

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON

APRIL 23, 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
Chris Williamson
Alexine Cloonan
Kazy Tauginas

Commissioners Absent:

Scott Bradley

Staff Present:

Renee Bensley, Director of Planning and Development
Paul Bilodeau, City Solicitor
Katelyn Dinsmore, Administrative Professional I
Josh Solge, Planner II
Ellie Vigliotta, IT Lead Desktop Support

Chair Hurd called the meeting to order at 7:00 P.M.

Chair Hurd: Am I coming through?

Ms. Dinsmore: Yes.

Chair Hurd: All right, good evening, everyone, and welcome to the April 23, 2024, City of Newark Planning Commission meeting in our new temporary location, thank you all for your understanding. 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. At the beginning of each agenda item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order for questions of the staff or presenter. If a commissioner has additional comments they would like to add later, they should ask the Chair to be recognized again when all members have had the opportunity to speak. For items open to public comment, we will then read into the record comments received prior to the meeting followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, they should sign up on the sheet near the entrance and they will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment, they should use the hand raising function in Microsoft Teams to signal the meeting organizer that they would like to speak or message the meeting organizer through the chat function with their name, district or address, and the agenda item on which they would like to comment. All lines will be muted, and cameras disabled until individuals are called on to speak. At that point the speaker's microphone and camera will be enabled so the speaker can turn them on. We are unable to remotely turn on cameras or microphones in Microsoft Teams. All speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must pertain to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into the record. We follow public comment with further questions and discussion from the Commissioners then the motions and voting by

roll call for all land use items. Commissioners will need to articulate the reasons for their vote for all land use items and all votes must be audible, no hand signs. 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 Chair's remarks. I don't have anything except for welcome to our tiny room.

2. Minutes

Chair Hurd: That takes us to item 2 the minutes. Are there any corrections to the minutes from March 5th? All right seeing none the minutes are approved by acclamation.

3. Review and consideration of the Comprehensive Development Plan amendment, rezoning and minor subdivision with site plan approval for 50-54 Corbit Street

Chair Hurd: That takes us to item 3 the review and consideration of the Comprehensive Development Plan amendment, rezoning and minor subdivision with site plan approval for 50-54 Corbit Street. Director Bensley, are you starting?

Director Bensley: Just knocking things over with the microphone cord. We'll all get through this together. Welcome everybody, the land use application before you this evening is a Comprehensive Development Plan amendment, rezoning, and minor subdivision with site plan approval for 0.316 acres located at 50-54 Corbit Street. The applicant is requesting approval of plans to construct five 3-story, four-bedroom townhome apartments. The plan also requires the demolition of two existing 2-story houses and a garage. The property is located on the east side of Corbit Street just across from the intersection of Corbit Street and Terry Lane. The existing zoning for parcels at 50 and 54 Corbit Street is RD (one-family semidetached residential). The existing single-family homes, currently operated as rentals, are permitted use in the RD district. The proposed zoning for the parcels is RM. Townhome-style apartments, as proposed, are permitted use in the RM zoning district as garden apartments. The proposed plan does not currently conform to Comprehensive Development Plan V 2.0 and will require a Comprehensive Development Plan amendment to change the designation of 50 and 54 Corbit Street from "Residential, Low Density" to "Residential, High Density." 50 and 54 Corbit Street are included in Planning Section "A" of the Comp Plan which calls for "Residential, Low Density" uses at the site currently, conforming to the existing RD and RM zoning. Residential, Low-Density use is defined in the Comp Plan as "Residential dwelling units that include single-family detached and semidetached row or town homes with densities of 11 or fewer dwelling units per acre." The plan proposes garden apartments at 16 dwelling units per acre therefore it needs an amendment to change it to "Residential, High Density", defined as "Multifamily residential dwelling units with densities over 11 and up to 36 units per acre."

Within Planning Section "A", 50 and 54 Corbit Street are located in Focus Area #1. Focus Area #1 identifies the east side of Corbit Street, where these properties reside, as appropriate for "Residential, High Density" 7 developments. It notes that redevelopment should have appropriate architecture to compliment the surrounding residential neighborhood and site design should provide amenities to encourage walking, bicycling, and transit use. A sidewalk is already present for pedestrian use along Corbit Street. The project will provide bicycle parking along the rear of the site for residents and visitors to lock up bicycles. The proposal for high density residential in the form of townhome style apartments is comparable to the other nearby townhome sections of New London Road and West Cleveland Avenue.

This proposed development does meet all requirements detailed in Chapter 27, Subdivisions, and it should be noted that Chapter 27, Appendix VI requires multifamily single lot subdivisions to dedicate land for park and playgrounds, and the code details that the director of Public Works and Water Resources and the director of Parks and Recreation may recommend to City Council that the developer submit a cash payment in lieu of dedication where it is deemed that the drainage capability or other conditions at a site are not adequate for recreation purposes. As the site is approximately three tenths of an acre, the size of the lot is not adequate for any active recreation purposes in addition to the development. The Director of Parks and Recreation requires the developer pay \$700 per unit for a total of \$3,500 for cash in lieu of land. With this payment, the plan will fully comply with the subdivision ordinance. This required payment will

112 be memorialized in the subdivision agreement for this project and Council's approval of the subdivision
113 agreement with that provision accepts this recommendation.

114 Regarding site plan approval, our code Section 32-97 provides for alternatives for new development and
115 redevelopment proposals to encourage variety and flexibility, and to provide the opportunity for energy
116 efficient land use by permitting reasonable variations from the use and area regulations. Site plan approval
117 shall be based upon distinctiveness and excellence of site arrangement and design and there are seven
118 criteria that are set as goals for this section.

119 In this case, the applicant is requesting Site Plan Approval for relief from several area requirements.
120 Specifically, the plan requests relief from the requirements for lot coverage, lot size, open area, parking
121 setbacks, lot setbacks on the north and south, and side yard setback on the north and south. Additionally,
122 when this request was originally generated Parks and Recreation provided a comment in the last round of
123 review noting the requirement for landscape screening or fencing in the RM and adjacent RD lots. As these
124 lots share a driveway with this property, the applicant plans to add a request for relief for this requirement
125 when bringing it to Council. One of the adjacent property owners has already submitted a letter of support
126 for this and the applicant is working to reach out to the other property owner prior to Council. The
127 Planning Commission will need to consider these requested area regulation exceptions against the
128 standards of excellence as outlined in Section 32-97 and the developer's site plan approval submission.
129 Regarding parking, the proposed use of garden apartments requires two off-street parking spaces per
130 dwelling unit, plus one additional off-street parking space for each dwelling unit with more than three
131 bedrooms. With four bedrooms in each unit, the project requires 15 parking spaces, all of which are
132 provided in a lot located behind the buildings. Additionally, parking is not permitted on Corbit Street and
133 residents will not be issued residential parking permits for nearby streets so this project will not lead to
134 overcrowded parking on City streets. Regarding traffic, Corbit Street is not a State owned and maintained
135 roadway. The proposed development, with 5 apartment units including 20 bedrooms, is not expected to
136 result in any significant traffic impact to Corbit Street. The proposed development is subject to the
137 Transportation Improvement District adopted by the City Council on March 27, 2023, and a Traffic Impact
138 Study is therefore not required. Fees will be assessed as part of the Transportation Improvement District
139 according to the net addition of new housing units.

140

141 The proposed apartment location is within walking distance of West Main Street and the west side of
142 University of Delaware's campus, approximately half a mile from Willard Hall, Trabant University Center,
143 and Lerner Hall. The site is within three quarters of a mile of a major grocery store and other retail at
144 Fairfield Shopping Center. While New London Road is a busy road with higher speeds than residential
145 streets, there are sidewalks connecting this property to nearby amenities, particularly on West Main
146 Street, that provide a ready alternative to using an automobile. Further, a virtual bus stop for the DART
147 Connect micro transit service is located at the corner of Corbit Street and Wilson Street, less than 250 feet
148 from the proposed townhomes.

149 The staff recommendation is that because the Comprehensive Development Plan amendment, rezoning
150 and minor subdivision with site plan approval, with the conditions recommended above by the Subdivision
151 Advisory Committee, should not have a negative impact on adjacent and nearby properties, and because
152 the proposed use does not conflict with the development pattern in the nearby area, the Planning and
153 Development Department recommends that the Planning Commission take the actions of recommending
154 the approval, or recommending to City Council the approval of the Comp Plan amendment, rezoning, and
155 the minor subdivision with site plan approval. And that concludes my presentation.

156 Chair Hurd: Thank you. All right, who's presenting for Hillcrest? Please state your name for the record and
157 make sure the microphone is pointing at you. All right, are we sure that's turned on?

158 Mr. Schreier: It's green. Ok, Tom Schreier, Hillcrest Associates. Unique opportunity this evening to actually
159 present two projects so in the interest of time I'll try to keep the presentation brief. As we all know the
160 Planning Department has done an excellent job in usual fashion preparing a report for each project. First
161 up as Renee mentioned, we had 50-54 Corbit Street a minor subdivision, rezoning, and Comprehensive
162 Development Plan and site plan approval. I'm assuming I should just say next slide and it's going to?
163 Perfect, next slide please. Here with me tonight are the property owners and developers and their families
164 as well as my colleagues, Matt Longo, and Laura Enghofer. Next slide. So, the parcel is located in the triangle
165 between New London Road and Route 273 which is within the area known as Planning Section A. More
166 specifically this area is Focus Area #1, which has recommendations for future use as high density along

167 with locations along New London Road, Wilson Street, Church Street, Ray Street, and the east side of
 168 Corbit Street. Next slide.

169 The subject properties are located on the east side of Corbit Street, both are currently zoned RD and are
 170 comprised of approximately 0.3 acres. The properties currently have 2 two-story single-family homes,
 171 sorry about that, but the remainder of the site is currently covered by asphalt driveways and parking
 172 spaces. Uniquely both of these properties share a common driveway with the neighboring property but
 173 not themselves. As a sidenote, many of the deviations I will be requesting this evening are consistent with
 174 the current conditions of the existing property. Obviously, the lot size, the parking and loading setbacks
 175 being that we share the driveway with the adjoining neighbor, the perimeter street setback and then the
 176 exterior lot line setbacks as well. Next slide.

177 Our proposal is a three story, five unit with four bedrooms style townhouse apartment building. It has a
 178 surface parking lot in the rear which is accessed by two ten-foot-wide one-way drive aisles. The entrance
 179 to the project is on the north of the street and the exit is on the south of street which was requested by
 180 Public Works to keep exiting vehicles away from the intersection with Terry Lane. Next slide please. As
 181 previously mentioned, the properties are currently zoned RD, our proposal is to rezone them to RM, as
 182 shown within the city zoning map on the screen. The properties currently adjoin along our eastern
 183 property boundary of other properties zoned RM which those properties have gone along a similar process
 184 as we are this evening. Furthermore, this rezoning does align with the recommendation of Focus Area #1.
 185 Next slide please. So, as Renee mentioned, this project is seeking approval under the provisions of the site
 186 plan approval. As you know this section allows for alternatives for proposals to encourage variety and
 187 flexibility and to provide the opportunity for energy efficient land use permitted by reasonable variations
 188 from the use of area regulations. So, the deviations we're working towards are on the next slide would be
 189 the maximum lot coverage, RM district permits 20% we are providing 24.8% which is a plus 4.8% deviation.
 190 Our minimum lot size for RM is one acre and the current two properties comprise 0.316 acres which is a
 191 negative 0.684-acre deviation. Parking and loading are required at a 10-foot setback from property lines,
 192 as we share a common property line with our adjoining neighbors, our provided setback is 0 feet which is
 193 a negative 10-foot deviation. For building setback our perimeter setback is, perimeter street setback which
 194 would be considered your front yard along Corbit is required to have 30 feet, we are providing 17.9 feet
 195 which is actually greater than what the existing condition is today. In terms of exterior lot lines, we are
 196 required to provide 25 feet so I'll kind of move around it from the north. The north is 12.1, our south is 11
 197 and our west which again is the perimeter street setback is 17.9. Similarly, the side yard setback for the
 198 RM zoning district is 20 so our side yard to the north which is the same deviation as the exterior lot line to
 199 the north is 12.1. And our side yard to the south which is the same deviation from our exterior lot line
 200 south is 11.

201 Per the requirements, and you can go to the next slide, the site plan approval shall be based upon
 202 distinctiveness and excellence of site arrangement and design including but not limited to the seven
 203 criteria as Renee stated earlier. So, although this project is requesting a deviation from the minimum open
 204 area based on other recent approvals within the city the consensus is that less amount of open space
 205 provided by redevelopment projects equals less space for large gatherings, however the open space within
 206 this application is actually along Corbit Street, which is the frontage which adds to the aesthetic appeal
 207 and enhances the overall streetscape of the existent roadway. For the unique treatment of parking
 208 facilities, we are currently required to provide 15 parking spaces because our units have 3 bedrooms or
 209 more and therefore, we're required to provide 3 spaces. The proposed site plan provides the required 15
 210 but our unique treatment is that our car park is behind the buildings and therefore not visible in the street.

211 Furthermore, instead of accessing it via a 24-foot access way, we're utilizing two ten-foot-wide one-way
 212 driveways which provide a more residential look and feel for the overall neighborhood and streetscape of
 213 the existing roadway. Next slide. One of the criteria is outstanding architecture, the architecture for this
 214 project is obviously that of townhomes and the architecture design uses gables to break up the roof line
 215 covered from porches, stone finishes on the face of the building, awnings, popouts and a variety of colors
 216 and orientations to prevent the building face from being monotonous or bland. So, this is our streetscape
 217 context rendering looking, this should be up Corbit Street away from New London and towards Route 273.
 218 This picture was taken by Terry Lane. If you go to the next slide, this is looking back towards New London
 219 and on the left side of the screen there you can kind of catch a glimpse of Campus Walk.

220 A couple more, the association with the natural environment including landscaping, all landscaping will be
 221 native and drought tolerant and low water usage plants and meter exceed all applicable code
 222 requirements. And then the relationship with the neighboring community, proposed development has a

223 density of 16 units per acre which is consistent with the requested RM zoning and in line with the
224 development patterns in the nearby area. The project is also a bit different than most projects that come
225 before you, in that these units are proposed to have 4 bedrooms and 2.5 bathrooms which is done on
226 purpose so it can appeal to a wide range of future tenants and owners. Lastly, energy conservation. This
227 building at this current time has not been fully vetted because we're still in the preliminary stages but we
228 are hoping that this project will meet or exceed the requirements to provide 10 additional points from
229 Section 7-8(7) which is Energy Conservation.

230 Lastly is just a brief discussion of the Comprehensive Development Plan. As previously mentioned, the site
231 is located within Focus Area #1 which provides recommendations of appropriateness for consideration to
232 residential high density on the east side of Corbit Street which is where the project is located. With the
233 density of approximately 16 units per acre, this project requires a Comp Plan Development amendment
234 because we're currently in low density which is up to 11 units per acre. High density permits 11 and less
235 than 36 units per acre. And as summary, because this project aligns with the future land use as stipulated
236 within the city's Comprehensive Development Plan, as well as the development pattern in the nearby
237 areas, we feel that this project is a great candidate for site plan approval and with that being said we'll
238 open up for any questions you all may have.

239 Chair Hurd: All right, thank you. We will begin with Commissioner Tauginas.

240 Commissioner Tauginas: I think I'm going to ask to recuse myself from this vote.

241 Chair Hurd: Use the microphone please.

242 Solicitor Bilodeau: Is the green light on?

243 Commissioner Tauginas: Hello? There's no green light on. Ok, I just believe I have to recuse myself from
244 the vote because I do work with Nikolina, so don't want to give the appearance of impropriety.

245 Chair Hurd: Understandable.

246 Solicitor Bilodeau: So generally, when you've refused, you're welcome to sit or you could leave the room
247 as well whichever you feel more comfortable with.

248 Commissioner Tauginas: I mean I don't want to elbow anyone on the way out, so I'll just hang out.

249 Chair Hurd: Just don't make any faces.

250 Commissioner Tauginas: I won't make any faces.

251 Solicitor Bilodeau: No histrionics.

252 Commissioner Tauginas: None.

253 Chair Hurd: All right, Commissioner Silverman.

254 Commissioner Silverman: Just a couple of things to point out before I get into the discussion, you are also
255 extinguishing the lot lines, correct?

256 Mr. Schreier: Correct, yes, there's two parcels today and we're extinguishing the common lot line between
257 them and creating one parcel as part of the project.

258 Commissioner Silverman: So, you're not going to recreate lot lines with each of the units?

259 Mr. Schreier: No, we will not.

260 Commissioner Silverman: So, you will not be condominium developing this site eventually?

261 Mr. Schreier: I don't think that we want to hold that out of our future plans, but currently no there is no
262 condominium being set up.

263 Commissioner Silverman: Ok and Focus Area #1 is very important here. There's a lot of considerations that
264 go into it and I believe that one of the reasons why this area in the past when we redid the Comp Plan was
265 not designated high density, was City Council's reluctance to do comprehensive rezoning or
266 comprehensive density changes. So, this is a unique site within the context so that's one of the reasons
267 why I believe in rezoning. Something that should also be pointed out is about 100 feet away and is a part
268 of the university on southwest Main Street in addition to public transit that's available on the site, the site
269 is a very difficult site to work with. The land use patterns and then the property lines in the area are jack-
270 jawed, nothing's regular. I'm highly sympathetic to your approach to the site plan approval, I agree with

271 that. You're basically replacing the footprint and the impact of the (inaudible) is already there. So, there's
 272 no new intention from my point of view on this site. The type of unit you're providing is consistent with
 273 the units in the area. The relationship of the buildings to the road and other parcels is consistent within
 274 the area. So generally speaking, I have no problem with rezoning, I support it. I support the site plan
 275 approval and with respect to the site design, it's a rather tight site. I'm not troubled by anything that's
 276 being proposed.

277 Mr. Schreier: Thank you.

278 Chair Hurd: Thank you, Commissioner Cloonan.

279 Commissioner Cloonan: Renee I have a question on line 407. What is truss signage?

280 Director Bensley: Line 407 of the report?

281 Commissioner Cloonan: Yes.

282 Director Bensley: So, truss signage is signage that's required to be placed if they use a certain type of truss,
 283 it's in the fire safety code so it would be in the roof attic area where the trusses are.

284 Commissioner Cloonan: Ok, I think I noticed on the new renderings that you're showing the utilities on
 285 the back side here is that correct? Those are your meters.

286 Mr. Schreier: Yes. The only thing that would change just to that just because of the latest comment, is that
 287 the gas meters require a three-foot separation from the drive aisle. And they're requesting them to move
 288 them to the front of the building.

289 Commissioner Cloonan: And where are your exterior air conditioning units going to go?

290 Mr. Schreier: They are also at the back of the building along the sidewalks next to the entrances.

291 Commissioner Cloonan: And when you say along the sidewalks it looks like they're going to be sitting on
 292 top of the sidewalks?

293 Mr. Schreier: Correct, yep, so if you could just go to the rendering? Yep, so that sidewalk along the back is
 294 where the trash refuse containers as well as the AC units will be located. So, HVAC will have an entrance
 295 door with one or two steps that go down and then the parking, and they can access their cars at that
 296 location.

297 Commissioner Cloonan: So that back sidewalk area is curbed I'm assuming?

298 Mr. Schreier: It is curved and it's 5 feet wide plus the 8-inch curb so it's 5 feet 8 inches.

299 Commissioner Cloonan: So, the AC units are going to take up the entire space so it's not really a sidewalk
 300 it's a really a utility pad.

301 Mr. Schreier: Yes, exactly.

302 Commissioner Cloonan: And have you located your fire hydrant connections yet?

303 Mr. Schreier: In terms of our, we're not providing any fire hydrants as part of this, but the water is right
 304 out in front of Corbit Street, and we are bringing it in from there and then taking a main across the front
 305 of the property and then coming into each unit with the domestic as well as the fire.

306 Commissioner Cloonan: Do you need a connection on the face of the building?

307 Mr. Schreier: Yes, there'll be a fire connection for each unit.

308 Commissioner Cloonan: On the front of the building?

309 Mr. Schreier: Correct.

310 Commissioner Cloonan: So, you now have the gas meters and fire connections, five of them?

311 Mr. Schreier: Yes.

312 Commissioner Cloonan: Ok. And you said the trash cans are going to be in the back. Then on trash day do
 313 they roll them to the front?

314 Mr. Schreier: Yes.

315 Commissioner Cloonan: All right. This is maybe a strange question for you, but why a Kentucky Coffee
316 Tree?

317 Mr. Schreier: In the past Tom Zaleski who was a part of Parks and Rec really had a liking for them, so he
318 felt that the typical Acer Rubrum was overused throughout the city and suggested that if we were going
319 to put the same tree everywhere in our development projects, then the Kentucky Coffee Tree was
320 appropriate. If you have something that you like, we're willing to work with you and add that.

321 Commissioner Cloonan: Well, I ask about the Kentucky Coffee Tree because they put out these enormous
322 seed pods every spring, which are not what you usually want over your sidewalks. And they have very
323 large leaves in the fall so it's not a neat tree. But if you want my preference, I'm a follower of Tallamy. I
324 would recommend Willow Oaks because they're very easy to clean up after and they're moderately fast
325 growers. But that's my plug for oak trees.

326 Mr. Schreier: Perfect. Note:

327 Commissioner Cloonan: Thank you. All right, I do like the fact that you put the car park behind the building,
328 and I actually do like the fact that you have a small area for a picnic table or a grill or something because I
329 think you're absolutely right. It's a demographic shift away from students and we're going to have to plan
330 for different uses for this housing. So, thank you for considering that. Having said that I don't think there's
331 enough open space on this plan. And I'm not in favor of this much lot coverage. Ok, that's it for me.

332 Chair Hurd: Ok, thank you. Commissioner Kadar.

333 Commissioner Kadar: Green light, we're good. Just a few comments and some questions. Line on the
334 Planning Department's report, line 202 to 204 and you mentioned it during your presentation, the open
335 space, there's less amount of open space provided within these redevelopment projects equals less space
336 for students to hold parties and large gatherings. I must say, that's a very novel argument, and not one
337 that I would make. And when we get to the next project, we'll talk again. But really, I find that
338 absolutely...if I was a student going to the University of Delaware, I'd be offended with the fact that you're
339 not meeting the requirements for open space on a lot simply because you don't trust me to maintain the
340 space. Enough said. Further, lines 212 to 219 you talk about the driveway and how you're making it look
341 like a more residential area by having in and out ten-foot driveways. Well, if you look at your plot plan,
342 you're also tied into the building next door. Which also has about a 10-to-12-foot driveway. So, it's one
343 massive 22-foot driveway with separation, so it's not really going to look like a residential area. My last
344 point. Contrary to what my esteemed colleague Mr. Silverman said earlier, I don't look at a trapezoid lot
345 as being a difficult land use decision. We've seen worse believe me. And I find it hard to believe that for
346 almost every requirement in the code, you're exceeding or coming short on. It's as though no attempt
347 was made to stay within most of the requirements or did you just ignore most of the requirements
348 because you were going to put in your four-bedroom unit to get all the housing in. I don't mind one or
349 two but almost everything is out, ok? So based on that basis I have no problem in modifying the
350 Comprehensive Plan, I think it's totally appropriate given what's going on in that neighborhood, I have no
351 problem modifying zoning restrictions, however I do have a problem with approving site plan as you
352 presented here. And I think you can go back, and you can make some appropriate changes to hit more of
353 these parameters. That's all I have to say.

354 Chair Hurd: Thank you. Commissioner Williamson.

355 Commissioner Williamson: Thank you. A couple of questions. Is there a deed restriction or some other
356 requirement that requires the maintenance of the shared driveway arrangement? In other words, could
357 you not have done the shared driveway, and the owner next door would be fine with that?

358 Mr. Schreier: To date there is not a maintenance agreement for the shared driveway.

359 Commissioner Williamson: But the question is where you required to maintain that shared driveway in
360 any way?

361 Mr. Schreier: We were not required, but the property to the south which is not a part of Campus Walk's
362 development currently uses about 2.5 to 3 feet of our property to access the parking lot so by virtue of
363 our development we're kind of in some terms being a good neighbor keeping the existing situation what
364 it is so that the use of their driveway can continue. Which is in kind of conjunction with our request to not
365 provide the screening from both properties as well because it would impede access to both of those
366 properties that we're sharing a driveway to.

367 Commissioner Williamson: But there's no legal requirement.

368 Mr. Schreier: There is no legal requirement that we share the driveway.

369 Commissioner Williamson: Are any of the five houses providing ADA accessible units?

370 Mr. Schreier: They are not.

371 Commissioner Williamson: I agree with my fellow commissioners that the non-provision of any really
372 usable open space, based on a fear of what students might do, is not a good reason, I wish the Planning
373 Department would not use that anymore. No ADA, I've asked the Planning Department a year ago to come
374 up with something so that these townhouse style developments essentially don't have to do any ADA and
375 I think that's a great loss to the ADA community and no on-site open space...the back side was trash cans
376 and gas meters, this is, except for the front setback this is a Baltimore row house. And I don't see
377 excellence in design, it has gables on it, but everything has gables on it. So, I've struggled with this a lot.
378 It's either the wrong zoning, along with the ten deviations or so from the code. So, it's either the wrong
379 zoning for the project, the wrong project for the zoning, or the wrong standards are in the code, it's got
380 to be one of those three. So, we either got to change the code so we don't have these all the time, or not
381 many, I mean this project, I think there could be a better project. I'm not inclined to support the project.

382 Chair Hurd: Are you done?

383 Commissioner Williamson: Yes, thank you.

384 Chair Hurd: Ok, thank you. Thank you all. Well, I guess...

385 Commissioner Silverman: Mr. Chairman, may I respond? With the exception of your comments, may I
386 respond?

387 Chair Hurd: Yes.

388 Commissioner Silverman: I am very much in agreement with Commissioner Williamson with respect to
389 the usefulness of the site design criteria which is designed for green field. We're trying to use that in an
390 urban setting, and I don't want to penalize the applicant because of that. I think the deviations are not
391 inconsistent with the existing housing and layouts that are found within the community. So, this isn't a
392 one off that's going to be an exception. This very likely mimics what's in the area, literally on Corbit Street.
393 And secondly, I think open space is in the eyes of the beholder. When I go down Cleveland Avenue, I see
394 a lot of often useful open space for outdoor recreation in a very small distance between the sidewalk and
395 the front porch and that type of open space is provided along this property. If we're talking about how
396 open space is used, then we could argue it should be behind the building but that's not how open space
397 is used particularly by students in our Newark community.

398 Chair Hurd: Thank you. I was going to actually concur with some of Commissioner Silverman's-

399 Commissioner Silverman: Oh, and with respect to the comments about open space and gatherings and
400 activity, I believe that's almost a direct quote from the former chief of police in Newark. He was afraid of
401 open space around areas that college students inhabit or gather in. I don't think that reflects the position
402 of the department.

403 Chair Hurd: Thank you I was going to kind of echo that. The struggle that we have here is trying to get the
404 denser zoning districts into the areas that can support the density, but those districts come with
405 assumptions about wanting a lot, with 20-foot setbacks and everything else and when you're a third of an
406 acre it's more challenging. But I would agree that its location on the lot is similar to that of its neighbors.
407 If not, in some ways better. As for the open space issue, I can just offer my personal experience of Benny
408 Street which we're going to be talking about. Benny Street backs up to Chapel and on Chapel there are
409 several houses with large backyards with fences and there have been numerous really large parties in
410 those backyards. The new townhomes on Benny that have no backyard have had, like zero big parties. So,
411 I can see the difference between those two approaches of a house on the front and a big yard and basically
412 housing on the lot and I think in the appropriate areas, the density and that lot coverage is appropriate. It
413 wouldn't be appropriate, say on Nottingham Road, to have 20 to 28% coverage in such. I'm in general
414 favor I don't think I have any questions, I will say thank you for looking ahead with these, this stems from
415 the four bedroom, 2.5 baths, as a planning for future because I think too many times we get 6 bedrooms,
416 6 bath townhome that can't be anything but rented to students. So, I appreciate that. All right we will be
417 moving to public comment. Katie, do we have any submitted public comments to be read into the record?
418 Oh, you will be next sir.

419 Ms. Dinsmore: Yes, we have two that were submitted via email.

420 Chair Hurd: Ok, are you able to read them?

421 Director Bensley: Do you have a microphone?

422 Ms. Dinsmore: I do not.

423 Director Bensley: It's the two you emailed earlier?

424 Ms. Dinsmore: That's correct.

425 Commissioner Cloonan: You got it Renee? Ok.

426 Director Bensley: Just need a minute to pull these up.

427 Ms. Dinsmore: One email for this project.

428 Director Bensley: This letter is from Kevin Mayhew from Mayhew Management, he says "I am writing to
 429 the Planning Commission to express my support for the developer's request to seek relief from the code
 430 requirement that would result in landscape screening or a fence between our properties on Corbit Street.
 431 I own property adjacent to the proposed redevelopment site. Under both the current conditions and after
 432 the proposed redevelopment, a shared driveway straddles our property line. Adding a fence through that
 433 driveway, which we have amicably shared for many years, is not necessary and would, in fact, make it
 434 more difficult to enter and exit my property. In most cases, this requirement is considered a benefit for
 435 the adjacent property owners but, in this case, it would have a negative impact on me by limiting the
 436 usable driveway space that I would have. For this reason, I ask that the Planning Commission recommend
 437 that the City Council waive this code requirement for this project. Thanks, Kevin Mayhew" The second
 438 email that was submitted was actually for both projects. So, do you want me to read it at once?

439 Chair Hurd: Why don't we read it at once. And we'll just remember.

440 Director Bensley: Ok, this is from Sean Stephenson from Hull Avenue which is located outside of city limits.
 441 "Dear Planning Board, I am writing to express my full support for both the agenda items regarding the
 442 Comprehensive Development Plan amendments, rezoning, and minor subdivision approvals for 50-54
 443 Corbit Street and 55 Benny Street. As a member of the community, I believe these proposed
 444 developments are crucial steps toward addressing our current housing crisis.

445
 446
 447 Across our city, the demand for residential housing continues to outpace the available supply, leading to
 448 inflated rental prices and limited options for potential homeowners. This crisis not only affects individuals
 449 and families seeking affordable housing but also has broader implications for the overall health and
 450 vibrancy of our community.

451
 452
 453 By approving these developments, we have the opportunity to make significant strides in alleviating the
 454 strain on our housing market. Increasing the availability of residential units in well-planned, sustainable
 455 communities like those proposed for Corbit Street and Benny Street is essential for fostering inclusive
 456 growth and ensuring that all members of our community have access to safe, affordable housing options.
 457 Furthermore, I commend the careful consideration of the Comprehensive Development Plan
 458 amendments, rezoning, and minor subdivision with site plan approval. It is evident that these proposals
 459 have been thoughtfully designed to not only meet the immediate needs of our community but also to
 460 contribute positively to our city's long-term vision for growth and development.

461
 462
 463 In conclusion, I urge the Planning Board to approve the agenda items for 50-54 Corbit Street and 55 Benny
 464 Street. By doing so, we can take meaningful steps toward addressing our housing crisis and building a more
 465 equitable and prosperous future for all residents. Thank you for your attention to this matter. Sincerely,
 466 Sean Stephenson"

467 Chair Hurd: Thank you. So, do we have anyone present who wishes to give a public comment? Ok, just
 468 come up state your name please for the record, then you'll have 5 minutes I'll give you-

469 Mr. Lane: My name is Bradley Lane; I live at 44 Corbit Street which is adjacent to the project. It's obvious
 470 that this project is built for students. If it's not handicap accessible, then it pretty much is for students. My

471 concern or question is that in the project, is there any form of separation or fencing that will keep students
 472 away from my property?

473 Mr. Schreier: Can I address that?

474 Chair Hurd: Yes Tom, you can.

475 Mr. Schreier: Tom Schreier here, we are requesting relief from that, but if this property owner would like
 476 the fence, we are more than willing to put it in, we just thought that would impede his driveway, because
 477 it'll be about 6.5 feet wide.

478 Commissioner Silverman: Tom, which is this gentleman's property, the top one or the bottom one?

479 Mr. Schreier: He's the bottom.

480 Chair Hurd: Ok, thank you sir, I think you may want to talk to your neighbor somewhat about that. So, it's
 481 not for responses necessarily, but are you the owner?

482 Mr. Slijepcevic: I just wanted to make some clarifications about some things.

483 Chair Hurd: Ok, let's do that.

484 Mr. Slijepcevic: Hi, my name is Mitch Slijepcevic at 7 Chippenham Drive, I'm one of the developers. I just
 485 wanted to address some of the things I've heard some of the Commissioners say. The point about the gas
 486 meters we actually debated on whether or not we left the gas meters in the plan or not, we actually don't
 487 plan on putting gas appliances in the units, so the meters will not be installed even though they're in the
 488 picture, we want to have them gas ready. So at some point down the road if we sell these townhomes to
 489 people, they have the ability without having to tap the gas main, to hook up gas appliances but it is not
 490 our intention to use gas appliances so the meters from our perspective will not be installed and if we need
 491 to put that in some language to make everybody comfortable we're more than happy to do that. You
 492 know, and we've done another project where it's all electric appliances and it's been perfectly fine. The
 493 other thing I want to address is something Tom said which I think is very important to some points you
 494 gentlemen have made. We are trying to be good neighbors, that's why we're keeping shared driveways.
 495 And you know, the variances that we're seeking, the relief we're seeking of those 10 items that Tom listed,
 496 5 or 6 of them already exist, we're not changing any of that. If you look at the actual site today, it's almost
 497 all covered with asphalt, and garages and buildings already. So, we're adding very little when it comes to
 498 covering open space. What we are going to be doing is making a much better stormwater management
 499 plan there because right now it all just runs off so that's going to be a big benefit for the community, and
 500 I'll talk to Mr. Bradley later about you know whether or not he wants that fence in. If he wants it there,
 501 I'm more than happy to put it in, but I don't think he's aware it's going to cause his driveway to be pretty
 502 small which is why we were trying to be good neighbors. So that's it, thank you.

503 Chair Hurd: Ok thank you. Is there anyone else present who wishes to give a public comment? All right
 504 anyone online wishing to give public comment. Closing public comment and bringing it back to the dais
 505 for additional comments or questions of the Commissioners we'll start with Commissioner Silverman.

506 Commissioner Silverman: You're leading me back to one of my earlier comments I just heard you say in
 507 the future you might want to sell these townhouse units. Right now, they're on a single lot. At this point
 508 as part of your plan do you want to establish lot lines for each of the units so in the future you can sell
 509 each one as a single lot and unit? Right now, it's one building on one lot you couldn't sell individually.
 510 Unless you're a condominium.

511 Mr. Schreier: I completely understand that, if the demographics of the area change, we can come back
 512 and ask for a subdivision if necessary.

513 Chair Hurd: Any other Commissioner comments? All right seeing none we'll move to the vote. Secretary
 514 Kadar, are you prepared?

515 Commissioner Kadar: We'll move for the Comprehensive Development Plan first?

516 Chair Hurd: Yes, so we're going in order that's in the report.

517 Commissioner Kadar: All right **because it should not have a negative impact on adjacent and nearby**
 518 **properties, and because the proposed use does not conflict with the development pattern in the nearby**
 519 **area, recommend that City Council revise the Comprehensive Development Plan V 2.0 Land Use**

520 **Guidelines for 50 and 54 Corbit Street from “Residential, low density” to “Residential, high density” as**
521 **shown in the Planning and Development Report Exhibit H-1.**

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

523 Commissioner Silverman: I’ll second.

524 Chair Hurd: Thank you, any discussions to the motion? All right seeing none we’ll move to the vote. I think
525 it’s ok to do it without passing the microphone at the same time. Commissioner Silverman?

526 Commissioner Silverman: Aye.

527 Chair Hurd: Commissioner Cloonan?

528 Commissioner Cloonan: Aye.

529 Chair Hurd: Commissioner Kadar?

530 Commissioner Kadar: Aye.

531 Chair Hurd: Commissioner Williamson?

532 Commissioner Williamson: Nay.

533 Chair Hurd: And I am aye. Motion carries 4 to 1.

534 **Aye: Silverman, Cloonan, Kadar, Hurd**

535 **Nay: Williamson**

536 **Abstained: Tauginas**

537 **Absent: Bradley**

538 **MOTION PASSED**

539 Chair Hurd: All right, motion B.

540 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby properties,**
541 **and because the proposed rezoning does not conflict with the development pattern in the nearby area,**
542 **I recommend that City Council approve the rezoning of 0.316 acres at 50 and 54 Corbit Street from the**
543 **current RD (one-family semidetached residential) zoning to RM (residential multi-family/garden**
544 **apartment) zoning as shown on the Planning and Development Report Exhibit E.**

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

546 Commissioner Silverman: I’ll second.

547 Chair Hurd: Thank you, any discussion to the motion? Commissioner Cloonan?

548 Commissioner Cloonan: Sorry I’m still new at this, so if we approve B are we saying we’re in agreement
549 with all the variances?

550 Solicitor Bilodeau: No that’s the next one.

551 Chair Hurd: This is just the rezoning so that item C could be enacted with the density (inaudible). All right
552 any discussion to the motion? All right now to vote. Commissioner Silverman?

553 Commissioner Silverman: Aye.

554 Chair Hurd: Commissioner Cloonan?

555 Commissioner Cloonan: Aye.

556 Chair Hurd: Commissioner Kadar?

557 Commissioner Kadar: Aye.

558 Chair Hurd: Commissioner Williamson?

559 Commissioner Williamson: Nay.

560 Chair Hurd: And I am aye. Motion carries 4 to 1.

561 **Aye: Silverman, Cloonan, Kadar, Hurd**

562 **Nay: Williamson**

563 **Abstained: Tauginas**

564 **Absent: Bradley**

565 **MOTION PASSED**

566 Chair Hurd: All right item C.

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

568 **zoning code, and all other applicable ordinances of the city and the laws and regulations of the State of**

569 **Delaware; Planning Commission recommends that City Council approve the 50 and 54 Corbit Street**

570 **Minor Subdivision with Site Plan Approval Plan as shown on the Minor Subdivision, Rezoning &**

571 **Comprehensive Development Plan Amendment by Site Plan Approval “50 & 54 Corbit Street” plans**

572 **prepared by Hillcrest Associates, dated May 31, 2023 and revised through March 28, 2024 with the**

573 **Subdivision Advisory Committee conditions as described in the April 16, 2024 Planning and**

574 **Development Report.**

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

576 Commissioner Silverman: I’ll second.

577 Chair Hurd: Thank you, any discussion to the motion? Ok seeing none we’ll move to the vote.

578 Commissioner Silverman?

579 Commissioner Silverman: Aye.

580 Chair Hurd: Commissioner Cloonan?

581 Commissioner Cloonan: Nay.

582 Chair Hurd: Commissioner Kadar?

583 Commissioner Kadar: Nay.

584 Chair Hurd: Commissioner Williamson?

585 Commissioner Williamson: Nay.

586 Chair Hurd: And I am aye. Motion fails 2 to 3.

587 **Aye: Silverman, Hurd**

588 **Nay: Cloonan, Kadar, Williamson**

589 **Abstained: Tauginas**

590 **Absent: Bradley**

591 **MOTION FAILED**

592 Chair Hurd: And that concludes item 3. Just need a minute to reset.

593 Solicitor Bilodeau: (inaudible) change to the Comprehensive Plan to make it consistent...so

594 **4. Review and consideration of the Comprehensive Development Plan Amendment, rezoning, and**

595 **minor subdivision with site plan approval for 55 Benny Street**

596 Chair Hurd: All right that takes us to item 4, review and consideration of the Comprehensive Development

597 Plan Amendment, rezoning, and minor subdivision with site plan approval for 55 Benny Street. Director

598 Bensley?

599 Director Bensley: Ok, thank you everybody. This plan is for a Comprehensive Development Plan

600 Amendment, rezoning and minor subdivision by site plan approval for 0.263+/- acres of property at 55

601 Benny Street. The applicant is requesting approval of plans to construct three 3-story townhome

602 apartments. The plan also includes the demolition of an existing 2-story house and garage. I should

603 mention that these are 5-bedroom units. The proposed development is on the west side of the southern

604 end of Benny Street, at the intersection of Benny Street and Haines Street. The existing zoning for the

605 parcel at 55 Benny Street is RD (one-family semidetached residential). The existing single-family home with
606 a four-person student home permit is allowed use in the RD district. Student rentals are allowed on Benny
607 Street, which is listed in Section 32-4(a) (123.1) as a street exempt from student home restrictions. The
608 proposed zoning for the parcels is RM. Townhome-style apartments, as proposed, are permitted use in the
609 RM zoning district as garden apartments.

610 The proposed plan does not conform to Comprehensive Development Plan V 2.0 and will require a
611 Comprehensive Development Plan amendment to change the designation of 55 Benny Street from
612 “Residential, Low Density” to “Residential, High Density.” 55 Benny Street is included in Planning Section
613 “A” of the Comp Plan which calls for “Residential, Low Density” uses at the site, conforming to the existing
614 RD and RM zoning. However, 55 Benny Street is located in Focus Area #4 of Planning Section “A”.
615 Recommendations for Focus Area #4 indicate properties designated for “Residential, Low Density” and
616 “Industrial” may be considered for “Residential, High Density” owing to the trajectory of new development
617 nearby and the proximity of the area to downtown Newark and the University of Delaware’s campus.

618 The plan does comply with the subdivision ordinances detailed in Chapter 27 – Subdivisions. Similarly to
619 the last project Chapter 27, Appendix VI requires multifamily single lot subdivisions to dedicate land for
620 parks and playgrounds. The Director of Parks and Recreation recommends the developer pay \$700 per
621 unit for a total of \$2,100 for cash in lieu of land. As the site is approximately one quarter of an acre, the
622 size of the lot is not adequate for any reasonable recreation purposes in addition to the development.
623 With this payment the plan will fully comply with the subdivision ordinance. This required payment will
624 be memorialized in the subdivision agreement for this project and Council’s approval of the subdivision
625 agreement with that provision accepts this recommendation. It should also be noted that comments 2
626 and 3 under the land use comments of the report were inadvertently copied from 50-54 Corbit Street and
627 should be disregarded. Comment number one is accurate. The plan, with the details presented, does
628 comply fully with the 2018 ICC Building Codes. As more detailed plans are presented during the CIP and
629 Building Permit review phases, compliance will be verified. This proposed development meets all
630 requirements detailed in the Chapter 32 – Zoning site plan approval process.

631 Section 32-97 provides for alternatives for new development and redevelopment proposals to encourage
632 variety and flexibility. It should be noted that the affordable housing criteria effected by the City Council
633 on May 22nd, 2023, was not in place at the time of submission of this project. In this case the applicant is
634 requesting relief from site plan approval from several area requirements, specifically they request relief
635 from lot coverage, lot size, street setback, lot line setback and side yard setback. The Planning Commission
636 will need to consider these requests and regulation extensions against the standards of distinctiveness
637 and excellence of site design outlined in Section 32-97 for this site plan approval submission.

638 Regarding Parking, the proposed use of garden apartments requires two off-street parking spaces per
639 dwelling unit, plus one additional off-street parking space for each dwelling unit with more than three
640 bedrooms. With five bedrooms in each unit, the project requires 9 parking spaces. Each unit provides 3
641 parking spaces within the garages that comprise the first floor. Additionally, the property will be deed
642 restricted to prevent residents from being able to obtain residential parking permits so this project will
643 not lead to overcrowded parking in the streets.

644 Benny Street is not a State owned and maintained roadway. The proposed development, with 3 apartment
645 units including 15 bedrooms, is not expected to result in any significant traffic impact to Benny Street. The
646 proposed apartment location provides bicycle and pedestrian access to a breadth of amenities nearby. It
647 is adjacent to the University of Delaware, less than 0.5 miles walk from Main Street and the Newark Transit
648 Hub, and approximately 0.75 miles from Newark Shopping Center and The Grove. Its central location to
649 campus and downtown will minimize the residents’ need to use, or even have, a car. In addition, a virtual
650 bus stop for the DART Connect micotransit service is located less than 1/4 mile from the project site. A
651 deed restriction prohibiting the residents from getting resident or guest parking permits from the City of
652 Newark for parking in the local residential parking district will further limit the development’s effect on
653 traffic and local parking. The staff recommendation is that Planning Commission recommend approval of
654 the Comprehensive Development Plan amendment, rezoning, and minor subdivision plan with site plan
655 approval with the conditions recommended by the Subdivision Advisory Committee and because it will
656 not have a negative impact on adjacent and nearby properties and because the proposed use does not
657 conflict with the development pattern in the nearby area, the Planning and Development Department
658 suggests Planning Commission recommend approval of the Comp Plan amendment, rezoning, and minor
659 subdivision with site plan approval.

660 Chair Hurd: All right thank you, now to the applicant.

661 Mr. Schreier: Thank you, Tom Schreier from Hillcrest Associates again. And at this time, we are here with
662 regard to the redevelopment of 55 Benny Street which is seeking the minor subdivision, rezoning and
663 Comprehensive Development Plan amendment by site plan approval. Here with me tonight via Teams I
664 think if they got on, I know they're first timers on the Teams app, are the property owners and developers
665 Frank and Sandy Crohe? Potentially? So, similar to the prior application, this project is located in Planning
666 Section A on the opposite side of the city but still defined as part of the city's university Newark core.
667 Specifically, this project is located in Focus Area #1 which again similarly has recommendations for future
668 use of high, residential high density. The project is located on the west side of, oh Josh, the next one, one
669 more. So that's the southern end of Benny Street here at the intersection of Haines in Planning Section A,
670 if you go to the next one. So, the property is located on the west side of Benny Street and the property is
671 currently zoned RD and comprised of approximately 0.3 acres and today the property contains a two-story
672 single-family home with the remainder of the site being grass but includes a small asphalt parking lot with
673 several trees and some overgrown vegetation in the rear of the property. Next slide. Our proposal here
674 this evening is to rezone the property from RD to RM and develop it with three 3 story townhouse style
675 apartments each with 5 bedrooms. Each unit includes enclosed garage parking, and we received a positive
676 recommendation from the Planning Department which has allowed us to be here this evening.

677 Next slide. As previously mentioned, the property is currently zoned RD, and our proposal is to rezone it
678 to RM. As shown within the City zoning map the property currently adjoins across the street which is the
679 prior development of (inaudible) as well as other properties on Benny Street which have all similarly gone
680 through the same process. Also as mentioned before, the requested zoning change is consistent with the
681 recommended future use provided in the Comprehensive Plan for Focus Area #4. As Renee mentioned the
682 applicant is seeking approval under the site plan approval, and that section allows alternatives for
683 proposals to encourage variety and flexibility and to provide the opportunity for an energy efficient land
684 use permitted with reasonable deviations.

685 So, for this one, the maximum lot coverage is 20 we are providing 25.3% which is a 5.3 percent increase.
686 However, we are meeting the minimum required for open space, just as a caveat. The minimum lot size
687 for the RM is one acre. This is 0.236 acres that is a negative 0.737-acre deviation. For building setbacks,
688 perimeter streets, our setback is 30 feet the deviation that we are requesting is negative 20.5 as we are
689 providing 9.5 feet from the perimeter street. I just want to note that is not the actual building, it is the
690 overhang over top of the front entrance. The actual building is, and I want to make sure I state the correct
691 distance...is 16.6 feet.

692 Commissioner Kadar: So that's perimeter streets at 16.6?

693 Mr. Schreier: So currently our plan, and according to the definitions of the setback is 9.5 which is on the
694 plan but that is the roof overhang for the front door of the front unit. The dimensions of the actual building
695 are 16.6 feet. So, for exterior lot lines we have two, the south which requires 25 we are at 5.6 that 5.6
696 again is the roof overhang for the entry into unit number 2. The next closest dimension would be
697 approximately 8 feet. And then the east property line which would be the same as the perimeter setback
698 is 9.5 and then again, the side yard setback which is 5.6 reiterated from the exterior lot lines.

699 Permit requirements and site plan approval should be addressed upon distinctiveness and excellence of
700 site arrangements and following the seven criteria for common open space the project provides 43.5% of
701 open space which is 3.5% more than is required. Our unique treatment of parking, while the project is
702 required to have 9 spaces, because the units are providing more than 3 bedrooms the unique treatment
703 is that all parking for this project is enclosed in garages and therefore there will be no visible vehicles
704 outside of the building. The outstanding architecture, the architecture for the project is a multi-level
705 dwelling that shares two common walls. The architecture design has a combination of hips, gables, shingle
706 roofs, and metal awnings above windows with blue siding and stone exterior finishes. Typical features are
707 surrounding window casing, gable brackets and the front elevation has picture and round circle windows.

708 Association with natural environment as required we have a large shade tree that we'll be providing along
709 Benny Street to enhance the streetscape and much of the pervious area is vegetated and a solid privacy
710 fence is proposed to provide screening from the property along our northern property boundary. The
711 vegetation helps to filter both views and noise from surrounding uses, the building facades will be
712 landscaped with a mix of semi evergreens and perennials to provide interest throughout the year. We can
713 go to the next slide.

714 So, this is looking from north on Benny Street and those parking spaces in front of it are associated with
715 the University of Delaware's campus. So, next slide, well I guess if you go back there, can you, one more.

716 So, kind of on our layout here in terms of our setbacks from our deviations we're requesting we've shifted
717 the building south which is towards the University of Delaware owned property which would ultimately
718 have no effect on any other residents whether the adjacent property to the north is an owner occupied or
719 rental providing that separation. So, we meet all setback requirements on the northern side of the
720 property because we're trying to provide that separation for the adjoining neighbors.

721 Just stepping back into the 7 criteria, the relationship to neighborhood and community, obviously Benny
722 Street has been a hotspot for Newark for several years now. Our proposed development has a proposed
723 density of 12 units per acre which is less than permitted by the RM zoning district and is consistent with
724 the development pattern that has occurred on Benny Street itself. Again, on the energy conservation the
725 building at this time has not been fully vetted as we're still in the preliminary stages but we understand as
726 part of site plan approval we need to provide the 10 additional energy points from Section 7-8(7). As
727 previously mentioned, the site is located within Focus Area #4, which provides recommendations of
728 appropriate areas for consideration of residential high density of which this area is one of those. With the
729 density of approximately 12 units per acre, we are requesting a Comp Plan amendment because we are
730 currently located within the low-density designation and being that our density is 12, we need to be within
731 high density with allows 11 to 36. And lastly in summary because this project aligns with the future land
732 use as stipulated within the City's Comprehensive Development Plan as well as the development pattern
733 in the nearby area, we feel that this project is a great candidate for the site plan approval process, and I
734 will open it up for any questions that you all may have.

735 Chair Hurd: Thank you, Commissioner Tauginas.

736 Commissioner Tauginas: I get to go first again?

737 Chair Hurd: I'm keeping it simple.

738 Commissioner Tauginas: I mean it's a, you know that entire, Haines area I don't really see anything in the
739 plan that's not close to what already exists. So, I like the idea of parking with garage spaces, so it's not
740 really seen. And based on what they're saying here there's not going to be any permits issued for any type
741 of street situation. So, no I don't really have any comments or questions.

742 Mr. Schreier: Thank you.

743 Chair Hurd: All right, Commissioner Silverman.

744 Commissioner Silverman: I have a question for the director. I notice there is no reference to requiring a
745 fire lane in the travel parking area, I'm kind of puzzled by that to prevent guest parking and random parking
746 outside the garages and blocking access...I noted that wasn't part of the fire plan review.

747 Director Bensley: Give me a minute to look back through the fire comments, and I will come back with a
748 response.

749 Mr. Schreier: I think ultimately that was based upon the discussion on both of these projects, so we, as
750 part of our submissions I think the city was kind of in between fire specialists and so the newest specialist
751 took the position that these are townhouse style apartments which do not have to have perimeter or fire
752 lane access requirements met as part of them. If they were an apartment building specifically, which I
753 think is the designation that the fire specialist prior to this one took, a fire and perimeter access would be
754 required as part of the project.

755 Director Bensley: Yes, thank you Tom and Josh, I had to Teams a friend on that one too, and he reminded
756 me that by building code we construct these as individual townhomes as opposed to one apartment
757 building. So, we have applied both the building code and fire code regulations around townhomes
758 traditionally for these townhouse style of apartments.

759 Commissioner Silverman: There's a hybrid word that really confuses me. They're either apartments or
760 their attached single-family units, there is no such thing as a townhouse apartment. Particularly going by
761 the census definitions and some of the building code. So, for this particular plan we're saying there's no
762 need to provide any kind of parking restrictions on the side of this building.

763 Director Bensley: By zoning, they're considered apartments, but building code they're considered
764 townhomes, and the building form is a townhome.

765 Commissioner Silverman: I'll leave it at that.

766 Mr. Schreier: If you feel more comfortable with us providing “no parking” signs along that driveway I don’t
767 think that there’s any opposition on our end for it. I think because there is garage parking and that the
768 tenants or users would have to back out if there were cars parked within that driveway, it would obviously
769 make it pretty difficult for them to operate within the driveway.

770 Commissioner Silverman: I would be much more comfortable with parking restrictions. It may not be a
771 designated fire lane but at least shows minimum parking.

772 Mr. Schreier: I’m not opposed to that.

773 Commissioner Silverman: And I have no additional comments. Beyond what’s in the director’s report.

774 Chair Hurd: All right thank you. Commissioner Cloonan?

775 Commissioner Cloonan: It appears to me as though the back yard is the retention basin is that correct? Is
776 it not really a usable open space?

777 Mr. Schreier: The majority of the backyard, yes, is taken up as a bioretention area. Yes.

778 Commissioner Cloonan: And that will be grass?

779 Mr. Schreier: It will have bio media with some plantings in it so it would not be grass, correct, but by code
780 it would still qualify as open space.

781 Commissioner Cloonan: Are these the air conditioning, I clearly have a fixation on this.

782 Mr. Schreier: Yes, they are.

783 Commissioner Cloonan: Ok, and when you refer to building facades being landscaped in your report I see,
784 a tree and some shrubs on the front, were you also intending to put something besides grass on, I guess
785 this is the back of the house since everyone enters on the garage side, correct?

786 Mr. Schreier: Yes, users or tenants would enter from the garage side obviously because if they had a car
787 they would park it but if they were walking to class they could exit from the opposite side, so that’s a good
788 question as to what would be considered, the front door for the front unit is on the Benny Street side, the
789 front door from the back two units are on the south side but the garage doors and entry are on the north
790 side. So, there’s really access points on just about every side except for the back.

791 Commissioner Cloonan: Right, and part of the confusion I think is caused by your garage plan. Which it
792 looks like you oriented opposite from the rest of them, from the other plan. Garage plan, I think, the garage
793 door is on the bottom side, I’m looking at 3A sorry, drawing 3A.

794 Mr. Schreier: Correct, it is flipped and my apologies for that.

795 Commissioner Cloonan: So, this front door is entering into basically a...

796 Mr. Schreier: A little foyer that goes up the steps.

797 Commissioner Cloonan: (inaudible due to papers rustling) and what is that like 3 foot 6 by maybe 6 foot
798 wide? It’s a very small one, right?

799 Mr. Schreier: Yes, it’s a small foyer because most of the space is taken up by vehicle parking. And then that
800 other door, which I guess is at the top of the, is there access underneath the stairs, is that correct?

801 Mr. Schreier: Yes, for storage.

802 Commissioner Cloonan: It’s...right there, so this is storage, and this is the front door.

803 Mr. Schreier: Yes, so there’s two doors interior, the garage, the one to the mechanical room and one that
804 accesses under the stairs which would be used for storage.

805 Commissioner Cloonan: And then the one to the bottom of the stairs?

806 Mr. Schreier: Correct.

807 Commissioner Cloonan: So, three doors ok. I am not a residential designer, but these 9 feet by 18-foot
808 parking spaces I know are ok outdoors but are they ok indoors where you have walls confining door
809 swings? They are, I see you nodding your head.

810 Mr. Schreier: Yes, they are. I mean a typical car is not 9 feet.

811 Commissioner Cloonan: 6 feet.

812 Mr. Schreier: Correct. So, if you have 6 and 6 on either side it's you know there's (inaudible)

813 Commissioner Cloonan: I don't have 6 and 6 on the other side. I am one and a half feet.

814 Mr. Schreier: I'm saying, so if you have two spaces next to each other and so they're taking up, you know,
815 one and a half so you have three feet between it.

816 Commissioner Cloonan: That's my point, you have one door against a stairwell at 1.5 feet, right? To get
817 through the door and get out.

818 Mr. Schreier: Correct but you'll note the space to the far left has ample space around it.

819 Commissioner Cloonan: I do, but does that help the car to the far right?

820 Mr. Schreier: Well, I think obviously the boxes that we're providing in our drawing are just hypothetical
821 and they're proving to the city that we're providing three spaces that meet the parking requirements of
822 the ordinance.

823 Commissioner Cloonan: Well, this brings me to the point. The garage door is it a double, single, double
824 single, double single? Is that how you're doing it or are you doing three single doors?

825 Mr. Schreier: It would be a double single.

826 Commissioner Cloonan: So, you will be confined ok. Let's see here, trash pickup again will be by the garage
827 door, the street, the...

828 Mr. Schreier: It'll be by the street, there will be roller containers similar to the other one. The roller
829 containers will fit inside the units and then they will roll them out to the street on trash day.

830 Commissioner Cloonan: All right, and did I ask you about the landscape between?

831 Mr. Schreier: You did, and our current plans only show it as grass at this time.

832 Commissioner Cloonan: Ok, so when you say the façade will be landscaped that's not what I envision when
833 someone says the façade is going to be landscaped. I would just want something other than grass.

834 Mr. Schreier: I think more of my focus and my apologies was more along the façade facing Benny Street.

835 Commissioner Cloonan: All right I guess I'm going to restate my concern that there's really no usable open
836 space and should the residents ever change from students to families this doesn't look very amenable to
837 that. That change, I would also say that I really think the front is too close to the street I think the front
838 setback is too tight and if I were your neighbor on the north side, I would be upset by this wall to wall
839 paving if you will from the building to the fence line. So, I think that's all I have to say.

840 Chair Hurd: All right thank you. Commissioner Kadar.

841 Commissioner Kadar: That's me. I guess I'm a little perplexed why you didn't reduce the common open
842 space to eliminate excessive parties.

843 Mr. Schreier: It's one of those difficult moments when preparing both presentations of how do I not shoot
844 myself in the foot on one but allow myself to succeed on the other so while I was driving over here I actually
845 thought that someone would bring this up, I think we answered it with the, yeah, it's going to be a
846 stormwater management system which would preclude the ability of large gatherings within that open
847 space.

848 Commissioner Kadar: As I'm looking at the existing building at the site which I know is going to be
849 demolished for this project. It looks like on the north side of the building; it probably doesn't meet the
850 requirements for setback for the adjacent property.

851 Mr. Schreier: The existing?

852 Commissioner Kadar: The existing...here.

853 Mr. Schreier: From the north property line you say?

854 Commissioner Kadar: Isn't this the existing...(inaudible) this building right there.

855 Mr. Schreier: Yes, correct.

856 Commissioner Kadar: If I look at the north end of that lot it looks like it probably wouldn't pass muster on
857 the current requirements either.

858 Mr. Schreier: For the RM district you are correct. I think as of today with it being an RD it wouldn't require
859 but if you were look at the property being zoned RM with the existing house and north setback would
860 most likely not meet the requirement.

861 Commissioner Kadar: I am not as upset about the variances that are requested here simply because of the
862 fact that on the south side of the building you're adjacent to the University of Delaware property and it's
863 not another residential spot. So, it appears that the biggest issues are with the south and of course the
864 street to the east. Given that the overhang is 9.5 the actual distance from the front of the building is 16.6,
865 that's acceptable and I look at all the other development around Benny Street and it's consistent with
866 what's going on. Now I do have one question. What, when I look at your drawing, what are those brown
867 boxes in the front?

868 Mr. Schreier: That would be the air conditioners.

869 Commissioner Kadar: No. We've been down that road before where they snuck in air conditioning units
870 on some development that's right along the main street and it looks absolutely horrendous. Can't we put
871 these on the north side of the building? You've got a fence between there and your neighbor.

872 Mr. Schreier: The only problem with that is that we're required to provide that 24 feet and being that the
873 garages will take up the majority of that I don't think I have enough room to provide an air conditioning
874 unit there without impeding flow of cars in and out.

875 Commissioner Kadar: So, you're going to create yet another eyesore? Trust me it will be an eyesore.

876 Chair Hurd: Could they possibly be relocated to the rear?

877 Mr. Schreier: That's what I was thinking. Yeah, I think I have enough area in the rear of the building that,
878 and I'm just looking at my grading...

879 Commissioner Kadar: Work really hard on relocating that so it's not on the front façade of the building.

880 Director Bensley: Another potential solution would be to require them to be screened if they're not able
881 to relocate them to that back side of the building.

882 Mr. Schreier: If screening was acceptable as well maybe that would kind of fall in line with the additional
883 landscaping on the façade.

884 Commissioner Kadar: As long as the screen is aesthetically pleasing and not worse than the unit.

885 Mr. Schreier: I could not agree more with you.

886 Commissioner Kadar: Well, all right.

887 Commissioner Tauginas: If I could just interject quickly, I've seen it on other sites where if you have it
888 possibly above where the garage is, you can put them, you can make them elevated so they don't even
889 have to sit on the ground. And if there's not, well how many units are going to be there total. I think if
890 that's going to be over the garage area you can potentially elevate them above the garages so long as
891 they're accessible for any maintenance purposes.

892 Commissioner Silverman: (inaudible)

893 Commissioner Tauginas: Sorry to jump in.

894 Commissioner Kadar: Another option.

895 Mr. Schreier: The third option.

896 Commissioner Kadar: I have no issue with any of this and I propose to accept all three modifications.

897 Mr. Schreier: I appreciate that.

898 Chair Hurd: All right. Commissioner Williamson.

899 Commissioner Williamson: Thank you. Another place for air conditioners is hidden in the roof.

900 Commissioner Cloonan: I think your mic is off, oh no you're on.

901 Commissioner Williamson: I'm on, no in the roof, on the building in the roof and screened. A couple
902 questions. There's a total of 15 bedrooms, how many bathrooms?

903 Mr. Schreier: That's a good question, I think there are 3 in each unit. So, 5 bedrooms. Haha one bathroom
904 per unit.

905 Commissioner Kadar: The open space would be the least of your problems.

906 Commissioner Williamson: Since everything is upstairs, I'm assuming nothing is ADA accessible?

907 Mr. Schreier: You are correct.

908 Commissioner Williamson: Are the trash bins...is it one or two in Newark? Or three, two at least? Recycling
909 and trash?

910 Commissioner Kadar: And yard waste, but I don't know if they would need that.

911 Commissioner Williamson: And they would be in the garages and there's room in the garage that's not
912 taken up by the car?

913 Mr. Schreier: Correct, there's a room in the front of the garage or along the west side of the single bed.

914 Commissioner Williamson: Other projects similar to this and there are several along this street, if I look at
915 the streetscape, they all seem to be or most of them, on either two lots or 1.5 lot widths. They're larger
916 lots. And so, the comparable projects up the street which you're trying to imitate generally have larger lots
917 and then a similar layout. The presumption is that they work better, because they've got similar units. A
918 townhouse to me is something I've seen all my life. It has a door at street level and your garage is right
919 next to it. And you go straight up, but that's not the only townhouse design. To the Planning Director, I'm
920 just kind of curious when did this, or how long did this Newark trend, if I can say that the townhouse
921 apartment projects, was that 10 years ago? 20? Kind of what started that or when did it start?

922 Director Bensley: It's pre, well it precedes my tenure with the city, and I've been here 11 years. So, I believe
923 it's at least 3 Planning Directors ago.

924 Commissioner Williamson: Ok. The retention basin, not really a usual open space. So, I just have trouble
925 saying it's excellent. You know it's routine. And the findings talked about excellent design and it's kind of
926 a rubber stamp building on a rubber stamp lot with rubber stamp problems and that's supposed to be
927 justification for the zoning variance. And I just have trouble making that connection of excellence. There
928 could be a project here that could very well be better, that's all thank you.

929 Mr. Schreier: Thank you.

930 Chair Hurd: All right thank you. A couple of things. I kind of agree and I recognize that you have the
931 stormwater. To me if you had been able to push the building back a little further to be more in line with
932 your neighbor, I think it would start to be, it would have a better relationship then sticking out so, I'm on
933 the corner of Lovett and Benny and I pass that all the time. And people coming out of that driveway
934 sometimes it's hard to see because of the parked cars and just one more thing kind of blocking the line of
935 sight, I'm just concerned. So, if there's anything you can do to push the retention pond back further or get
936 the building back a little more, I think that would definitely help this. I didn't notice or realize on this and
937 the previous one that we didn't have any actual building elevations. We had renderings which I think left
938 some gaps in the understanding of the building which came up in the review. I'm trying to remember if
939 that's a requirement still in our submissions. Anyway, for the Council it may be helpful to have or maybe
940 required to have elevations of all four sides to help understand the garage doors and locations of
941 equipment and such because (inaudible).

942 Mr. Schreier: I appreciate that.

943 Chair Hurd: But otherwise, I think, yeah, I think Benny, this is where we're sort of heading piece by piece
944 which is why we have the focus area for this. So, I'm in favor.

945 Director Bensley: Sure. Regarding the elevations, those are only required for major subdivisions and or
946 downtown developments so that's why they were not included as part of this with these requirements.

947 Chair Hurd: Ok. Thank you. All right, we had one item of public comment that was submitted, is there
948 anyone present who wishes to give public comment? Ok, anyone online wishing to give public comment.
949 All right closing public comment. Bringing it back to any further questions or comments from the

950 commissioners. Mr. Kadar, do you look like you want to? No? Just trying to keep track of everything. Well,
 951 I guess we will move to the vote if you're ready, Secretary Kadar?

952 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby properties,**
 953 **and because the proposed use does not conflict with the development pattern in the nearby area,**
 954 **recommend that City Council revise the Comprehensive Development Plan V 2.0 Land Use Guidelines**
 955 **for 55 Benny Street from "Residential, low density" to "Residential, high density" as shown in the**
 956 **Planning and Development Report Exhibit H-1.**

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

958 Commissioner Silverman: I'll second.

959 Chair Hurd: Thank you, any discussion, to the motion? All right seeing none we'll move to the vote.
 960 Commissioner Tauginas?

961 Commissioner Tauginas: Aye.

962 Chair Hurd: Commissioner Silverman?

963 Commissioner Silverman: Aye.

964 Chair Hurd: Commissioner Cloonan?

965 Commissioner Cloonan: Aye.

966 Chair Hurd: Commissioner Kadar?

967 Commissioner Kadar: Aye.

968 Chair Hurd: Commissioner Williamson?

969 Commissioner Williamson: Aye.

970 Chair Hurd: And I am aye. Motion carries 6 to 0.

971 **Aye: Tauginas, Silverman, Cloonan, Kadar, Williamson, Hurd**

972 **Nay: None**

973 **Absent: Bradley**

974 **MOTION PASSED**

975 Chair Hurd: Item B.

976 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby properties,**
 977 **and because the proposed rezoning does not conflict with the development pattern in the nearby area,**
 978 **recommend that City Council approve the rezoning of 0.263 acres at 55 Benny Street from the current**
 979 **RD (one-family semidetached residential) zoning to RM (residential multi-family/garden apartment)**
 980 **zoning as shown on the Planning and Development Report Exhibit E.**

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

982 Commissioner Tauginas: I second.

983 Chair Hurd: Ok.

984 Solicitor Bilodeau: Mr. Chairman I think to be consistent with this rezoning vote we need to state that it's
 985 consistent with the Comprehensive Plan and then you can say for the reasons set forth in the development,
 986 in the Planning Department's report.

987 Chair Hurd: Thank you Solicitor Bilodeau I was going to step in with that, but you said it better than I would
 988 have. Ok, any discussion to the motion? All right seeing none we'll move to the vote. Commissioner
 989 Tauginas?

990 Commissioner Tauginas: I vote aye because it's consistent with the Comprehensive Plan because of what
 991 the Planning Department recommended.

992 Chair Hurd: Thank you. Commissioner Silverman.

993 Commissioner Silverman: I vote aye because it's consistent with the Comprehensive Plan and for the
994 reasons cited in the department's recommendation report.

995 Chair Hurd: Thank you, Commissioner Cloonan?

996 Commissioner Cloonan: I vote aye because it's consistent with the Comprehensive Plan.

997 Chair Hurd: Thank you, Commissioner Kadar?

998 Commissioner Kadar: I vote aye for all the reasons detailed in the Planning and Development report dated
999 April 16th, 2024.

1000 Chair Hurd: Thank you, Commissioner Williamson.

1001 Commissioner Williamson: I vote aye for all the reasons that everybody else stated.

1002 Chair Hurd: And I vote aye for the reasons stated previously by the Commissioners. Motion carries. Item
1003 C.

1004 **Aye: Tauginas, Silverman, Cloonan, Kadar, Williamson, Hurd**

1005 **Nay: None**

1006 **Absent: Bradley**

1007 **MOTION PASSED**

1008 Commissioner Kadar: **Because it fully complies with the subdivision ordinances, the building code, the**
1009 **zoning code, and all other applicable ordinances of the city and laws and regulations of the State of**
1010 **Delaware; Planning Commission recommends that City Council approve the 55 Benny Street minor**
1011 **subdivision with site plan approval plan as shown on the Minor Subdivision, Rezoning & Comprehensive**
1012 **Development Plan Amendment by Site Plan Approval "55 Benny Street" plans prepared by Hillcrest**
1013 **Associates, dated June 22, 2022 and revised through March 20, 2024 with the Subdivision Advisory**
1014 **Committee conditions as described in the April 16, 2024 Planning and Development Report.**

1015 Chair Hurd: Thank you, do I have a second?

1016 Commissioner Tauginas: I second.

1017 Chair Hurd: Thank you. Any discussion to the motion? All right seeing none we'll move to the vote.
1018 Commissioner Tauginas.

1019 Commissioner Tauginas: Aye, do I have to say why?

1020 Solicitor Bilodeau: You don't need to.

1021 Chair Hurd: Commissioner Silverman?

1022 Commissioner Silverman: Aye.

1023 Chair Hurd: Commissioner Cloonan.

1024 Commissioner Cloonan: Nay.

1025 Chair Hurd: Thank you, Commissioner Kadar.

1026 Commissioner Kadar: Aye.

1027 Chair Hurd: Commissioner Williamson.

1028 Commissioner Williamson: Nay.

1029 Chair Hurd: And I am aye. Motion carries. All right, thank you.

1030 **Aye: Tauginas, Silverman, Kadar, Hurd**

1031 **Nay: Cloonan, Williamson**

1032 **Absent: Bradley**

1033 **MOTION PASSED**

1034 **5. Informational Items**

1035 Chair Hurd: All right, that takes us to item 5, informational items, items for informational purposes only
1036 and we'll start with the director's report.

1037 Director Bensley: Thank you Mr. Chairman. In the absence of Deputy Director Ramos-Velazquez this
1038 evening I will be doing both the Director and Deputy Director's report. So, it's been a little while since we
1039 met so forgive me if I go a little long. Since the last meeting, Council met on March 18th to discuss their
1040 2024 Council Prioritizaion, they reviewed their priorities they didn't really speak to the priorities that staff
1041 submitted. City Manager Coleman is currently compiling kind of their feedback from that evening to bring
1042 back to see if we can get any consensus items that they want us to focus on this year, so we are waiting to
1043 find out when that's going to be rescheduled. Also, on that agenda we had a contract amendment for the
1044 Tyler Permitting and Licensing software, which allocated more funds for Tyler to do more configuration of
1045 the program to help free up some additional staff time to test, roll out, and we'd have time to focus on
1046 other working priorities. The March 25th Council meeting was the last before the election. We had that
1047 evening, two ordinances from Chapter 27 that had previously come through Planning Commission, one
1048 was the amendment around the cross-share responsibility for utilities that was approved unanimously and
1049 the amendment to create consistency within the code for the definition of downtown that was approved
1050 unanimously. They were then on break until last night when they considered three Chapter 32
1051 amendments that had previously come through in December and January for Planning Commission, they
1052 approved unanimously the amendments to consolidate the regulations for cell towers, to move offices to
1053 a by right use in MI and to consolidate and update the definition of restaurants. They did take the Planning
1054 Commission recommendation to remove the 25-seat floor for restaurants that can serve alcohol like the
1055 Commission recommended so it will be removed and match State code which means any restaurant of
1056 any size will be eligible for a special use permit to serve alcoholic beverages.

1057 Other happenings, I did attend the 2024 National Planning Conference last week. There was a heavy focus
1058 on affordable housing, and we'll be bringing back some new ideas to try. A couple of things that I was
1059 hoping to maybe get the temperature from Planning Commission on includes having a potential density
1060 bonus in RM for smaller units so right now we have a 16 unit per acre density limit which tends to
1061 encourage larger units of 5, 6, 7 bedrooms. Where if we were to perhaps look at offering a density bonus
1062 in RM for say offering units of 3 bedrooms or less, we could perhaps get more units at a size that could be
1063 more marketable to other groups, other than students. That was one idea, another was looking at reducing
1064 parking minimums in RM and RA to potentially the residential limit that we changed them to in BB which
1065 would be 1 parking space per unit that has 3 bedrooms or less. And two spaces for units that have more
1066 than 3 bedrooms to reduce the parking requirements in those districts. Some of the plans we've seen
1067 coming through especially the larger plans in RA the amount of parking that's dedicated to these plans has
1068 been I think a bit of an eye opener for at least Council, and I think some of you all as well with some of the
1069 improvements we've seen through our public transit through the DART Connect system and the fact that
1070 the State is potentially looking to expand the hours and the days for that program I think it may be a good
1071 time to start looking at our multifamily parking requirements to take advantage of you know having a more
1072 walkable, bikeable, transit friendly community and not necessarily devoting all this space to parking.

1073 EPL and Energov implementation, I gave an update as far as their contract update, we're roughly about
1074 40% complete with configuration so far, at my last check and our consultant is moving through those
1075 processes pretty quickly. Our hiring process continues, we have extended an offer which has been
1076 accepted to a new Planner I who is going to start on July 1st with us so we will be fully staffed again, which
1077 we're super excited about.

1078 The next Planning commission meeting is May 7th. We have on there the 30 South Chapel Street Comp
1079 Plan amendment, rezoning, and major subdivision. We are also bringing back to you draft legislation
1080 around, or I should say draft language, around the zoning regulations for adult use marijuana related
1081 facilities. We are looking to have feedback from you all then so we can take it to Council in June, have the
1082 final language to you all in July, so Council is able to adopt it in August prior to September 1 applications
1083 opening for the production, testing, and retail licenses in Delaware. For June 4th it looks like we will most
1084 likely have two minor subdivisions on that agenda, we are also subsequent to that have three major
1085 subdivisions that are track to be ready for the July, August, and September meetings so lots of
1086 development coming guys. So, we'll get there.

1087 Projects submitted include the sketch plan for 750 Library Avenue which is the redevelopment of the
1088 Newark Free Library then we had an administrative subdivision submission for 125 and 127 Sandy Drive.
1089 55 Benny Street and 50-54 Corbit Street had their Planning Commission submission, we had a second
1090 submission for 141 East Main Street's major subdivision. We also had a request for a change for 65 South

1091 Chapel Street, basically they have, in designing the units they have changed up the bedroom configuration
1092 which changes up the parking requirements it's actually going to be less bedrooms then what was
1093 approved, not by much, but a little smaller, but they still do meet, they have excess parking so they still do
1094 meet the parking requirements but since this was all memorialized in the subdivision agreement that has
1095 to be amended for them to move forward, that will go directly to Council that doesn't need to come
1096 through you all first since it's an agreement amendment. We have the third submission for 339, 341, and
1097 349 East Main Street major subdivision and then we just received yesterday, it hasn't been posted yet, but
1098 we did get a sketch plan for 87 South Chapel Street which is a major subdivision that is approximately 140
1099 apartment units on that property.

1100 SAC letters that have been issued since our last meeting included 55 West Cleveland Avenue, 261 and 263
1101 South Chapel Street, 55 Benny, 50-54 Corbit, 30 South Chapel, 174 East Main Street, and 515 Capitol Trail.
1102 And that's all I have for this evening, thank you.

1103 Chair Hurd: Thank you. So, I'm closing informational items.

1104 **6. New Business**

1105 Chair Hurd: New Business, any items for discussion by staff or Planning Commissioners that might be
1106 added to a future agenda? Did you have something?

1107 Director Bensley: I just wanted to say if anybody has any feedback on the density bonus in RM and
1108 potentially reducing parking minimums in RM and RA, I'd be happy to hear it.

1109 Chair Hurd: Ok, I'm going to pretend I'm Solicitor Bilodeau. This wasn't a noticed item that we're discussing
1110 we need to be cautious I think about how we have that conversation.

1111 Director Bensley: I'm looking more for "are you interested".

1112 Chair Hurd: Oh, ok if people are interested in that idea I would say if we're talking about that one thing
1113 that came to mind when we're looking at these projects is whether we also wanted to look at different
1114 site criteria for particularly for RM because that's our sort of transitional from single family to multi. For
1115 when the lot is smaller than an acre because the minimum lot could be we think about maybe different
1116 setback requirements for different coverage amounts as the lots get smaller because right not the problem
1117 now is that it's an acre minimum which is pretty hard to do in some of these areas. So, I see some nodding
1118 heads but. Ok, and is there may be some flavor for density bonuses for smaller units? Or maybe even
1119 accessible units we could have that conversation?

1120 Commissioner Cloonan: Yes.

1121 Commissioner Williamson: Definitely.

1122 Chair Hurd: I know Commissioner Williamson you talked about that, and it was in our work plan, accessible
1123 units. I cannot remember our earlier conversations as to whether there's any point to sort of looking at
1124 them the way we look at our traffic impact zone just to say if you're putting, the problem that we have is
1125 it's by unit so that unit's only got, if it only has three units we don't meet the threshold. But if we had a
1126 sense of an aggregate awareness of a number of accessible units in the area and as we...

1127 Commissioner Williamson: Well, Chair how about we come up with a, it's an equivalent dwelling unit? So,
1128 if you've got 6 bedrooms you really have two units. Define a dwelling unit as 3 bedrooms, 1,500 square
1129 feet and if you double that you have two units. You know even though it's technical, the building code is
1130 1. And call it equivalent. I also wanted to mention for items is, I'm not going to give up on the ADUs which
1131 must have come up at the conference. You know the quiet initial step of ADU, in a building, no impact.

1132 Chair Hurd: Though I will say again at this point I think the Council is feeling backed into a corner on this.
1133 So, any research or proposals need to come from the Commission not from the Planning Department and
1134 as gently as we can, because there's, they're feeling some pressure because the State has some proposed
1135 stuff which is making them, um, angry is probably the right word, about basically the State being able to
1136 overrule the ability to do zoning.

1137 Commissioner Williamson: Welcome to California.

1138 Chair Hurd: Well...

1139 Commissioner Williamson: It's coming east.

1140 Commissioner Silverman: Mr. Chairman beyond zoning it was taking any restrictions.

1141 Chair Hurd: Right and part of the challenge is that the State, the proposal from the State was like, there's
1142 nothing you can do, there's no reviews of these units which is so far to the other side as to be. But it's also
1143 I think a reaction to municipalities not doing anything. So, I think we need to support them in the process
1144 of finding paths forward for affordable housing so that we can be working together because I think right
1145 now, they feel like we're working against them, so we maybe need to shift that.

1146 Commissioner Silverman: Mr. Chairman I'd like to revisit duplexes and triplexes.

1147 Chair Hurd: I believe that is part of the inclusionary zoning, or is that a separate thing for? I get confused
1148 with the inclusionary zoning, how it's...

1149 Commissioner Kadar: Explain the difference...

1150 Commissioner Silverman: I was impressed with the literature that was included in our packet.

1151 Commissioner Williamson: Duplexes were...

1152 Commissioner Silverman: Where one particular town allowed duplexes to replace predominately single
1153 family.

1154 Commissioner Williamson: (inaudible) hall...

1155 Chair Hurd: Commissioner Williamson.

1156 Commissioner Williamson: Sorry.

1157 Commissioner Silverman: And then over time they actually doubled their number of housing units and
1158 increased their rate to the point where their town was literally half of the property tax of the adjoining
1159 towns.

1160 Director Bensley: Just to remind everybody that the aerial microphones in the room are picking up all of
1161 the conversation and Katie's going to have a hard time doing minutes.

1162 Commissioner Kadar: It's fine, the conversations were appropriate to the comment that was made by Mr.
1163 Silverman.

1164 Director Bensley: That's fine, but it's still talking over another person when Katie's trying to do minutes
1165 later. Inclusionary zoning is looking at requiring a certain percentage of units in a development to be
1166 affordable, so it does not change the types of units that are permitted in a district. I will say that there are
1167 lot of great ideas on affordable housing. We are trying to focus on getting some of them across the finish
1168 line with the number of staff and the amount of bandwidth we have we are only capable of doing so much
1169 at this time. As I mentioned when Planning Commission was discussing their work plan, a big portion of
1170 our bandwidth right now is being taken up by the implementation of our new permitting and licensing
1171 software which leaves us with not a ton of time to spread across other items. This includes our code
1172 required obligations to process the myriad of land use development projects that are in, and I would
1173 caution trying to bite off more than we can chew and not accomplishing anything instead of being able to
1174 focus on one or two larger things that we can accomplish, and we can get across the finish line to get
1175 something done. Inclusionary zoning has been our focus because that is one of the Rental Housing Work
1176 Group's recommendations that was you know, moved forward by this group and by Council as a priority
1177 so we are trying to work through that. In regard to ADUs, as Chairman Hurd mentioned, staff has been
1178 given clear direction on those from Council. If we are, Council doesn't even want to discuss the bill at the
1179 State level much less how we could potentially offer changes or recommendations to that instead of, and
1180 they have taken the position of opposing the bill completely as you know, a concern on infringing on the
1181 city's home rule status. So I am, if you have known me for any length of time, I am interested in moving
1182 the ball forward where we can. Incremental change is not a bad thing and I think I would like to make sure
1183 that our department can present you with fully vetted, viable options that have the potential of being
1184 adopted into code as opposed to stretching ourselves too thin and getting you guys things that are not
1185 ready for prime time. So, I think a lot of the things that we've heard are things that we've talked about
1186 that I know there are, that you guys have great intentions and a lot of ambition, and you want to
1187 accomplish transformative things and I commend you all on that, and I would love to do that as well. But
1188 I'm also trying to make sure that we as a department accomplish something even if it's not everything. So,
1189 thank you for my soapbox, I'm taking the higher seat this evening quite literally apparently. And I hope
1190 with the final work products that we bring to you that you will see the effort that we've put into it. So,
1191 thank you.

1192 Chair Hurd: Commissioner Kadar is there anything that you did want to put from your discussion onto the
1193 record?

1194 Commissioner Kadar: No.

1195 Chair Hurd: Ok, that’s fine just wanted to give you the opportunity. All right, thank you all for that.

1196 **7. General Public Comment**

1197 Chair Hurd: That takes us to item 7, general public comment, for items not on the agenda but related to
1198 the work of the Planning Commission. Has anything been submitted Katie? No. Ok, anyone online, anyone
1199 here? Ok. Closing general public comment and having reached the end of our agenda the meeting is
1200 adjourned.

1201 **The meeting was adjourned at 8:55 P.M.**

1202 Respectfully submitted,

1203

1204 Karl Kadar, Secretary
1205 As transcribed by Katelyn Dinsmore
1206 Planning and Development Department Administrative Professional I