

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON

JANUARY 2, 2024
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
Chris Williamson
Alexine Cloonan

Commissioners Absent:

Kazy Tauginas

Staff Present:

Renee Bensley, Director of Planning and Development
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
Michael Fortner, Senior Planner
Katelyn Dinsmore, Administrative Professional I

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

Chair Hurd: We're on? Ok, alright. Good evening, everyone, and welcome to the January 2nd, 2024, City of Newark Planning Commission meeting, we made it through another year. This is Will Hurd, Chair of the Planning Commission. We are conducting this hybrid meeting through the Microsoft Teams 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 will auto track whoever is speaking so everyone needs to keep their microphones muted until they wish to speak so the camera isn't bouncing around. I will also ask for the benefit of our minutes if we can try to make sure we're not talking over each other so take your turn, wait, etcetera. Katie Dinsmore, the department's Administrative Professional, will be managing the cameras, chat, and general meeting logistics. At the beginning of each item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order for questions of the staff or presenter. If a commissioner has additional questions they would like to add later, they should ask the Chair to be recognized again when all members have had the opportunity to speak. For items open to public comment, we will then read into the record comments received prior to the meeting followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, 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. This sign up is so we can get your name spelled correctly in minutes. 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 so the speaker can turn them on. We are unable to remotely turn on cameras or microphones in Microsoft Teams, which must be done by the individual. 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 all 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 validity of any actions taken in these meetings.

1. Chair's Remarks

Chair Hurd: That takes us to item 1, which is chair's remarks. I have no remarks.

2. Minutes

Chair Hurd: Item 2, the minutes. Are there any edits or corrections to the minutes from December 5th? Alright seeing none the minutes are approved by acclamation.

3. Review and consideration of the Comprehensive Plan Amendment, major subdivision with site plan approval and rezoning of George Reed Village

Chair Hurd: That takes us to item 3, the review and consideration of the Comprehensive Plan Amendment, major subdivision with site plan approval and rezoning of George Reed Village. Director Bensley, who is beginning?

Director Bensley: That would be me.

Chair Hurd: Awesome.

Director Bensley: Alright, good evening everyone. As Chairman Hurd mentioned this is to consider the Comp Plan amendment, rezoning, and major subdivision and site plan approval for the current parcel located at 313 East Main Street. It also encompasses the addresses located at 4 to 15 Independence Circle, 300 and 302 Delaware Circle, and, with the November 13th approval by City Council, the vacated portion of Independence Circle and the surrounding right of way. The applicant proposes subdividing the property into two parcels, and rezoning from RD, one family semidetached residential, to BB on the first parcel, which is our central business district, and RM, which is multi-family dwelling garden apartments, on the second parcel. This plan includes demolishing the existing buildings and construction of a five-story mixed use building with office and retail space on the first floor and 52 1-bedroom apartment units on floors 2 through 5 on the BB parcel and construction of 5 garden apartment buildings with four units in each for a total of 20 garden apartments that will have 54 bedrooms total on the RM parcel. This is to be a phased construction with the mixed-use building being constructed first, the existing residents on the site being moved to the new building and then the new garden apartments being constructed on the second parcel. This project will result in the net increase on the site of 36 units serving individuals and families making 50% or less of the area median income on the site.

This parcel is located on the south side of East Main Street approximately 300 feet to the east of the intersection of Tyre Avenue and East Main Street. The current zoning of the parcel as I mentioned is RD. The property is currently fully developed with single story homes, garden apartment buildings, and their associated yards and parking areas. The lot is currently comprised of approximately 20,200 square feet of building coverage, which is about 16% of the site. 89,500 square feet of open area which is approximately 71.5% of the site, and 15,600 square feet of road and parking surface which is about 12.5% of the site.

The proposed uses, a five-story mixed use building with ground commercial space on lot one and garden apartments on lot 2 are allowed uses in the proposed BB and RM zoning districts respectively. And it should be noted that in the commercial space that is being included in the 5-story mixed use building the Newark Housing Authority will be putting their new offices in that space along with having two other spaces that equal approximately 5,000 square feet on that floor for wrap around services to rent out.

The proposed plan does not conform to the existing land use designation indicated in Comprehensive Development Plan V 2.0 and will require a Comprehensive Development Plan amendment to change the designation of lot number 1, the proposed lot fronting East Main Street, from residential high density to mixed urban. 313 East Main Street is currently included in Planning Section A of the Comp Plan which designates the entire parcel as residential high-density use. The plan does recommend mixed urban for other parcels in the vicinity along East Main Street. For site plan approval, Code Section 32-97 provides for alternatives for development and redevelopment proposals to encourage variety and flexibility and to provide the opportunity for energy efficient land use by permitting reasonable variations from the use

and area regulations. Site plan approval is to be based on distinctiveness and excellence of site arrangement and design and including but not limited to common open space, unique treatment of parking facilities, outstanding architectural design, association with the natural environment including landscaping, relationship to neighborhood and community, energy conservation with an additional ten points from the Green Building Code, and affordable housing. In this case the application is requesting site plan approval relief for several area requirements. Specifically, the plan requests relief from the requirements for the following. On lot 1, they request relief from the 15-foot setback requirement. They are proposing a 9.6-foot setback requirement which is a differential of 5.4 feet or 36%. They're also requesting relief from one of the design requirements in Appendix XIII for a front facing façade. The apartments and NHA office's façade and entrance are facing east in the current renderings. The other retail spaces would front the building.

In lot number 2, they're asking for relief for 4 items. In Chapter 27, Appendix II, which is related to parking, they are requesting relief for no parking in the front yard they do have three spaces under the current plan. They're requesting relief for the 25-foot building separation requirements. They are proposing 8.8 feet, which is a differential of 16.2 feet or 64.8%. They are also requesting relief for the 30-foot perimeter street setback. They are offering 3.7 feet for a differential of 26.3 feet or 87.6%. They're also asking for relief from the 25-foot exterior lot line setback. 18.8 feet has been provided and that is a differential of 6.2 feet or 24.8% and then for the 25-foot rear yard setback requirement, they're offering 23.3 feet which is a differential of 1.7 feet or 6.8%.

Compliance with the site plan approval criteria has been outlined on pages 5 through 8 on the Planning and Development Report. While they've offered explanations on how they fit all 7 criteria it should be of particular note that this project is the first to take advantage of the newly added affordable housing criteria for site plan approval. The proposed development meets all requirements detailed in Chapter 27, Subdivisions and Chapter 32, Zoning once rezoned to BB and RM with site plan approval provisions detailed above.

For project density, the zoning regulations for the mixed-use building in the BB zoning district have no density limit. The zoning regulations for the RM zoning district allow for a density of 16 units per acre. The RM portion of the project has a density of 11.7 units per acre, which is compliant with the zoning code. The density of this project along with other pertinent project details were included in exhibit F of your Planning and Development Report.

For traffic, East Main Street is a state road while Delaware Circle is a city street. If approved, the proposed development is estimated to generate an additional 307 average daily trips on East Main Street and reduce average trips on Delaware Circle by 18. The proposed development is subject to the Transportation Improvement District adopted by Council on March 25th, 2023, and a traffic impact study is therefore not required. Fees will be assessed as part of the TID according to the net addition of new housing units and commercial square footage.

Regarding parking, the lot is currently operated as offices for the Newark Housing Authority and 14 garden apartments and duplex buildings. The proposed apartments in the mixed-use building and the garden apartments do not have minimum parking space requirements under city code as they are to be affordable dwellings using tax increment financing and or low-income housing tax credits. This is one of the changes that we made in May of last year. The proposed plan provides 24 spaces on lot 1, which is sufficient for the 5,000 square feet of non-residential space that's being provided. An additional 31 spaces are provided on Lot 2. Ingerman Development, the operator of the proposed development, has indicated that the allocation of parking spaces reflects real world usage at their affordable housing properties. Regarding the design requirements, the project is subject to the requirements of Chapter 27, Appendix XIII, Design standards and guidelines for downtown properties. Staff has applied the subdivision requirements of that appendix to this proposal during the review. This proposal meets this criterion with the exception of the location of the front facing façade which the applicant has requested relief from through the site plan approval process. So, because the Comprehensive Development Plan Amendment, rezoning, major subdivision, and site plan approval should not have a negative impact on adjacent and nearby properties and because the proposed use does not conflict with Comprehensive Plan V, the department suggests that the Planning Commission approve the Comprehensive Development Plan amendment, the two portions with the two districts to be rezoned, as well as the major subdivision by site plan approval. Thank you.

Chair Hurd: Alright thank you, do we have someone to present for the applicant?

167 Solicitor Bilodeau: Well Mr. Rhodunda is coming up. To the first building, is it 50 or apartments or 52
 168 apartments? Because in the report it says 50 one bedroom on page one and then it goes onto 52 in a
 169 couple of other spots.

170 Director Bensley: It's 52.

171 Solicitor Bilodeau: 52, ok, thank you.

172 Chair Hurd: Alright, make sure you're close to the microphone.

173 Mr. Rhodunda: Yes, thank you very much, is this better? To develop tonight our team who are attending
 174 virtually (inaudible) for this project (inaudible) as a development, if the property is constructed, they also
 175 developed the Alder Creek project on Cleveland Avenue that you might be familiar with. There are some
 176 similarities in appearance for the carriage houses on this project and the structures on that property.
 177 That property from what I understand, there's been no issues there, it's an affordable housing project
 178 and it's very well managed and this would follow in the footsteps of that project as far as Ingerman's
 179 participation in affordable housing in Newark. With me in the room is Neil Carlson from VanDemark and
 180 Lynch who will provide further explanation on the project. We also have virtually, individuals from
 181 Ingerman, we also have the Architect, Toren Williams from Architecture Alliance who will also speak
 182 briefly tonight and then in the room with me is Marene Jordan the Executive Director of the Housing
 183 Authority, and also, we have a board member from the Housing Authority here this evening. This project
 184 is proposed to take the place of lands that are currently owned by the Newark Housing Authority. The
 185 current building was constructed in 1964 and so what you see out there today is something that makes
 186 sense perhaps in 1964 but it's completely inconsistent with how Newark has been developed since then
 187 essentially. And what you're seeing here, what's being proposed is consistent, we believe in how Main
 188 Street and the surrounding areas have developed essentially since then.

189 As you know we're proposing a five-story building at the front, that fronts on Main Street and we're also
 190 talking about in the back 5 buildings, and each has 4 apartments in them. This is an affordable housing
 191 project, I did want to point out in the apartment building, its age restricted. So, the front apartment
 192 building is an age restricted product. The part of the project in the back is not age restricted. This is a
 193 redevelopment project, proceeding forward under Section 32-97. It's a unique opportunity to have this
 194 partnership between Ingerman and the Housing Authority to bring affordable housing in an area that
 195 otherwise would not have affordable housing literally in this part of town, so it's a great opportunity to
 196 do something that otherwise could not occur. A situation where the land does not need to be purchased
 197 to do it and that's the main reason why a project like this becomes affordable to do affordable housing.
 198 As I mentioned the applicant and engineer have worked closely with the city departments, obviously the
 199 Planning and Development office and Director, I don't want to repeat everything she presented, she
 200 presented a comprehensive overview of our project, but we did want to have our team make a few
 201 comments and then certainly open the floor to comments or questions you may have regarding the
 202 project. I'd like to start off first if we could have David Holden, who's appearing virtually from Ingerman,
 203 to make a few comments about the involvement of Ingerman in this project.

204 Mr. Holden: Good evening, we're excited about this opportunity to work with the Newark Housing
 205 Authority again in Newark. As builders we did Alder Creek about 10 years ago. We've been developing
 206 affordable housing for about 30 years now; we've also been in other parts of New Castle County.
 207 Wilmington, and Newport as well as Chester County, Lancaster County, and Cecil County and then
 208 throughout other parts of Maryland, Delaware, and New Jersey. So, we have a major presence in this
 209 area and look forward to this. We started working with the Housing Authority about a year ago to put
 210 together this proposal and submitted it to the state and it's a statewide competition, and we were
 211 successful last summer and that's what brought us to where we are today with the Housing Authority,
 212 and I don't want to rehash what you've already presented, but if you're interested in our other projects,
 213 it's on our website at ingerman.com and you can look at our other properties as well. But I'm here for
 214 any related questions, but that's all I wanted to present tonight.

215 Mr. Rhodunda: Thank you very much Mr. Holden, let's turn to the Site Engineer Neil Carlson from
 216 VanDemark and Lynch is here just to provide some specifics that may not have been touched on so far.

217 Mr. Carlson: I just wanted to kind of give you an overview of it, you know, DelDOT has requested or
 218 dictated we will be ins only off of Main Street, traffic will flow through the site and out Delaware Avenue
 219 to Tyre but there will be no traffic leaving the site onto Main Street for DelDOT so that main drag up next
 220 to the five story building at the north end of the site will be a two way up until that parking area and
 221 then it turns to one way into the site. As far as the site plan approval for the deviations, approval should

222 be based on distinctiveness and excellence, the site design and arrangement as Renee had indicated so I
223 just wanted to speak a little bit about the various aspects. So, in relation to the common open space,
224 we're providing a dog park. We anticipate some of the people in the senior building may have service
225 animals and or pets so we're providing a dog park out there for them. The bulk of the first floor, the rear
226 of the large building will actually be an open community space, like a pavilion, it will be under roof but
227 no walls. That's envisioned as community space for residents of that senior building. On lot 2, we have a
228 handicap accessible playground centrally located for the tenants of the cottages. We intentionally
229 located it centrally to the site to minimize the chance of non-tenants using that privately owned facility.
230 It also allows residents to monitor their children as they're playing on the playground. We also provide a
231 walking trail around the perimeter of the site. It starts down here in the bottom corner, loops around,
232 goes onto the sidewalk where it has to cross the street, and then comes around the east side. The
233 unique treatment of parking facilities, we've tried as much as we could to keep them out of that central
234 loop by the playground just to provide better visuals and access there, however we do have a couple of
235 parking spaces in there especially accessible ones realizing that people may need convenient parking,
236 but we did not want to eat up all those sight lines with parking. As far as architectural design, I will skip
237 over that one for right now and let Toren speak to that. As a result of the natural environment, we have
238 a wide variety of trees going in, I believe that there's actually more trees going in than are being taken
239 out. It is a very energy efficient project, Toren can speak to you more in detail about that. I'll also defer to
240 Toren on relationship to the neighborhood and community and the energy conservation, and the
241 affordable housing aspect, I think we should all be fairly confident, it's the Newark Housing Authority
242 and we are in fact an affordable housing project. Are there any initial questions that I could answer?

243 Mr. Rhodunda: If I could just have you address the issue on the landscaping as it abuts the single-family
244 homes of Delaware Circle?

245 Mr. Holden: Absolutely, could you pull up the landscape plans? Whoever's driving that, it would be
246 probably sheet...there is, back one. Ok, so along the southeast property line down by Delaware Avenue
247 we have buildings in fairly close proximity to the property lines down there, they are slightly further
248 away from the property line than the existing buildings are. However, we are asking for relief from that
249 setback as kind of compensation for that, you'll notice that band of green across, separating our site
250 from those single families down there, that will be an evergreen screen with an ornamental fence.
251 Similar situation all the way on the far left to the west of building 6, we have those single-family
252 residential properties oriented east west, facing out onto Tyre Avenue and we're also providing an
253 evergreen buffer there. Up on the west side, about the midpoint of the midrise building, we have a
254 generator which will be screened, also a transformer that will be screened. Gas meters are on the
255 backside of that building, the northwest corner of the midrise essentially, you'll note that those gas
256 meters are also screened, all with evergreens.

257 Mr. Rhodunda: One point I wanted to touch on, just so it's clear. There were some questions on how the
258 access would take place particularly for Main Street, it's an enter only from Main Street, you cannot exit
259 this project onto Main Street. The city had actually asked the developer to look at having a way to come
260 in and out on Main Street, but when DeIDOT reviewed that request they determined that it would not be
261 appropriate due to the traffic lights on Main Street, where they stand there would be issues of people
262 exiting, conflicting with the backup of the traffic light on Tyre Avenue so that's why there was only one
263 way traffic coming into the project and the traffic would go out onto Delaware Circle and that's where
264 the traffic would come in and out of.

265 On the parking standard, I'm sure from reviewing the plans you're familiar with the standard there in
266 terms of the overall parking requirements for the project are three quarters of a parking spot per unit
267 which seems to be perhaps less than you might expect, but that's 100% consistent with historically these
268 types of units. And the reason why I bring that up is because you don't have the traffic generation from
269 this type of project that you would have if this was a different type of project. We have an affordable
270 housing project number one and we've got a senior aspect of that so basically while the traffic does
271 come in and out on Delaware Circle, it is much reduced from what I would say is a typical apartment
272 complex that you might see in the area.

273 As exhibited on the plans before you in terms of the Comp Plan and rezoning change, this project is
274 consistent if you look on both sides of it, there's a larger apartment building on both sides but in the
275 areas where this project abuts the single family residential units the plan incorporated a significant
276 buffer there as indicated by Mr. Carlson, a 6 foot fence and also an evergreen screen completely with
277 some other larger trees mixed. So, there's a significant buffer being installed where the project abuts

278 single family homes other than that, primarily the area has high density apartment type of development.
279 So, at this point what I'd like to do, because in terms of conformance of this project with the surrounding
280 area, Toren Williams from Architecture Alliance is participating virtually, I see him there, I'd like to have
281 him comment and explain to you how this concept was developed for this particular project on this
282 particular site. Mr. Williams?

283 Mr. Williams: Thank you, good evening again my name is Toren Williams with Architectural Alliance.
284 We've been involved with affordable housing for over 25 years, and I've completed about 80 projects.
285 This particular project is a little bit special to me. I grew up in Newark, I graduated from Newark High
286 School, I literally can still remember my dad taking me to the arcade next to the 5 and Dime every
287 Saturday, so when Dave Holden and Ingerman brought this project to our firm, I was very eager and
288 excited. Just wanted to throw that out there. Again, we're talking about the five-story senior building, it
289 contains 52 units, we have a commercial retail space on the ground floor, we have offices, community
290 space, and open outdoor space for the tenants of that building. And what we tried to do with that
291 because it was so called five stories, we tried to step it back as it comes towards Main Street to keep it
292 contextual with the existing buildings adjacent to it, we're thinking all clad masonry, window openness
293 for that three story structure literally with a rooftop terrace above that. That sets back about 70 feet and
294 then we pop up to the five story. So, again we're trying to keep in mind the existing context coming
295 down that corridor of Main Street and trying to keep a consistent fabric of architecture. We've wrapped
296 the entire building around the ground floor, with masonry. And then we pop it up with some accents
297 and metal siding to kind of break up the mass, so you don't see this kind of rectangular box, it kind of
298 breaks it up. We have some ins and outs with some bay windows, again just to kind of bring that mass
299 down to a personal scale.

300 As we also talk about other projects, in dealing with Alder Creek, which was a successful project, we
301 decided to mimic that product lined along the back side with the four adjacent buildings more towards
302 the southern part of the site. Again, we're going to wrap it with siding, we're going to have a brick water
303 table around the perimeter and that represents well for that area because you have the low two story,
304 one story houses behind it on Delaware Circle so I thought that kind of, the arrangement and placement
305 of the buildings kind of worked well while putting the five story out more towards Main Street and
306 keeping the cottages more towards the residential portion at that portion of the site. That being said in
307 terms of the energy conservation measures, we're going to meet Newark's requirements. We're going in
308 for energy ready and we're going to meet the Enterprise Green Community Certification. All the building
309 will be wrapped with rigid insulation, so it'll have continuous insulation, we're going with all LED lighting.
310 We're going to have (inaudible) on the roof of the five-story apartment building again to gain more
311 energy conservation measures that will be included in this project as we are moving forward to make
312 them obviously more efficient. All the units will have ERVs, dehumidifiers, all energy star appliances,
313 again keeping in mind that we want to make these buildings not only look good but also be energy
314 efficient as we move forward in 2024. Any other questions, I'll be more than willing to answer.

315 Mr. Rhodunda: At this time, I would open the floor to any questions you may have to any of the team
316 members. Mr. Williams in architecture, certainly in engineering, Mr. Carlson, the applicant, and I are
317 happy to answer any questions you may have.

318 Chair Hurd: Alright, thank you. We will begin with Commissioner Kadar.

319 Commissioner Kadar: Hey it worked. Alright just a few questions. The question's mostly about the table
320 that's shown here in the Planning and Development Department Report 177 to 194 talking about the
321 variances that you're looking for. Line 192 you have an 18.8-foot lot setback versus 25. You can't meet
322 the 25 by moving it off and just closing down some of the central loop?

323 Mr. Carlson: If I make that central loop any smaller, I lose my playground.

324 Commissioner Kadar: So that's not possible?

325 Mr. Carlson: Correct.

326 Commissioner Kadar: Alright, question on line 188 talk about an 8.8-foot measurement, and I look at the
327 drawings, sheet 2 of 11, and I believe that 8.8 foot is located right around here, is that correct? Along
328 the walking path?

329 Mr. Carlson: No, that's a building-to-building separation.

330 Commissioner Kadar: In the back here? You see where the note is, it says 25-foot extension lot 1
331 setback?

332 Mr. Carlson: I do.

333 Commissioner Kadar: And then they've got an 18.8 foot.

334 Mr. Carlson: Yes?

335 Commissioner Kadar: Is that the 18.8 that you're talking about?

336 Mr. Carlson: That is the 18.8 yes.

337 Commissioner Kadar: And there's no way to mitigate that and get back into the 25?

338 Mr. Carlson: If I bring that building forward it no longer complies with-

339 Commissioner Kadar: The same thing, you close it down-

340 Mr. Carlson: Well, I can leave the loop the same and bring that building forward however that interferes
341 with my perimeter access with the fire department.

342 Commissioner Kadar: Ok. A question about a measurement, this one right here, same area right there,
343 the 8 feet?

344 Mr. Carlson: The 8.8?

345 Commissioner Kadar: Yeah. This drawing shows that the measurement comes from I forget what
346 building, between building 2 and building 3.

347 Mr. Carlson: Correct.

348 Commissioner Kadar: And it shows the measurement measuring to the concrete walkway. Now I'm
349 assuming there's an overhang there?

350 Mr. Carlson: There is.

351 Commissioner Kadar: And the overhang is connected to the ground?

352 Mr. Carlson: No sir. It's a porch.

353 Commissioner Kadar: There's no post?

354 Mr. Carlson: There will be a post yes.

355 Commissioner Kadar: Ok so therefore it's a permanent structure and that needs to be covered to show
356 as part of the building. And then you have your 8.8-foot building to building and you don't have to do
357 that. See, I can't understand why you would be measuring to the end of a sidewalk.

358 Mr. Carlson: Ok. That was intended to be a dashed line around that permitted to designate a roof
359 overhang.

360 Commissioner Kadar: Alright. Now the only setback, I look at the variances that you're requesting, and
361 ok. I could live with them, but I do have a problem around the gross difference between the 30-foot
362 perimeter street setback going from 30 feet required down to a measly 3.7 feet.

363 Mr. Carlson: Yep.

364 Commissioner Kadar: That's a tremendous move.

365 Mr. Carlson: It is. And if you look at the shape of that piece of land.

366 Commissioner Kadar: Show me where that is because I went looking for it and I'm having a hard time.

367 Mr. Rhodunda: You could walk up there and point it out...

368 Chair Hurd: Then he won't be on the microphone.

369 Mr. Carlson: That's a 3 foot and change foot setback from this corner of the building that way (inaudible)

370 Commissioner Kadar: That's building 6?

371 Mr. Carlson: Yes, building 6.

372 Commissioner Kadar: And so, that's, that's really close.

373 Mr. Carlson: It is.

374 Commissioner Kadar: You can't move the building further to the north?

375 Mr. Carlson: If I move the building further to the north, I have to take out the walking trail.

376 Commissioner Kadar: Oh, here we go again, yeah, yeah, alright. But that's a significant change. And
377 that's getting really close to the street.

378 Mr. Carlson: It is not too awful, less than what exists now.

379 Mr. Rhodunda: What do you mean by that?

380 Mr. Carlson: I mean in the existing condition we are in the vicinity, well it's about 13 feet, the existing
381 buildings in that neighborhood the minimum distance from the right of way line is 13 feet, we're taking it
382 down to 3 so yeah it is a significant change.

383 Commissioner Kadar: Alright. And the last question on here I have, you make a lot of, you mentioned
384 several times about the walking path through the development, most of the walking path is asphalt
385 located on the southeastern side of the facility. And then it becomes like a maze to try and get along the
386 sidewalks to snake your way all the way around. I think that's stretching it a little bit, I mean it's nice to
387 be able to walk, but why two different surfaces, asphalt and concrete, since you have a lot of senior
388 citizens. I'm one of them so I could understand, and you're probably doing it to reduce the costs on the
389 walking trail along the southeast corner the asphalt versus concrete but it's not inherently obvious that
390 that's a walking trail. It's just a straight line and then you've got to make your way through the property
391 on the existing sidewalks.

392 Mr. Carlson: That's all true. Have you got a better way to cross the road?

393 Commissioner Kadar: Well...alright. On the plus side, lines 282, 295 I like the reduced building height on
394 lot 2, it blends in nicely with the existing neighborhood and it's not a shocking new development it'll fit
395 in nicely. The design on the cottages, fine. The building, I'd hate to use the word distinctive because it
396 looks like every other building that we've approved on Main Street in the last three or four years.
397 Nothing really distinctive about it but it does fit in, so on that basis I'm ok with it.

398 Chair Hurd: Ok, thank you. I will just remind the Commission that the site plan approval process allows
399 us to grant relief from zoning code elements and not variances. Variances are a very particular legal
400 element granted by the Board of Adjustments that often travels with the land, this relief travels with the
401 project and does not continue. So, I just wanted to make sure we're using the right language so Paul
402 doesn't have an aneurysm over there. Ok, Commissioner Silverman please. There you go.

403 Commissioner Silverman: They must have fixed these. So, it's clear in my mind, Newark Housing
404 Authority is giving up being in the landlord business and is partnering with Ingram?

405 Mr. Carlson: I'm not all too familiar with the ins and outs of that arrangement. Marene, do you have
406 anything?

407 Commissioner Silverman: Will the Housing Authority still own the structures?

408 Chair Hurd: So, if you're able to answer then you need to come to the microphone, please.

409 Ms. Jordan: Marene Jordan, Director of the Newark Housing Authority, the question was if we will be
410 getting out of the landlord business, the answer is no. We're partnering with the Ingerman group to
411 expand and to increase the quality of housing that we offer, but we will not be getting out of the
412 business.

413 Commissioner Silverman: But the authority will no longer own the structures?

414 Ms. Jordan: That's a legal question...

415 Commissioner Silverman: Where I'm heading with this is if there's a land and structure arrangement, this
416 is very common on the STAR Campus, University maintains control of the land, and a private concern
417 builds the structure. And in that arrangement the structure is taxable and still on the tax rolls whereas
418 the land value is not. Does that arrangement exist with this particular project?

419 Mr. Holden: May I comment? So, the Newark Housing Authority will retain ownership of the land and
 420 the improvements will be leased to a partnership that includes the Housing Authority, Ingerman, and the
 421 entity that's purchasing the local housing tax credits.

422 Commissioner Silverman: So, this will still be a nonprofit entity? Will it be a taxable entity?

423 Mr. Holden: It'll be similar to what I believe you described. The land will be owned by the Housing
 424 Authority, the improvements will be carried out by a partnership that's an LLC. So, it's not (inaudible)

425 Commissioner Silverman: Ok. So, the city will be gaining substantial revenue off of this land?

426 Director Bensley: No, this will remain tax exempt.

427 Commissioner Silverman: Both the structure and the land?

428 Director Bensley: Yes.

429 Commissioner Silverman: Ok, thank you that answers that question. Was there any effort made to
 430 purchase the properties that are to the northwest fronting on Main Street to square up this lot? You
 431 mentioned lot configuration being difficult.

432 Chair Hurd: Northeast.

433 Commissioner Silverman: Northeast.

434 Chair Hurd: The small single families.

435 Mr. Carlson: The two houses there?

436 Commissioner Silverman: Yes.

437 Mr. Carlson: I didn't try to buy them, did you?

438 Commissioner Silverman: Ok, I'm going to move into the utility section of the plan. I see two fire
 439 hydrants on this site, the Fire Marshal has kind of left things in the air until we get to the CIP. The street
 440 coming through here is 24 feet.

441 Mr. Carlson: Correct.

442 Commissioner Silverman: That's a standard subdivision street.

443 Mr. Carlson: The minimum required for fire lane.

444 Commissioner Silverman: Right, it is minimum. With the fire apparatus that would be called to a multi-
 445 story building, with a high life hazard, you're looking at several aerial ladders, a number of pumpers, and
 446 a lot of hose put on the ground. So, this travel surface is going to become very busy. I was just
 447 wondering with the parcel 2 structures, not the high rise, whether it would be more efficient from a fire
 448 water point of view to locate the fire department connection remotely from the structures. Because I
 449 assume these are going to be sprinkled?

450 Mr. Carlson: Yes, everything will be. So, I'm sorry, put the fire department connection where?

451 Commissioner Silverman: Remote from the interior of this parcel, is there a fire hydrant along Delaware
 452 Circle?

453 Mr. Carlson: There is. Right across the street from our entrance.

454 Commissioner Silverman: Ok, because plastic pipe is relatively inexpensive.

455 Mr. Carlson: I'm sorry?

456 Commissioner Silverman: Plastic pipe is relatively inexpensive.

457 Mr. Carlson: It is.

458 Commissioner Silverman: I'm just concerned about how crowded this site is going to get just from a fire
 459 response point of view.

460 Mr. Carlson: So, I had a discussion with Renee Hayes who I understand is the new fire consultant for the
 461 city, today she asked me to put fire department connections on the front of the building, so I don't think
 462 they're going to go for them being remotely located.

463 Commissioner Silverman: Ok, if that's what the city wants. I find it also mind boggling that DelDOT
464 would dig in the way it has. Because we're talking about a site that has relatively little traffic, that traffic
465 there is probably virtually all off peak, so they're not going to be any backups on Main Street. And
466 having rights in and rights out, or rather being able to go out on Main Street, rights in, and left out in this
467 case would work much better.

468 Mr. Carlson: That, yeah. Our initial, before we submitted to the city, our initial thoughts where we
469 wanted no access to Main Street because we didn't want any cut through traffic, initial meetings they
470 wanted full access for fire safety, various reasons. So, we drew up a plan that showed that, submitted
471 that to the city a couple times, and then had a pre-application meeting with DelDOT to show them that
472 and they just say no that's not going to happen.

473 Commissioner Silverman: Ok, and I like the idea of the Alder Creek type design in the buildings, I think
474 they will blend very nicely into the community and one thing that should be made clear and I didn't
475 discover it until tonight, is the covered area to the rear of the multi-story building, I looked at the
476 renderings and thought that was nothing more than more under building parking.

477 Mr. Carlson: It's not parking.

478 Commissioner Silverman: Ok, that's something that should be emphasized, that you're providing not
479 only open space but all-weather open space. You know, it's quite an attribute, we don't see that very
480 much in Newark. Ok, has any thought been given and this is my final comment, to requiring back in
481 parking with respect to the parking places that would back out onto the play areas. So, a driver sitting
482 there would have a full view. And you could say it's six of one and a half dozen of the other. Where if I
483 went back in, I didn't see who's behind me, who's trying to get to the play area.

484 Mr. Carlson: I have not given any thought to that; I'm just trying to think through how that would work.

485 Commissioner Silverman: Would that work? Pull up and back in?

486 Mr. Carlson: I can't give you a hard answer until I sit down and look at it, but just visualizing things, I
487 think it would be a very difficult movement to be on that arc around and then have it reverse kind of this
488 way around the arc while at the same time swinging that way to get into the space, you follow me?

489 Commissioner Silverman: Yes. Ok, thank you that's my comments Mr. Chairman.

490 Chair Hurd: Alright thank you. Commissioner Williamson?

491 Commissioner Williamson: Thank you. Three questions, then correct me if I'm wrong, East Main Street is
492 westbound two lanes of course and you would turn in, it would be a left turn off of Main Street.

493 Mr. Carlson: Left in, that's correct.

494 Commissioner Williamson: And the curb, that corner you're kind of restricted by the existing property
495 line and so forth. Now it's an in only why is the curb on the other side curved like you could go out that
496 way?

497 Mr. Carlson: Because it hasn't been updated since DelDOT decided we were going that way.

498 Commissioner Williamson: Alright, just needed an answer. And would it make sense to kind of do a
499 bump out so that nobody is even tempted to do that?

500 Mr. Carlson: Yeah, that's actually something I've been discussing with Ethan from Public Works, yeah, I
501 think that's probably what's going to end up happening that radius will come down, and perhaps that
502 will bump out there, but my sense was, when talking to Ethan and Renee, was that would rise to the
503 level that would need to be re-reviewed by the city.

504 Commissioner Williamson: Ok, it's a good answer, no problem. Second question, which might get into
505 the management side, so I realize that's maybe not germane here. This is public property but it's also
506 Housing Authority property. Can access be restricted in any way to anyone walking in here? Because it's
507 public or could you put, if it ever became a problem? I'm thinking of that long back, it is fenced. Ok so
508 there's some security in those back areas.

509 Mr. Carlson: There's a perimeter fence around the entire site, you know with the exception of the
510 entrances.

511 Commissioner Williamson: Well, that's what I mean, somebody could, I mean, I've been to the shopping
512 center across the street and there are people there late at night probably going to sleep somewhere
513 outside. And that long back fence area could be tempting I don't know. I mean it's public land...

514 Mr. Carlson: That could well be, Ingerman, do you or Marene do you have night watchmen or anything?

515 Ms. Jordan: No, we don't.

516 Mr. Carlson: No, ok.

517 Commissioner Williamson: Or could there be, I've seen facilities like this where there's essentially little
518 fences between the buildings, you know limited access if you had to, I hope that you don't. But just
519 wanted to point that out, I don't want to use the wrong term...people without shelters? Is that the
520 correct term?

521 Mr. Carlson: The unhoused?

522 Commissioner Williamson: Unhoused, maybe looking for very secluded spaces to sleep. You mentioned
523 a dog park, is that the long rear part?

524 Mr. Carlson: Top left corner.

525 Commissioner Williamson: Oh, just that area, ok. It makes more sense maybe to have that long...

526 Commissioner Cloonan: That's all fenced.

527 Commissioner Williamson: Ok, but just walking your dog to have doggie bag stations might be a
528 suggestion.

529 Mr. Carlson: I've got no issue putting another doggie station there.

530 Commissioner Williamson: And you know people are going to walk their dogs along the long back corner,
531 that's where I would.

532 Mr. Carlson: And that's there at the bottom right.

533 Commissioner Williamson: And will there be some lighting back there that's?

534 Mr. Carlson: I did not bring the lighting plan with me I believe you should have the lighting plan in your
535 packet, I don't recall off the top of my head if there's...

536 Commissioner Williamson: But the intent is to have lighting?

537 Mr. Carlson: Yes.

538 Commissioner Williamson: Alright, my final comment is kind of, not difficult but, I'm not comfortable
539 with the playground being in the middle of the circle. Now this has probably come up, and I'm guess the
540 circle is part of the fire department wanting access all the way around?

541 Mr. Carlson: Just access to those units.

542 Commissioner Williamson: A fire lane, you said 24 feet, now they have hose pull links, don't they? 150 or
543 something? There's some...

544 Mr. Carlson: A fire hydrant needs to be 300 feet from any, any building needs to be 300 feet from a fire
545 hydrant measured along a public way.

546 Commissioner Williamson: Ok. Here's what I'm getting at, and maybe this came up and if you can say we
547 tried that and it didn't work, that would be a fine answer. Between buildings 2 and 4, if I were drawing
548 this and I've done this in the past, but not trying to inject my ideas, but if you had instead of a, you're
549 eating up a lot of pavements here, a lot of space for pavement right. If the whole kiddie park were
550 moved to the right, to basically join the sidewalk between buildings 2 and 4 and that sidewalk could be
551 wider and at the strength to hold a fire truck, essentially 15 feet wide or something, and then the
552 playground starts. You still have access to your parking spaces in front of buildings 3 and 5. You could
553 actually create more parking spaces out on the driveway because you'd pull the whole playground 15 or
554 20 feet eastward. Essentially the same playground, still fenced, you'd still have a fire truck isle, it would
555 now be narrower but it's the only thing that's going to be on there, I guess the trash container would
556 need to be relocated.

557 Mr. Carlson: That trash container was a point of much discussion.

558 Commissioner Williamson: Yeah, I wish it was not there, I wish it was closer to the street.

559 Mr. Carlson: It would look great up in the northeast corner, but in the interest of trying to get equitable
560 trash day walks for all units we more centrally located it.

561 Commissioner Williamson: Right, I understand. So, where are there any other designs, where did the
562 circle come from? I guess that is my question.

563 Mr. Carlson: Kind of with the intent to have the playground as the focal point.

564 Commissioner Williamson: It just feels, I mean I'm not parent, but you know, you have traffic, people
565 parking, I just think there's a better way to do it, that's my point.

566 Mr. Carlson: We did have, you know this did come up in the reviews with Public Works, so as far as traffic
567 around that jughandle loop, we have these rumble strips, kind of these cobblestone rumble strips, plus a
568 raised crosswalk, no matter how you're getting to that loop you're coming across rumble strips and a
569 raised crosswalk. And then you're on a fairly narrow road, you're not going to be going too fast. And
570 then you're out of the danger zone.

571 Commissioner Williamson: Well again, that's my opinion, I think it could have been done better and
572 differently. And safer for children. Again, my opinion. Ok, thank you.

573 Mr. Carlson: Yep.

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

575 Commissioner Bradley: Thank you, chairman. I have a few more than three questions, sorry. First is, the
576 name of the community. R-E-A-D or R-E-E-D?

577 Mr. Carlson: All of the documents say R-E-A-D the Housing Authority has told me that it's R-E-E-D so
578 that's what I have on my plans.

579 Commissioner Bradley: Why would it be R-E-E-D this is George Read, historical president, first president
580 of Delaware, why did you change the name?

581 Mr. Carlson: I didn't change the name. Why did we change the name?

582 Mr. Rhodunda: We're looking at that issue, it's on the Declaration of Independence as R-E-A-D I believe,
583 so we're looking at that, but if you look on the internet there's some spelled with R-E-E-D but who
584 knows. We're trying to pin that down exactly to make sure we have the right spelling for that.

585 Commissioner Bradley: It is Delaware and he's a historical figure for Delaware, good or bad.

586 Mr. Carlson: My wife works at George Read Middle School.

587 Commissioner Bradley: Right, New Castle I mean come on.

588 Mr. Rhodunda: No, we'll look at that and make sure we have the right spelling on that.

589 Commissioner Bradley: Was it intentional to go to R-E-E-D? Or is it just a typo?

590 Ms. Jordan: Well not really Mr. Bradley, we actually took a local historian walking tour, Jim Jones was the
591 tour guide and he actually pointed out that it could be spelled both ways and either way is correct so...

592 Commissioner Bradley: Just to be on the contrarian side, if either way is correct why not stick with the
593 way it's been in Delaware since the 1770s? The majority of the public knows.

594 Ms. Jordan: Yeah. Throughout all of my correspondence I've always spelled it R-E-E-D instead of R-E-A-D
595 but it's just a preference.

596 Mr. Rhodunda: Yeah, we're reviewing that issue in light of the spelling historians have located and we'll
597 take a long look at that.

598 Commissioner Bradley: Now, onto the more technical stuff. Was there any initial thought about going for
599 higher density with this project, like maybe more apartment buildings as opposed to the cottages?

600 Mr. Carlson: I don't believe so, I'm not sure where we would put another cottage.

601 Commissioner Bradley: No, I'm saying remove the cottages for more density.

602 Mr. Carlson: Oh, so adding more to the apartment building. Ingerman? Was there any thought given to
603 that?

604 Mr. Ingerman: Yeah, this project actually wound up having more units than we originally conceived
605 because we're asking funding that's administered by the Delaware State Housing Authority that has
606 project limits so there's kind of a sweet spot as far as the number of units and then you get beyond that
607 and it's diminishing returns and this is the number that we could afford with the funding that was raised
608 for the project.

609 Commissioner Bradley: Ok, thank you. As far as the renters that will be allowed to rent here, will they all
610 need vouchers? Or is this the general public included?

611 Mr. Ingerman: Marene's there too to answer this a little more thoroughly than I can, there'll be a waiting
612 list that the general public can get on to then get a voucher, but I don't believe all the units have
613 vouchers, do they Maureen?

614 Mr. Rhodunda: Well, the requirement of the plan is that the 30, 40, and 50% of median income so I
615 believe that's set forth.

616 Commissioner Bradley: Ok, thank you. The plans were a little confusing with the in and out on Main
617 Street, I will echo another Commissioner's statement about the radius going out. Could that be mirrored
618 to have the radius coming in once you guys realign or redo your plans here?

619 Mr. Carlson: That smaller radius on the east side is kind of pinned down by that property line I can skinny
620 up the radius on the west side, but I can't move that east side anywhere.

621 Commissioner Bradley: Yeah. Ok, I see what you're talking about, I do see the little radius there, ok. And
622 on the traffic study chart it talks about vehicles going out onto Main Street, and that's not possible,
623 correct?

624 Mr. Carlson: Yeah, that needs to be updated.

625 Commissioner Bradley: So, that would be zero going out to Main Street?

626 Mr. Carlson: Correct.

627 Commissioner Bradley: Ok, I'd also like to echo fellow Councilperson's comments on the playground. Not
628 a big fan of where it's located. To me it looks like there's space...could that have been incorporated
629 maybe behind the dog park, there's a lot of asphalt behind the dog park to the left of the building.
630 What's the purpose of all that asphalt over there? If there's no parking under the structure where the
631 pavilion is?

632 Mr. Carlson: So, that's access to the generator and transformer that are all on the property line. If you're
633 looking there, you see those two concrete pads there?

634 Commissioner Bradley: Ok.

635 Mr. Williams: The whole tot lot area has been a subject of discussion since we started the project, like
636 where are we going to locate it? It's a requirement from the Delaware State Housing Authority. But we
637 did want to keep it more towards the cottages assuming those will be more family-oriented units, per
638 say. Versus having it near the 5-story senior building. So, then it was discussed, where do we put this
639 bad boy. Do we put it towards the southern end of the site and I'm always of the vision, and we've been
640 talking about this, we've got retaining walls around it, we talked about reducing the traffic with this
641 cobblestone and raising the walkways around it, so this has been a topic amongst our team since day
642 one, and I'm always of the mindset, because I used to live near Chrysler, I lived across the street from a
643 park. And it was always nice to look out the window when the lights came on to see if my mom was
644 looking at me while I was playing in the park. So, there was always that notion, we wanted the park as a
645 team, close to the cottages where I can have my kids outside. I mean this is 2024, I used to walk to West
646 Park, you could do that back in the 80s and 90s, but you can't do that now sadly. So, it was always the
647 intent to have that park in close proximity and actual eyesight of the units. So, I can be in my house and
648 be really comfortable with my child playing in the parking lot knowing that we put reducers around the
649 parking lot. Now granted, I understand coming straight down that fire lane and you always have that
650 person that probably shouldn't be driving. But that's why we put retaining walls around it, that's why we
651 put speed reducers coming up to and around it, with cobblestone and raised walkways. And more just
652 for safety, I understand we're kind of juggling, we're worried about the vehicular safety of the location of

653 that top lot but I'm more concerned about the visuals on my two kids, I have two girls. My visuals on my
654 kids playing outside nowadays in the 2024 era, I would be more concerned about that than somebody
655 coming down through here assuming you know the type of individual that could be living in this
656 development. So, that's where we kind of went with having that central location in close proximity to
657 the cottages just to give you some more feedback that we have with that location. And that's kind of
658 where we came up with it.

659 Mr. Carlson: Additionally, the only traffic on that loop that would have to cross if you were trying to get
660 to that playground is the traffic trying to get to those five parking spaces. It's remote parking for the rest
661 of the buildings, it's only the traffic on that loop is what needs those 5 parking spots.

662 Mr. Williams: The reason we did those five parking spaces is because they're in close proximity to the
663 accessible units. And again, the reason we didn't have any parking there. And the reason being if you
664 put yourself in somebody's shoes that may perhaps be in a wheelchair, having to park all the way around
665 the corner from the site, can we provide parking next to those units just in case they are in a wheelchair,
666 not all people are disabled in that fashion but that being said it's kind of, trying to juggle a bunch of
667 tennis balls and this is what we came up with.

668 Commissioner Bradley: Ok. The pavilion area under the main building, will that be protected from
669 vehicles? Because it looks like you have asphalt that goes up to the building line there.

670 Mr. Carlson: Yeah, that's a good point.

671 Mr. Williams: Yes, it would be.

672 Mr. Carlson: So, we'll be putting some sort of barrier up there?

673 Mr. Williams: Correct, yes. Whether it be seating, concrete walls, or bollards, we're still getting into the
674 design of that with our landscape engineers but our thought and intent was for it to be some exterior
675 outdoor space for the residents of that building where they can sit down, socialize, yet still protected
676 from the weather under the building and in close proximity to where the exact community space is also
677 being located and the exercise facility room so you have that visual indoor outdoor connection.

678 Commissioner Bradley: So, it will be protected and that will be reflected prior to the Council hearing
679 this?

680 Mr. Carlson: Absolutely.

681 Commissioner Bradley: Talk about solar on the rooftop, do you know how much you guys are proposing
682 there?

683 Mr. Ingerman: We do not, but we just hired an engineer and gave him the group plan weeks ago. We've
684 located and been thinking about, the location of the mechanical systems you know, it's basically around
685 the perimeter of the building again 10 feet away from the edge for protection, but we gave him a
686 considerable amount of space in the middle of that building, and we should be having a plan shortly,
687 we're going to basically show what we can do, and we can figure out what we're going to do. So, we
688 want to maximize the space of that roof, the higher roof not the lower roof, that's going to be a rooftop
689 deck.

690 Commissioner Bradley: So that leads to my next question, it is going to be an accessible deck? Because
691 we don't get the full set of plans so the plans, we have shown a door, and this is just the elevation, shows
692 a door with no railing. That's going to be an accessible rooftop area.

693 Mr. Ingerman: Correct, a portion of it, the middle portion. You can almost see in that rendering you have
694 like a fence around the portion, I can't have but over so much square feet which would throw me into
695 having to require two means of egress on that space so it has to be less than 750 square feet and
696 absolutely would be accessible to the tenants of that building.

697 Commissioner Bradley: Ok. And some of the garden apartments are ADA accessible?

698 Mr. Ingerman: Absolutely, so all of them are going to be adaptable but we've included 9 of the units to
699 be fully accessible but in talking with the team we basically kept all of the units pretty much the same.
700 So, we're going to have bars in all of the units, we're going to have accessible showers and tubs in all the
701 units. The only thing that will be different from the adaptable units and accessible units will be the
702 actual kitchens. They won't have the required workstation or the 2-foot countertops.

703 Commissioner Bradley: Ok, and there was a comment that the apartment building can have pets, can the
704 garden apartments have pets?

705 Mr. Carlson: Yes, they can.

706 Commissioner Bradley: Ok. Onto parking. You say that past history has shown you that this type of
707 project does not require a lot of parking and there's not many people who use cars for this type of
708 project, is that why?

709 Mr. Carlson: That's correct, yes.

710 Commissioner Bradley: And do you find that on your other project on Cleveland Avenue?

711 Mr. Carlson: I'll let Mr. Holden speak about that issue, but I believe that's correct. The parking request
712 here is consistent with the numerous projects that have it. But Mr. Holden can address that.

713 Mr. Holden: If we want to have a car on our property you have to register it, so we know what car
714 ownership is over all of our properties and based on what we've experienced this is adequate parking for
715 a senior building and for these income levels.

716 Commissioner Bradley: There was another note in there about the tenant might have to lease a parking
717 spot from some place I guess other than this community, is that correct? Because there's a note that has
718 to go into the lease that says that.

719 Mr. Holden: These units include parking, so they don't have to go somewhere else to lease parking.

720 Commissioner Bradley: That's commented on in this presentation package. Now you're going to ask me
721 to find it aren't you?

722 Chair Hurd: So yes, there was a note about decoupling is currently required in the code, it's not, if I'm
723 correctly recalling Director Bensley, decoupling is how the code is written. But the landlord could say
724 your rent includes a parking space. I believe.

725 Commissioner Bradley: So, I guess my question is at your other projects, how many of your tenants lease
726 parking spots from some place other than the community?

727 Mr. Ingerman: We don't do that. They only park on site.

728 Commissioner Bradley: Ok, I would just ask you to look through the documentation to get some
729 clarification on that please.

730 Director Bensley: Mr. Bradley? So, when we had initial discussions with Ingerman and the Newark
731 Housing Authority on this project in the very early iteration of this before the plan was submitted and we
732 were talking about you know what barriers there were in the zoning code and what could we potentially
733 do to move things along, some of the information that was presented to us at that time was that they
734 were seeing for senior apartments the average of one half of a parking space per unit being used
735 meaning that half of the residents had vehicles, the other, for the family affordable housing units they
736 were seeing approximately 1.25 spaces per unit being used on their sites so that was in part why we
737 proposed removing the minimum parking requirements for affordable housing because our minimums
738 are far above that and if we're going to be looking at the best and highest use of land it's not for asphalt
739 that people aren't going to be parking on. So, that was kind of the motivation behind the changes that
740 were recommended by Planning Commission and adopted by Council last year to remove the minimum
741 parking requirements for projects such as these because the developers had presented data from their
742 real-world projects showing that what was being reflected in the real-world usage was not what was
743 matching our minimum requirements for code.

744 Chair Hurd: And I'll say line 600 in the packet has the comment from the land use division about the
745 language that they're looking for in the rental agreements about decoupling.

746 Commissioner Bradley: Thank you, Chair.

747 Chair Hurd: But I believe that it could be that, so it could be that you get a reduction in rent so you could
748 have a standard rent and then less rent for a parking space, I mean it's mostly up to the Housing
749 Authority to decide how they're working that. But what this is saying is that the code doesn't require a
750 parking space attached to a unit. So, it's up to the landlord to decide how you're leasing or assigning
751 parking spaces that way.

752 Commissioner Bradley: I guess going down that rabbit hole would be where would they lease
753 apartments by? And more from a tenant standpoint, you know be clear to tenants that there's minimal
754 parking here and there's something in their lease that says they may have to sign something about
755 leasing a parking spot somewhere.

756 Chair Hurd: Right, because with the current amount of parking there is not a parking space for every
757 apartment. The way it's currently laid out I believe, so yeah.

758 Commissioner Bradley: Where will the Newark Housing Authority and retail people park?

759 Mr. Carlson: My guess would be this lot south of the large building.

760 Commissioner Bradley: The one with 11 spots is that?

761 Mr. Carlson: About 9 and a 4.

762 Commissioner Bradley: 9 and a 4 ok way back there. And how many spots are eaten up by Newark
763 Housing Authority employees?

764 Mr. Carlson: Four I believe?

765 Commissioner Bradley: Ok. In keeping with the parking building 2 and 3 pretty far away from parking, on
766 what's existing there now, they're kind of away from parking but at least it's more of a straight shot.
767 Whereas building 4 is going to have to go all the way down to like the main thoroughway and building 2 is
768 going to have to go up, and it's not even connected to that upper parking lot where there's the 11 spots.
769 So how does building 2 get to parking conveniently?

770 Mr. Carlson: They either park on the loop or west of building three, or north of building three and walk
771 down the sidewalk.

772 Commissioner Bradley: Ok, not a fan of not a lot of parking. I understand it falls within our guidelines
773 and everything, but I think there could be more parking on this project, just jumping back to what one of
774 the other Commissioners commented about, moving the playground closer to the buildings I mean that
775 might actually be a good idea, you move that over there, and get away from the crossing the road for the
776 kids, you could put more parking along that main thoroughway. I don't know if that was looked at, but it
777 might be something to look at, I know you guys are on a tight timeline, but safety is first.

778 Mr. Carlson: Absolutely, I'm just having a hard time visualizing how that's all going to work. Maybe we
779 can catch up afterwards and you can sketch something out for me to give me a better idea of what you
780 have in mind.

781 Chair Hurd: I think Commissioner Williamson had some sketch ideas, so.

782 Commissioner Bradley: Should there be a pedestrian crosswalk with the piano stripes or piano keys to
783 the entrance of building 6? From Delaware Circle? They're not shown on the plans.

784 Mr. Carlson: Pedestrian crosswalk across the entrance to that parking area, is that what you're asking
785 me?

786 Commissioner Bradley: Yes.

787 Mr. Carlson: Yeah, there should be.

788 Commissioner Bradley: Ok, off of parking onto stormwater. I'm a big stickler for impervious areas, and it
789 looks like we're basically doubling the impervious area from what's existing to what you guys are
790 proposing. It's a lot more stormwater that's running across impervious surfaces, how are you managing
791 that stormwater?

792 Mr. Carlson: We have two underground infiltration facilities, one located directly south of the large
793 building, on the loop essentially in front of building 5 kind of straddling building 5 and building 4. We've
794 done soil testing, we get about 4 inches an hour infiltration rate, I've done the preliminary stormwater
795 counts we have no issues at all reducing rate and volume of runoff in all regulatory events.

796 Commissioner Bradley: So, with those underground management systems what, and I don't know if you
797 have this calculation or not, pre-post as to what's leaving the site, do you know?

798 Mr. Carlson: I don't have those numbers handy, but I can tell you in the post it's lower in every event.

799 Commissioner Bradley: It's lower than what's leaving now?

800 Mr. Carlson: Yes, that's correct, that's a requirement of the White Clay Creek Watershed, it has to be that
801 way.

802 Chair Hurd: That is a state requirement, it has to be lowered every time. Just off the bat it has to be.

803 Commissioner Bradley: Well, that's good to know. Is it all the electric, is it all underground, all the new
804 stuff? Good. Note 9 on sheet 6 of 11 this is really getting into the weeds, the developer agrees to pay up
805 to 4,000 dollars towards interference if the building is found to interfere with the city's smart metering
806 system. I guess my question is why is it limited to 4,000? Why wouldn't they be responsible for it all?

807 Mr. Carlson: Well, that's because that's the note Ethan asked me to put on the plans.

808 Commissioner Bradley: Good answer.

809 Director Bensley: That's the standard reference for all development projects.

810 Commissioner Bradley: Ok, does it ever happen where it goes over that?

811 Director Bensley: We have never had to cash in on that as of yet.

812 Commissioner Bradley: Landscaping, I was a little confused on how many more trees are going on the
813 property than there are now, I mean it's pretty mature, the ones that are alive, pretty mature stuff,
814 replacing it with smaller stuff.

815 Mr. Carlson: Yeah, I don't have a lot of detail on that, I did not prepare the landscaping plan I can tell you
816 that the landscape architect who did has been working with Parks and Recreation along with Renee on
817 "high value trees" I think you call them in Newark, there were some that were thought to be high value,
818 but it turns out they were invasive species and or dead and they are no longer considered to be high
819 value. Again, I don't have a, this many trees going out that many going in, I believe it's a net increase.

820 Commissioner Bradley: Ok. Foundation plantings, will there be shrubs, all that type of stuff around the
821 building?

822 Mr. Carlson: I believe so, yeah. That was to be addressed in CIP per the last letter I got from the Planning
823 Department.

824 Commissioner Bradley: We don't see anything that has to do with CIP, right?

825 Director Bensley: Correct.

826 Commissioner Bradley: That's beyond us, ok. I guess last thing, bus, or public transportation areas, is
827 there any facility for people that want to catch a bus? I know Uber and that type of stuff is.

828 Mr. Carlson: There is no Uber lot.

829 Commissioner Bradley: What about a bus stop?

830 Mr. Carlson: There's the transit station about 1000 feet west. Or the bus.

831 Commissioner Bradley: Oh, down by the, yeah, I know what you're talking about.

832 Director Bensley: So, in relationship to that, with the new DART Connect transit service, Independence
833 Circle and George Reed Village is a current virtual bus stop, we do intend to continue to have a virtual
834 bus stop in that area, for folks to be able to access public transit.

835 Commissioner Bradley: Great, good answer. Ok I think that's it, thank you.

836 Chair Hurd: Thank you. Commissioner Cloonan?

837 Commissioner Cloonan: Well, thank you for the level of detail you showed on these plans that was a real
838 pleasure to review them. The information was there, and it was very nicely documented. And most of
839 my comments are focused on reclaiming green space. And trying to understand why there is so much
840 pavement, why parking lots are single loaded, or why we have to have this double loop system, you
841 know why we have to pave within 5 feet of this building and most importantly to me, why I can't have a
842 nice strand of street trees going down this road to actually make it a nice pleasant street to walk along
843 because you've whittled away the green space to such an extent. This seems to be something that
844 everyone else agrees on, but actually this additional pavement around the perimeter does nothing for
845 me. I'm thinking you know; I'm walking within you know 5 feet of people's back doors, along a property
846 line, along little newly planted trees in an urban area where if I want to go for a walk my goodness I have

847 the Hall Trail, I have Main Street, I have a lot more interesting places to walk then through my neighbor's
848 backyards and parking lots. That just seems to be me. I'm not sure why nobody else made the comment.

849 Mr. Carlson: Well, if I had some pretty woods to run a trail through, I would put it there.

850 Commissioner Cloonan: We have a beautiful, we have the Robert Hall trail which is newly. Well, is this
851 part of your requirement?

852 Mr. Carlson: Well, the Housing Authority wanted a walking trail as one of their amenities.

853 Commissioner Cloonan: Oh gosh, ok. So, to me you're just paving over more green space that kids could
854 be playing on. Which brings me to my next thing, which is this proposed playground. The detail you
855 actually showed us doesn't fit in here. So clearly the playground that you showed us...

856 Mr. Carlson: Yes, that's kind of a standard

857 Commissioner Cloonan: Yeah, it's such a constrained space, it just seems so, ok I was a parent. My kid
858 liked playing on the grass and down the street there was a playground down the street. And down the
859 street literally two blocks away is a playground. So again, this must be a Housing Authority requirement
860 because.

861 Mr. Carlson: Is it a requirement? (inaudible) the playground, DSHA requirement.

862 Commissioner Cloonan: Because that's a shame that you can't utilize existing public facilities. I mean
863 you have so much to draw on here, you have the library, you have the high school, you have the park,
864 you have the playground, you know all within two blocks of you it seems silly to try and recreate all of
865 that and paving an additional percentage of your ground. I would urge you to reconsider. I think every
866 project has its own sort of unique opportunities and the unique opportunities and the opportunity of
867 this site is it's right on Main Street with a lot of activity, and close to the trails, the bike trails, the walking
868 trails, and the playground so I was very happy to hear that you had the roof deck, the rooftop garden
869 because again that wasn't clear on the plans, I am a little concerned about this underground covered
870 area that you have. I like the fact that the recreational area backs up to that, but you know instead of
871 putting the ground storage shed over there you know can it go in there instead of putting bike parking
872 out here, can it go under there, I'm just trying to minimize the lot coverage on this project which is
873 excessive to me. Excessive. Ok, so I guess I've made my point. To me the availability of green space is
874 what we should be focusing on in this plan. The trash enclosure, you may want accessible to everybody.
875 But if I were living in building 4 and building 2, I wouldn't want that right outside my front door. I would
876 not so maybe there's an area in this parking lot and an area in this parking lot which doesn't overly tax
877 anybody but also doesn't impose everybody else's garbage on my front doorstep. So again, that's me. I
878 would also say that one of your other prime sorts of recreation areas for the people in building one is
879 this front patio. Which you know is near Bing's and has a lot of activity and could be a really pleasant
880 place to sit. So, it's not that I object so much to the area under the building, but maybe you could cut it
881 in half and then focus your attention on these other areas that could be sunny and more delightful for
882 different purposes. I am amazed that you are required to have a truck loading zone and all of those
883 trucks are now expected to exit through the residential neighborhood, but I get it, it's DelDOT. God has
884 spoken there. Again, some of these sidewalks seem a little unnecessary, next to these 9 parking lots you
885 have a sidewalk that connects to...

886 Mr. Carlson: Along the west side?

887 Commissioner Cloonan: Yes, that I guess is connecting your walking trail.

888 Mr. Carlson: Yeah, it had initially brought people across the street.

889 Commissioner Cloonan: So, if you reconsider the walking trail...

890 Mr. Carlson: Closer to building 5, someone, I forget who it was thought that was conflict with
891 pedestrians, so I tried to move people to the west side of the site.

892 Commissioner Cloonan: Right, trying to keep everybody happy, there you go. You do have this weird little
893 sidewalk alignment over here in the lower lefthand corner but I'm assuming that will get rectified.

894 Mr. Carlson: Bottom left down by building 6.

895 Commissioner Cloonan: Yeah, but on the edge, it's part of the existing sidewalk.

896 Mr. Carlson: Yes, that's dodging a utility pole.

897 Commissioner Cloonan: Oh, ok thank you, always a reason. Ok, and I think there's a retaining wall along
898 this edge is that correct?

899 Mr. Carlson: Correct, along the west side of building one.

900 Commissioner Cloonan: And I was having some trouble reading the grade, how high is that retaining
901 wall?

902 Mr. Carlson: Maxes out at about 6- or 7-feet sort of at the south end of the building.

903 Commissioner Cloonan: Oh, my goodness. I was thinking 2 or 3 but 6 or 7 feet, oh wow.

904 Mr. Carlson: Right, there at about the loading zone is where the existing grade begins to drop off.

905 Commissioner Cloonan: Right ok, I actually didn't pick that up when I was out on the site, interesting. Ok.
906 And I don't want to go there, so this underground stormwater system, do you have the policy for
907 cleaning that thing out and maintaining it as part of your specifications? And that is assigned to the LLC?
908 It's not a city clean out; it's assigned to the owner. Ok. I'm going to ask you something that sounds really
909 silly, but we just had a project along the Railyard where we had all of these little air conditioning units
910 that sort of popped up at the last minute on concrete pads all along the street frontage. Are all these
911 apartments going to have on grade units?

912 Mr. Carlson: Toren, can you speak to that?

913 Mr. Williams: Yes, all the apartments will have on grade units and the five-story senior apartment
914 building, all the mechanical equipment will be on the rooftop.

915 Commissioner Cloonan: Thank you, for that and thank you for screening it also. Much appreciated. Ok
916 so I have two requests, one is that they consolidate these onto one single pad, so we don't have that
917 whole little line up of 6 individual AC units at all different elevations with two feet of grass along each
918 one, it has to be maintained. And two I'd give some thought to building 3 on where they're going to go
919 because building three doesn't really have a back. So, if it were me, I'd put it on this east side, but I think
920 that might be too far from a run for it, but again, I would appreciate some thought and consideration
921 given to that.

922 Also, thank you for grouping all of the electric and water meters and stuff in one little spot, that will be
923 so much nicer than what we typically see. I think enough people have commented on this playground,
924 and I think I've made my thoughts clear that it's not only not necessary but not going to be very much
925 fun and I get that loop isn't going to get much traffic and I would like to review some options with you
926 after this meeting and again I know the Fire Marshal has a lot of sway on this so I'm sure they dictated a
927 lot.

928 Ok, the landscape plan again, thank you for the use of natives. I did have a few questions that I think I
929 will let the Parks Department dwell on a little bit more. But you have commemoration Sugar Maples that
930 grown 50 feet high and like 40 feet wide planted 6 feet away from building two so it's a really lovely tree,
931 I love the tree, but it might need a more open location. This Emerald Arborvitae that you're using as a
932 screen around all your little transformers and generators...I don't think it's going to work. They grow
933 three feet wide and then they grow and grow and grow. And I don't even know how you would access
934 your generator; I don't even know if your generator would be permitted to have that plant material that
935 close. So, I would have your Landscape Architect review that, and come up with a nice sort of fence
936 screening detail as an option. And I'm just going to reiterate, I want more street trees. I think we really
937 want the City of Newark to be a more comfortable walking community, those street trees give value to
938 the property, they make it a comfortable place to be, it gives a whole elegance and quality to a
939 neighborhood that you don't get any other way no matter how beautiful the architecture is. I'm a little
940 concerned about the signage that's going to be required on building 1, because I've seen these water
941 meters, and fire meter and electrical room signage, so I would try to consider that carefully. I'm not sure
942 how much of that is dictated by the city and how much sway you have over that. And just as a note, I
943 think your rear elevation should show a sloped roof over that trash room, that's sort of what it looks like
944 from the side elevation. Ok. Where are the mailboxes?

945 Mr. Williams: So, I can speak to that. So, the mailboxes for the senior building will be in the lobby, so
946 you'll come in and have your parcel lockers and mailboxes. And for the cottages we're going to have a
947 central location on the site with a kiosk.

948 Commissioner Cloonan: On another concrete pad no doubt.

949 Mr. Williams: It would be on a concrete pad, yeah.

950 Commissioner Cloonan: Yeah, ok. And I didn't see the site lighting either, but I will go through it again.
951 And I'm assuming that all the site lighting will be dark skies compliant.

952 Mr. Carlson: Yes.

953 Commissioner Cloonan: Alright, those are my comments.

954 Chair Hurd: Alright thank you, I have very little to add after those thorough reviews. I do want to start by
955 saying thank you to the staff for putting the percentage difference in the site plan approval table. That's
956 something I've been asking for, for a while and I'm glad to see that. So, I understand that I think we've
957 had concerns with are things that are requested by either the owner or by the state, so we have limited.
958 The one thing I just would say is as you're looking at paving and access, especially down in the southeast
959 corner, we've got a lot of individual paths to doors on one side of the building and then on the other side
960 we have a single sidewalk that connects three entrances. So, I'm not sure why you couldn't have more
961 single sidewalks to a sort of land you know sidewalk that wraps around the building because we've got
962 three coming off the side of one building here. And there, I can't read them at this level, but I believe it's
963 4 and 5 in the southeast corner. I think from Commissioner Cloonan's point its sort of like we're chewing
964 up all of that grass and if there's a way to sort of push them to the edges, so you have some kind of open
965 space.

966 Mr. Carlson: I'll absolutely try to; I think everyone's in favor of not building more sidewalks at the top.

967 Chair Hurd: Yeah, and I understand that you're also trying to balance it against having a sidewalk that
968 walks right alongside the building paths, possibly bedroom windows and things. So, trying to maintain
969 distance while also keeping it cohesive. That's something that just jumped out at me. Yeah, we haven't
970 really talked about it but the parking lot at the front of the parcel I have no issue with because that front
971 yard is really behind all of the other properties on Main Street so it's not it's front but it's kind of really
972 backyard. For that, so. Yeah, I think everyone has thoroughly covered it. So, I'm good on my comments
973 thank you. We will move to public comment, I know we have some submitted by email, so we'll read
974 those into the record and then we'll see if there's anyone present that wants to give public comment.

975 Ms. Dinsmore: Alright, the first public comment we received in November from Ms. Marsha Ross at 6
976 Caldwell Place.

977 "I own 6 Caldwell place in George Read Village. I am writing to tell you how I am against this new project
978 at 313 East Main St. The parking situation is already terrible and putting in 72 more units in this area is
979 ridiculous. Please think about the second car all the renters will have and cause local parking stress on
980 existing residents. I understand the need for housing but put it up Rt. 52 where there is more green
981 space to put it. You need to consider the lack of recreation in the downtown area. Living on Main Street
982 is not the greatest place for children to grow up and clearly this project is one of overpopulation for this
983 area already. Also, I can see the money made by this investor who is doing this. There is no regard for
984 the quality of life in downtown Main Street. Instead, why not put up a recreation center, a Boy's Club or
985 someplace where the already existing population can go for recreation.

986 The wave it seems, is that the cities are under stress by the Federal Government to get tax relief by
987 putting in more affordable housing. I understand that. But to jam it all into an already heavily populated
988 area makes no sense. Spread the low-income housing throughout the community along bus lines like Rt.
989 52. 273, or Rt. 2. I object to the lack for foresight as to how our community will be developed and the
990 future consequences of this lack of forethought." That completes her comment.

991 The second comment we received in November:

992 "Good evening, this is Brian and April Howarth from 19 Tyre Ave. We support this community. Brian has
993 been a teacher at Newark High School for 20 years. We contribute to the local economy by making
994 purchases and dining on Main Street. Brian bought the house on Tyre Avenue in 2005 and has lived
995 there continuously since then. We already endured 18 months of basically living in a construction site
996 while Molly's Place was being constructed. Our house shook as construction vehicles passed by right on
997 our property line. On New Year's there was commotion out front which was not the usual source of
998 noise. I look out to see police cars, fire trucks, and a firefighter walking through my yard. When I went
999 outside to find out what was going on the firefighter responded "Oh, we were just about to knock on
1000 your door. You are being evacuated. There is a gas leak, and you need to leave as quickly as
1001 possible." The following day, New Year's Day we woke up at 8:00 A.M. to a tree cutting service on the

1002 property line. When I went outside to state we were told that the tree was not being cut down and that
1003 it was a holiday, could they wait until we had a chance to talk to the property manager? The man holding
1004 the chainsaw while smoking said it wasn't a holiday for everyone, started his chainsaw and proceeded to
1005 cut down the tree. Living next to Molly's Place during its construction was awful. Currently, we hear
1006 noise from what the Super Eight and that construction project was. Many of us on Tyre Avenue enjoy
1007 spending time in our backyard when it's nice out. We can still enjoy trees and birds on the other side of
1008 the parking lot. If the view changes to two sky rise apartment buildings, it would drastically impact the
1009 joy that our backyard brings. The proposed project would be massive and seems like it would take quite
1010 a while. I'm very concerned about the noise because April works from home and it would be very close
1011 to our house. What about the impact on the lives of the people who live in those houses that would be
1012 displaced? Some of them have lived here since before Brian bought the house, clearly full-time residents
1013 of the community. Please consider what this project would mean for the quality-of-life residence for a
1014 number of full-time city residents. Thank you for your time."

1015 And the last comment from Mr. Sean Stephenson.

1016 "Dear members of the Newark Planning Commission,
1017 I am writing to express my strong support for the proposed major subdivision with site plan approval and
1018 rezoning of George Reed Village, located at 313 East Main Street, 4-15 Independence Circle, and 300 and
1019 302 Delaware Circle. The plan to subdivide the existing parcel into two, demolish the existing buildings
1020 on both parcels, and construct a mixed-use building with 52 apartments and office space for Newark
1021 Housing Authority offices and resident facilities on the first parcel, along with the construction of five
1022 garden apartment buildings containing four units each for a total of 20 garden apartments on the second
1023 parcel, aligns with the urgent need to address the housing crisis in our community.

1024
1025 The housing crisis is a pervasive issue affecting many individuals and families in our city, and the
1026 proposed development at George Reed Village represents a significant step toward alleviating this
1027 problem. The creation of 52 apartments, combined with 20 additional units in the garden apartment
1028 buildings, will contribute to increasing the availability of affordable housing options for our residents.

1029
1030 In addition to addressing the housing crisis, the mixed-use nature of the development, which includes
1031 office space for Newark Housing Authority offices and resident facilities, demonstrates a holistic
1032 approach to community development. By combining residential spaces with essential services and
1033 facilities, the project not only provides housing but also fosters a sense of community and support for
1034 the residents. I appreciate the thoughtful planning and consideration that has gone into this proposal,
1035 and I believe that the George Reed Village development aligns with the long-term vision for our city. The
1036 inclusion of a mix of housing types and the commitment to providing affordable options will
1037 undoubtedly have a positive impact on the overall well-being of our community.

1038
1039 As a concerned and engaged member of the community, I urge the Planning Commission to support and
1040 approve this development, recognizing its potential to address the pressing issue of housing shortage in
1041 Newark. I trust that your careful consideration will lead to a decision that benefits the community and
1042 contributes to the city's growth and prosperity. Thank you for your time and dedication to the
1043 betterment of our city." And that is the end of all submitted public comments.

1044 Chair Hurd: Alright, thank you is there anyone present that wishes to give public comment? Alright,
1045 seeing none is there anyone online that has indicated they wish to give public comment or wants to give
1046 public comment now. I'm not seeing anyone, are you? Nope, ok seeing none we're closing public
1047 comment and bringing it back to the dais. Are there any further comments or questions from the
1048 Commissioner before we move to the vote? You're light's not on, nope still not on, Commissioner
1049 Bradley?

1050 Commissioner Bradley: Question about the setback variances. Will the...

1051 Chair Hurd: Relief.

1052 Commissioner Bradley: Sorry, relief, so does that mean that this will not go to the Board of Adjustment?

1053 Chair Hurd: Correct.

1054 Commissioner Bradley: With that in mind, on building 6 just curious if it was looked at to rotate the
1055 building parallel to Delaware Circle? Granted you're still going to go over the setbacks, but you're not
1056 going to be as close to the road as you are now.

1057 Mr. Carlson: That's true but we would also lose parking to do that.

1058 Commissioner Bradley: If you move the shed under the pavilion area you could probably gain enough,
1059 you don't have parking there anyway on the whole site.

1060 Mr. Carlson: We have more than is required.

1061 Commissioner Bradley: Ok, point taken.

1062 Mr. Carlson: I could see maybe, if we move that shed if I could move that parking lot over a little bit and I
1063 can twist building 6 a little it would take that 3 foot, 5 foot I'm going to guess, it would improve things to
1064 some degree, not having a lot but I can absolutely try and make that happen given that everyone else is
1065 on board with moving that shed.

1066 Commissioner Bradley: And this is probably more for the Housing Authority and the developer, and I
1067 don't even know if it's in our purview to ask these questions, but does this allow the Housing Authority
1068 to bank money for future projects? These types of projects? So, is this kind of a wash for the Housing
1069 Authority you're just, you're gaining units and you're increasing the quality of living but you're not, you
1070 know since you're gaining units, I guess let me back up. Do you have a financial interest in what's out
1071 there right now? So, what's existing out there now, do you guys get money from that to put into your
1072 coffers to allow Newark Housing Authority to run and maybe purchase more land to do these types of
1073 things.

1074 Ms. Jordan: We still have the scattered site rental properties, that the board has not decided what
1075 direction we're going to go in as far as, we created a 501(c)3, the plan is to sell those units to the 501(c)3
1076 to keep them affordable under the voucher program. So, our only source of income right now is through
1077 the federal government, HUD, and those, we don't have a real plan as to what's out there. Is there any
1078 interest other than partnering with local developers to bring in more affordable housing? If there's a
1079 local developer that has a parcel available that would like to partner with the Housing Authority to
1080 increase affordability, then certainly we'll have interest.

1081 Commissioner Bradley: Ok, but basically these types of projects don't put any money into your coffers
1082 for future projects?

1083 Ms. Jordan: No.

1084 Commissioner Bradley: Is that just the structure of the agreements or is that just how your organization
1085 has to work?

1086 Ms. Jordan: I think that's just the structure, I think it's a little bit of both to tell you the truth.

1087 Commissioner Bradley: That's sad to hear.

1088 Ms. Jordan: Yeah.

1089 Commissioner Bradley: I'd like to see more money go to the Housing Authority. That's my comments, I'm
1090 done. Thank you.

1091 Chair Hurd: Commissioner Williamson, it looks like? You're on, oh now you're off.

1092 Commissioner Williamson: Now, I'm on again. To all the Commissioners, I'm struggling with this one. I'm
1093 not inclined to vote to approve it as shown. Because I think it could be better, especially around the
1094 playground. So, if there were a motion that somehow required a serious potential alternative to the
1095 playground circle issue, that is binding not just maybe. I don't know. But in part, this is a continuing just
1096 personal frustration, that we don't see finished plans, we see 50% plans. And a lot of the questions
1097 tonight, over half of them were probably to be answered by continued development of your plans. And I
1098 understand that's the city code and that's what is required but you can understand why when we're
1099 asking detailed questions that affect quality of life not just land use and setbacks, there's no immediate,
1100 you know the answers are not on paper. So that's just a comment. Thank you.

1101 Chair Hurd: I'll just say, speaking more with my architect hat on than the other ones, I kind of agree with
1102 Toren. When he says that they're struggling with this, I believe that. I believe that they're really trying to
1103 balance a number of conflicting demands and issues, trying to reach a solution that solves as many
1104 problems as you can without causing too many problems. You know separate ones, so I'm inclined to
1105 give the benefit of the doubt on this to say, because I've been in that situation where you're struggling to
1106 balance because you can say yeah ideally the parking lot, the playground's over here but then I don't get

1107 a unit I don't get a parking lot, I don't get a unit, the fire marshal's pushing you know so trying to balance
 1108 against all that one what is admittedly a really oddly shaped lot in some ways, you know trying to work
 1109 with that so I'm giving them credit for getting something that I think is working on a number of levels.
 1110 So, alright. Anything further? Alright, Secretary Kadar, can we move to the motions?

1111 Commissioner Kadar: Because the proposed use does not conflict with the development pattern in the
 1112 nearby area, the Planning Commission recommends that City Council revise the Comprehensive
 1113 Development Plan version 2.0 land use guidelines for the northern proposed lot at 313 East Main Street
 1114 from residential high density to mixed urban as shown in the VanDermark and Lynch Incorporated Major
 1115 Subdivision by site plan approval, comprehensive development plan amendment, rezoning George Reed
 1116 village-

1117 Chair Hurd: Secretary Kadar you missed a line. So, the comprehensive plan amendment.

1118 Commissioner Kadar: This is the Comprehensive Development Plan amendment.

1119 Chair Hurd: 1088 to lines 1092. You jumped down.

1120 Commissioner Kadar: Alright, yeah but it doesn't include the specific definition of the...

1121 Chair Hurd: Oh, I see what you're saying now I've got you. Thank you.

1122 Commissioner Kadar: Want me to try it again?

1123 Chair Hurd: No, I was confused.

1124 Commissioner Kadar: Alright, forget what I said and let's start over again. **Because the proposed use**
 1125 **does not conflict with the development pattern in the nearby area, the Planning Commission**
 1126 **recommends that City Council revise the Comprehensive Development Plan Version 2.0 land use**
 1127 **guidelines for the northern proposed lot at 313 East Main Street from residential high density to**
 1128 **mixed urban as shown in the VanDermark and Lynch Incorporated Major Subdivision by site plan**
 1129 **approval, comprehensive development plan amendment, rezoning George Reed village site plan for**
 1130 **313 East Main Street dated May 15th, 2023 and revised through December 14th, 2023 with the**
 1131 **subdivision advisory committee conditions as described in the December 21st, 2023 Planning and**
 1132 **Development report.**

1133 Chair Hurd: Alright, thank you do I have a second.

1134 Commissioner Silverman: I'll second.

1135 Chair Hurd: Thank you. Any discussion before we move to the vote? This is just for the Comp Plan, and
 1136 this is a reminder that we need to articulate our reasons before the vote because they are a land use
 1137 item, but you are allowed to say for the reasons stated in the Planning and Development Department
 1138 report. Alright, I'll begin the vote. Commissioner Bradley?

1139 Commissioner Bradley: I have to say reasons?

1140 Chair Hurd: Yes, because you're the first.

1141 Commissioner Bradley: For or against?

1142 Chair Hurd: For or against.

1143 Commissioner Bradley: I think it's a good start, I would have liked to see more density I'd like to see more
 1144 green space, and I'd like to see more parking so with that in mind...

1145 Chair Hurd: This is just for the Comp Plan amendment.

1146 Commissioner Bradley: Oh. Aye.

1147 Chair Hurd: We've got other parts; we've got a whole bunch of things here.

1148 Commissioner Bradley: Tell me when I can say that stuff then, because I'm confused. For the reasons
 1149 stated in the Planning Department's outline I vote aye.

1150 Chair Hurd: Ok, thank you. Commissioner Cloonan?

1151 Commissioner Cloonan: For the reasons stated in the Planning Department's recommendations, I vote
 1152 yes.

1153 Chair Hurd: Alright, thank you, Commissioner Kadar.

1154 Commissioner Kadar: I vote aye based on the conditions set forth in the December 21st, 2023, Planning
1155 and Development Department Report.

1156 Chair Hurd: Alright, thank you, Commissioner Silverman?

1157 Commissioner Silverman: I vote aye for the reasons stated in the Planning Department's report of
1158 December 21st, 2023.

1159 Chair Hurd: Alright, thank you. Commissioner Williamson?

1160 Commissioner Williamson: I vote aye for the reasons stated in the staff report tonight.

1161 Chair Hurd: Thank you and I vote aye as well, motion passes. Alright. Item B and just to remind people
1162 this is for the rezoning now.

1163 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby properties**
1164 **the Planning Commission recommends that City Council approve the rezoning of 1.135 acres at 313**
1165 **East Main Street and the Independence Circle right of way to be vacated by the city from the current**
1166 **RD, one family semidetached residential, zoning to BB, Central business district, zoning as shown on**
1167 **the Planning and Development Department Report and the VanDermark and Lynch Incorporated**
1168 **Major Subdivision by site plan approval, Comprehensive Development Plan amendment, rezoning**
1169 **George Reed village site plan for 313 East Main Street dated May 15th, 2023 and revised through**
1170 **December 14th, 2023 with the Subdivision Advisory Committee conditions as described in the**
1171 **December 21st, 2023 Planning and Development Report.**

1172 Chair Hurd: Thank you, do I have a second?

1173 Commissioner Bradley: Was that item D?

1174 Chair Hurd: That's B.

1175 Commissioner Williamson: I'll be second.

1176 Chair Hurd: Thank you.

1177 Solicitor Bilodeau: Mr. Commissioner, just a reminder regarding the zoning, once again we need the
1178 reasons, and you also need to state that it's consistent with the Comprehensive Plan as amended.

1179 Chair Hurd: Right, and it will be because we just amended the Comprehensive Plan. That's why we do
1180 things in this order. Alright, are we all clear? Alright, any discussion to the motion? Alright, moving to
1181 the vote. Commissioner Cloonan?

1182 Commissioner Cloonan: I vote aye based on the Planning Department's report...

1183 Solicitor Bilodeau: Yes, and because it's consistent with the Comprehensive Plan as amended.

1184 Commissioner Cloonan: Right, and because it's consistent with the Comprehensive Plan as amended.

1185 Chair Hurd: Thank you. Commissioner Kadar?

1186 Commissioner Kadar: I vote aye based on the reasons set forth by the Planning and Development
1187 Department Report dated December 21st, 2023.

1188 Chair Hurd: Thank you, Commissioner Silverman.

1189 Commissioner Silverman: As consistent with the Comprehensive Plan as amended.

1190 Commissioner Kadar: And the Comprehensive Plan as amended.

1191 Chair Hurd: Thank you, Commissioner Silverman.

1192 Commissioner Silverman: I vote aye for the reasons stated in the Planning Department report of
1193 December 21, 2023, as well as being consistent with the Comprehensive Plan.

1194 Chair Hurd: Thank you. Commissioner Williamson.

1195 Commissioner Williamson: I vote aye for the reasons stated in this evening's staff report and it's
1196 consistent with the Comprehensive Plan as amended.

1197 Chair Hurd: Thank you, Commissioner Bradley?

1198 Commissioner Bradley: I vote aye for the reasons of the Planning Department's report and it's consistent
1199 with the Comprehensive Plan as amended.

1200 Chair Hurd: Thank you and I vote aye as well for all the reasons stated by the Commissioners. Motion
1201 carries. Alright item C.

1202 Commissioner Kadar: : **Because it should not have a negative impact on adjacent and nearby**
1203 **properties the Planning Commission recommends that City Council approve the rezoning of 1.71 acres**
1204 **at 313 East Main Street and the Independence Circle right of way to be vacated by the city from the**
1205 **from the current RD, one family semidetached residential, zoning to RM, Multifamily dwellings garden**
1206 **apartments, zoning as shown on the Planning and Development Department Report Exhibit E and the**
1207 **VanDermark and Lynch Incorporated Major Subdivision by site plan approval, Comprehensive**
1208 **Development Plan amendment, rezoning George Reed village site plan for 313 East Main Street dated**
1209 **May 15th, 2023 and revised through December 14th, 2023 with the Subdivision Advisory Committee**
1210 **conditions as described in the December 21st, 2023 Planning and Development report.**

1211 Chair Hurd: Thank you, do I have a second?

1212 Commissioner Bradley: Second.

1213 Chair Hurd: Thank you, any discussion, to the motion? Alright seeing none we'll move to the vote.
1214 Commissioner Kadar?

1215 Commissioner Kadar: I vote aye for the reasons detailed in the Planning and Development Department
1216 Report dated December 21st, 2023, and the Comprehensive Plan as amended and the zoning from the
1217 RD to the RM as defined recently.

1218 Chair Hurd: Thank you, Commissioner Silverman?

1219 Commissioner Silverman: I vote aye for the reasons stated in the Planning Department report of
1220 December 21, 2023.

1221 Chair Hurd: Thank you, Commissioner Williamson?

1222 Commissioner Williamson: I vote aye based on the staff report presented tonight and the
1223 Comprehensive Plan update.

1224 Chair Hurd: Thank you. Commissioner Bradley.

1225 Commissioner Bradley: I vote aye based on the Planning Department's report and Comprehensive Plan
1226 as amended.

1227 Chair Hurd: Thank you, Commissioner Cloonan?

1228 Commissioner Cloonan: I vote aye based on the Planning Department report and because it's compliant
1229 with the Comprehensive Plan.

1230 Chair Hurd: Thank you and I vote aye as well for all the reasons stated by the Commissioners. Motion
1231 carries. Alright the last one, the big one.

1232 Commissioner Kadar: **Because it fully complies with the subdivision ordinances, the building code, the**
1233 **zoning code, and all other applicable ordinances of the city and the laws and regulations of the state**
1234 **of Delaware the Planning Commission recommends that the City Council approve the 313 East Main**
1235 **Street major subdivision with site plan approval plan as shown on the VanDermark and Lynch**
1236 **Incorporated Major Subdivision by site plan approval, Comprehensive Development Plan amendment,**
1237 **rezoning George Reed village site plan for 313 East Main Street dated May 15th, 2023 and revised**
1238 **through December 14th, 2023 with the Subdivision Advisory Committee conditions as described in the**
1239 **December 21st, 2023 Planning and Development report.**

1240 Chair Hurd: Thank you, do I have a second?

1241 Commissioner Bradley: Second.

1242 Chair Hurd: Thank you, any discussion to the motion? Ok, moving to the vote. We'll begin with
1243 Commissioner Silverman.

1244 Commissioner Silverman: I vote aye.

1245 Chair Hurd: Ok, you do need reasons, it's site plan approval.

1246 Commissioner Silverman: Oh, we need reasons for the site plan approval?

1247 Chair Hurd: Yep.

1248 Solicitor Bilodeau: You might as well just say your reasons.

1249 Commissioner Silverman: For the reasons stated in the Planning Department report dated December 21,
1250 2023.

1251 Chair Hurd: Thank you. Commissioner Williamson?

1252 Commissioner Williamson: I vote nay, and the reason is that I believe the, I'd like the City Council to
1253 clearly understand there could be a better design for the tot lot and that the, otherwise based on the
1254 reasons presented in the staff report with the exception of the tot lot, in my opinion does not meet
1255 excellence in design.

1256 Chair Hurd: Thank you. Commissioner Bradley?

1257 Commissioner Bradley: I'm going to vote yes on this plan with some reservations but based on the
1258 Planning Department's report, I vote yes.

1259 Chair Hurd: Thank you. Commissioner Cloonan?

1260 Commissioner Cloonan: I vote aye based on the Planning Department's recommendations.

1261 Chair Hurd: Thank you, Commissioner Kadar?

1262 Commissioner Kadar: I vote aye based on the recommendations of the Planning and Development
1263 Department expressed in their report dated December 21, 2023.

1264 Chair Hurd: Thank you and I vote aye as well I feel that one, we are certainly meeting the affordable
1265 housing criteria given in the Site Plan Approval and I feel that especially this project is direly needed
1266 although we already have affordable housing in this area, I think we need obviously more and Main
1267 Street is I think one of the best places to put it. So, for that reason and the reasons stated in the report, I
1268 vote aye. Motion carries. And that closes our item thank you.

1269 Mr. Carlson: Thank you as well.

1270 Chair Hurd: We can give you a couple of minutes if you want to get out before moving to the very
1271 exciting discussion of cellular towers. Don't want to oversell it though.

1272 *****The Commission took a brief recess from 9:03 PM to 9:09 PM*****

1273 Chair Hurd: Alright, back from our recess I hope everyone's feeling good. Hey! It's Planner Fortner.
1274 Because that takes us to...where are we now?

1275 **4. Review and consideration of an amendment to Chapter 32, Zoning, to consolidate the location**
1276 **of the criteria for cellular towers in the UN, BB, BC, MI, MOR and STC zoning districts.**

1277 Chair Hurd: Item 4 review and consideration of an amendment to Chapter 32, Zoning, to consolidate the
1278 location of the criteria for cellular towers in the UN, BB, BC, MI, MOR and STC zoning districts.

1279 Planner Fortner: Ok, thank you, hopefully we won't talk about cell towers really, this is-

1280 Chair Hurd: I'm going to cut you off briefly for just a minute. I exercise the chair's prerogative to extend
1281 the meeting to 9:30.

1282 Planner Fortner: Thank you. This is really, there's no ordinance change, or no regulation or laws
1283 changing, it's more of a reorganization, it's basically to consolidate where we have 6 zoning chapters that
1284 have this cell tower that you see, starting at the bottom of page one and it continues onto 2 and then
1285 page 3, then to page 4 and on to page 5. So that's in 6 zoning chapters and if you're going through the
1286 zoning chapter by chapter, usually we do this online, when you come to a section you have to scroll
1287 down until you get past it and then you can move on from that section. So, to kind of illustrate that for
1288 you the department put together a 21-page report. And so if you start on page 5 what we're proposing is
1289 amendment one would be to change the heading of section 32-56-7 it says "in the right of way" which is
1290 a section that we created a few years ago, we would just take that out and it would be "overhead
1291 wireless facilities" and amendment 2, there's already a section one on that, which is the wireless

1292 facilities, so section 2 would be as follows, starting on page 6 it would be “wireless facilities, tower
1293 broadcasting outside the public right of way” and this section we’re in those 5 chapters would be
1294 inserted right here so that would continue onto page 6 to page 7, page 8 and it ends on page 9. And on
1295 page 9 amendment 3 would be we’d delete it from each of those zoning chapters the six zoning chapters,
1296 we would delete that section, keep the first part and we would refer to section 32-72 so everyone going
1297 through each zoning section, we would refer them back for all the specific regulations and otherwise we
1298 would delete the rest of that text, the text that was on the rest of page 9, page 10, page 11, page 12 and
1299 then onto page 13. And then we had just a few staff comments, again this isn’t changing any regulations,
1300 this is just reorganizing the chapter to make it read a little bit more efficiently. And there’s a summary
1301 starting on page 14, the recommendation is that we change the heading of 32-56.7, we add a new
1302 section 32-56.7(2) and then the text shown on page 14, 15, 16, 17, and the top of 18, and then
1303 amendment 3 is that we would delete the section on 6 of the zoning chapters, and I’ll mention it up
1304 here, it’s basically UN, BB, MOR, MI, STC, and BC. And then we would delete with the slight change, the
1305 section that was just created, we would delete the text that’s shown on page 18, 19, 20, and 21. We
1306 could have done a separate amendment for each of the zoning chapters and made it longer, but for the
1307 sake of efficiency we just did all 6 under one category.

1308 Chair Hurd: Alright, thank you. Any questions for staff? Oh, I’m sorry.

1309 Commissioner Silverman: I want this in the form of a sidebar discussion. Have we had any three-
1310 hundred-foot towers located in the City of Newark since the whole communication tower permission
1311 process came about? Have we had any tall towers located within the city limits of Newark? Where I’m
1312 heading with this, we might have the opportunity to take a look at the contemporary applications that
1313 we’ve gotten and the way the micro tower is dominated, does anyone put up what we used to know as a
1314 cell tower anymore?

1315 Chair Hurd: So, there was one, a few years ago on the parcel next to the public storage parcel, next to 95.
1316 Off of that was a single tower, it had a fenced enclosure and equipment, so yeah, we’ve had one.

1317 Commissioner Silverman: If I was looking to eliminate a lot of that language with guidelines, and
1318 guidewires, and buildings and all the rest of that and force just that kind of very occasional use over to
1319 the Board of Adjustment?

1320 Director Bensley: So, I believe, and Mike correct me if I’m recalling this incorrectly. But I believe that we
1321 went through the exercise of creating these regulations in response to some FCC regulations that were
1322 required for local jurisdictions to have the ability to control this and if we didn’t have certain regulations
1323 in our code, they would take precedence and we wouldn’t have a say necessarily.

1324 Planner Fortner: Right, because it was in 2017 exhibit A was the, and it created the.

1325 Chair Hurd: Right, and what I remember is that Planning Commission spent months going through the
1326 code, cleaning it up, working on it, and then Council basically didn’t adopt that and kept mostly what
1327 was already written I think with some changes. So, my recollection is we’ve gone through this exercise,
1328 and it didn’t stick so I’m going to ask if possible that we not have discussions on the actual language
1329 around cell towers, because we’ve been down that road and I don’t think this is the time to try and
1330 reopen that can of worms.

1331 Commissioner Silverman: That concludes my comments.

1332 Chair Hurd: Ok, Commissioner Kadar?

1333 Commissioner Kadar: I have no comments.

1334 Chair Hurd: Oh, you have no comments ok. Anyone else? No, we’re good? Ok. Any public comment on
1335 this, no. Ok. I’ll just close public comment and I guess we’ll just move to the vote. I’m going to be
1336 interested to see how you pull this off.

1337 Commissioner Kadar: **The Planning Commission recommends that City Council amend Chapter 32,**
1338 **Zoning, Article XVI, General provisions, Section 32-56.7 and Section 32-14(b)(1), UN district, Section**
1339 **32-18 (b)(8), BB district, Section 32-19(b)(10), BC district, Section 32-21(b)(1) MI district, Section 32-**
1340 **23(b)(1), MOR district, and Section 32-23.1(b)(1), STC district, as detailed on the zoning amendment**
1341 **combining existing ordinance language for tower broadcasting and telecommunications located**
1342 **outside of the public right of way from each zoning district into a single section under Article XVI,**
1343 **General provisions and the Planning and Development Department Report dated December 21st, 2023.**

1344 Chair Hurd: Thank you, do I have a second?

1345 Commissioner Bradley: Second.

1346 Chair Hurd: Alright, any discussion to the motion? Alright, seeing none and since we're all in the same
1347 room all in favor signify by saying aye.

1348 All Commissioners: Aye.

1349 Chair Hurd: Opposed say nay. Motion carries.

1350 Planner Fortner: Ok, ready to go to the next one?

1351 Chair Hurd: Yeah.

1352 **5. Review and consideration of an amendment to Chapter 32, Zoning, changing certain**
1353 **conditional uses to be permitted by-right in the MI zoning district.**

1354 Planner Fortner: Next one, ok. This is a proposal to amend the MI zoning district. There is a use that was
1355 put in there, Planning Commission and Council put in the use "offices for professional services and
1356 administrative activities in nonresidential districts" on October 14th of 2019. That section was put in
1357 section B which means it requires a special use permit. We've had a few of these applications come in,
1358 that have been for administrative services, a lot of businesses there, something that's not uncommon to
1359 find administrative offices in all types of uses, associated with industrial uses so it's not an unusual use
1360 for this type of area, so we're recommending putting that into section A making it a by right use. That
1361 means a person just gets a lease, gets a building permit if they need it, and business license and it would
1362 not have to go through the special use permit process which requires them going to Council and just
1363 requires more time and money. This would be a more business friendly approach, and it would reduce
1364 the staff time needed for this type of activity that has generally generated no controversy at all. And that
1365 concludes my presentation on the recommendation.

1366 Chair Hurd: Alright, any questions? Yes, Commissioner Williamson?

1367 Commissioner Williamson: Question. So, in the six, seven years that this has been there you haven't had
1368 an application for office use in this zone, that's been a problem, that's great. I guess my question is if
1369 you make this by right, conceivably a very large office could go into an industrial area with lots of people
1370 and those people could be right next door to a facility with toxic waste and other who knows what, and
1371 is there any kind of review on that kind of potential, I mean the fire department, is there any other kind
1372 of safety review other than the SUP process?

1373 Planner Fortner: There are safety reviews with the fire department and the uses in those areas don't
1374 tend to be toxic waste.

1375 Commissioner Williamson: Well, they don't tend to be...

1376 Planner Fortner: Part of the change in these industrial districts, we're seeing a trend nationwide is that
1377 these districts are becoming more diversified they're not just hard industrial areas, there a mix of uses
1378 for a lot of different things. So, someone wanting to open up an office like that they would have to
1379 consider the area themselves and is this area the best for their office, if they're going to bring a lot of
1380 people to this area and it might not be, a lot of these industrial areas are more for a simpler use.

1381 Commissioner Williamson: I fully understand what you're saying and that's been the history so far, and
1382 that's fine but the potential is there, I mean we have to consider what could happen. Are churches
1383 allowed in the MI zones?

1384 Planner Fortner: So, that was something that we just recently did and so they are allowed in there.

1385 Commissioner Williamson: With an SUP?

1386 Planner Fortner: With a special use permit, that's correct. That's a different type of use, but.

1387 Commissioner Williamson: Assembly, but there's still a large number of people in a space next to some
1388 kind of industrial use which by code could be a huge range of types of uses. Even though they're not
1389 there now and even though there's a trend that they're not likely to come, the potential is still there and
1390 they're a by right use as well. And then you're allowing use next door by right, that could have a lot of
1391 people.

1392 Planner Fortner: Could have a lot of people, yes. These would be people working in administrative
1393 activities, these are going to be in buildings all around anyway.

1394 Commissioner Williamson: You don't know that you can't regulate that.

1395 Planner Fortner: Well, every industrial area has office space anyway.

1396 Commissioner Williamson: No, no I get that Mike. But what I'm saying is if it's an office standalone,
1397 someone wanted to put in a call center for example would that be allowed by right?

1398 Planner Fortner: So, I would consider that a professional service or that would be a special use permit, is
1399 how I would interpret it.

1400 Commissioner Williamson: Ok, some other back-office operation that wants really cheap space, so they
1401 put a lot of people, the census, I worked for the Census Bureau they would go out a lease warehouses
1402 and bring in paper desks and pack the place with clerks for a year doing the census and they would
1403 sometimes be in industrial parks. So, my question is, I'm not trying to be real problematic here, I'm just
1404 looking at the potential of what we're doing versus the likelihood. I understand the likely things are
1405 what they are. But the potential there to put a lot of people, a number of people in an industrial park
1406 who, I get concerned because the city's issuing a permit, a business license, you'll get a tenant
1407 improvement permit, the fire department will come out and look at exits and things like that it's fine, but
1408 there's no, is there, question, any review of what's in the surrounding facilities already there who have
1409 licenses also and you know any potential of gas leaks, propane tank storage, anything that's sort of
1410 considered a fire public hazard risk could be immediately adjacent to this building. And is this process
1411 putting it up to the tenant to find out what's in the area and it puts it on them to kind of judge whether
1412 this is a safe place to put people where we were doing that through the SUP process? I mean is that?

1413 Planner Fortner: Well, some of the examples you gave are in other zoning districts as well, propane tanks
1414 leaking and so I don't know how to respond to that, I mean there's always dangers and companies have
1415 to evaluate that. What we're trying to do is reduce the administrative burden when in most all cases is
1416 going to be a use that's very common in this area.

1417 Commissioner Silverman: Is MI the heaviest industrial zoning district?

1418 Planner Fortner: Yeah, in Newark yes. There's a lot of limitations on that district in the City of Newark so
1419 you're not going to get a lot of polluting types of uses because those are excluded and there's a whole
1420 list of exclusions so you're not going to get the most toxic forms of things. And those places need to be
1421 responsible to maintain the safety on their site and that the externality doesn't spread into other sites
1422 and any building would have to do that.

1423 Director Bensley: I'd also note that while MI is our heaviest industrial district, it's also our only industrial
1424 district. We have the MOR, which is the manufacturing office and research but when you're looking at
1425 specific industrial districts in the code, the other two districts were sunset quite some time ago, so this is
1426 the only one left.

1427 Commissioner Silverman: Ok.

1428 Commissioner Bradley: Can you give us an example of something that's in the MI district that could be
1429 changed?

1430 Planner Fortner: That would require a special use permit?

1431 Chair Hurd: I can give you an example because I was almost...

1432 Planner Fortner: Well, there's a wholesale car dealership. These are people where it's just office use,
1433 they buy and trade cars, they don't actually handle cars, but they work in little offices, and they do the
1434 distribution.

1435 Commissioner Bradley: And how often do these special use permits come up for the MI district?

1436 Planner Fortner: I've probably only done a couple in the past 2 or 3 years. So, not a lot.

1437 Commissioner Bradley: So, are you talking about saving time for the Planning Department I understand
1438 that, but if it's only a couple in the past 2 to 3 years is this really low hanging fruit? Is this, I mean, you're
1439 basically and correct me if I'm wrong, these new types of services would be by right in the MI district so
1440 they wouldn't have to go through City Council at all for that so there'd be no questioning whether or not
1441 they can put their offices there or not. You might not even ever see it right? So, who's to regulate that?

1442 Director Bensley: So, Planning reviews every business permit application for zoning compliance. So, the
1443 department would see the application before the business permit is issued. If there's also tenant fit out
1444 permits or things of that nature we would be a reviewing department on that as well if there's anything
1445 that didn't meet the zoning code or things like that we would then flag that for Code Enforcement and
1446 they would work with the applicant to get through the appropriate processes.

1447 Planner Fortner: And there would be inspections too.

1448 Commissioner Bradley: Where do churches fall into this?

1449 Planner Fortner: So, we recently changed the law to permit churches in industrial and schools as well.
1450 That's with a special use permit, and that was mostly so we didn't have to change the zoning to make it
1451 residential and have to change it back afterwards.

1452 Commissioner Bradley: So, currently if a church wanted to go into the MI district, they would need a
1453 special use permit? By doing this a church wouldn't need a special use permit.

1454 Planner Fortner: No, they would absolutely need a special use permit, this is different, this is offices.

1455 Commissioner Bradley: Because it's an assembly.

1456 Planner Fortner: This is an office, like the example I just gave. Churches would need to get a special use
1457 permit, this would be an office, so offices are something you would usually find in a business industrial
1458 area like this and so often associated with, a church would not be so that's a special, a gym is another
1459 example. I go to a CrossFit gym that's in an industrial area.

1460 Commissioner Bradley: And we don't have to worry about marijuana yet because that's in the early
1461 stages.

1462 Planner Fortner: Well marijuana would be contained in its site and those things are very heavily
1463 regulated.

1464 Commissioner Bradley: Ok, thank you.

1465 Commissioner Williamson: Continuing with my question, under the current code if an office accessory
1466 use is allowed, to what extent, what percent of the floor area?

1467 Planner Fortner: I don't know if there's a good figure on that, and that's one good reason to change this,
1468 because as I said all industrial areas have offices associated with them, so some might be bigger than
1469 others and some might not do much industrial work there and its mostly office anyway. So, you get into
1470 splitting hairs, is it an office or is it an industrial area and it's basically just to let the zoning.

1471 Commissioner Williamson: I just respectfully disagree that there's a threshold in there somewhere where
1472 it's just too many people putting in an area surrounded by industrial uses by right can be all sorts of stuff.
1473 And it's just the concentration of people. Churches and the rationale there is you know, keeping space,
1474 lots of parking on Sunday mornings, and they only meet maybe a couple hours a week and usually the
1475 businesses are not operating around them so that was sort of an ok idea. Still requires an SUP and it's
1476 also possible correct me if I'm wrong, if one office use went in after another and there were no tenant
1477 improvements to make you would never see a permit for tenant improvements but yet they could
1478 increase the number, well I guess the occupancy load would be something that would have to be part of
1479 the permit?

1480 Director Bensley: So, we would still see the building permit application in Planning and Development,
1481 additionally our building permits all require fire inspections.

1482 Commissioner Williamson: What if there's no building permit?

1483 Director Bensley: I'm sorry not building permit, business license application.

1484 Commissioner Williamson: Business license, ok. And does the business license specify the number of
1485 occupants?

1486 Director Bensley: Yes.

1487 Commissioner Williamson: And is there an opportunity then for the fire department or somebody to
1488 look at that?

1489 Director Bensley: Yes.

1490 Commissioner Williamson: Ok, so that's what I'm getting at, I guess.

1491 Director Bensley: It technically isn't the fire department it's our Fire Protection Specialist on staff.

1492 Commissioner Silverman: I think it also represents the endpoint in a trend we're seeing, our 24 hour
 1493 what used to be manufacturing particularly secondary and tertiary businesses have just vanished. Think
 1494 of what used to be on 273, railroad refitting without Co-op. West Virginia Pulp and Paper Printing,
 1495 they're gone, now we have a car lot kind of thing. And I think this is simply making the lands that are in
 1496 the industrial park more marketable. It's an economic development generation and I'm not so much
 1497 concerned with what might be in the building next door to me, and to put it context I'm more concerned
 1498 about what may come off of the CSX Railroad that's literally right next to us here with respect to an
 1499 incident happening. So, I don't have the trepidation about having more people in working circumstances
 1500 in the industrial zone in Newark.

1501 Chair Hurd: Ok, any further comment? Ok, has any public comment been submitted on this item? Ok,
 1502 anyone present that wishes to give public comment? Ok. Closing public comment, bringing it back, is
 1503 there any further discussion before we move to the vote? Ok Secretary Kadar?

1504 Commissioner Kadar: I recommend that [the Planning Commission recommend that the City Council](#)
 1505 [amend Chapter 32, Zoning, MI zoning, Section 32-20 by moving \(b\)\(4\) to \(a\)\(13\) as shown in the](#)
 1506 [Planning and Development Department Report titled "Zoning Amendment, amending the MI, General](#)
 1507 [Industrial, Zoning district to move office from professional services and administrative activities from a](#)
 1508 [conditional use to a by right use" dated December 21st, 2023.](#)

1509 Chair Hurd: Thank you, do I have a second?

1510 Commissioner Silverman: Second.

1511 Chair Hurd: Thank you, any discussion to the motion? Alright all-in favor signifies by saying aye.

1512 All Commissioners: Aye.

1513 Chair Hurd: Opposed say nay. Alright motion carries. Is there any objection to finishing the balance of
 1514 the agenda with the expectation that we will be done well before 10:00, any objection? Ok. Alright.

1515 **6. Informational Items**

1516 Chair Hurd: That takes us to Informational items. Director Bensley?

1517 Director Bensley: Ok, I hope everyone had a good holiday season. Projects that went and are going to
 1518 Council, since the last meeting, Council met on December 11th, related to our department they approved
 1519 the Community Development Revenue Sharing Advisory Committee recommendations, they also
 1520 approved 3 ordinances. One was implementing a technology fee that will cover the cost of our new
 1521 permitting software that we're working on. The second was to increase building permit fees to cover the
 1522 cost of our new Code Enforcement Officer and a portion of the new Fire Protection Specialist that's been
 1523 added to the Code Enforcement staff. The third item is related to rental permits, particularly changing
 1524 the structure of how they are charged, basing it on construction type rather than number of units and
 1525 that also resulted in some fee increases as well. So, all three of those ordinances were approved by
 1526 Council.

1527 Commissioner Bradley: Excuse me, can I ask you about the rental permit thing?

1528 Director Bensley: Sure thing.

1529 Commissioner Bradley: What was the thinking behind the condominiums being the same rental permit
 1530 fee as a single family or townhouse?

1531 Director Bensley: So, there's a couple different items with that, the fees were structured in three tiers
 1532 one being or I should say we rated them based on the amount of time they take. Condominiums and
 1533 townhouse style apartments came in at the same amount of time for kind of opposite reasons. So, the
 1534 most expensive to service were the single family homes, and the reasons for that being, one is the size
 1535 that it takes more time to inspect a single family house then say an apartment but also the factor of
 1536 single ownership so you're only really able to inspect one at a time when you go out because you only
 1537 have one unit you're going out for. The next tier we had condominiums and townhouse style
 1538 apartments. The condominiums were because they're single ownership you can only go out and do one
 1539 at a time, so it takes more time to back and forth to inspect the different ones because you're dealing

1540 with different owners. The townhouse style apartments were for the reason of the size. You're usually
1541 talking about really equivalent or larger to a single-family house but since you're talking about multiple
1542 units at the same time all owned by the same owner you can access more than one at a time to not have
1543 to make as many trips back and forth to go. And then multifamily units that were three or more we had
1544 at the tier below that because you're talking about smaller units that all have single ownership that you
1545 can go out and knock out blocks at a time with inspections.

1546 Commissioner Bradley: What if someone owns multiple condominiums in the same complex?

1547 Director Bensley: That's not our experience typically when scheduling inspections, so we had to go by
1548 the overall not by.

1549 Commissioner Bradley: Would they get a discount?

1550 Director Bensley: No.

1551 Commissioner Bradley: Ok, thank you.

1552 Director Bensley: So, to continue, the Council's been on a break since December 11th, which is going to
1553 go a little longer than usual because of the mayoral special election the meeting on January 8th was
1554 cancelled because of that. And then we have the Martin Luther King Junior holiday, so their next meeting
1555 is January 22nd. At that meeting they will be considering the 1115 South College Avenue minor
1556 subdivision and special use permit that had been postponed from the November 27th agenda because of
1557 some advertising issues but that is back up and ready to go. We're also having the second reading of the
1558 implementation of the ordinance implementing the formal Addressing process for the City of Newark,
1559 and we will be having the first reading for the Comp Plan amendment and rezoning for the project that
1560 you considered this evening. The second reading for that will be on the February 12th Council agenda.
1561 Other items, the big thing that's been going on again this month is the EPL formally known as Energov
1562 implementation. We are currently in configuration training that started today. It is for 4 of 5 weeks in
1563 January. We are ahead of schedule, and we have a tentative launch or tentative go live scheduled for
1564 September so we're very, we're working diligently on that, but it is taking up significant bandwidth we
1565 are committing this month to approximately I believe it was 16 of 20 working days this month we are in
1566 some sort of software implementation. So, just be aware. It's not my favorite thing.

1567 Commissioner Silverman: Will you at least get a certificate at the end?

1568 Director Bensley: I am hopefully going to get a super awesome electronic permit and plan review system
1569 that is going to make my life great after September.

1570 Commissioner Silverman: But a certificate goes on your resume.

1571 Director Bensley: I'm not worried about that, I'm not going anywhere. So, next Planning Commission
1572 meeting is on February 5th, we're unlikely to have a plan for consideration on that agenda while we do
1573 have some plans that are getting closer to being ready we also are trying to balance working, making
1574 sure that we're being fair at working plans at all levels through the review process and with how much
1575 time the software implementation has been taking up we're trying to make sure that those plans that
1576 are on their first or second submission are getting comments back and they're not just sitting and we're
1577 not just continuously leapfrogging with plans that are closer to the end. So, we probably won't have a
1578 plan for February, and we're also looking at potential code amendments for the next agenda. I'll
1579 hopefully have an update for our chair next week on that. But with the holidays and everything else we
1580 don't have an agenda planned for February yet. We've got to get through January first. And that is my
1581 update for this evening thank you.

1582 Chair Hurd: Ok, thank you. Deputy Director Velazquez?

1583 Deputy Director Ramos-Velazquez: Good evening, I will keep this very short and sweet. New projects on
1584 the horizon are 55 West Cleveland and 46, 52, and 54 Church which is phase 2 to Cleveland Station. We
1585 also have a minor subdivision that was submitted for 261 and 263 South Chapel taking it from a two
1586 parcel to a three-parcel remaining as single homes. We did get a resubmission in the month of
1587 December for 55 Benny and 50 and 54 Corbit. That's all I have.

1588 Chair Hurd: Alright, thank you. That closes informational items.

1589 **7. New Business**

1590 Chair Hurd: Any new business from the Commissioners which is the introduction of new items for
1591 discussion for later agendas or consideration. No, ok.

1592 **8. General Public Comment**

1593 Chair Hurd: Any general public comment submitted?

1594 Ms. Dinsmore: No Mr. Chairman.

1595 Chair Hurd: Alright and nothing here so closing that and having reached the end of the agenda the
1596 meeting is adjourned. Thank you everyone.

1597 **The meeting was adjourned at 9:41 P.M.**

1598 Respectfully submitted,

1599

1600 Karl Kadar, Secretary

1601 As transcribed by Katelyn Dinsmore

1602 Planning and Development Department Administrative Professional I