U-turn sign there now.

685 Commissioner Tauginas: Oh, like that stops them.

686 Mr. Turner: I know people, not only might it not stop them when Newark PD is out there with yellow
687 vests even then people will miss that.

688 Commissioner Tauginas: Because I see it happen all the time.

689 Mr. Tucker: I wasn't going to share this story but since you brought it up one day myself and Mike Ziegler,
690 who is an engineer, were actually driving by the site and there was a Newark Police Officer standing in
691 the middle of 896 in the other lane. So, I'm looking at him and wondering what he'd doing in the middle
692 of the road, and I make a U-turn, so I pled guilty. So, I asked him, well why did you pull me over and he
693 said "Well you just missed the U-turn sign". So, to your point, people do miss it for other reasons.

694 Commissioner Tauginas: Did you get out of it by name dropping?

695 Mr. Tucker: No, but I did share that I didn't notice the sign because I was staring at him and wondering
696 what he was doing in the middle of the road with a big yellow vest. But anyway, we had a pleasant
697 conversation and it all worked out, and with no name dropping for the record. But your point is well
698 taken, some people will violate that. I did check that to make sure it was still there actually on my way to
699 the hearing. So, there are efforts to certainly minimize and discourage that. I think what you're seeing is
700 folks trying to strike up a balance in general between wanting redevelopment, making these sites
701 appealing and traffic concerns. I think there's a struggle there and you see it with Boston Market, you
702 see it's an eyesore there right now, but you have to attract a tenant there that makes that site work and
703 they're going to have certain needs and we do have certain traffic standards we have to meet and there's
704 certain lines drawn on those. Fortunately, we do meet that but that does not mean your points aren't
705 well taken.

706 Commissioner Tauginas: Yeah, I'm going to run my mouth and we'll keep going through it. So, then
707 essentially what's going to happen with the traffic then, it will have to go to the exit to get back onto 95
708 if this is going to be 95 traffic they're going to get that little section of Old Cooches and take that, illegally
709 and get back onto Welsh Tract. There, which goes right past the residential neighborhood like the back of
710 the hotel, I'm just trying to –

711 Mr. Tucker: Yeah, I think that's one route they could certainly take.

712 Commissioner Tauginas: Or they're going to try and take a double left to get back to, I'm just thinking of
713 people going southbound on 95.

714 Mr. Tucker: And I'm just thinking through the travel path too, and you know today if you need gas and
715 you stop, you're probably going to try and make that same U-turn to get to the gas station on the other
716 lane. In the other direction, which you shouldn't be doing either. But you're right, there's going to be an
717 introduction to another way for traffic to get out, on the perpendicular next to the center. But from a
718 safety standpoint that's probably safer than merging out, making a right on 896 particularly into traffic.

719 Commissioner Tauginas: Right and that's my biggest concern is just overall, it's a heavy traffic area. So,
720 I'm just trying to get a bird's eye view of everything that's going to be happening. So, we're going to
721 have a massive construction operation happening when they're coming off of 95 simultaneously with
722 this Wawa site with potentially another Wawa site across the street happening and also a hotel all being

723 done within the next couple of years. Is that what we're looking at realistically? And I know this is not,
 724 this is not, I'm just trying to get an idea of how this is going to impact the community.

725 Mr. Tucker: I understand sir.

726 Commissioner Tauginas: So, I guess that could be a rhetorical question because you don't know what
 727 everybody else is going to be doing.

728 Mr. Tucker: Well, we have to follow the rules that are published when we apply and that's what we do
 729 our best to do.

730 Commissioner Tauginas: Right.

731 Mr. Tucker: And when we can't we seek variances.

732 Commissioner Tauginas: That's what I'm saying, you have no control over what happens with the
 733 construction that's happening with the exit right. That's a massive job, but then it's going to be all of
 734 these simultaneous construction jobs going on at the same time. Which inadvertently is because
 735 everybody was just doing their thing and I just foresee it could be an issue if all of a sudden, we have all
 736 of these things happening simultaneously which is out of your hands.

737 Mr. Tucker: It is to a large extent and I will say this and I'm not going to defend DelDOT or any other
 738 agency, it's not my role but I will say that when we go through their process and Mr. Silverman saw this
 739 at the county from time to time, in my experience they do work at other pending applications and we
 740 tend to get Excel spreadsheets of comments from their traffic engineering section and it's not
 741 uncommon to have 6 or more people commenting on every application. Not saying it's perfect, not
 742 saying it can't be made better but I will say that out of all the agencies that we do appear in front of, we
 743 probably get the vast majority of comments from them and they do bring in other pending projects and
 744 the ones that come after that, that aren't pending, they take them on when they get them but the
 745 review process is quite exhausting. I'm just being candid. I don't mean that in a bad way about DelDOT,
 746 but it is quite a process.

747 Commissioner Tauginas: I get it, but they don't always get it right. So, another thing was, we have two of
 748 the charging stations so the transformer that's being put in is to power the two charging stations
 749 essentially or is it planning ahead in case of later on?

750 Chair Hurd: The transformer's the standard one for the building.

751 Commissioner Tauginas: Ok, so if indeed more stations need to put in later that would have to be
 752 something that would come back?

753 Mr. Tucker: I honestly don't know the answer to that. It's an excellent question, I think we're all learning
 754 about how EVs are going to work and where the infrastructure is and when it's going to exist and where.
 755 I know they try to run that underground, but I don't know if there's an additional transformer involved,
 756 that's a fair question.

757 Commissioner Tauginas: Because it's going to need a significant amount of energy.

758 Mr. Tucker: Sure, I'm trying to visualize the one as you come out of Lewes, and you come up to that
 759 Wawa and there's several Tesla charging stations and I'm trying to think if there's a transformer by there.

760 Commissioner Tauginas: Just something to think about going ahead, and this is my, this doesn't. I guess
 761 just with the placement and this being that people are going to be coming off of 95 and I feel people in
 762 this section of 896 are already ignoring the speed limit as is, so my biggest concern is going to be, well if
 763 you live off Welsh Tract you know. My biggest concern is just with the two ways in type of traffic pattern,
 764 it's just going to, well it just reminds me of what's happening with the Dunkin Donuts further north
 765 where people get backed up, and people come flying off the highway it just, I just see potential for
 766 accidents unfortunately, but DelDOT says otherwise. But that's it, that's all I got. Thank you.

767 Chair Hurd: Thank you. Commissioner Williamson.

768 Commissioner Williamson: Am I on? Good evening, Chair and staff and everyone. Yes, people have been
 769 bringing up comments that I also shared and won't need to go over those, I'll try to be concise thank
 770 you. So, disclosure that's my neighborhood too, I live off of West Chestnut, I go to Jersey Mike's, I make
 771 lefts and rights down there to make it work. The sidewalk along 896 is up against the traffic lane, there's
 772 no parkway. Which means you could be walking there and something big goes by you at 50 miles per
 773 hour, is there no alternative to having a little bit of space between the pedestrian and vehicles right next
 774 to the curb? If there was just some other way to do that.

775 Mr. Tucker: Mr. Gorski, could you share the design for the sidewalk? I believe it has to be a DelDOT right
 776 of way unless we agree on an easement but then we have certain landscaping and space requirements.

777 Mr. Gorski: Yeah, it all kind of blends together you're right. And what DelDOT's doing is pretty much a
778 mirror of what's there now. There is a DART bus shelter there that impacts where the sidewalk can be
779 and how far you can push it forward. But there is a turn lane there, it's not through traffic adjacent to
780 the sidewalk.

781 Commissioner Williamson: Ok, good, that's helpful. It's not the fastest lane hopefully. Let's see, I was
782 disappointed in, not well, this project is putting a Wawa on a small site I think everybody sees that, it's
783 the standard building, it's a box and three sides have no windows, right? There's only windows at the
784 front? It looks that way in the elevations, that there's all stucco walls on three sides.

785 Chair Hurd: If we could bring up that elevation, I think on the 896 side, we do have doors, but I could be
786 incorrect.

787 Mr. Tucker: So, point well taken, we'll look into the architecture for that site. They're generally very
788 receptive to comments like this, so we'll take it to them.

789 Commissioner Williamson: I'd suggest you do something on all four sides. I mean you see it from all four
790 sides, the hotels are next door, everyone sees it from all sides.

791 Chair Hurd: I will just add something, one of those sides is storage, restrooms, utility, janitor, etcetera, so
792 that's certainly going to have to stay but that's on the hotel and where the trash is. If there's a way
793 maybe they, maybe even the big entrance moves, it might be a big move but if that moved down to the
794 corner more.

795 Commissioner Williamson: That's a different floor plan.

796 Chair Hurd: Oh, it absolutely is.

797 Mr. Tucker: There are some faux windows too,

798 Mr. Gorski: I was just going to say that, put some windows on there, wrap them with trim they'd look
799 good.

800 Mr. Tucker: So long as nobody tries to jump through one.

801 Mr. Gorski: That's their problem.

802 Commissioner Williamson: The City is going to be embarking on an update to the bicycle plan and I don't
803 know how 896 fits into that. It's probably not very bicycle friendly there. Is DelDOT is building a class one
804 trail over the freeway to connect south, of course that's on the other side of the street, I think. So, I
805 brought up this idea of a bicycle something, we've got a rack in there, but it's a bicycle thing. In the store
806 I hope you sell real newspapers. Please continue to sell real newspapers, and there's no liquor here,
807 right?

808 Mr. Tucker: No liquor, not in Delaware. Other Wawa's in other states I think can, but we can't.

809 Commissioner Williamson: The charging stations, are they level one, two, or three? Fast or regular?

810 Mr. Tucker: I don't know if Wawa's designated that yet.

811 Commissioner Williamson: I mean fast would be best.

812 Mr. Tucker: We'll ask.

813 Commissioner Williamson: Ok, oh the discussion about the transformer, where it could go. Could it go
814 on elevated over the retention area so it won't get wet, it's up in the air on little pilons or something and
815 that would get it out of the landscaping, back in the back but elevated safely out of the depth of any
816 water that would be in there.

817 Mr. Tucker: Certainly, something we could look at.

818 Commissioner Williamson: Yeah, it might be a good location. It's convenient to have gas stations there,
819 how many do we have now...we have Shells, Sunoco, Exxon, two Shells right, one on two sides? So, four
820 Shells, the Jersey Mike's used to be a gas station so I count that, that's five and this will be six, and then
821 there's discussion on the non-pump Wawa maybe 7 and then there's the hotel site down the corner. Is
822 there something...Dash In, that's the one I just read about that's possibly 7. Talk about a bleak landscape
823 in between West Chestnut and the freeway. It's just disappointing it turned out this way. I know it
824 meets code; I know this is the economics that drives what you can put there that anyone's going to use.
825 That one little shopping center and Jersey Mike's you know there's hardly a blade of green grass in there,
826 they're very bleak looking. I just wish we, the city, could have gotten ahead of it, but it's too late the
827 train's out of the station. But I do have one suggestion a possible City Council consideration of a
828 condition of approval that the project agree to be part of a parking study when and if the other project

829 comes in on the vacant lot or anything else around their changes to continue to update your shared
830 parking counts. Actually do counts rather than rely on ITE or something so you get people out there
831 counting different times of the day to establish the real use of all those properties. This would be after
832 the new hotel is built and you're built and so you just do a parking study to see the real demand versus
833 the ITE estimates and stuff. And if this project would possibly agree to pay for or contribute a share of a
834 parking study for what is essentially one-use area that's encompassing everything the two hotels, Jersey
835 Mike's, the Wawas all of that is all shared parking and functioning as one big use almost. So that's just
836 an idea. Other than that, I probably will reluctantly, and it's not the Wawa itself, it's just the whole
837 section of the street, it's not your fault, and the code has been around for 50, 80 years that generated all
838 this and it is what is now.

839 Mr. Tucker: Well, a lot of it is pretty 54, 1954 zoning and that kind of horse left the barn back then, and
840 what you're struggling with is what I think a lot of jurisdictions struggle with when redeveloping. Do we
841 say you can't redevelop and then what happens as these sites get older and older, people sort of fix
842 them up but not really. Versus allowing redevelopment and we get new things and what I've seen
843 happen and I don't have a crystal ball but what I've seen happen in other places and we saw this happen
844 in Route 72 and 71 just as an example in New Castle County, a Wawa opened across the corner. It
845 actually caused another gas station to close and now it's going to be repurposed and redeveloped. So,
846 there you know it's a tough balance to strike and I think all codes try to do that in different ways and we
847 certainly can learn from them and make them better. The only thing I'd say about the parking study is
848 that as a practical matter, while certainly the code can be changed to require that it is hard to factor in
849 unknown costs like that after the fact. I would just ask you to consider that. It's not unreasonable what
850 you're suggesting, to see if it really works but one thing you could do is adjust your code to say if there's
851 going to be shared parking on other projects that the applicant do a parking study just it's just hard to
852 add the extra costs on the back end when those pro formas have already been done as is so very often
853 the case.

854 Chair Hurd: Ok thank you. The one disadvantage of going last is that everyone covered most everything.
855 I will echo Commissioner Silverman's concerns about the entrance, and you know I know that there may
856 be some reasons for it, but you know in some ways if that lower entrance was closed then you would
857 have to come in and traverse down before you could turn left into the site. I think one, it helps pull cars
858 off of the street and lets them sort of back up a little bit. The others you get a better chance to eyeball
859 what's happening at the pumps before you turn in and commit to going to a pump without having to
860 make that decision down in that lower corner and I would agree that I think the air pump, now if you
861 close that then the air pump could kind of stay out of that corner because now it's out of the traffic flow.
862 The other thing I was going to say is thinking about signage and such, is that I think what we've got to try
863 and set up in that direction that you come in, you know sort of in that lower corner, what we want
864 people mostly to do is exit in the upper left corner and go out and get onto Welsh Tract and get out that
865 way. So, I would certainly say there should be some signs certainly saying you know "Southbound 95 or
866 Southbound 896 exit this way" if you're going north, maybe you could go back to the entrance. As much
867 as you can try to make it a one way sweep through there. You have thoughts?

868 Mr. Tucker: I do, to your point, we are showing two I-95 signs in that mountable curb area between
869 Jersey Mike's. I don't think anyone would have necessarily appreciated that, so thank you for pointing
870 that out.

871 Chair Hurd: Yes, but certainly you want to make it as easy as you can for people to go the right way and
872 try not to jam themselves out at that second entrance which is really an in only, right? The one, Jersey
873 Mike's is an out only?

874 Mr. Tucker: I think that is, they're both ins.

875 Mr. Gorski: They're both ins. It's hard to see the arrows but they're there.

876 Chair Hurd: So, I'm concerned that someone's going to see that opening and try to get back onto 896
877 with cars coming in and so the more you can do to kind of...

878 Mr. Tucker: Yes, and I would think Mr. Wittig would put in one of those big red do not enter signs.

879 Chair Hurd: I mean I've seen them before; you know this is a Wawa entrance, exit, a McDonald's might
880 have it, just to help give people a clue.

881 Mr. Tucker: Understood.

882 Chair Hurd: Ok, and Commissioner Silverman did have one comment before we moved to public
883 comment.

884 Mr. Tucker: I think Commissioner Bradley may as well.

885 Commissioner Silverman: If I have the name of the project correct, 1119 is the hotel property? Ok, with
886 1119 there was some discussion of directional signs on that property on how to get to 95 taking the Old
887 Cooches Bridge Road light, turning opportunity.

888 Mr. Gorski: Yes, and those projects are also going to have some just on-site small signs. And somebody
889 brought up a question about Old Cooches Bridge Road and accessing, there's no access to Old Cooches
890 Bridge Road in this property or the hotel. There's a curb area there that the cars would enter if they
891 exited the site, they would go on Welsh Tract Road.

892 Commissioner Silverman: That was the other thing that I was going to bring up, that there is no physical
893 connection left anymore. And going back to Sheet REC-03 at the upper entrance, there's a reference to a
894 modular block retaining wall on that corner.

895 Mr. Gorski: On the?

896 Commissioner Silverman: Will it be low enough that it will not interfere with automobile sight distance
897 of people wanting to make the left to go through the hotel property?

898 Mr. Gorski: Yes, it's a low grade, so yes.

899 Commissioner Silverman: Ok, it wasn't clear on the drawing.

900 Mr. Gorski: That will show up on the grading plan, it's not a part of this.

901 Commissioner Silverman: Ok, but I could picture a wall being there and you go to look left and there's no
902 opportunity to see traffic. Those are my additional comments.

903 Chair Hurd: Ok, Commissioner Bradley, you had something?

904 Commissioner Bradley: Thank you Chair, just three more. I don't know if you can answer this or not, but
905 since the other Wawa across the street is going to be a drive through only, do you know if this Wawa will
906 be feeding that Wawa? Does that make sense?

907 Mr. Tucker: We could ask, we could certainly ask Mr. Bradley.

908 Commissioner Bradley: Just curious.

909 Mr. Tucker: We'll ask, we'll ask Wawa if they can share that with us and we'll share it with you.

910 Commissioner Bradley: You had mentioned the signs to I-95. Can you kind of, you say you have some
911 proposed on the plan that. Can you kind of show us how you're proposing to get from Wawa to I-95?

912 Mr. Gorski: Can you pull up that slide? So, this island has a "to I-95" sign that points in this direction away
913 from 896. There's also a do not enter sign here, or no left turn here sign, sorry. No left turn here so cars
914 leaving the site would go north and cut through the Candlewood hotel parking lot.

915 Commissioner Bradley: And that would be to get back to I-95?

916 Mr. Gorski: Get back to 95, yes.

917 Commissioner Bradley: I thought with the sign out front there you were pointed back out to 896 too, ok.
918 Was there any discussion about the U-turn lane that's existing on 896 it's kind of in front of these
919 properties with DelDOT? Because I have a feeling when this thing opens, a lot of people going
920 southbound 896 to 95 are going to grab on that U-turn lane and hook it into there until everything
921 opens up around here. And that's...

922 Mr. Tucker: In terms of trying to cut across three lanes and certainly that would be undesirable. What I
923 have seen is when a problem like that does arise, if there's enough room, they can put it on an island to
924 try and channel that, but I think they wait and see if it becomes an issue first, just my experience.

925 Chair Hurd: But was that discussed with DelDOT?

926 Mr. Gorski: Yes, and if you could just slide it back one again? Yes, there is, DelDOT required to prevent a
927 left turn into the site directly, this to become a right in only entrance. There's a curb area there that
928 prevents cutting across three lanes of traffic. So, you wouldn't be able to make a U-turn and get in the
929 right turn lane to get into the site here.

930 Mr. Tucker: So, in other words you're not supposed to come out this way with the signage or not?

931 Mr. Gorski: You still come out that way, you can't come out this way.

932 Mr. Tucker: (inaudible)

933 Chair Hurd: No. Southbound 896 and this came up for the hotel, that there is a U-turn just about where
934 that entrance is.

935 Mr. Gorski: Right here, and that can still happen.

936 Chair Hurd: It does it happens on Ogletown Road.

937 Mr. Gorski: You just can't make a left in directly here, it prevents...

938 Chair Hurd: Oh, they'll try.

939 Commissioner Bradley: Ok, thank you that was all.

940 Chair Hurd: Alright, thank you we'll move to public comment, was there any public comment submitted
941 online?

942 Ms. Dinsmore: No Mr. Chairman.

943 Chair Hurd: Is there anyone present that wishes to give a public comment on this item? Ok, is there
944 anyone online indicating they wish to give public comment? Katie are we clear? Ok. Seeing no one for
945 public comment, I will close public comment and bring it back to the dais for any further comments,
946 questions, what have you. Anything? Nope, ok in which case we'll move to the motion.

947 Commissioner Kadar: **Because it fully complies with the subdivision ordinances, the building code, the**
948 **zoning code, and all other applicable ordinances of the city, and the laws and regulations of the state**
949 **of Delaware the Planning Commission recommends that City Council approve the minor subdivision**
950 **plan as shown on the Verdantas record of minor subdivision and special use permit plan for 1115**
951 **South College Avenue dated June 26th, 2023 and revised through September 30th 2023 with the**
952 **Subdivision Advisory Committee conditions as described in the September 26th, 2023 Planning and**
953 **Development report.**

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

955 Commissioner Silverman: I'll second.

956 Chair Hurd: Thank you, any discussion to the motion?

957 Commissioner Williamson: Commissioner Hurd, the applicant, all good people, have made many
958 representations that you know they'll look into this, they'll look into that, there's no, I mean we don't get
959 feedback on that, that goes directly to City Council more or less.

960 Chair Hurd: Correct.

961 Commissioner Williamson: And we don't have any opportunity to see that follow through, I guess that's
962 the way we do it. I wonder if there's ever any way to see the feedback before it goes to Council. Not as
963 an action item but as a courtesy back to the Planning Commission? Especially the building design, for
964 example.

965 Mr. Tucker: Commissioner, we'd be happy to offer to provide a letter to all of you just letting you know
966 where we end up before we go to Council, I'd be happy to do that.

967 Chair Hurd: And certainly, all of the materials would be attached to the Council's agenda when it comes
968 for their consideration, it just means that you have to track the Council agendas as well.

969 Commissioner Williamson: I bring it up as much for the Commission itself that our process with projects
970 maybe there's some way to improve it so that we might have a second look at some of the things we've
971 brought up before it goes to Council instead of just it's at Council, it's gone.

972 Chair Hurd: Right, our current process does not allow for or doesn't have the space for the Planning
973 Commission to readdress anything prior once we approve it moves on. I'm trying to recall Director
974 Bensley, you typically in your presentation talk a little bit about the Planning Commission discussion, am
975 I correct?

976 Director Bensley: Yes, we do include that information as part of the supplemental cover memo that goes
977 to Council so we point out any specific items that were brought up at Planning Commission and any
978 additional conditions that may have been recommended.

979 Chair Hurd: Ok.

980 Commissioner Williamson: What's missing in that is the Planning Commission's reaction to that change
981 or non-change that occurred. Unless we show up as public speakers or something and then we're acting
982 individually.

983 Chair Hurd: We would have to be, yes.

984 Commissioner Williamson: Alright.

985 Chair Hurd: Ok. Alright, seeing no more discussion we'll move to the vote. Commissioner Bradley?

986 Commissioner Bradley: Aye.

987 Chair Hurd: Commissioner Kadar.

988 Commissioner Kadar: Aye.

989 Chair Hurd: Commissioner Silverman.

990 Commissioner Silverman: Aye.

991 Chair Hurd: Commissioner Tauginas.

992 Commissioner Tauginas: Aye.

993 Chair Hurd: Commissioner Williamson.

994 Commissioner Williamson: Aye and are we supposed to say things like based on the staff report –

995 Chair Hurd: Yeah, we should be articulating, you want to do that one?

996 Commissioner Williamson: And comments made and promises to look into things as stated during the
997 hearing. Thank you.

998 Chair Hurd: Ok, and I vote aye as well for the reasons stated in the Planning and Development report.
999 Ok. Thank you, gentlemen.

1000 Mr. Tucker: Thank you, Chairman, and thank you for running the slideshow.

1001 Mr. Gorski: Thank you.

1002 **5. Presentation and discussion of The Newark Partnership**

1003 Chair Hurd: Alright, that takes us to item 5 presentation and discussion of The Newark Partnership. Oh,
1004 we get you again.

1005 Mr. McBride: We've got the presentation there, I'm Robert McBride. I'm the secretary to the board of
1006 directors for The Newark Partnership and resident of district 1. And I was here talking about the Newark
1007 Bicycle Plan last month you may remember. The Newark Partnership is something I came into because
1008 of my work in the nonprofit community in Newark and I just want people to know about it. I think some
1009 of you know the City funds, partially funds The Newark Partnership, and some of you may have heard
1010 presentations from City Council about it but I just thought that a lot of what we do in The Newark
1011 Partnership are things that people in the Planning Commission think about all the time so I thought just
1012 to take 10 minutes to tell you about it tonight. So, if you could go to the next slide.

1013 We've been working quietly for a couple of years now to try and improve the quality of life for everyone
1014 in town, it's nothing earth shattering. We were kind of shut down because most of our events were
1015 cancelled by the pandemic, but we did get started and hired our first executive director. And some of
1016 the things that we do are in the next slide. So, we're a partnership organization, we're not just sort of a
1017 private version of the chamber of commerce or some of you that have been around for a long time, the
1018 Downtown Newark Partnership. We came from those ideas but we're not part of it now, we have a
1019 much different way of looking at it. We include nonprofit and for-profit businesses and we're a tax
1020 exempt 501(c)3 organization. And we've tried very hard to work in these three areas, promoting
1021 economic development which principally means working with businesses. And we consider businesses
1022 both nonprofit businesses like churches, the university, schools, and other organizations like my own Bike
1023 Newark and in working with new businesses that want to relocate in Newark. We try to engage in
1024 advocacy for the ongoing improvement of the quality of life and that means learning about the
1025 community and not just creating new businesses on Main Street or other places. And we try to connect
1026 and support the nonprofits which are a really big part of our quality of life in Newark. You know
1027 everything from the University of Delaware down to the smallest of the faith-based churches, some have
1028 been here for 135 years and others are relatively new.

1029 So, in the economic development, some of things we've done, we've tried to do a small business Newark
1030 hub zone hosting federal and state of Delaware small business resources as they are appropriate for
1031 Newark. Delaware being such a small state you have hardly any reason to go to individual municipalities,
1032 but Newark is one of those, so we try to make that easy for new people.

1033 We have a thing called Red Tape Tips and I'm afraid many people would call this organization a Red Tape
1034 tie up, but I don't think it is. I'm amazed at what you folks do, I read about it in the newspaper but having
1035 seen what you do is just astounding and the patience you have. And we're trying to look at the
1036 universities and towns. Salisbury, Maryland is almost the exact same size as Newark, Delaware, and it
1037 has a big university in the middle of town. So, we've tried reaching out to them and they've reached out
1038 to us, and we've had several joint meetings with them about issues that we've had. So economic
1039 development, that's what we're doing.

1040 Civic engagement is sort of a hard thing to mention but we're trying to get people to understand the
1041 diversity and engagement of Newark residents by having chances for people to talk to each other. You
1042 know, solution focused dialogues are kind of a big fancy word, but we really just want to have people talk
1043 to each other and get to know each other as individuals. About what they want to do, what their
1044 strengths are. And what the issues they want to take to either the city government or to other
1045 appropriate venues. We started this with a series of discussions that were focused on planning and
1046 that's how the university staff who first got The Newark Partnership going brought all of the citizens into
1047 the idea. Polly Sierer was Mayor at the time, and she was a great proponent of that and helped us a
1048 great deal and she became after she retired as Mayor, our first Chairman.

1049 And here are some of the projects civic engagement is working on, they're working on podcasts about
1050 Newark history, we've had online and in person history tours. We've developed awards for citizens and
1051 public servants, you know those little library boxes you see all around. We've been trying to coordinate
1052 where those are going so, they'll be spread all over town. And then upcoming we want to facilitate
1053 dialogues between different faith-based communities we think that's something that's missing that we
1054 need to talk together as faith-based communities. And we want to especially try to find a way to partner
1055 with the existing University of Delaware student leadership groups to better connect them to Newark
1056 and the larger community. They exist, we haven't really had any good way to talk to them but we're
1057 hoping that's something the civic engagement part of The Newark Partnership does.

1058 And then finally, in nonprofit the thing I do most we're trying to work together to improve services for
1059 everybody including both businesses and nonprofit educational organizations. We've had nonprofit
1060 research guides that we created so people know all the various nonprofits serving Newark folks. It's not
1061 necessarily ones that are in Newark city limits but those that primarily serve Newark residents. And we
1062 have regular nonprofit staff sharing at meetings, we have events, Community Day, things like that but we
1063 try to talk to everybody about nonprofits. And then we coordinate efforts, do training, technical
1064 assistance, helping people review grants, we have professional development for nonprofit staff which is
1065 no cost to them, and we just try to have better visibility through public information. One of the things
1066 we've done that hasn't gotten much publicity, is that we approached the Longwood Foundation and got
1067 a \$100,000 grant to provide mini grants to businesses and mini nonprofit organizations in Newark and
1068 we've been able to provide grants of up to \$10,000 to several organizations for projects. The one I know
1069 the most about is one that Bike Newark is doing, we're creating kiosks on the bike trails that are for both
1070 direction finding and for information about safety and general bicycle activities that help save the
1071 ecology as well as reduce the amount of parking.

1072 So, those are thing things we've been working on and there's not too much left to say, but if you could
1073 do one more. We mostly try to talk to people, but we do have a newsletter that gives people up to date
1074 information about all kinds of organizations. It's every week and it's open to all member organizations
1075 and anyone that wants to submit, and the circulation is about 300 subscribers and they're both
1076 individual businesses and it's growing a bit. And we're hoping that the newsletter and the next slide
1077 shows what it looks like, goes out with all these notices and is something as important as the leaf blower
1078 gateway event, give away event and the Co-op Farmers Market which continues every day and the
1079 summer concert series at White Clay Creek. So those go out each week, there's some weeks where a lot
1080 of things are happening and some where there aren't. Also, as part of the newsletter, it's on the
1081 website, the next slide shows some of the things we do there. The information resources on the website
1082 cover all kinds of things that people coming to Newark might want to know about. Sustainable Newark,
1083 the sustainable aspects of Newark, economic development effects that we're trying to do, schools,
1084 volunteer job board, nonprofit organizations, the city, biking, those are things that we've emphasized as
1085 part of the resources. And then, you can find out, much of our information that we've developed as an
1086 organization is right there at The Newark Partnership website. And I think we have one last one here.

1087 And this is how we've tried to encourage people to get involved. This is a volunteer organization where
1088 anybody can do any amount of work that they want to do. Learning about the meetings, events, knowing
1089 Newark presentations, we have these really well designed but not too well attended history walks with a
1090 retired history professor from West Chester, Jim Jones, who really does a great job talking about the
1091 history of town. So those are the things that we're doing, and we just wanted to give you a chance to tell
1092 people about it and if you can maybe you could participate in some of ours too. Although seeing what
1093 you do tonight, I think you probably don't have a lot of free time. And anyway, to try to encourage

1094 people to take a seat at the table. This is one of our first meetings. Some of you may recognize the tiny
 1095 picture of Dan Rich who's been in Newark a long time and he was one of the movers and shakers in the
 1096 beginning. But we want to serve everybody in town and that's what we do right now. I'm happy to
 1097 answer any questions, I'm sure you'd rather go home but...

1098 Chair Hurd: Alright, thank you. Commissioner Bradley?

1099 Commissioner Bradley: Thank you for the presentation, I just want to say I got your newsletter online
 1100 and I enjoy it and have to commend you for the number of activities if you will the different pages of
 1101 items you have on there, it's a great selection.

1102 Mr. McBride: Yeah, there are many things in there.

1103 Commissioner Bradley: I just signed up for the Cooches Bridge one but couldn't make it for other reasons
 1104 but look forward to getting back on that too but that was.

1105 Mr. McBride: And some of those things will be ongoing resources. The ones that were online are all
 1106 posted there so you can find out about the woolen mills, then it became National Vulcanized Fiber and
 1107 all those other things and we're hoping that will be just a little bit extra, it won't be a dusty shelf of
 1108 books in the Newark historical library, it'll be something that people can go to and add to and see things.

1109 Commissioner Bradley: Just wanted to say good organization, thank you.

1110 Mr. McBride: Thank you. Anybody else? Thanks for having us over and I'm just so pleased that I got the
 1111 chance to see you do that very difficult subdivision plan tonight.

1112 Chair Hurd: And that was a pretty easy one.

1113 Mr. McBride: Oh, that was an easy one. Wow.

1114 Commissioner Silverman: It was only an acre.

1115 Mr. McBride: True, it was pretty small. Well thanks again very much.

1116 Chair Hurd: Thank you. And thank you for participating in so many Newark things.

1117 **6. Informational Items**

1118 Chair Hurd: That takes us to item 6, informational items and we will begin with the Director's report.

1119 Director Bensley: Thank you Mr. Chair. So good evening, everyone, I was not with you at your last
 1120 meeting, so if I'm repeating anything that Deputy Director Ramos-Velazquez brought forward I apologize.
 1121 So, since your last meeting, projects that went and are going to Council, at the September 11th meeting
 1122 we had the first reading for the BB front and side setback amendments that we considered back in
 1123 August. At the September 25th Council meeting we had our financial workshop for the fiscal year 2024
 1124 budget which included our department. Also, adopted that evening was an ordinance adding a building
 1125 permit fee that would benefit the fire service so that was approved that evening. Council meeting for
 1126 October 9th, so next week we have BB front and side setback requirements second reading, the October
 1127 23rd, and also on that meeting will be the reappointments as previously mentioned by Chairman Hurd as
 1128 well as the appointment of the new member of the Planning Commission. October 23rd, we have
 1129 tentatively the first reading for the implementation of the formal addressing process that you had on last
 1130 month's agenda. We also are looking to have the street vacation hearing resolution for Independence
 1131 Circle which is part of the George Reed Village Newark Housing Authority redevelopment project.

1132 The council meeting on November 6th is going to be the first full budget hearing. So, the Council could
 1133 adopt the budget that evening if they decide they need additional information it will be on future
 1134 meeting schedules. Other happenings in the department, I'll have the Deputy Director give land use
 1135 updates as part of her report the property maintenance code updates, the internal workgroup is
 1136 currently meeting to develop a final ordinance based on the guidance offered by Council at their July 17th
 1137 meeting, we expect to have a complete draft for circulation by early November to move forward with a
 1138 target to having it adopted by the end of the year.

1139 The EPL, formerly known as Energov permitting software implementation, is currently in our third
 1140 implementation week. It is just to remind you expected to be a 12-to-15-month implementation period
 1141 expected and that the staff on the Steering Committee is expected to commit 6 to 10 working days per
 1142 month to the project, so it is taking significant staff bandwidth. To give you an example for this week, we
 1143 have Tuesday, Wednesday, and Thursday from 8:30 to 4:30 are our sessions for implementation so, the
 1144 weeks that we have it, that's about all we've got.

1145 DART Connect Newark, the ridership has been increasing week over week as of the last update. Unicity
 1146 was officially sunset this past Friday on the 29th and the Unicity buses that were leased to us from DART

1147 have been returned to them this week, so we are officially out of the Unicity business and completely on
1148 board with DART Connect. Since there is a special Planning Commission meeting scheduled for October
1149 17th, and that is for the annual review of the Capital Improvement Plan, this one will be for 2024 to 2028.
1150 As part of Planning Commission's duties, they do a review of that before it goes to Council for final
1151 approval. And the next full Planning Commission meeting is November 7th, and we are anticipating
1152 having the Newark Housing Authority redevelopment project for 313 East Main Street on that agenda
1153 that encompasses a Comp Plan amendment, rezoning, and major subdivision with site plan approval.
1154 We're also looking at some potential code amendments that may be on there, but we've not finalized
1155 that yet. So, that is my report for today thank you.

1156 Chair Hurd: Thank you, and next is the Deputy Director's report.

1157 Deputy Director Ramos-Velazquez: Good evening, new projects that the department has received are
1158 136 and 160 South Main which is the old Pat's location for a major subdivision and rezoning to BB. An
1159 additional floor in one building and a construction of a four-story building for student housing. We also
1160 received a proposed administrative subdivision for 401 and 405 Phillips and 0 Elkton. For SAC reviews
1161 that have gone out to the applicant there's 55 Benny that went out September 15th and 1115 South
1162 College also went out on that same day. And that's all I had.

1163 Chair Hurd: Ok, thank you. And I will just add if you haven't yet, and I haven't yet but I'm going to dig
1164 into it, the report on electric vehicle fires from Sweden. This is an ongoing concern, particularly of
1165 Commissioner Silverman but I think the city as well as we think about EV charging and parking under
1166 buildings and that's the logical place to put an EV charger because it's sheltered and the ramifications of
1167 if there's a fire under the building and how do we manage and how do we work with that. So, we're
1168 certainly trying to get our hands around a better understanding of the risks and severity of a fire and
1169 how we're safely managing those risks and severities. Thank you. I'll close.

1170 **7. New Business**

1171 Chair Hurd: That takes us to New Business, any introduction of new items for discussion by city staff or
1172 Planning Commissioners and especially things that may be added to a future agenda. Commissioner? I
1173 was looking right first sorry. Commissioner Williamson.

1174 Commissioner Williamson: Chair Hurd, Vice Chair, and staff thank you. I'd like to bring up a suggestion to
1175 see if there's interest in the commission and that would lead to direction to staff, I assume. The topic is
1176 accessory dwelling units, but in a different way than what we entertained one or two years ago. You
1177 know the, I don't want to call it a movement, but many cities of course are adding ADUs. And as you
1178 know, sooner or later the feds are going to be sort of having on your grant checklist, do you have an ADU
1179 ordinance in your city, you'll get extra points or something like that. So, I think it's coming in some
1180 manner, so here's a suggestion as a way to sort of have baby steps and still be able to check the box.
1181 What if the city allowed an accessory dwelling unit with a, completely and only within an existing
1182 structure, a house. Basically, just converting rooms, converting a basement, of course all the code
1183 applies and from the outside you wouldn't know anything happened. No additional structures, the only
1184 exception might be an extra door or entrance that would be maybe on the side but not the front of the
1185 house unless it really fits into the architecture. Could be French doors or something like that and you
1186 know we could put that in the code and see what happens as a way to gently bring ADUs into town for
1187 those who choose to do it with I would say virtually no impact on neighborhoods. So, I just bring that up
1188 as a suggestion.

1189 Chair Hurd: It appears the Director wants to respond. I think mostly I'd look to the Director on how we
1190 would get it onto our agenda in a way that doesn't annoy the Council.

1191 Commissioner Bradley: Can I ask a question. How would that differ from just renting a room to
1192 somebody?

1193 Chair Hurd: So, an accessory dwelling unit would be, well fundamentally it isn't, that's part of the point
1194 was that I think, we already have a long tradition of renting rooms within dwellings in residential
1195 neighborhoods so an included unit that simply had a separate entrance and possibly separate cooking
1196 facilities is the only major difference. You assume that you have a primary owner residing in the house
1197 you know so there's that sense of oversight which people seem to need. So that was why I thought it was
1198 an easy step to go.

1199 Commissioner Bradley: So, you're really talking second kitchen, second entrance, second dwelling, fire
1200 protection, all of that fun stuff.

1201 Chair Hurd: Yes.

1202 Commissioner Williamson: Chair Hurd there could be size limits for example no more than 600 square
1203 feet, I'm thinking of things I've seen in various codes, like you said a kitchen and eating area, separate

entrance. The meters and so forth you could cut a break where you don't have to install all separate meters, they could be off the house meter and not charge for you know new utility hookups as a way to incentivize the creation of some affordable housing. And we would not be allowed to subdivide it you couldn't sell it separately you know.

Commissioner Bradley: For affordable housing we're getting all these student housing projects, I mean are they strictly for students? Is there any appetite to make them?

Chair Hurd: Well, the Fair Housing Act says you can't rent to a non-student if they show up to, but they are clearly located, marketed, sized, and designed for students. You know every bedroom has its own bathroom, there's compartmentalizing of the units. So, that you have sort of a private space in a larger area. So, it's not a comfortable unit typically that a family would rent. So, you know it's obviously designed and marketed and intended for but yes you could go up and say I want to rent a unit in that Lang building on Main Street and if you got there before everyone else, they would rent it to you.

Commissioner Bradley: Ok, that answers my question thank you.

Chair Hurd: Do you want to address?

Director Bensley: First, can I ask a question?

Chair Hurd: Sure.

Director Bensley: Commissioner Williamson, when you envision this, do you envision this being encompassed in only the primary dwelling or if there's say a detached garage or something like that on the property already being able to convert that?

Commissioner Williamson: Great question, thank you. These are all development standards that we would have to spell out. Unlike some jurisdictions or some states personally I wouldn't remove parking requirements, we don't require garages, right? Most houses have them, but I don't know if they're actually required but...

Director Bensley: We don't require garages, but we do require parking so at times those garages are used to meet those parking requirements.

Commissioner Williamson: So, the sense that's under the existing code someone could convert garages into living space by meeting code because that's not a required use of a single-family home to have a garage. In some places it is, and you're not allowed to convert them unless you replace it. So, as long as you can provide off-street parking and there you will have to you know in the code say if you have an ADU call it an interior ADU or something you'd need to provide one additional off-street space perhaps? Within whatever code allows.

Director Bensley: I will say that if we as a department are going to pursue this, I'd like there to be formal direction from the Planning Commission of the interest to do so. As previously referenced, it didn't go well in front of Council when it was brought up last time. So, it would be, and quite frankly we were directed not to bring it back and not work on it again, to go down other roads. So, if there's interest from the Planning Commission then we would need some formal direction from a majority of the group to put it back on the docket.

Chair Hurd: Has any, I know there had been work ongoing on adding new building types to existing residential zones, is that sort of still ongoing or is that on the backburner?

Director Bensley: I wouldn't say it's on the back burner but I would say that our current focus is developing an inclusionary zoning ordinance so that would be kind of the next step after we complete that.

Chair Hurd: Because to my mind I don't see that the inclusionary zoning ordinance conversation could really encompass ADUs because it's a separate concept. But if we started talking about different building types in residential zones, I think that opens the door to that conversation and I think maybe that's a way to bring it in. Or we just have an agenda item in the next meeting or two that says discussion of...my problem is that we can't actually direct staff to pursue this further, I think.

Director Bensley: I would say that we're going to before long be developing the new work plan for 2024 for the Planning Commission so that is the purview of Planning Commission what to include in that work plan.

Chair Hurd: Ok, alright, so I had forgotten about the work plan briefly ok so we'll, I think, when the work plan comes up, Commissioner Williamson that certainly will be, and that's an item that we can have a full conversation and get you know if there's an agreement amongst the Commission to include it as an item in the work plan, then it's in the work plan and that's something that staff can help us work on.

1258 Director Bensley: And the initial draft of that will likely be on next month's agenda.

1259 Chair Hurd: Ok, perfect.

1260 Commissioner Tauginas: Forgive my ignorance, but the ADU discussion when did that happen in front of
1261 Council?

1262 Director Bensley: May of last year.

1263 Commissioner Tauginas: Ok, I don't think I was, was I around?

1264 Chair Hurd: You weren't.

1265 Commissioner Tauginas: It went down hard?

1266 Chair Hurd: Yeah.

1267 Commissioner Silverman: It was very comprehensive.

1268 Chair Hurd: I'll say this again so I'm the only one who puts it on record. There was a Council person who
1269 said I think effectively "I don't want shanty towns in my neighborhood" so there was I feel a
1270 misunderstanding of what an ADU is, how they're regulated, how they're developed, how they're built.
1271 And their purpose I think there was also a misunderstanding. So, I kind of agree with Commissioner
1272 Williamson. Having been such a strong reaction to it, if we're to bring it back it has to come in softer and
1273 easier and more like something that already is and in a way that doesn't encourage people to start
1274 throwing up buildings in their backyard like California does. I think at the moment that's the concern,
1275 yeah there certainly was a sense of, but I think as we get deeper into the discussion around affordable
1276 housing, we have to talk about different housing types. We can't solve affordable housing by saying we
1277 need to keep all those single-family homes. And we'll build one or two more. That's not going to move
1278 it.

1279 Commissioner Tauginas: Well with ADUs from a real estate perspective, that helps people. Like
1280 realistically, you don't put one up if you don't want one, right? You don't create one unless you want to.
1281 You can generate income and subsidize your mortgage payment if you're a homeowner and you need
1282 that, it's actually from a real estate perspective, it's helpful to a homeowner if they choose to use it. Not
1283 everyone's going to be forced to do it, so I like your approach. It is a gentle approach, but I think...

1284 Chair Hurd: I think there's also a sense of developers will buy properties and add these units and that's
1285 going to bring students into our neighborhood in larger quantities than currently and I don't know but I
1286 think we need to recognize some of those concerns as we think about how we are proposing solutions.

1287 Commissioner Tauginas: Right, but if it's already part of an existing structure then you're not going to be
1288 looking at the similar situation, like someone just opened up a frat house in the backyard.

1289 Commissioner Williamson: Yeah, and another angle is that it's aging in place, allowing people to stay in
1290 their homes and generating a little side income, scale down, that type of thing.

1291 Chair Hurd: Absolutely, I'm going to exercise the Chair's prerogative to extend the meeting to 9:30.

1292 Commissioner Silverman I believe you had an item for new business?

1293 Commissioner Silverman: Yes. There's an opportunity that's knocking on the door of the City of Newark
1294 that will involve expenditures greater than any private sector expenditure of dollars and rival the kind of
1295 money the University of Delaware spends on a project and that's the proposed redevelopment of the
1296 county library. Some 40 plus million dollars, that's a lot of money. Because of circumstances the site
1297 that's being considered is the existing library site that's just under 3 acres I believe. It's being sponsored
1298 by New Castle County who runs the county library system that involves the Newark library and old
1299 Newark library system. They were unable to find suitable land in the area and looked toward rebuilding
1300 on the existing site. Now that site is a gateway into the City of Newark, that site is now undergoing
1301 substantial redevelopment with the activity we see on old motel sites, residential housing that's been
1302 converted to commercial uses, that's going to be coming before us. There's a hotel on the corner with
1303 many hundreds of residential units on what once parking lots were so that's a very vibrant area. And I
1304 kind of look toward it as a redevelopment much as we've experienced on South Main Street. The zoning
1305 for the site is BL even though in very close proximity to that site is the BB with the attributes of the new
1306 ordinance that the city has adopted. One of the reasons why this site of more than three acres with just
1307 a relatively small building on it was not given a BB designation was because Council prefers not to do
1308 blanket rezonings but only respond to requests so they can make an individual evaluation. In addition, in
1309 proximity to that area, the recently adopted TID program has earmarked literally millions of future
1310 dollars and future plans for shared path nonvehicle access in that area, the Newark Bike Plan has
1311 identified that area and has stood behind their program and an example of that are the new bike lanes
1312 that are literally adjacent to this property on Delaware Avenue. So, it's extremely pedestrian friendly.

1313 In addition, there's money being earmarked for additional bicycle and pedestrian shared access on
1314 Wyoming Road, which is a short distance out from this particular site. Now the building is proposed as I
1315 read about it in the Newark Post articles and have been in discussion with some of the Friends of the
1316 Newark Library will just about double the square footage of the building. Now, based on our code, that
1317 site would require 100 plus parking spaces and that plus is a function of the number of employees
1318 employed on the greatest shift. Using some reference material just to provide the asphalt covering for
1319 those parking spaces would take up almost an acre. That's not travel lanes, that's not the new parking
1320 lot standards with setbacks and sidewalks and green space nor sediment or erosion control and
1321 stormwater management. Moving onto another topic, there is a section in the City Code, Section 90-2,
1322 (sic) (2-90) which in a sideways description allows the Planning Commission to review public works, and
1323 it specifically calls out libraries. If Council chooses to have that done, now to my knowledge again in
1324 talking with Friends of the Library, there's been very little contact by the groups that are funding this.
1325 The monies I understand are coming from New Castle County government, who's responsible for the
1326 construction and a substantial amount of money is from the recent state legislature. Again, dealing with
1327 the Friends of the Newark Library, the person I was talking to from their group indicated that the
1328 architect and design people had very little understanding of the City of Newark codes and what was
1329 desired. Now my personal observation is that New Castle County has been very successful in developing
1330 suburban libraries, the one in Bear the one that just opened in Middletown, the one that's on Foulk Road
1331 and Brandywine. They're used to large open sites, they often combine them with public open space,
1332 such as they did on Foulk Road, bringing the outside inside...kind of thing. Now I believe that our county
1333 library within the City of Newark should be designed as an urban library. And go up and not out. Possibly
1334 a two, maybe three-story building. There should be the opportunity to take into account the new city
1335 DART system, the call on demand system, the very walkability of Newark as it exists, the new bicycle
1336 efforts, the new future shared access with pedestrian and bicycle to service this site and not rely on the
1337 traditional suburban model of driving to the library. The architects and designers should take into
1338 account the city's history of parking contained within structures or under structures and build a building
1339 that reflects the kind of development and redevelopment we're seeing on that end of Newark. Now I
1340 don't know if there's any mechanism outside of writing them and saying hey, how about doing a
1341 presentation to the Planning Commission where we can convey those ideas to them. And I'm looking
1342 down toward our counsel, I can understand the way the code's written that if the city was funding
1343 anything in this library and it was through the City's capital program it's almost a given that it would be
1344 referred to the Planning Commission for review.

1345 When an outside group comes in and builds a public capital project in the city, is there a way that they
1346 could or should follow those same kinds of paths to bring the review to us so we can share some of the
1347 kinds of things that we've identified in the Comp Plan and our redevelopment areas and that kind of
1348 thing?

1349 Solicitor Bilodeau: I don't know off the top of my head, but we can certainly maybe invite them to
1350 participate in some sort of a workshop where we have all the community here to comment and basically
1351 discuss what the City of Newark would like it to be.

1352 Commissioner Silverman: A number of weeks ago and I'm losing track of time, there was a meeting at
1353 the Aetna Fire Hall on a Saturday morning. But it was primarily public comment and it was driven by the
1354 architect with respect to uses within the building and space relationships. There doesn't look like there's
1355 been any real discussion as to how this building's going to fit into a community and fit into the relatively
1356 long narrow site containing the existing library. So, I'd like to see some kind of communication come
1357 from us. I understand the Planning Department may be looking in this direction to see if there might be
1358 a discussion from a land planning point of view. The ideas that I'd like to throw out would be, I'd like to
1359 see a roof garden and that the public space be on the top of the building so on nice days there could be
1360 places where people could go to read. One of the themes behind the new library is public meeting space
1361 for the general public. That would be a great place in good weather to hold a small outdoor gathering,
1362 meeting, or whatever. And with the green that exists in the front where the mature trees are that has
1363 the possibility of being developed as a component of this site as a ground level outdoor site and it would
1364 match the goals of the Parks and Recreation Department to preserve that green area which I know was
1365 part of the old Newark traffic circle that exists there now. And by putting parking under the building, it
1366 would reduce the visual effects of parking and loading and unloading docks and there could be a new
1367 entrance off of Delaware Avenue. Maybe a new entrance off of Library Avenue to do away with that
1368 short turn radius in at the foot of East Main Street at a very busy intersection. So those are just the kinds
1369 of thoughts I believe should be shared with the architects, designers, and people who are financing the
1370 project. Thank you.

1371 Chair Hurd: Thank you I guess my thoughts on that, first if we need to talk to our Solicitor to see if we
1372 can get a formal interpretation of that code section to see if we do have the authority to basically
1373 request a review process and then I don't know if it needs to come back, well it needs to come back as

1374 an agenda item and then from that we can have a discussion about how to or who to reach out to.
 1375 Whether we reach out to the county council, the person whose district this is, the interface, basically
 1376 pitched as an opportunity for them to get you know, qualified professional feedback about a building in
 1377 the city and we have a lot of knowledge about the city and its development to basically assist them in
 1378 making a building that I believe will better serve. And really focus on the location, shape, parking, you
 1379 know not get into how you're designing the stacks and things but try to help them work through some of
 1380 those issues.

1381 Commissioner Silverman: And from what I understand the former Mayor Polly Sierer is very much
 1382 involved in this, she may be the person to contact.

1383 Chair Hurd: Yeah, I think the key point of contact is someone who has authority or someone who has
 1384 authority over the project to help bring everyone together. So, it would have to be someone in the
 1385 county for that, I think.

1386 Commissioner Williamson: Chair, does the county have immunity from the city code? Are they immune
 1387 because they're the county. I know that would apply to the state, but I wasn't sure if it was the county
 1388 as well.

1389 Solicitor Bilodeau: I would think that they would still have to meet our code for the building.

1390 Commissioner Williamson: That and they still need our utilities. We could play hardball and say hey you
 1391 want utilities?

1392 Chair Hurd: Yeah, I think Commissioner Silverman's concerned and I'm just going to speak a little to it
 1393 because I share it. Sometimes we see projects and we say, wow, we saw that way too late, and we really
 1394 could have helped that be something. I think we want to, while they're in this process of kind of shaping
 1395 its form and figuring out its site and how much parking and all those questions, that's the time to talk to
 1396 them and say maybe we can, you know maybe there's ways in the code to not have so much parking, or
 1397 maybe you're not looking at the code clearly enough. Maybe you should think about another story and
 1398 parking under half, things that they might not have been thinking about because they may be going, oh I
 1399 have three acres I need this much for the building the rest is parking and I'm done. And we get a
 1400 suburban building on what could be a very, you know a more interesting lot and it could be a more
 1401 interesting building if we get to them early enough. And that was the sense, and not to get to them to
 1402 say hey make these changes and we'll let the parking slide but to say the parking could be flexible,
 1403 maybe more flexible than you may think it is.

1404 Commissioner Silverman: I think they might not even be aware of the potential for offsite parking.

1405 Chair Hurd: Yeah.

1406 Commissioner Bradley: Chairs, am I hearing this correctly, that this is city property, and the Commission
 1407 will not get to review anything for this project?

1408 Chair Hurd: Just to check, the county owns it. But would it come to us as a subdivision or rebuilding?

1409 Director Bensley: Currently it is owned by New Castle County and would not qualify as a subdivision in its
 1410 current iteration.

1411 Chair Hurd: So, no approvals from either.

1412 Director Bensley: Correct.

1413 Chair Hurd: Because they're not changing use or anything.

1414 Director Bensley: Correct, and they're not asking for a rezoning.

1415 Commissioner Bradley: If they need parking, does it then come before us?

1416 Director Bensley: If they needed a variance on parking it would go to the Board of Adjustment because
 1417 it's currently zoned BL not BB. The Planning Commission only considers parking waivers and those are
 1418 only eligible to BB properties.

1419 Commissioner Bradley: Interesting, ok.

1420 Chair Hurd: Does that sound like a reasonable course Director Bensley, to ask the solicitor to prepare an
 1421 opinion?

1422 Solicitor Bilodeau: What was that code provision again?

1423 Commissioner Silverman: I believe it's 90-2.

1424 Director Bensley: It's the other way around, 2-90.

1425 Commissioner Silverman: 2-90 that's right. It's late tonight, thank you.

1426 Director Bensley: And just for the Commission's information I have reached out to the county council
1427 person to see if we can arrange some sort of discussion and I've not received a response yet. So, we'll
1428 also perhaps reach out to the county executive's office and see if there's interest there as well.

1429 Chair Hurd: Yeah, but I do think as Commissioner Williamson said maybe if we structure this not as a
1430 regular meeting but as a workshop, at which we were in attendance, so it wouldn't be a formal Planning
1431 Commission review, it's a City workshop around the library where we can have a more informal
1432 discussion about it and we wouldn't require attendance from all commissioners. Ok, anything else for
1433 new business, this is more than usual and that's fine. Ok, I close new business.

1434 **8. General Public Comment**

1435 Chair Hurd: That takes us to general public comment for any items not on the agenda but still related to
1436 the work of the Planning Commission. Katie, you said nothing had been submitted prior?

1437 Ms. Dinsmore: No, Mr. Chairman.

1438 Chair Hurd: Ok, and I don't think I see anyone still online, because I'm guessing JS is you, Josh? Ok, so
1439 seeing none we close general public comment, and having reached the end of our agenda the meeting is
1440 adjourned.

1441 **The meeting adjourned at 9:26 PM**

1442 Respectfully submitted,

1443

1444 Karl Kadar, Secretary
1445 As transcribed by Katie Dinsmore
1446 Planning and Development Department Administrative Professional I