

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
MEETING MINUTES**

**MICROSOFT TEAMS  
MEETING CONDUCTED IN PERSON**

**AUGUST 6, 2024  
7:00 P.M.**

Present at the 7:00 P.M. meeting:

Commissioners Present:

Willard Hurd, AIA, Chair

Alan Silverman, Vice Chair

Scott Bradley

Chris Williamson

Alexine Cloonan

Commissioners Absent:

Secretary: Karl Kadar

Kazy Tauginas

Staff Present:

Renee Bensley, Director of Planning and Development

Paul Bilodeau, City Solicitor

Jessica Ramos-Velazquez, Deputy Director of Planning and Development

Katelyn Dinsmore, Administrative Professional I

Staff Virtual:

Josh Solge, Planner II

Katya Raskin, Planner I

Lauren Dykes, Community Planner I

The Chair called the meeting to order at 6:59 P.M.

Chair Hurd: Good evening, everyone, and welcome to the August 6, 2024, City of Newark Planning Commission meeting. I guess I'll just do the whole spiel. We are conducting the cyber meeting through the Microsoft Teams platform. I would like to provide these guidelines for the meeting structure, so everyone is able to participate. Katie Dinsmore, our administrative assistant, will be managing the cameras, chat, and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present, followed by the applicant for any land use items.

Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order for questions of the staff or presenter. If a commissioner has additional comments they would like to add later, they should ask the chair to be recognized again after all members have had the opportunity to speak. For items open the public comment, we'll then read into the record comments received prior to the meeting, followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, they should sign up on the sheet near the entrance so we can get your name spelled correctly and will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment, they should use the hand raising function in Microsoft Teams to signal the meeting organizer that they would like to speak, or they can 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 speakers, 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 and all speakers must identify themselves prior to speaking. Sorry, public comments are limited to 5 minutes per person, and it 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, and then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote for all land use items. All votes must be audible. If there are any issues during the meeting, we may adjust these guidelines as 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 action taken in these meetings.

### 1. Chair's Remarks

Chair Hurd: That takes me to chair's remarks, I just want to congratulate Commissioner Tauginas who is not with us tonight, but just on his successful effort to restart the Newark Film Festival. I'm looking forward to catching one of the blocks of films. I know he's excited, and I think there's some general excitement around it, and I'm really thrilled to see him getting stuff going in the community.

### 2. Minutes

Chair Hurd: Alright onto item 2 review and consideration of the July 2nd, 2024 Planning Commission meeting minutes. Are there any comments or corrections to the Minutes? Alright, seeing no comments or questions to meeting the Minutes are approved by acclimation.

### 3. Review and consideration of the rezoning, minor subdivision and three special use permits for an automobile/vehicle fueling service station, an automatic car wash and grading in the floodplain at 1110 South College Avenue

Chair Hurd: That takes us to item 3 review and consideration of the rezoning, minor subdivision and three special use permits for an automobile/vehicle fueling service station, an automatic car wash, and grading in the floodplain at 1110 South College Avenue.

Director Bensley: Thank you, Mr. Chair and members of the Planning Commission this evening, I'm Director Renee Bensley here to present the rezoning, minor subdivision and special use permits for 1110 South College Avenue. This land use application is a rezoning and minor subdivision with three special use permits for the property located at 1110 South College Avenue. The existing hotel and restaurant buildings are set to be demolished with the request to modify the grade of the site to raise a buildable area out of the current floodplain and construct an approximately 4,900 square foot retail food store with gas pumps and an approximately 3,500 square foot automatic car wash.

The proposed revised, excuse me, the proposed development requires a rezoning from public Parkland PL to BC general business, as this parcel is larger than one acre, the Planning Commission is reviewing the special use permits associated with this project as part of the application.

This parcel is located on the west side. If folks online could go ahead and mute themselves, thank you. This parcel is located on the west side of South College Avenue, just north of the I-95 and State Route 896 interchange and just south of the intersection of South College Avenue and Welsh Tract Road.

The proposed plan conforms to the existing land use designation indicated in Comprehensive Development Plan V 2.0 and 1110 South College Avenue is included in Planning Section F of the Comp Plan, which currently designates Commercial for the parcel. The existing zoning for this parcel is PL, which is public Parkland and open space. The property is fully developed and currently occupied by a vacant restaurant building and a hotel that is still in operation. In addition to the PL zoning, nearly the entire site is currently located within the Special Flood Hazard Areas zoning because it is within the FEMA 100-year floodplain. The existing restaurant and hotel uses are permitted as legally nonconforming uses that predate the PL zoning and only substantial improvements to those buildings would need to conform to flood resistance requirements per Chapter 14A, Floodplains.

While the property was rezoned from its original BC zoning to PL, it appears that was done in error. While researching the zoning for this parcel, it appears that this parcel was inadvertently rezoned with the original creation of the PL zone by Ordinance 09-07, which was adopted by City Council on February 23rd, 2009. As part of the report for that ordinance, a list taken from Comprehensive Development Plan IV was referenced that listed all of the park property that would be affected. However, it seems that the inclusion of the category of 116.98 acres of stream valley privately owned on that attachment inadvertently captured several existing developed parcels that were privately owned, including this one, and led to them being rezoned as Parkland in review of the record for the ordinance adoption, staff has found no evidence to support that it was the intention of staff, the Planning Commission, or Council to encompass those privately owned parcels in the new PL zoning district. However, since the zoning was

112 completed by an ordinance of Council, it cannot be administratively corrected and must go through the  
113 public hearing process to be rezoned again back to its original designation. Ordinance 09-07 and the  
114 related Planning and Development report and attachments can be found in Exhibit B in your packet.  
115 There is also no record of any ordinance subsequent to the establishment of the PL zoning district that  
116 would have rezoned this property.

117 The proposed uses of an automobile service station with retail food sales and an automatic car wash  
118 establishment are not permitted within the PL, public Parkland and open space zoning district. In the  
119 proposed BC General Business District, they are permitted as conditional uses, requiring special use  
120 permits approved by City Council. It should be noted that prior to the PL zoning designation, this parcel  
121 was zoned as BC.

122 An additional special use permit is required to allow grading in the floodplain that affects an area greater  
123 than 5000 square feet, in addition to the regulations of the typical zoning district on this, almost all of  
124 1110 South College Avenue is subject to the use and area regulations of the of the SFHA, Special  
125 provisions for flood plains and land adjoining floodplains, as outlined in Chapter 32, Article XXVI.

126 However, the proposed development includes modifications to the FEMA 100-year floodplain and, if  
127 approved and completed, all improvements will be located outside of the proposed boundary of the  
128 100-year floodplain. The proposed development requires a conditional letter of map revision or CLOMAR  
129 by the Federal Emergency Management Agency, or FEMA, with community concurrence from the City of  
130 Newark and New Castle County. The CLOMAR was issued by FEMA on March 20th, 2024, and was  
131 included in your packet in Exhibit G. It specifies the alterations required and conditions to be met to  
132 revise FEMA's 100-year flood map. If approved by City Council, the development will proceed with  
133 construction, but no certificate of occupancy or completion will be issued until the conditions of the  
134 CLOMAR are met, and FEMA has introduced, excuse me, has issued a final letter of map revision or  
135 LOMAR. It should be noted that the applicant is unable to receive a final LOMAR until construction is  
136 completed per FEMA regulations which means that it's not something that the applicant can provide  
137 prior to consideration by Planning Commission or Council.

138 As previously mentioned, the proposed development has been determined to require 3 special use  
139 permits to be approved by City Council for an automobile vehicle refueling service station, an automatic  
140 car wash establishment, and for grading in the floodplain affecting an area greater than 5000 square  
141 feet. As a condition of the special use approvals for the automobile service station and grading in the  
142 floodplain, the developer has agreed to the installation of an oil and water separator for the site. The  
143 specifications and location of which will require public works and water resources approval during the  
144 review of lines and grades plans. The proposed development meets all requirements detailed in city of  
145 Newark Municipal Code Chapter 27, subdivisions and Chapter 32 zoning with the rezoning and special  
146 use permits required.

147 Regarding traffic, South College Avenue is a state-maintained roadway. Because this project resides in  
148 the City of Newark Transportation Improvement District and will be subject to TID fees, traffic  
149 information was not initially provided. However, the trip generation table will be required on the plans  
150 for Public Works and Water Resources to review prior to consideration of the project by City Council. A  
151 letter of no objection to recordation was required from DelDOT before the lines and grades for this  
152 project can be approved and that has been received from DelDOT as of June 26th of this year. No  
153 objection to recordation does not constitute an endorsement of the project, nor does it authorize  
154 commencement of any construction and responsibility for final approval of the project will ultimately  
155 rest with the City of Newark. This area is part of Area E of the Transportation Improvement District,  
156 which calls for bicycle and pedestrian improvements along South College Avenue. The minimum shared  
157 use path within a DelDOT right of way is 10 feet wide, which is what is proposed for this project.

158 Regarding parking, the proposed retail food store requires 40 parking spaces and 44 are provided. Three  
159 of these provided spaces will be ADA accessible. Two of the provided spaces will have electric vehicle  
160 charging stations with an additional 2 spaces being made EV ready to install when demand and capacity  
161 allow. There will be parking for eight bicycles provided. The automatic car wash requires an area on the  
162 lot beyond the exit end of the washing equipment for at least 10 automobiles for each lane provided in  
163 the washing area. Since there is one lane, 10 spaces for cars are required, 19 have been provided, which  
164 is 9 more than required. While the code regulates the minimum number of parking spaces for various  
165 uses, it does not provide a ceiling for the number of parking spaces that can be included.

166 Because the rezoning, minor subdivision, and special use permits with conditions should not have a  
167 negative effect on, excuse me, a negative impact on adjacent and nearby properties, because the  
168 proposed use does not conflict with Comprehensive Plan V 2.0, the Planning and Development  
169 Department suggests that the Planning Commission recommend that Council approve the rezoning,  
170 minor subdivision, and three associated special use permits. Thank you.

171 Chair Hurd: Alright thank you, Director Bensley, who is presenting for the applicant?

172 Mr. Yingst: Good evening, my name is Pete Yingst. I'm with Tarabicos Grosso, appearing on behalf of the  
173 applicant this evening. Is there a clicker that I could use for the PowerPoint, or you're gonna control it?  
174 Ok, no that's fine, I just wanted to make sure. As I mentioned, I'm appearing on behalf of the applicant  
175 this evening. That's Dash-In Food Stores, Inc with me representing the applicant are Bertha Ballew and  
176 Mike de Janeiro, both with Dash-In. Also, here are the projects engineers from Bohler engineering that is  
177 Corey Tieste and David Kuklish. They're also back here and available to respond to any questions or  
178 testify as necessary. So just, and thank you to the Planning Director Bensley, Renee Bensley. That was  
179 very succinct, it was a mouthful, so I'll try to be brief, but also, I want to touch on all the components and  
180 the items of this application that Renee mentioned during her introduction. Dash-In, just to give you a  
181 little bit of background, you might be familiar with Dash-In gas station convenience store along with  
182 Splash and Eco Car Wash and SMO motor fuels. They operate under the umbrella of the Wills Group. At  
183 this site, what is proposed as a gas station convenience store, the car wash, and this is along the western  
184 side of southbound South College Avenue. A little bit of additional background on Dash-In, they serve  
185 customers throughout Delaware, Maryland and Virginia. What they look for is to identify sites that are  
186 appropriately sized and located in desirable communities like Newark, and then make a long-term  
187 investment in those locations. I think what you'll see is some impressive and contemporary architecture  
188 here, that will really enhance and improve this property and to that point the slides already here, Dash-  
189 In will replace the Rodeway Inn that currently operates on the property as you can see from this photo  
190 and the next photo, if you don't mind...

191 It's a bit of an eyesore, I think, for the city and, in our opinion, not the best use of the property.  
192 These conditions will be greatly improved by the proposed development, as you'll see in detail this  
193 evening, this is a minor plan as we're requesting approval for and recommendation to Council from the  
194 Planning Commission, and that means that the buildings that are proposed are less than 20,000 square  
195 feet as the Planning Commission knows, and no new roads are proposed. So, here's a color site plan;  
196 these images show kind of what is proposed at the site, the car wash being there. It's actually the  
197 northern side of the property, and then the canopy there in the middle and then the convenience store  
198 is there at the southern end of the site. If you go to the next slide, please.

199 So, this is the I think what's really attractive to this site and what Dash-In is proposing here. It's probably  
200 different than other Dash-In locations you might be familiar with. There's brick with fiber cement siding  
201 and metal panels and there's also wood beams and siding. If you go to the next slide and this is the car  
202 wash that's proposed again at the northern end of the site. Next slide, please. So, the address is 1110  
203 and 1120 South College Avenue, it's just over 3 1/2 acres. If you go to the next slide please, this aerial  
204 here I think demonstrates the amount of paving, the lack of green space.  
205 It's really dominated by impervious surface here that currently exists on this site. In addition to the  
206 Rodeway Inn at the northern end of the property is an abandoned restaurant building. If you go to the  
207 next slide, please.

208 These next few slides again, I just want to emphasize the current conditions of the site, which I think will  
209 be greatly improved if you don't mind going through the next few slides, please, and that's kind of the  
210 backside of the site, the western side towards the stream. Next slide, please.

211 So, the convenience store is proposed at approximately 4,909 square feet. The car wash is proposed at  
212 approximately 3,458 square feet and the total building coverage will be reduced by close to 15,000  
213 square feet so it is a significant reduction and GFA. For this project to be approved, it does technically  
214 require rezoning, and that's what Planning Director Bensley did get into. If you go to the next slide,  
215 please, this is the zoning map for the area. You can see the other properties in this corridor here are  
216 commercially zoned, as we're requesting for that BC zoning. Again, I think it was touched on, but I think  
217 the city's opinion is that it was mistakenly rezoned as part of that 2009 initiative. We submitted a FOIA  
218 request and tried to do our due diligence as well because it didn't make sense. It's been operating as a  
219 hotel for decades and as a commercial site for decades. And again, it was perhaps it is part of that  
220 privately, privately, that privately owned land that was mentioned. But I do want to point out in the  
221 recitals of the ordinance, it said what land was being rezoned as Parkland was publicly owned, non-

222 floodplain open space and parks. So, it doesn't actually fit any of those criteria, so I'm really not sure  
223 how it got looped in, but regardless, that's what we're dealing with here. The property owner also didn't  
224 have any knowledge or notice of this, we did check in with that with him. Next slide, please.

225 Notwithstanding this, we do believe we meet the standards of a rezoning. These are the rezoning  
226 standards that the Planning Commission is familiar with, starting with the conformity with the land use  
227 guidelines and the City's comprehensive development plan. Next slide please. This is the existing land  
228 use map from the comprehensive plan which identifies the site, you can see at the bottom there all that  
229 red area is for commercial designations. Next slide, please. And this is the future land use map, which  
230 also identifies the area as appropriate for commercial use. So, the proposed commercial use is  
231 appropriate. Again, other things from the Comprehensive Plan that support this application include: the  
232 comprehensive plan promotes appropriate development where appropriate, and that includes a direct  
233 quote, "provide appropriate areas for business and industrial development to encourage sustainable  
234 economic growth." It encourages new development to meet high standards for site and architectural  
235 design, and I think we're doing that here. In South Newark, specifically, the Comprehensive Plan  
236 encourages the redevelopment and adaptive reuse of existing commercial developments and buildings.  
237 As for consistency with the development pattern in the surrounding areas, I bring this up to identify  
238 some of the commercial uses in the area and that includes hotels, restaurants, other gas stations and  
239 other commercial uses. If you go to the next slide, please, these are just some photos of those uses,  
240 which I'm sure you're all familiar with, but that includes a Dunkin Donuts, Jersey Mike's, the Candlewood  
241 Suites, the strip center, and a Wawa was recently approved for across the street and came before you  
242 I believe at the end of 2023; next slide please.

243 As for impact on adjacent and nearby properties, again we don't think this is this is likely to have any  
244 adverse impact on the nearby properties. There will be stormwater maintenance introduced here that  
245 doesn't currently exist on the site, which you'll see later. There's a major reduction in impervious  
246 surface, there's an improved architecture and design and more desirable uses that I think City of Newark  
247 residents and commuters will actually take advantage of. Open area will be increased by approximately  
248 23,690 square feet. So again, a huge increase, in open area, and as for conformity with the applicable  
249 requirements of the City of Newark as Renee Bensley indicated, the project is code compliant.

250 As mentioned, there are three special use permit requests associated with this application: that's for the  
251 gas station, the car wash, and for grading within the floodplain, here are the standards here. If you could  
252 go to the next slide, please. So, I wanted to just briefly walk through again just to give you another look  
253 at the architectural elevations. This is the canopy that's proposed for the gas station, next slide please.  
254 This is the front and back elevations of the convenience store, next slide please.  
255 These are the sides of the convenience store here, next slide please. This is the interior elevations,  
256 there's the kind of, you can order your food and take it out, the bakery section, your typical convenience  
257 store offerings, but they're well known for some of their food offerings, the Dash-In folks are and this is  
258 the car wash that's proposed on site.

259 So as Ms. Bensley mentioned, an oil and water separation system will be installed to help prevent harm  
260 to nearby waterways. This separates the oil and gas from stormwater runoff, the project's engineers are  
261 much more equipped to speak to this, so if you have additional questions, they can answer those. I did  
262 want to point out that the impervious cover is reduced by over 30% or just under 30%, excuse me. As  
263 you can see here, the left image there all that purple highlighted area is impervious surface. The image  
264 on the right is what is proposed, so you can see it's a major reduction. Where you're reducing  
265 impervious cover like this, you actually don't need to install a stormwater management system, but  
266 we're still doing so here, understanding that it's important for this area. Next slide please. So, the  
267 improvements are also shifted away from the stream and towards the right of way, which will keep the  
268 proposed improvements out of the floodway limit. I'm gonna have Corey come up with Bohler  
269 Engineering just to speak to this slide and a little bit on the FEMA review of this project. Mr. Tieste: Good  
270 evening, so as discussed, the project is located adjacent to the Christina Creek and located in the Special  
271 Flood Hazard Area. So, the process we went through was submitting to FEMA and getting their existing  
272 model, which was a bit antiquated with topography. We added existing topography now and you can  
273 see on the left the blue line is the floodway line that deviates into the site, and then the orange line up  
274 top is the 100-year floodplain line and the existing model that was approved by FEMA. We took that  
275 model and applied our proposed conditions to it, and you can see that on the right with the blue line  
276 being the floodway line, once again floodway lines, excuse me floodway, is located out of the  
277 development and the flood orange floodplain line that deviates into development due to the hydraulic  
278 connection between the stormwater management facility.

279 Chair Hurd: Can I just get your name for the record?

280 Mr. Tieste: Corey Tieste

281 Chair Hurd: Thank you.

282 Mr. Yingst: Thank you, and on top of that, Pete Yingst again with Tarabicos Grosso for the record. Corey,  
283 as I understand it, there also will be no rise in the flood elevation levels that correct? And then lastly, I  
284 just wanted to touch if you go to the next slide, please. One of the standards being it cannot be in  
285 conflict with the purposes of the Comprehensive Development Plan of the city. I did touch on that  
286 earlier, but I also wanted to note that within the Comprehensive Plan, it discusses the shared vision for  
287 the city and looking at the big picture, and one of the action items was establishing a Transportation  
288 Improvement District. That TID was established in April of 2023, and subsequently, a fund was set up to  
289 finance various transportation improvements throughout the city. Here the property owner entered into  
290 a TID agreement with the city and with DelDOT in May of 2024. And Ms. Bensley can correct me if I'm  
291 wrong, but I believe we were the first development to enter into that agreement?

292 Director Bensley: Yes.

293 Mr. Yingst: Yeah, and so the developers contributing over \$90,000 to this fund for various transportation  
294 improvements throughout the city. Again, I wanted to point out the Comprehensive Plan within Chapter  
295 10 promotes infill and redevelopment, especially where appropriate and efficient, and it encourages  
296 providing appropriate uses for business and industrial development and encouraging sustainable  
297 economic growth. And again, it encourages high standards for site and architectural design, which we  
298 think we're accomplishing here. And in South Newark, specifically encouraging the preservation,  
299 redevelopment, and adaptive reuses of existing commercial developments in buildings. Just a couple  
300 more planned details and then we can turn it over for questions.

301 The plan as mentioned does propose if you could go back to the last slide for one second, just so I can  
302 point out, there on the right side of the site that's it's the southern end of the site but here it's on the  
303 right where the parking is reserved for EV charging stations. The two that we are providing are Level 3  
304 chargers, so those are the fastest chargers available. You know, hearing that that's been a sticking point  
305 for the city. This developer acknowledged that we felt that was the best, especially given that it's a gas  
306 station, you're not gonna have people coming here sitting for 8 hours necessarily. There are also two  
307 stations available, meaning that once capacity exists, the charging stations can be installed. The  
308 stormwater management system can be seen there to the right of the car wash it's pointed out, it's that  
309 blue area, not sure if you see it, yup, right there. And then there will be a retaining wall proposed at the  
310 back end of the site, the max height of that will be 7 feet. The improvements are elevated a little bit, as  
311 Corey touched on. As for DelDOT, since there are improvements ongoing in this area, as you're aware of,  
312 there was multiple meetings coordinating with DelDOT to make sure the improvements were  
313 coordinated and all of DelDOT's improvements in this area have been incorporated into this plan. So,  
314 they have they, there was multiple meetings throughout last fall especially and we made sure to  
315 coordinate all those efforts that you can see the shared use path along South College Avenue that will be  
316 introduced. So, with that, we're happy to answer any questions, I know that was a lot of information,  
317 but thank you for your time.

318 Chair Hurd: Alright, thank you. Before we start, I just wanted to appreciate the Commissioners who did  
319 send in early comments on the on the materials, because it did catch a couple of things that we were  
320 able to get corrected. And with that I'd like to begin with Commissioner Cloonan.

321 Commissioner Cloonan: Did you say Commissioner Cloonan?

322 Chair Hurd: Yes.

323 Commissioner Cloonan: Ok, oh, thank you. Ok, well I appreciate the fact that the new development has  
324 less lot coverage than the current use. I am of course concerned about the treatment of the floodplain,  
325 and I was wondering if you could explain just a few of the things you're doing. This riparian seed mix  
326 that you were putting on the South side of the 8-foot retaining wall, what is that? Is that something that  
327 gets mown? Is that something that grows into Woodlands? What is that?

328 Mr. Tieste: It would just be natural grass that would exist in a riparian buffer area.

329 Commissioner Cloonan: What might natural grass be? Because in this area it's mostly invasive species.

330 Mr. Tieste: I would have to discuss that with the landscape architect. I'm not confident on specific  
 331 species in that area, but they will definitely comply with the riparian buffer area.

332 Commissioner Cloonan: Are you the civil engineer?

333 Mr. Tieste: Yes.

334 Commissioner Cloonan: What are your feelings on mown grassed areas? Which I'm assuming if this was  
 335 something that was to be a grassland it would have to be mowed at least twice a year.

336 Mr. Tieste: Well, riparian buffers are typically left unkept so. What's that?

337 Commissioner Cloonan: So, it would eventually revert to Forest.

338 Mr. Tieste: I do not believe so.

339 Commissioner Cloonan: And why don't you think so?

340 Mr. Tieste: It's adjacent to wetlands, so it would be, you know, typical wetlands plantings that are seen in  
 341 a riparian buffer.

342 Commissioner Cloonan: Right. Isn't that all woodland that I'm looking at?

343 Mr. Tieste: Yes.

344 Commissioner Cloonan: Isn't that all in a riparian buffer?

345 Mr. Tieste: Yes. So that, yes, I, it would transition to woodland over time.

346 Commissioner Cloonan: I would, from my perspective, it would be better if that area was not mown,  
 347 which is what that kind of looks like it is. It looks like a mown grass.

348 Mr. Tieste: That's just for purely for the exhibit.

349 Commissioner Cloonan: Ok.

350 Mr. Yingst: So, I think it's the green area is just to identify green area. I believe there's limits on the  
 351 disturbance of riparian buffer areas and will comply with whatever standards are necessary.

352 Commissioner Cloonan: I just want to point out that if it's a plant mix that those are often called to be  
 353 mown twice a year. So, if you could give us some of your assurance that that's not the intent...

354 Mr. Tieste: We can certainly look into that and specify that that it will be left alone.

355 Commissioner Cloonan: Alright. I also understand that you are complying with storm water  
 356 requirements, and I know that you have an oil separator in there, which is great. But I also see three  
 357 discharge points directly into the floodplain zone, and I was just wondering exactly how that storm water  
 358 off the pavement is being treated before it hits the floodplain? Or if it is being treated.

359 Mr. Tieste: Are you referring to the South or to the right of the site?

360 Commissioner Cloonan: Well, there's I think 2 on the South and one on the east. Is that right?

361 Mr. Tieste: There's one that's discharging from the stormwater management facility that will have the oil  
 362 water separator in it and then the two to the South where the right of the plan here would not have oil  
 363 water separators in them, but they are disconnected through grade from the from the gasoline and the  
 364 other pollutants on the site. We can certainly look into adding oil water separators into those inlets.

365 Commissioner Cloonan: Yeah, because it looked to me like it was a very flat site. In fact, I was even  
 366 surprised that instead of putting your building up on a curbed pedestal, you have actually had curb stops  
 367 instead of curbs between the parking lot and the entrance to your building.

368 Mr. Yingst: It is elevated currently.

369 Mr. Tieste: Yes, it's 18 inches above the water surface elevation of the floodplain, as required by the City  
 370 of Newark Code. There is depressed curb on the left and right side of the building that requires the  
 371 wheel stops, but the site is graded from the convenience store through the gas canopy to the submerged  
 372 gravel wetlands with the stormwater management area.

373 Commissioner Cloonan: Ok, and then on the South side, I guess, I'm sorry to the right side of the building

374 Mr. Tieste: Yes, that grades from the convenience store to those two inlets there.

375 Commissioner Cloonan: And that is all pavement work, cars are parking and dripping oil and things like  
376 that.

377 Mr. Tieste: Potentially yes. So, we could look into an oil water separator there.

378 Commissioner Cloonan: Ok, I would encourage that.

379 Mr. Tieste: Ok.

380 Commissioner Cloonan: Can you explain why you used curb stops instead of curbs on the two long sides  
381 of the building?

382 Mr. Tieste: Yes, to allow access for customers without, for ADA compliance or for customers to access  
383 the store easier.

384 Commissioner Cloonan: So, you couldn't get a ramp from...like a typical ramp?

385 Mr. Tieste: We could, but it is the preference to use depressed curb on those sides of the building.

386 Commissioner Cloonan: Ok, I appreciate that's a preference. One more plant question which you may or  
387 may not be able to answer. But I notice that half of the plants you've selected, five out of your 10 species  
388 are nonnative. And I actually thought the City of Newark had a preference for a native plant material.

389 Mr. Tieste: And that's something we can look into with our next submission and confirm that everything  
390 is native to, to Delaware City and Newark.

391 Commissioner Cloonan: Ok. Great, excellent. Thank you so much. And then this is just a I don't know,  
392 this is curiosity. So, you have an 8-foot retaining wall and I'm assuming you have some sort of fencing to  
393 protect people from?

394 Mr. Tieste: Yes, that was requested by the Police Department, and we're proposing a fence on top of that  
395 wall.

396 Commissioner Cloonan: And is that like a four-foot fence or?

397 Mr. Tieste: I do not have the specifics on the fence.

398 Commissioner Cloonan: Ok alright. Well, thank you very much. Oh, and thank you for this revised  
399 planting schedule, I spent a long time scratching my head over that one.

400 Mr. Yingst: Thank you, Commissioner.

401 Chair Hurd: Thank you, Commissioner Silverman.

402 Commissioner Silverman: Try this again...ok, I'm generally satisfied with the submission. I think the use is  
403 appropriate for a major transportation corridor. Literally yards off of an Interstate, are the only question I  
404 have about the drawings, which are extremely complete. There is a line shown, I believe it represents  
405 the base flood elevation. I'm looking at page C201 and there's nothing in the standard legend that  
406 identifies it.

407 Mr. Tieste: So, it's just a cross-section line identifying the water surface elevation?

408 Commissioner Silverman: It says base if I'm associating this correctly, it says base flood elevation equals  
409 67.

410 Mr. Tieste: Yes, that's existing base flood elevation, water surface elevation.

411 Commissioner Silverman: Ok, I just couldn't identify what the solid line was in the legend.

412 Mr. Tieste: Ok, we could add that to the legend.

413 Commissioner Silverman: Generally satisfied with the design, the layout and how the interface with the  
414 floodplain has been handled.

415 Mr. Tieste: Thank you, Commissioner.

416 Chair Hurd: All right. Thank you. Commissioner Williamson.

417 Commissioner Williamson: Thank you. Yeah, I too find the layout, I mean, you're constrained by the site,  
418 so using it the best way you can, it's certainly a good reuse of a problem property. I do have a list of  
419 questions which we can hopefully resolve quickly. So, the first is I'm assuming you are, can live with this  
420 but with only one entrance and exit and that is where the car wash people exit and the entrance and the  
421 exit are pretty close to each other, then you got stacking people going out to the right, that's going to be  
422 a pretty congested area right there sometimes. I guess you've got to live with it, you couldn't do  
423 anything else.

424 Mr. Yingst: Sure. The exit...you're talking about the exit there from the car wash and then where people  
425 are entering?

426 Commissioner Williamson: Yeah, they're coming off of South College making that right in. And then  
427 you've got people coming out of the car wash trying to make a left in front of them, and the people  
428 coming off the car wash, maybe making a left to go to the Dash-In. You know, it's just gonna be messy  
429 there.

430 Mr. Yingst: Yeah, I think there's always challenges the engineers can speak to this greater than I can, with  
431 figuring out the site circulation when you have these uses, I think one of the things that was important  
432 for this plan, was to align the internal drive aisles with the entrance and exit so they could come directly  
433 in. I think, I don't know that you'll have many people backed up there just because timing and then  
434 some going to the vacuum section and then circling around while others come out but point well taken.

435 Commissioner Williamson: Are you limited to just one entrance by DeIDOT?

436 Mr. Yingst: Correct, yes, and that's, part of that is spacing from the other entrance towards the  
437 intersection and then also the ramp. There are two entrances now, but it's not really effective, I think  
438 the consolidation was preferred.

439 Commissioner Williamson: Why is there the small loop in the sidewalk up there?

440 Mr. Yingst: That's a pedestrian refuge that DeIDOT requested. It's also supposed to be used to make sure  
441 folks that are exiting funnel into the lanes rather than try to cut across lanes to, it's a pork chop island,  
442 but that was preferred by DeIDOT and they requested during various meetings, but also at pedestrian  
443 refuge.

444 Commissioner Williamson: What are we talking about? I'm talking about on the sidewalk where does?

445 Mr. Yingst: Oh, I'm sorry.

446 Mr. Tieste: Utility poles there

447 Commissioner Williamson: Ok, so that's just avoiding some poles.

448 Mr. Tieste: Yes, correct.

449 Commissioner Williamson: Ok, as you know, I'm sorry, I've got to, sometimes I get (inaudible) throat. So,  
450 you know, there's a pretty busy street, in the morning, there's a lot of northbound traffic in the evening  
451 southbound and it's only gonna get heavier. Vehicles exiting from 95 will have to make a U turn at Otts  
452 Chapel to get to your store, there is the ability, I assume you know that you can turn right on Otts Chapel  
453 by the hotel, and there's a big looping U turn built over there to make and then they can come out and  
454 make a left with a controlled signal. Welsh Tract, sorry. And I just, I just concerned about congestion,  
455 but DeIDOT is aware of that. When you have your trucks deliver the gas, I also assume that the turning  
456 radius from the left turn to make a complete U turn or how would they get back down to your, you know,  
457 these big tanker trucks making a big U turn there? That will work.

458 Mr. Yingst: Yeah, I believe the site for WB 50s, correct? Yeah, the site is OK and can accommodate those  
459 vehicles.

460 Commissioner Williamson: Ok, that's just a question. The bike path, the bike path that's shown in white  
461 there you know which is part of the I-95 improvement will be up against the edge of your property. I'm  
462 hoping, maybe you can answer this or it's just not shown directly, that there's adequate lighting for  
463 people on the bike path, either from your parking lot and or the DeIDOT lighting, I mean I assume that.

464 Mr. Yingst: Yeah, I mean, there's certain I believe within the city's comments, there's the Police  
465 Department comments, there's certain illumination that has to be provided, it is a 24/7 site as well.

466 Commissioner Williamson: Ok, when, since we want to encourage biking and this is kind of a new  
467 connection to South County, I'm wondering, and it's a service station multimodal, well, vehicle, you've  
468 seen those, I've seen them in different places, these little facilities where you can fix your bike with some  
469 tools attached. (inaudible) What are we listening to? It'd be great if you could put one of these facilities  
470 there for people making a kind of a long-distance bike trip over the freeway and going South, and they  
471 could come in there to get something to drink and if they got something to do on their bike, they've got  
472 these little tools...

473 Mr. Yingst: Sure, it's a great idea.

474 Commissioner Williamson: Yeah, it'd be inexpensive, and it would be a nice gesture to the community as  
475 a whole.

476 Mr. Yingst: Sure.

477 Commissioner Williamson: Put it somewhere convenient, not an obstruction to anything else on your, it  
478 can't cost that much, right?

479 Mr. Yingst: It's something we can absolutely look into, I'm not familiar with it really, but I think I've seen  
480 them before and we're taking meticulous notes on all these suggestions.

481 Commissioner Williamson: Ok, my last item, well really two more one is the same concern for the area  
482 shown as riparian and the basically the west side of the project. So, you've got this 7- or 8-foot drop from  
483 the pavement down.

484 Mr. Yingst: Yeah, the maximum will be 7 feet at the maximum.

485 Commissioner Williamson: And there'll be a railing across the top, you have to have that. That back area,  
486 two things, it's an opportunity, maybe I know you're doing the right thing with the seeding and  
487 potentially natives and so forth, but I just wonder whether there's an opportunity here with the, that's,  
488 I'm guessing 10,000 square feet or something, I'm not sure the size of that green area to create a habitat  
489 that's missing in the area. I'm thinking like butterfly friendly or something that's been identified in the  
490 town or a county plan as a habitat that's been eradicated, it's missing, it's compatible with wetlands.  
491 It's something we've lost and we could recreate one here instead of just putting in regular grass, you  
492 know?

493 Mr. Yingst: Sure.

494 Commissioner Williamson: What you're proposing is not bad, but could we do better without a big  
495 expense by picking, asking people what you know, is there something we could do here that's better?  
496 And I bring this up because it on the University of Delaware, up by the area off of Main Street, there was  
497 a discussion of using one of that large green area that's just grass right now. I think there was a proposal  
498 last year, it was in the newspaper about putting in some kind of a special habitat area that was, fosters  
499 bees or, you know, something really good more than just grass and trees, eventually. So maybe that's an  
500 opportunity.

501 Mr. Yingst: Sure. Again, something we can absolutely discuss.

502 Commissioner Williamson: Make the bugs happy, you know. Now on the same question on the same  
503 area, but basically all around, this is a kind of a personal thing, litter. We all know things get dropped,  
504 we've all been the Wawas, sorry, other Dash-Ins and seen stuff in the parking lot, you can't prevent it.  
505 There's gonna be drops, people are gonna drop stuff, it blows. I just see the back of this area once it gets  
506 over that fence, that's gonna get and collect trash down there. It's gonna blow in there, it's gonna get  
507 caught in the plants. You know your regular maintenance crew isn't gonna crawl down there and pull  
508 out a paper cup that's buried inside of a thornbush, it's gonna be nasty back there. That fence you put  
509 up, could that be some kind of a solid or a screen that prevents litter from going over the side and into  
510 that back area? And please, please put lots of trash cans out.

511 Mr. Yingst: Yep, sure. And to the point about the solid fence, I'm not sure that that's permitted or...

512 Commissioner Williamson: Or feasible like a just a chain link, something with the screen, so trash doesn't  
513 go over

514 Mr. Yingst: I understand point taken, and I think Dash-In does take measures to train their employees on  
515 how to make sure they're keeping the site clean, there are cameras there as well, but like you said, it's

516 pretty difficult to avoid some sort of trash, but and point well taken and we can certainly look into any  
517 measures with the retaining wall and fence.

518 Commissioner Williamson: I think we've all been to many gas stations where if you go around behind the  
519 building, away from the front, it looks awful because over time that stuff just accumulates and it just  
520 doesn't get picked up or not frequently. I'd just hate to see that trash get into the creek.

521 Mr. Yingst: Understood.

522 Commissioner Williamson: And it's got your name on it, you know, it's not nice. Ok, other than that,  
523 happy to support your proposals.

524 Mr. Yingst: Thank you.

525 Chair Hurd: Alright, thank you, Commissioner Williamson. Commissioner Bradley.

526 Commissioner Bradley: Thank you all, just a couple quick comments to some other Commissioners  
527 comments. There is a riparian buffer mix on page C701 and it's basically Black Eyed Susans and  
528 Rebecca's Goldenrod, so I think it will attract the type of bugs and insects and birds that that you're  
529 looking for. So that's on there, but it doesn't have any mention about mowing, but I agree over time  
530 there will be some seedlings in there that develop into large trees, so maybe five-year maintenance on  
531 that just to pull out the trees.

532 Mr. Yingst: Sure. And I knew that, by the way, I was just testing Commissioner Bradley to see if he read  
533 the whole plan ha-ha.

534 Commissioner Bradley: Another comment on the making a U turn on 896 North to come back south,  
535 that's a no U turn lane, correct?

536 Mr. Yingst: Correct.

537 Commissioner Bradley: So, they can't count on making a U turn there, that's a...I've lived on Welsh Tract  
538 for 30 years, that's a pet peeve of mine.

539 Mr. Yingst: Yeah, yeah, absolutely.

540 Commissioner Bradley: The fence, you could do a chain link with slats, that's probably the most  
541 economical way to put something up back there that would prevent the trash from blowing and still  
542 allow some air flow to go through. There were my comments for those, one comment on your  
543 rendering, you show 5 pumps on here, you have 4 on the plans, so you might want to change this before  
544 Council.

545 Mr. Yingst: Ok, yeah. Well, thanks for pointing that out. I think yeah, it was more representative, but I  
546 do understand that could be confusing if we're presenting both, and I didn't clarify my presentation so.

547 Commissioner Bradley: What type of gas will be sold here? Or what brand I should say because I see  
548 other Dash-Ins, and some are Exxon, some are Shell, some are this, some are that.

549 Mr. Yingst: Yep, that's what I thought. This would be Dash-In's brand of gas here. They do partner with  
550 Shell and Exxon on other projects, but this is Dash-In's brand of gas.

551 Commissioner Bradley: Ok, because we already have two Shells, we have an Exxon already, so it'll be  
552 Dash-In gas, correct?

553 Mr. Yingst: Correct.

554 Commissioner Bradley: Ok, and I'm going to bounce around here. Am I correct in the package we have  
555 that this is a net loss for the city of \$19,000 a year?

556 Director Bensley: So, there is, in our fiscal impact model, projected to be a net loss primarily because the  
557 hotel currently has lodging tax that's associated with it as well as a higher electric use than we anticipate  
558 with this, and we did factor into that model anticipated higher water and sewer usage based on the car  
559 wash use and comparing that to other areas. So, once you put all those pieces together, yes, it comes  
560 out at the negative fiscal impact. However, one thing that we did look into as well, this site currently is a  
561 high-volume site for our Police Department. In looking at the calls for service over the course of the past  
562 year and looking at uses that are comparable, so other convenience stores with gas stations, we  
563 anticipate the call volume for this site going down by about 50%. So, there are some soft cost savings  
564 that are not necessarily reflected in the fiscal impact.

565 Commissioner Bradley: This site has had quite a history over the past 40 years.

566 Mr. Yingst: That's my understanding.

567 Commissioner Bradley: It's been on national news and everything. Ok, thank you. Car wash, is the water  
568 recycled or is it just dumped every after every wash?

569 Mr. Tieste: Yeah, there are reclaimed lines at the end of the car wash that will recycle the water through.

570 Commissioner Bradley: Ok, and I guess after a certain period of time that water does eventually go to the  
571 watershed, is that correct?

572 Mr. Tieste: Yes. It'll be navigated to the storm water management facility.

573 Commissioner Bradley: Into that the bio area, ok, so at least it has some time to percolate down.  
574 (inaudible) that one's ok, That one's...since this is, what the language calls considered a stormwater  
575 hotspot for both vehicles fueling and washing, will the city plan on doing any additional inspections  
576 during construction to make sure that all the ENS controls are in place?

577 Director Bensley: Public Works has a very robust inspection program.

578 Commissioner Bradley: Ok good. On line 648 and our package, "normal flow for one- and two-year  
579 storm event, water surface elevations for the Christina River" and I go back and forth with Christina  
580 River, I always thought it was Persimmon Creek, but that's just me. Did you have to do more than a 1  
581 and a 2-year study? Did you do like a 10- and 100-year storm study?

582 Mr. Tieste: Yes, that was all for the hydraulic model.

583 Commissioner Bradley: Ok, and that showed up on that one slide that you were showing where the...

584 Mr. Tieste: That's just the 100-year flood plain.

585 Commissioner Bradley: That was the 100-year floodplain which shows inundation on your site.

586 Director Bensley: Corey, could you go on the microphones so the folks online can hear you?

587 Mr. Tieste: The inundation for the one in two year was not required, just required to be added to the  
588 model.

589 Commissioner Bradley: Just out of curiosity, 100-year storms really don't exist anymore, they've  
590 gotten...What, in your opinion, is 100-year storm now? Is it really more of a 20-year storm? Putting you  
591 on the spot, you don't have to answer that.

592 Mr. Tieste: The rainfall would be different for a 20 year; they do happen more frequently. I'm sorry they  
593 do happen more frequently, obviously as the 20 year describes.

594 Commissioner Bradley: Ok, you talk about dewatering for this for this site. Does that go just right out to  
595 the watershed when you do the dewatering?

596 Mr. Tieste: If dewatering is required, there will be the necessary measures to dewater.

597 Commissioner Bradley: It says line 671, "the Geotech report indicates dewatering will be required during  
598 construction", so that would just go right out to the watershed.

599 Mr. Tieste: There'd be either a filter bag or some sort of dewatering process to ensure that it doesn't  
600 directly discharge to the watershed.

601 Commissioner Bradley: I would hope that your department kind of keeps an eye on that too, to make  
602 sure not a lot of sediment gets in the creek there. With the FEMA letter and the FIRM readjustment, do  
603 neighboring properties get notified about that and when does that happen?

604 Mr. Tieste: That has already taken place in order to obtain the CLOMAR.

605 Commissioner Bradley: And is it just property neighbors or is it anybody within a certain distance?

606 Mr. Tieste: Anyone that would have been impacted by the change in the floodplain.

607 Commissioner Bradley: Ok, so really, it's maybe one property there, maybe the church on the other side  
608 of the creek.

609 Mr. Tieste: I think we sent eight to ten letters out.

610 Commissioner Bradley: Ok...where are we here...(inaudible)...bear with me guys...here we go, H-5. One  
611 of the other Commissioners was talking about the entrance and exit. There's a note in our package that  
612 says there's a minimum of 30 feet required, and this is 16 feet, 30 feet required between the entrance  
613 and the exit this is 16 feet on here per our stuff. Will they need to go before the Board of Adjustment to  
614 have an appeal on that?

615 Mr. Tieste: That was discussed when it was defined it there was mistakenly defined as two separate  
616 entrances or entrances and exit, it's defined as one entrance and exit. So, there's no separation required.

617 Mr. Yingst: That would be if there were two different facilities, entrance exit facilities.

618 Commissioner Bradley: Understood. Ok. Why so many vacuums? What's your idea of how many people  
619 will go through the car wash per hour?

620 Mr. Yingst: Well, I think not only do people, I mean I could ask Bertha or Mike, if you want to speak to  
621 that at all, I'm sure you have experience with other sites, but I don't know. Do you have anything you  
622 can add or just that's what the...

623 Mr. de Janeiro: I don't have anything that I can add.

624 Mr. Yingst: Sure. That's what they're proposing here, but we can...

625 Commissioner Bradley: Not a good answer, but 19 just seems a bit excessive. I think you could add a little  
626 bit more green space or do some more storm water management there. I don't see how you're gonna  
627 have 19 vehicles in there vacuuming when you're running one car through every, I don't know how often  
628 they go through, but 19 just seems a bit excessive to me. Let's see...wetlands report, did we have  
629 anything in our package for wetlands report?

630 Director Bensley: I don't believe so. I believe it was just submitted to Public Works.

631 Commissioner Bradley: So, on, could we bring 301 up on the screen if that's possible?

632 Director Bensley: Katie, I have it, if I can share my screen.

633 Commissioner Bradley: I think that's good, so, it was before, it's not reaching now. So, the wetlands,  
634 existing wetlands is that that in that area right there? So, these are the only existing wetlands on the  
635 property?

636 Mr. Tieste: There's a small portion also to the top right of this plan that was part of the that was  
637 impacted by part of the DelDOT project, we're not impacting it.

638 Commissioner Bradley: Ok, but as far as back by the creek, they're the only two small areas?

639 Mr. Tieste: Yes.

640 Commissioner Bradley: Ok, so back to the entrance, I told you I was gonna bounce around. Is, when you  
641 exit this facility are you actually going to be crossing over the new lane that goes to southbound 95?

642 Mr. Yingst: I'm not sure if it'll have started quite yet, but Corey you know exactly where it is?

643 Commissioner Bradley: Because you can't really tell on the plans whether you have to cross over that  
644 ramp lane to get the crossover to the lane?

645 Mr. Tieste: There will be no significant crossover from the exit, the improvements, the taper may come  
646 to just the end of that exit.

647 Commissioner Bradley: Ok, so you're coming out before the exit starts.

648 Mr. Tieste: Before that on ramp.

649 Director Bensley: And Corey, am I correct in stating that part of the reason for the way the property line  
650 is on the northeast portion of the site is because part of it was dedicated to DelDOT as part of that  
651 project?

652 Mr. Tieste: Yes.

653 Commissioner Silverman: Yeah, looks like it's covered.

654 Commissioner Bradley: This is kind of where I am, I kind of think that it's starting here (inaudible). Ok, in  
655 your pedestrian path, the 12-foot path is tied into DelDOT's new 10 foot going across the 95? Is that  
656 how that's working?

657 Mr. Tieste: Yes.

658 Commissioner Bradley: And it's only 8 foot wide on the other side, heading towards the existing Sunoco?

659 Mr. Tieste: It's 8 foot wide where we deviate for that utility pole, yeah it should remain 10 feet.

660 Commissioner Bradley: Ok. Any consideration with noise levels that the city has with this being that's  
661 going to be a 24/7? I'm mainly talking about the car washes in the vacuums.

662 Director Bensley: That's not something that was raised as concerns, particularly when the police  
663 reviewed the project.

664 Mr. Yingst: I think part of the reason being, Commissioner, is just the proximity to any residential uses is  
665 pretty far, I mean you're adjacent to commercial uses and then the ramp for 95.

666 Commissioner Bradley: Ok. Then, you're going to have a curb on the backside of the property.  
667 And then I guess a small grass area and then your retaining wall, is that a raised curb?

668 Mr. Tieste: Yes, it's a 6-inch upright curve.

669 Commissioner Bradley: Ok, so that's going to contain any water there and funnel it to your, and three  
670 outlets are sufficient for this entire site?

671 Mr. Tieste: Yes.

672 Commissioner Bradley: Is that because you have the Bio swale there?

673 Mr. Tieste: It's a submerged gravel wetland, so it does a control the quantities.

674 Commissioner Bradley: When you say, where is the submerged gravel wetlands, is that the...?

675 Mr. Tieste: In the stormwater management area, similar to a bioretention area.

676 Commissioner Bradley: Is natural gas going to the site or is it gonna be an underground tank?

677 Mr. Yingst: For the actual gas tanks?

678 Commissioner Bradley: No, no, for the convenience store.

679 Mr. Tieste: Yes, there will be natural gas.

680 Commissioner Bradley: And it's not an underground tank?

681 Mr. Tieste: No.

682 Commissioner Bradley: Ok, that's that...the Level 3 chargers, this is more of a city question. Do you think  
683 we'll have the infrastructure there by the time they get CO?

684 Director Bensley: So, the initial discussion has been that the two, that two of the four would be installed  
685 at the time of construction and then when the additional substation comes online, they'll have two other  
686 EV ready spots that they can add once capacity is increased in the area.

687 Commissioner Bradley: When you say two of the four, will they be Level 3?

688 Director Bensley: Yes.

689 Commissioner Bradley: Ok, so they'll at least have two of the fast chargers then, that'll be nice, ok.

690 Director Bensley: So, the, I believe what we've discussed as far as the subdivision agreement is  
691 concerned is that as long as the City can provide capacity that the two would be installed at the time of  
692 construction, if they're, if the city is unable to provide capacity, they would be installed at the time that  
693 the capacity comes online.

694 Commissioner Bradley: Ok, last comment and I really hadn't heard brought up yet, but we've already got  
695 three gas stations on that side of the road right now. We've already got a car wash on that side of the  
696 road. What's your determining factor in thinking that there's the demand for this and this location?

697 Mr. Yingst: Sure, I think there's a number of things. I think first of all, I mentioned it a little bit during my  
698 presentation, but Dash-In identifies sites kind of irrespective of maybe competition of gas stations based  
699 on location, trip generation, size, etcetera, especially as was pointed out the location here adjacent to  
700 the I-95 ramp, it's going to get the trips there. And I think providing all three of these in one  
701 comprehensive complementary kind of site, distinguishes it from those other gas stations. It will be the  
702 only one on that side of the road that does do that and that makes a difference, you know, being on the  
703 other side of the road from the Wawa that's proposed across the street, but just speaking, you know,  
704 Dash-In's making a significant investment with this property. It's going to be expensive and it's going to  
705 take a lot of money, and they wouldn't do that if they didn't have, kind of the market, you know,  
706 research and understand that this is gonna be a viable site for the uses proposed.

707 Commissioner Bradley: Do you feel it's because it's a newer facility has more amenities, that's going to  
708 be the reason it will pull from the other gas stations slash convenience stores?

709 Mr. Yingst: I think that's definitely part of it, I think it's a very attractive site and then you have, you know,  
710 if you want to do any number of these things, you can do them here – get food, get gas, get a car wash,  
711 vacuum your car, you can do it here. So, I think all those factors together make this a viable site for  
712 Dash-In.

713 Commissioner Bradley: Ok, would you consider reducing the number of vacuums?

714 Mr. Yingst: We can look into it. I would have to speak with the Dash-In folks, I can't commit to anything  
715 on that. I mean, I'm sure they've...

716 Commissioner Bradley: I see a head shaking yes right there. I just, I mean, I get the idea I just, 19 of  
717 them just seems a bit extreme with that, I thank you very much for my time here.

718 Mr. Yingst: Thank you, Commissioner.

719 Mr. Chair: Alright, thank you, Mr. Bradley. I have nothing further to add to the in-depth review by the  
720 fellow Commissioners. I will just add, since you are taking notes, if you're looking to talk to someone  
721 about bike maintenance stations, BikeNewark or the City Parks Department, are probably the people to  
722 talk to because they've got stations along the trails in the city.

723 Mr. Yingst: Thank you.

724 Commissioner Williamson: Chair Hurd? Is it possible to have, I just have two additional questions.

725 Chair Hurd: Sure.

726 Commissioner Williamson: Thank you, two additional questions. Piggybacking on the 19 vacuum  
727 stations, is there indoor seating in the Dash-In where you can sit down and eat what you bought?  
728 Because having an outside area made might be nice.

729 Mr. Yingst: Yes, there'll be seating options within the Dash-In.

730 Commissioner Williamson: So maybe you take a couple of those sites, a couple of the vacuum sites and  
731 make a little picnic or something.

732 Mr. Yingst: We can look into that.

733 Commissioner Williamson: Or, or a place to walk your dog. People have dogs in cars, and you need some  
734 poop bags somewhere, I'm serious.

735 Mr. Yingst: No, I sympathize.

736 Commissioner Williamson: And it's gonna end up if you don't, it's gonna end up going into the, you  
737 know, your drain and that kind of thing and you'll have some contamination from dog runoff. The other  
738 question is maybe more for picking up on your comment about this stretch of 896. We have 6 gas  
739 stations with Wawa and Dash-In and I was wondering in at least three of them, the Exxon and the  
740 Sunoco are rather old school, you know, they don't have a lot of amenities. There's two Shells, and then  
741 we have the Wawa and the Dash-In, on sites like this, where they're so close, whether you've seen, and if  
742 you can't answer this, I understand, but that gradually, one or two of them drop out over time. Is that an  
743 experience with Dash-In in areas like this?

744 Mr. Yingst: I yeah, I think that can be the case, I believe there was a location, I'm not sure if it was in  
745 Newark but of a BP that went in near a Wawa, and it was turned into a Dunkin Donuts or something like

746 that. I believe the Jersey Mike's across the street here used to be a gas station...of course another one  
747 came in, but that that being said, I think it forces other business owners to adapt or upgrade their site  
748 certainly.

749 Commissioner Williamson: And the segue for the Commission is obvious, is that we're considering this  
750 area for cannabis retail sales and old gas stations make great cannabis retail stores right?

751 Mr. Yingst: There you go.

752 Commissioner Williamson: You got parking, you just buy it, and you just move in. So that's another topic  
753 on another agenda. Thank you.

754 Mr. Yingst: Yep, thank you.

755 Chair Hurd: Alright. Did we have any public comments submitted online?

756 Ms. Dinsmore: No Mr. Chairman.

757 Chair Hurd: Ok.

758 Solicitor Bilodeau: Mr. Chairman, I just have one quick question. If I could, just and this goes to the  
759 Wawa, across the street, one of the things that we're talking about there was they had a transformer  
760 that they needed on the site to power the EV stations that they are. And I just, is there a transformer or  
761 anything that's going to be on this site that you know?

762 Mr. Tieste: There's a transformer for the site, but I'm unsure if there's a transformer separately required  
763 for the EV.

764 Solicitor Bilodeau: Yeah, I just, I just was curious where it was gonna be located and because that was  
765 one of the issues was, we didn't want it like, right on the road.

766 Mr. Tieste: No, if you can, the top right of the drive aisle, there's two transformers. There's one for the  
767 car wash and there's one for the C store. So, the one you were circling and there's another one to the  
768 right of the C store right above the drive aisle. So relatively away from the road.

769 Mr. Yingst: Yeah, and there's landscaping.

770 Mr. Tieste: Yeah, there's screening.

771 Solicitor Bilodeau: Thank you.

772 Director Bensley: Mr. Chair, if I could just follow up on a few Commissioner comments before you guys  
773 move forward with the motion?

774 Chair Hurd: I'm under public comment, so we're gonna come back. So, is there anyone present who  
775 wishes to give public comment? Alright, is there anyone online who wishes to give public comment? All  
776 right, seeing none, I'm closing public comment and bringing it to the dais I believe, Commissioner  
777 Silverman had one last thing and then we'll go to Director Bensley.

778 Commissioner Silverman: More out of curiosity, as the city's evolving into the charging stations with  
779 respect to the codes, will there be a vendor who provides the EV charging stations?

780 Mr. Yingst: I believe it's a third-party vendor, correct? Yeah, it would be a third-party vendor. We're not  
781 sure of the name of the vendor at this time, but yeah, it is.

782 Commissioner Silverman: Ok, so it won't be sponsored by the applicant?

783 Mr. Yingst: Correct, correct.

784 Commissioner Silverman: I sent an article to our director with respect to controlling the charging rates of  
785 the high-capacity chargers, they found that there's the way they're set up. They're designed for the  
786 standards that are associated with lithium batteries, so they do not charge easily passed 80% and what  
787 was happening, people were sitting there charging very quickly to 80% within that 15 to 20 minutes, and  
788 then it deliberately slows down and slows down and slows down and just taking up space that they  
789 didn't realize that it will not give a full charge, so I didn't know whether signage or something like that  
790 might be involved. The other thing other vendors are doing, they're charging a standing time rate on top  
791 of the charging rate to discourage people from trying to squeeze in that last 20%. So, there's just  
792 another dynamic here to keep people moving through your site.

793 Mr. Yingst: Yeah no, we appreciate those comments and something we can explore with the third-party  
794 vendor.

795 Chair Hurd: Alright, Director Bensley, you had some wrap up or something.

796 Director Bensley: Couple of quick things in regard, yeah, here we go and here I am yelling at everybody  
797 all the time and I didn't turn it on myself. Ok, so a couple of quick things regarding the native versus  
798 nonnative plant mix, typically Parks and Rec recommends a 70-30 split with natives and then nonnative  
799 noninvasive plants particularly because they find that to be more resistant as far as disease and things of  
800 that nature and helps prevent larger scale die off of plants if there's an issue. So that has typically been  
801 what's been recommended to applicants by the Parks and Recreation Department. Regarding planting in  
802 the stormwater management area, in particular the plants, so we talked a little bit about the riparian  
803 buffer area. It was noted by Commissioner Cloonan and some of her comments that came earlier that  
804 the plants in the stormwater management area weren't on the plant schedule, that is purposeful  
805 because the planting schedule for the stormwater facilities aren't approved until the CIP phase and that  
806 the plantings for those, for the submerged gravel wetlands have to be a wetland species. They differ  
807 from other type of storm water areas, and they need to be supplied by a certified wetland nursery and  
808 are subject to change. So, there is a chance that the plants in those areas will change between the  
809 subdivision phase and the CIP, and that's not uncommon. You did have, and I failed to mention my  
810 presentation I emailed to you all earlier and you have larger scale copies of the correct plant schedule for  
811 the plan in the final version that was submitted and earlier version inadvertently made it into the plans  
812 that got to you guys. So, this is the version that is approved by Parks and moving forward with the  
813 exception of there is one more substitute being made for the Thuja Orientalis and that's gonna be  
814 substituted for a native version of that plant. Yes, and I think, and the other thing just regarding the  
815 fiscal impact in the interest of full disclosure, we are not projecting a \$19,000 per year loss. We are  
816 projecting a \$65,000 per year loss and that's what's in the report. So, I just want to make sure that we  
817 are on the record for that, but as I noted, there's some offsets that we believe will be associated with  
818 that.

819 Chair Hurd: Mic if you can.

820 Commissioner Bradley: Oh boy, now I'm gonna have to find it. Let's see those early on that...where was  
821 that in our stuff?

822 Director Bensley: It's on page 6, if you look, I know where you're getting it from, it's going to be a  
823 decrease of \$84,000 during construction, but it'll be a permanent decrease of \$65,000. It's 19  
824 differences between that, but it's not 19 overall moving forward.

825 Commissioner Bradley: So, it's 65 overall, with some soft cost back in.

826 Director Bensley: Yes.

827 Commissioner Bradley: Well, hell ok, thank you for the honesty.

828 Director Bensley: No problem.

829 Commissioner Williamson: Madam, Madam Planning Director? That difference is largely the bed tax.  
830 The revenue from the, but is the hotel really gonna stay open? Is it really viable in the long run?

831 Director Bensley: So right now, the lodging tax on that site is around 25 or around \$20,000 per year.  
832 And that's only with an average occupancy of about 30 rooms. So, we don't anticipate that increasing  
833 with the current site, the remaining \$65,000 during the construction phases during or approximately  
834 \$64,000 during the construction phase is electric revenue largely and that is where kind of the delta is  
835 for the ongoing cost because the hotel uses more electric than we anticipate this site will. Now, with  
836 that being said, electric revenue, 70% of that cost is the wholesale cost of electric, so it's a cash in, but  
837 cash right back out. So, you're only looking at 30% of that of that amount being the actual revenue loss  
838 to the city.

839 Chair Hurd: Alright. Do we have any last questions or comments? Alright.

840 Mr. Yingst: Thank you very much everybody.

841 Chair Hurd: Thank you. Yes, we will move to the motion, and Commissioner Williamson will be stepping  
842 in as our temporary secretary for Commissioner Kadar. Remember, we are taking them one at a time

843 and in the order presented. Solicitor Bilodeau, do you want to comment and make any comments about  
844 how our votes or reasoning for votes need to be phrased for the particular motions?

845 Solicitor Bilodeau: Sure. The first one is going to be the rezoning, and you do need to state your reasons  
846 for it, and generally one of them that was clear was that “this is consistent with the comprehensive  
847 plan.” So, whenever you're doing a rezoning, that's always a comment that you need to make, and you  
848 could also say that for the reasons stated in the Planning Department’s report. The second, motion for a  
849 minor subdivision, you don't need a stated reason, that can be just a straight yes or no vote, and then  
850 the remaining three are the special use permit where you need to basically say that the reasons that  
851 they satisfy the three-pronged test and if you're going to vote in favor you could say for the reasons  
852 stated in the report.

853 Chair Hurd: All right, thank you, Commissioner Williamson, are you ready?

854 Commissioner Williamson: I am ready.

855 Chair Hurd: Ok.

856 Commissioner Williamson: Oh, I read, oh ok. First item is the rezoning. **Because it should not have a**  
857 **negative impact on adjacent and nearby properties the Planning Commission recommends the City**  
858 **Council approve this rezoning of 3.55 acres at 1110 South College Avenue from the current PL zoning**  
859 **to BC zoning, as shown on the planning and development report, Exhibit F.**

860 Chair Hurd: Thank you. Do I have a second?

861 Commissioner Silverman: I'll second.

862 Chair Hurd: Ok, any discussion to the motion? Ok, moving to the vote, Commissioner Bradley.

863 Commissioner Bradley: I vote aye because it’s consistent with the Comp plan.

864 Chair Hurd: Thank you, Commissioner Cloonan?

865 Commissioner Cloonan: I vote aye because it is consistent with the comprehensive plan.

866 Chair Hurd: Thank you, Commissioner Silverman?

867 Commissioner Silverman: I vote aye because it's consistent with the comprehensive plan.

868 Chair Hurd: Thank you, Commissioner Williamson?

869 Commissioner Williamson: Aye, for consistency with the Comp plan and the staff report from staff.

870 Chair Hurd: Thank you. And I vote aye because it is consistent with the intentions of the comp plan and  
871 because of the reasons stated in the staff report motion carries. Alright.

872 **Aye: Bradley, Cloonan, Silverman, Williamson, Hurd**

873 **Nay: None**

874 **Absent: Kadar, Tauginas**

875 **MOTION PASSED**  
876

877 Commissioner Williamson: Next item is the minor subdivision. **Because it fully complies with a**  
878 **subdivision ordinances, the building code, the zoning code, and all other applicable ordinances of the**  
879 **city and the laws and regulations of the State of Delaware, the Planning Commission recommends that**  
880 **City Council approve the minor subdivision of 1110 South College Avenue, as shown on the Bohler**  
881 **Record of Minor Subdivision, Rezoning and Special Use Permit Plan for Dash-In Food Stores Inc. dated**  
882 **August 15, 2023 and revised through May 2, 2024, with the Subdivision Advisory Committee**  
883 **conditions as described in the July 30, 2024 Planning and Development report.**

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

885 Commissioner Bradley: Second.

886 Chair Hurd: Thank you, any discussion to the motion? Alright, moving to the vote, Commissioner  
887 Cloonan?

888 Commissioner Cloonan: Yes.

889 Chair Hurd: Thank you, Commissioner Silverman?

890 Commissioner Silverman: Yes.

891 Chair Hurd: Commissioner Williamson.

892 Commissioner Williamson: Yes.

893 Chair Hurd: Commissioner Bradley?

894 Commissioner Bradley: As much as it pains me to see another gas station, I think it's the lesser of all the  
895 evils, I vote yes.

896 Chair Hurd: Thank you, and I vote yes as well, motion carries.

897 **Aye: Cloonan, Silverman, Williamson, Bradley, Hurd**

898 **Nay: None**

899 **Absent: Kadar, Tauginas**

900 **MOTION PASSED**

901

902 Commissioner Williamson: Third item, excuse me, third item and the first of the three special use  
903 permits. **Because the proposed use does not adversely affect health and safety, is not detrimental to**  
904 **the public welfare, and is not in conflict with the purposes of the Comprehensive Development Plan,**  
905 **the Planning Commission recommends that City Council approve the 1110 South College Avenue**  
906 **special use permit for grading in the floodplain, as shown on the Bohler Record of Minor Subdivision,**  
907 **Rezoning and Special Use Permit Plan for Dash-In Food Stores Inc. dated August 15, 2023 and revised**  
908 **through May 2, 2024, with the Subdivision Advisory Committee conditions as described in the July 30,**  
909 **2024 Planning and Development report.** Period.

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

911 Commissioner Bradley: Second.

912 Chair Hurd: Thank you, any discussion to the motion? Alright moving to the vote. Commissioner  
913 Silverman?

914 Commissioner Silverman: I vote yes for the reasons cited in the staff reported July 30, 2024.

915 Chair Hurd: Thank you, Commissioner Williamson?

916 Commissioner Williamson: Yes, for reasons stated in the report and presented tonight.

917 Chair Hurd: Thank you, Commissioner Bradley?

918 Commissioner Bradley: I vote yes for reasons stated in the report.

919 Chair Hurd: Thank you, Commissioner Cloonan?

920 Commissioner Cloonan: I vote yes for reasons stated in the Planning Department's report.

921 Chair Hurd: Thank you, and I vote yes for the reason stated by the Commissioners. Motion carries.

922 **Aye: Silverman, Williamson, Bradley, Cloonan, Hurd**

923 **Nay: None**

924 **Absent: Kadar, Tauginas**

925 **MOTION PASSED**

926

927 Commissioner Williamson: The second of three special use permits. **Because the proposed use does not**  
928 **adversely affect health and safety is not detrimental to the public welfare and is not in conflict with**  
929 **the purposes of the Comprehensive Development Plan, the Planning Commission recommends that**  
930 **City Council approve the 1110 South College Avenue special use permit for an automobile vehicle**

931 [refueling service station, as shown on Bohler Record of Minor Subdivision, Rezoning and Special Use](#)  
932 [Permit Plan for Dash-In Food Stores Inc. dated August 15, 2023 and revised through May 2, 2024, with](#)  
933 [the Subdivision Advisory Committee conditions including the condition that an oil and water separator](#)  
934 [be installed as described in the July 30, 2024 Planning and Development report.](#)

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

936 Commissioner Bradley: Second

937 Chair Hurd: Thank you, any discussion to the motion? All right, seeing none, moving to the vote,  
938 Commissioner Williamson?

939 Commissioner Williamson: I vote aye for reasons stated in the report and tonight.

940 Chair Hurd: Thank you, Commissioner Bradley?

941 Commissioner Bradley: I vote aye for the reason stated in the report.

942 Chair Hurd: Thank you, Commissioner Cloonan?

943 Commissioner Cloonan: I vote aye for reasons stated in the Planning and Development report.

944 Chair Hurd: Thank you, Commissioner Silverman?

945 Commissioner Silverman: I vote aye for the reason cited in the staff report dated July 30, 2024.

946 Chair Hurd: Thank you, and I vote I as well for the reasons stated by the Commissioners. Motion carries.

947 [Aye: Williamson, Bradley, Cloonan, Silverman, Hurd](#)

948 [Nay: None](#)

949 [Absent: Kadar, Tauginas](#)

950 **MOTION PASSED**

951

952 Commissioner Williamson: Third conditional use permit. [Because the proposed use does not adversely](#)  
953 [affect health and safety, is not trental to the public welfare, and is not in conflict with the purposes of](#)  
954 [the Comprehensive Development Plan, Planning Commission recommends that City Council approve](#)  
955 [the 1110 South College Avenue special use permit for an automatic car wash establishment, as shown](#)  
956 [on the Bohler Record of Minor Subdivision, Rezoning and Special Use Permit Plan for Dash-In Food](#)  
957 [Stores Inc. dated August 15, 2023 and revised through May 2, 2024, with the Subdivision Advisory](#)  
958 [Committee conditions as described in the July 30, 2024 Planning and Development report.](#)

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

960 Commissioner Silverman: I'll second.

961 Chair Hurd: Thank you. Any discussion to the motion? Alright, moving to the vote, Commissioner  
962 Bradley?

963 Commissioner Bradley: I vote aye for the reason stated in the report.

964 Chair Hurd: Thank you, Commissioner Cloonan?

965 Commissioner Cloonan: I vote aye for the reasons stated in the report.

966 Chair Hurd: Thank you, Commissioner Silverman?

967 Commissioner Silverman: I vote aye for the reasons stated in the report.

968 Chair Hurd: Thank you, Commissioner Williamson?

969 Commissioner Williamson: Aye for reasons stated in the report.

970 Chair Hurd: And I am I as well, for the reasons stated in the report and by the Commissioners, motion  
971 carries and with that the item is completed.

972 [Aye: Bradley, Cloonan, Silverman, Williamson, Hurd](#)

973 [Nay: None](#)

974 Absent: Kadar, Tauginas

975 MOTION PASSED

976

977 Chair Hurd: Thank you.

978 Commissioner Bradley: Get rid of some of those vacuum pumps.

979 Commissioner Williamson: I will be down there looking for litter.

980 **4. Review and consideration of the major subdivision for a five story mixed use building with**  
981 **retail space, parking and a lobby on the first floor and 52 three-bedroom apartments on the**  
982 **upper floors at 141 East Main Street**

983 Chair Hurd: Alright, that takes us to item 4, review and consideration of the major subdivision for a five  
984 story mixed use building with retail space, parking and a lobby on the first floor and 52 three-bedroom  
985 apartments on the upper floors at 141 East Main Street. Director Bensley leading this one as well?

986 Director Bensley: I am. One quick correction to what was read into the record, we discovered after the  
987 agenda was published that the plan purpose and the actual apartment count that were in the that were  
988 in the plan had two different things, the plan purpose had read the 52 three-bedroom apartments. But  
989 when looking at the actual apartment count on your plans, it's 44, three bedroom apartments and eight  
990 two bedroom apartments, so that is not a substantive change that would require re-advertising, since it  
991 is fewer bedrooms, not more, but I just wanted to point that out to folks as we go through and as we, as I  
992 go through the presentation, the 44 three bedrooms and eight two bedrooms is what we'll be discussing.  
993 Alright, so this land use application is a major subdivision for the property located at 141 East Main  
994 Street which is located on the east side of Haines Street between East Main Street and East Delaware  
995 Avenue. The applicant proposes construction of a 5-story mixed use building with ground floor parking  
996 and retail spaces with a lobby fronting Haines Street and 52 apartments on the upper floors.

997 The current zoning of the parcel is BB, central business district. The parcel is currently occupied by one  
998 commercial building housing a coffee shop and an arcade, and a second commercial building operated as  
999 a restaurant. These buildings are proposed to remain in this plan. A third commercial building was  
1000 previously demolished for safety reasons at the request of city staff and will make way for the proposed  
1001 development where the former Simon Eye location was. The lot is currently comprised of approximately  
1002 31,000 square feet of paved surface parking and approximately 10,000 square feet of open area that  
1003 includes mostly landscape orders. The subdivision plan cited approximately 15,500 square feet of  
1004 existing buildings covering the rest of the lot. However, some of that coverage was from the previous or  
1005 the previous office at 19 Haines Street that was demolished. The proposed use, one 5 story mixed use  
1006 building with the ground floor space, or commercial space, ground floor parking and apartments are  
1007 permitted by right in the BB zoning district. The proposed plan does conform to the existing mixed urban  
1008 land use designation as indicated in Comprehensive Plan V 2.0 and requires no Comprehensive  
1009 Development Plan amendment.

1010 141 East Main Street is included in Planning Section A. The proposed development meets all  
1011 requirements detailed in Chapter 27, Subdivisions, and Chapter 32, Zoning and does not require site plan  
1012 approval. Zoning regulations for residential units in the BB zoning district do not restrict the density of  
1013 new development. The 52 apartments on the proposed 1.299-acre property, results in a density of 40  
1014 units per acre. This project proposed 52 apartments is a net increase of 52 dwelling units, or 148  
1015 bedrooms, upon the existing development, and will open two additional commercial tenant spaces just  
1016 off of Main Street on Haines Street. The density of this project, along with other pertinent project  
1017 details compared to other recent projects, is shown in Exhibit F of your packet.

1018 Regarding traffic, East Main Street and East Delaware Avenue are both state roads. Estimates of traffic  
1019 generation are based on the additional apartments and retail spaces proposed, which is consistent with  
1020 the methodology used by DelDOT on other projects. If approved, the proposed development is  
1021 estimated to generate 543 additional trips per day. It is estimated to add 54 trips at the entrance off of  
1022 East Main Street, 163 trips at the intersection of East Main and Haines Street, and 325 trips at the  
1023 intersection of Delaware Avenue and Haines Street. A letter of No Objection to Recordation and  
1024 approval of entrance and exit plans will be required from DelDOT prior to approval of construction  
1025 improvement plans if this application for major subdivision is approved by City Council.

1026 Regarding parking, the 8 two bedroom and 44 three-bedroom apartments proposed in the mixed-use  
1027 building each require one parking space, the 10,500 square feet of existing retail space and 2,200 square  
1028 feet of proposed retail space require two spaces per 1,000 square feet, for a total of 26 parking spaces.  
1029 The proposed plan provides 78 spaces satisfying the parking requirements, as detailed in Section 32-  
1030 45(a)(2). This parcel currently includes 80 parking spaces that make up Municipal Lot #7. The existing  
1031 Lot #7 contract would be terminated under this proposal. It should be noted that this property was  
1032 leased by the City during a time when Main Street reconstruction had severely limited on street parking  
1033 in the downtown, and it is the owner's right to end the existing lease agreement and to redevelop the  
1034 parcel as they desire. While this project is eliminating Lot #7 in its current form, there have been some  
1035 very early initial discussions about the possibility of the City managing any parking that is not purchased  
1036 by tenants, since parking spaces are now required to be decoupled from the rent by City code. A  
1037 determination as to whether there are enough parking spaces remaining to make it cost effective for the  
1038 city to manage the lot can be discussed between the City and the developer once they know how many,  
1039 if any, parking spaces could be made available to the public.

1040 Because the Comprehensive Development Plan Amendment, Rezoning and Major Subdivision, excuse  
1041 me, sorry, apparently, I missed the end of my report here. Because the major subdivision should not  
1042 have a negative impact on nearby and adjacent properties, the Planning and Development Department  
1043 suggests the Planning Commission recommend approval of this project to City Council. Thank you.

1044 Chair Hurd: Alright, thank you. Presenting for the applicant?

1045 Mr. Hill: Yes, good evening. So as some of you know, my name is Alan Hill. I'm with AH Davenport. I've  
1046 been before this Commission any times in a different guise, but, and I have actually presented a project  
1047 on this same parcel before. So, it has history, but this is the first time that I have ever presented what is  
1048 essentially a by right plan, not asking for any relief in the City of Newark.

1049 Chair Hurd: We're a little shocked too.

1050 Mr. Hill: So, bear with me, because it's a little bit different and I don't even know what to present. So, to  
1051 introduce myself, I'm with Michael Scali. He's with the Main Street Acquisition Co, who are the owners  
1052 of the property and the developers. So, as Commissioner Bensley, sorry Director Bensley, said, we're  
1053 here looking for a recommendation from the Planning Commission to take the project before the City  
1054 Council for approval. This is a much smaller proposal than we had previously on here. The previous  
1055 proposal was for a 6-story building with 80 apartments, 200 plus parking spaces, 17,000 square feet of  
1056 commercial retail space. So, we've really kind of brought it back to a code compliant 5 story per the new  
1057 regulations, 52 apartments max now with three bedrooms. There's a small number of two bedrooms in  
1058 there because of the configuration of the building, it doesn't lend itself to get all three bedrooms. That  
1059 was a difficult conversation with the applicant, but we had it and moved on. And we have a small  
1060 amount of commercial retail space on the ground floor with the lobby for access to the apartments and  
1061 78 parking spaces on the ground floor, so there's no elevated parking on this building, it's a whole lot  
1062 easier.

1063 So, if we go to the next slide, please. So this is really just, refreshing the location of the proposal.  
1064 It's a 1.3 acre parcel, it used to be a little larger, but we gave up some right-of-way on the previous  
1065 application, so it's down to 1.3 acres as presented before, it takes up that whole block along Haines  
1066 Street between East Main Street and East Delaware Avenue. We have existing retail businesses that will  
1067 continue untouched as part of the proposal. The East Main Street end with the Starbucks, and the  
1068 Family Fun Center, and the Helen's Sausage House, so the Simon Eye, which you can actually see the  
1069 location on this map, is the light area in the middle of the parking lot and that was demolished at the  
1070 request of Public Works actually, the building had fallen into disrepair with no tenant, and they  
1071 requested that it was demolished. So that was done probably three or four years ago now, so, if we  
1072 could move on to the next slide.

1073 So, this slide, I've just taken this straight out of the preliminary plan to make life easier, there's two  
1074 slightly different levels of shading on this plan. The one is a little bit brighter in the center, that's really  
1075 the core of the building that goes from the ground floor to the fifth floor. The ground floor is where the  
1076 retail spaces are, and the lobby for the apartments will come in. The duller shaded area is where the  
1077 building is, the 2nd through 5th floor is above the ground floor parking. There's a couple of little things  
1078 on here that I wanted to touch on from the Department of Public Works.  
1079 They had a question, and it's a very valid question actually about can we turn a vehicle around behind  
1080 Helen's Sausage House, should somebody drive all the way down under the building between the

1081 parking spaces? And the answer is the answer is yes. So, the little detail on the plan shows how they  
1082 would maneuver, what we didn't show on the little detail was the fact that that vehicle in the actual  
1083 standards is a passenger car, and they call a passenger car 19 feet long by 7 feet wide, that's a little big,  
1084 but we can turn that around. We will be limited underneath the canopy of the building to ADA height  
1085 van parking, which is 8 feet two, so you won't be getting moving vans and things like that running down  
1086 there and trying to maneuver out or going out through the wrong way through the one-way system.

1087 So, there was that part of it, and then there's another part that Public Works had mentioned towards,  
1088 that's in the latest letter from the Planning Department, it's to do with the bicycle racks, and we are  
1089 required to have, I think it's 16 bicycle parking spaces as they call them, so it's kind of eight bicycle racks.  
1090 We have an existing 11 bike racks or places for bikes on East Main Street, which we counted in our count,  
1091 we're then proposing 6 near the, just south of the proposed retail space on Haines Street. Those 11  
1092 spaces that are on East Main are either owned by the city or don't meet the current requirements for  
1093 the bike racks, they're the older style bike racks, we're not allowed to use those anymore, but this  
1094 building will have incorporated into it, secure indoor bike storage for the tenants of the building. So the  
1095 six that we propose on the outside are more than adequate for the requirement for the proposed retail  
1096 space that is sitting out on Haines Street, so when we get the plans to Council that that'll be called out  
1097 on the plan for, we won't have the exact number of what we have secure parking bike spaces, primarily  
1098 because we just want to say, what is the number that we need to take it up to the amount, the number  
1099 depending on the final design of the building could move up and down and we don't want to, I don't  
1100 want to tie it to a number that the applicant can't get without losing some valuable space for something  
1101 else. So those will be addressed in their in the future submissions moving forward, can we go to the  
1102 next slide please.

1103 This is the straight on elevations of all sides of the proposed building. The proposal is actually located in  
1104 the area that's covered by the Design Standards and Guidelines for the Downtown Properties. So that  
1105 means that our massing and articulation of the facade is actually quite prescribed in that document,  
1106 which is why you see quite a few similar proposals in this area. They're not all the same, and we'll  
1107 contend that ours is better than the other ones, but they'll contend that there's is better than ours. So,  
1108 but we're following those guidelines, we worked with the City to do some things because we actually  
1109 didn't want all the building forward on this proposal, but the guidelines say that the parking has to be in  
1110 the rear, so we had to move the building forward onto Haines Street to comply with those guidelines.  
1111 We had to have some vertical elements that we had to try transition through into the retail space as best  
1112 we can, but the retail space when you realize on the three-dimensional renderings, the retail space  
1113 projects out forward. So with Haines Street, the only time you see that vertical element going through  
1114 the retail spaces on these two dimensional drawings which you can never actually get the aspect of  
1115 when you're in the street, you can't get far enough away from it to get that vertical element.

1116 So we've made some adjustments with the Planning Department and got to the point where they're  
1117 happy, we're happy, the client's happy. We've got all these things going and that's where we've got to  
1118 there. On the center of the retail space, you can see we have two, instead of the building you have the  
1119 retail space, and you have the two retail stores combined, 2,200 square feet of retail space, commercial  
1120 space and then we have an entrance to the building. The entrance to the building, part of the design  
1121 guidelines has to be facing the road again, so we have to put the entrance to the building on the road  
1122 and then we go through there into a lobby that goes to the elevators and things like that in the building.  
1123 So we have that, so if we could go to the next slide, please.

1124 So, this is the three-dimensional rendering from East Main Street. Interestingly, the renderers changed  
1125 the name of the coffee shop, I might have mentioned it earlier, but apparently some copyright reasons  
1126 there, so we won't mention it again, I'll leave that to you guys to bring up that. So then if we could move  
1127 to the next one, please. This once again, this is where you can start seeing that little 3-dimensional  
1128 aspect of that facade as you get closer, you can see that the aspect on the retail space is slightly different  
1129 to the aspect of the residential space which starts throwing off those vertical lines a little bit to see that.  
1130 And then if you go to, I believe it's the last slide, and this is the view from Haines Street looking from the  
1131 East Delaware Avenue end of the property back towards the building and that is pretty much my  
1132 presentation. I'm very happy to answer any questions, I'm sure there will be some questions, it's a, to be  
1133 honest, it's a short presentation for me. Hopefully it'll be short answers, some short questions, not short  
1134 answers, I'm sorry. And we can wrap our part of the evening up and I thank you for your time.

1135 Chair Hurd: Alright, thank you. I will begin with Commissioner Silverman.

1136 Commissioner Silverman: I like the proposal, I suggest that you're doing yourself a disservice when  
1137 you're talking about developing the entire block, given the history and the mass of the previous  
1138 application here, you're actually developing well back from Main Street with the major part of the  
1139 construction along Delaware Avenue, and I applaud you for keeping the buildings up front to continue  
1140 the scale of Main Street that most people are happy with. We get away from the idea of Main Street is  
1141 going to turn into an urban canyon, so that setting the building in the position you did I think is an  
1142 attribute and other than that comment, and just kind of watching the way you present it to Council  
1143 "we're building the whole block". I like the design, I think from a human scale the building will be kind of  
1144 out of sight, out of mind from Main Street. It's not something that's going to be looming. And I think it's  
1145 appropriate and fits in with the urban core.

1146 Mr. Hill: Thank you, and I will take all your comments and use them as always.

1147 Chair Hurd: Ok, Commissioner Williamson.

1148 Commissioner Williamson: Thank you. Last night I was in Baltimore and had never really been up in  
1149 Charles Village, next to Johns Hopkins University on Saint Paul Street, and just one, envying the  
1150 architecture of that area, which at the time was kind of routine developer architecture, that's what they  
1151 did, you know, beautiful cornices, buildings had bases and towers and cornices and I don't know if it was  
1152 code at the time. When you write a code you get what the code requires, and this is it. And you know  
1153 you're not, you're doing your job, and we understand that, and this will get approved. Here's, you know  
1154 I've studied architecture, everybody here has a little bit, I think, and what bothers me about the building  
1155 is there's no, it's missing it's base other than the commercial area. It's a box on little poles and it just it  
1156 looks wrong because it's all this weight on these little toothpicks holding it up. I wish there was  
1157 something different, I've seen buildings and you've seen them where there's just a grill, a metal grill that  
1158 goes down to the ground, maybe under the bricks, bricks look heavy and then they're sitting on a little  
1159 pole and it just doesn't look right, like, it doesn't seem like it's right to me. I don't know if you could do  
1160 something like that, just kind of put a grill work down there that still allows all the air in the light to go  
1161 through and just makes it seem anchored to the ground instead of floating on little poles. But it's code,  
1162 kind of makes me wonder about our code. A question in the middle of the, so you've got essentially 3  
1163 buildings almost, right? The core building and then the two, five buildings?

1164 Mr. Hill: They're, it's all one building. And as you as you say, the building is kind of elevated on sticks  
1165 around the outside and to be honest, the first proposal, re-proposal that we submitted and had reviewed  
1166 had more of a base with pushing the building back. It allowed us to give it more of a base away from the  
1167 road, but it was not code compliant because of the parking having to be in the rear. So, you start getting  
1168 these fine lines and space constraints that require us to meet setbacks and parking aisles and things.

1169 Commissioner Williamson: Does the code prevent some element coming down?

1170 Mr. Hill: No, it doesn't. And we can certainly look into that, to see what we can do to, and I'm not going  
1171 to disagree with you because I do believe that they're having the base on the building does anchor it is a  
1172 foundation. This sitting up there is kind of like a canopy sitting up there. So that was kind of the  
1173 concern, and it, once it's landscaped and lit and all of those things, with cars parked under there, you'll  
1174 lose less of that effect, and I think there are other buildings in the city that have that. When you look at  
1175 them in the cold aspect of the 2D renderings and things like that, they do have that aspect, but even as  
1176 something as simple as a knee wall around the base would probably give you the look of what you're  
1177 looking for.

1178 Commissioner Williamson: Even if it was just those two elements on Haines Street that continue down  
1179 Haines, the back is different. This is wood 5, type 5 construction.

1180 Mr. Hill: Yes, it is.

1181 Commissioner Williamson: It's on a podium?

1182 Mr. Hill: So, it'll be it'll be concrete on a concrete podium and then with construction above it, and we've  
1183 actually worked quite hard between the architect, DesignBlendz, the architects on the project and the  
1184 City departments, the Building Department, the Fire Marshal and the Planning Department, to be able to  
1185 configure the building, the Type 5 construction and all the things that come along with that. And I'll be  
1186 honest with you, it's way above my understanding of building construction, once we get past that  
1187 concrete level, it becomes, yeah, it becomes something that I can't answer to confidently. I have a, I  
1188 might be able to answer the odd question, but I wouldn't be confident.

1189 Commissioner Williamson: Ok. How does trash disposal work?

1190 Mr. Hill: So, on this this building actually, we have a space that's between the arcade and the retail space  
1191 that you can see on this rendering in the top portion of this rendering, you see a little space in there.  
1192 That's where the existing dumpsters are for the arcade. We actually have a trash room in the building  
1193 with rollout dumpsters and trash shoots that are gonna be designed in the building for the tenants to  
1194 use, and that's where they'll be able to wheel those out into that area and collect the dumpsters there.  
1195 So, there's no outside dumpsters, and that area will be screened from the public. Public Works is  
1196 adamant about the screening on the dumpsters, so we we're fully aware of that. And so that's what will  
1197 happen on that.

1198 Commissioner Williamson: And they'll be rolled out?

1199 Mr. Hill: They'll be rolled out. They use generally a smaller dumpster that can be used for both, for  
1200 separating the trash to recycling and then, not sure what non recycling would be called, but they use a  
1201 series of rollout dumpsters and it's not uncommon in some of the apartment buildings when you get into  
1202 the cities, the biggest cities, Philadelphia, Baltimore, places like that so you don't get those same pick up  
1203 dumpsters you see a lot of the projects in the City.

1204 Commissioner Williamson: So, they'd be rolled out to where would the truck pick them up? I mean, how  
1205 would the truck pick them up?

1206 Mr. Hill: The truck will pick them up where that enclosure is, where that current dumpster enclosure is.  
1207 So that would be where they would be picked up in off hours.

1208 Commissioner Williamson: Under the building?

1209 Mr. Hill: By the side of the building off of Haines Street.

1210 Chair Hurd: So, they open the gates, and the truck, yeah, so where the driveway is sort of currently now.

1211 Mr. Hill: Yeah.

1212 Commissioner Williamson: So, the trash pickup is on Haines Street.

1213 Mr. Hill: The trash pickup would be on Haines Street.

1214 Commissioner Williamson: Which is where it is now?

1215 Mr. Hill: Which is where it is now, yeah.

1216 Commissioner Williamson: But they'll be a lot more, or more often?

1217 Mr. Hill: Potentially yes.

1218 Commissioner Williamson: And you kind of talked about the height of the under, the first parking area.  
1219 So, any, there may be moving vans, they'll have to unload on Haines Street, I guess.

1220 Mr. Hill: So, they can actually because we have the outside parking before you go under the building,  
1221 they can actually they can park in there, deliveries and things like that can be on.

1222 Commissioner Williamson: And I'm guessing the elevators are in the main?

1223 Mr. Hill: The elevators are in the in the main core we do have stair towers in the ends of the other  
1224 buildings to meet with the fire regulations as part of the Type 5 construction. With it changes, I believe,  
1225 Commissioner Hurd can tell me where I'm wrong on this, but I believe the Type 5 changes the distance of  
1226 the length of the hallways a little bit for the access, the egress.

1227 Commissioner Williamson: That, looking at the top-down view between the Starbucks and the adjoining  
1228 building, there's that long, obviously there was 8 feet or something?

1229 Mr. Hill: There's an existing alleyway, there's an existing alleyway that goes between, it's actually  
1230 between the arcade and the Helen's Sausage House, and it goes to a rear entrance on the arcade, that  
1231 dates back to when it was a bike shop. That way, and it also provides access for pedestrians that are  
1232 using that parking area to come out onto Main Street.

1233 Commissioner Williamson: Ok, so it's not a vehicle alley?

1234 Mr. Hill: It is not a vehicle access. But there is a lot of utilities that go down between those buildings.

1235 Commissioner Williamson: And you really want people back in there?

1236 Mr. Hill: People are there now and the parking, with parking being, disconnected I believe is correct  
 1237 phrase, that there is a potential that some of the parking there, if it isn't at leased to tenants could  
 1238 become public parking again.

1239 Commissioner Williamson: I'm just concerned, I guess the police looked at this, that that long, I mean,  
 1240 it's got to be lighted, it's a safety issue, I mean it's along...

1241 Mr. Hill: Yeah, it would be lighted. It's an existing condition that we really can't do a whole lot with right  
 1242 now.

1243 Commissioner Williamson: You could gate it off and just force people to, I mean if they have keys, maybe  
 1244 their apartment keys open the door.

1245 Mr. Hill: Yeah, it would be the same as going through the driveway entrance in on the other side of the  
 1246 Sausage House.

1247 Chair Hurd: Yeah, I'll just add that I use that all the time. And it's actually nice because you can get to  
 1248 Main Street without having to go up the driveway. So, you're staying out of the car lane because I'm  
 1249 going to the sort of like all the time. So yeah, walking from the parking lot through that through the little  
 1250 thing, when I bike, I come up there and lock it. So, it's only the depth of the Sausage House and it's,  
 1251 yeah, it's not a dark alley or anything like that.

1252 Commissioner Williamson: Ok, and looking at the picture here, where the, as you got the building on the  
 1253 east side and the main core building, where they come together, does that, do you got windows that are  
 1254 like looking at each other?

1255 Mr. Hill: There are windows that not necessarily face each other, but there are windows in that space to  
 1256 provide light into bedrooms, because it has a regulation that all bedrooms must have a window. Not all  
 1257 jurisdictions have that in their ordinances, so by putting the, I'll call it an indent into the building shape,  
 1258 you can get more exterior wall.

1259 Commissioner Williamson: It's almost California subdivisions where you can reach out and touch your  
 1260 neighbor and see what they're doing in their apartment.

1261 Mr. Hill: Well, hopefully the windows aren't aligned across from each other, so that's not something that  
 1262 I have control over.

1263 Commissioner Williamson: Privacy stuff, ok. Those were, you get my point about, I really strongly wish I  
 1264 would, I would make a motion, I guess, to require, I don't know that we can because it's code complaint,  
 1265 or highly recommend that the two elements on Haines Street continue somehow to the ground. Could  
 1266 be just a grill work, not expensive, doesn't inhibit air flow or anything, it just kind of connects the  
 1267 building to the ground.

1268 Mr. Hill: We can certainly discuss it if we do something we have to do it before we get to Council.

1269 Commissioner Williamson: Those are my comments, thank you.

1270 Director Bensley: I would just say we would probably want to run any additional screening that was  
 1271 added by the police because they typically want commentary as far as line of sight and things like that.

1272 Commissioner Williamson: Right, just make it very open, it would be 70% open, you know, just you get it.

1273 Mr. Hill: I know there's things that we can do, whether we can make them meet all of the other agency  
 1274 requirements that will be the challenge.

1275 Commissioner Williamson: I can draw it in right here...

1276 Mr. Hill: Draw it in, send it to me, you'll be...we can't pay you for it.

1277 Commissioner Williamson: Marvelous different, right there. Yeah, I can bill you for that, thank you.

1278 Chair Hurd: Alright, thank you, Commissioner Bradley.

1279 Commissioner Bradley: Thank you. I probably have the shortest list of questions I've ever had, so lucky  
 1280 you.

1281 Mr. Hill: I appreciate that.

1282 Commissioner Bradley: I'm assuming these are marketed to students?

1283 Mr. Hill: Yes.

1284 Commissioner Bradley: Ok, and there's a note on the cover sheet that I haven't seen on any plans, I  
1285 maybe haven't picked it up, "proposed units may in the future be converted to for sale condominiums".

1286 Mr. Hill: It's an old, old note that we've used in the companies that I've worked with for a long time.  
1287 Goes back to I think...Mayor Clifton's time on Council. I think it was one of his things that all units could  
1288 be converted from student housing to condominium use for future, being able to sell if there was a  
1289 change in the student housing market.

1290 Commissioner Bradley: So, I guess my question to that would be more directed towards Director Bensley,  
1291 is that something that's, how do I phrase this, is it legally binding or do they have to have that on the  
1292 plans or in some documentation? Like could another project that is student housing convert to for sale  
1293 condominiums without having any documentation up front like this has. I guess is the best way I can  
1294 phrase it.

1295 Director Bensley: If they file the appropriate documents, any development could do it.

1296 Commissioner Bradley: Gotcha, I like the idea, and I'd like to see more of owner-occupied places than  
1297 student housing. Comments for Commissioner Silverman I agree with him about I like the idea that you  
1298 kept the two buildings on Main Street, so that keeps that low feeling on Main Street, I think that that  
1299 really adds to the to the ambiance along there. I think it'd be a mistake to in the future, to raise those  
1300 things up like this, it would just like be a corridor there. And to Commissioner Williamson I agree with  
1301 you that this thing looks like it's built at the beach or something where you're worried about water  
1302 infiltration on your first floor. I would reference the project that we just had for Lang at the Burger King  
1303 site. They did exactly that, they had, I guess brick knee walls with some metal slats along those, and it  
1304 looked, it made a huge difference, so I don't know if that's something we can make a motion to do in our  
1305 capacity or not, but I would support that motion and other than that, that's all I have.

1306 Chair Hurd: Ok. Commissioner Cloonan.

1307 Commissioner Cloonan: Yeah, I agree with Commissioner Williamson's comments about how weak that  
1308 base looks, but there are many ways to approach that, so I'm confident that you can address that issue. I  
1309 want to thank you for adding some additional trees, but I want to point out that something not only for  
1310 your benefit but also my fellow Commissioners, because I'm going to talk about this at the end of the  
1311 meeting, you show a series of trees here that all have like a 10 foot diameter and I wanted to point out  
1312 that, back in the day, we used to draw plans with the 20 year canopy growth and in a case like this, you  
1313 know your Red Maples would have about a 30 foot canopy. Your Redbuds a 20-foot canopy and your  
1314 Columnar Sweet Gum a 6-foot canopy and yet here on your plan, they're all shown at 10 feet. Which I  
1315 find, well, like, it's not illustrating what you want it to illustrate.

1316 Mr. Hill: Yeah, I know, we just show a canopy of a tree just to give and it's more of a, not that this tree  
1317 will be this big, just that this a tree canopy as opposed to being a shrub, and it's just graphic at this point,  
1318 but I get your point.

1319 Commissioner Cloonan: It's misleading graphics is what I'm saying, but I get it, it's sort of a prototypical  
1320 symbol that you just...

1321 Mr. Hill: And part of the problem is when you get when you get a tree canopy that it is much bigger and  
1322 you've got to draw that line, people lose sight of where that line is on the plan unless you start doing  
1323 colored plans and that and that become more renderings, but I get your point completely. Maybe  
1324 there's something that we can do that staggers the size of those trees are not representative of the true  
1325 canopy of the tree, but it brings it in and out to show that this tree is a bigger tree than this tree, just to  
1326 give a little bit of movement in that presentation.

1327 Commissioner Cloonan: Not only that, when you have a Columnar Sweet Gum, you can't really claim it as  
1328 a shade tree, I mean it's not, I don't care what you say.

1329 Mr. Hill: And I'm not sure if I'm gonna claim it as a shade tree, I know that as much about trees as I do  
1330 charge stations so. Yeah, basically we have an outside landscape architect and they're picking off the list  
1331 of trees and using what each Parks Director has liked again. And now we have a new Parks Director, and  
1332 I don't know what trees we're gonna be, like this next go round. So, it could all change, we could have  
1333 different trees, we could have bigger canopies, little canopies. We go all over the place with the things.

1334 Commissioner Cloonan: And this is just again my usual plea for more street trees. You know, this is one  
1335 of the few streets in Newark where we actually don't have a lot of interference from overhead lines and  
1336 it would be really nice to have a nicely shaded, well treed parking lot back here. So, you know, the more  
1337 I can push for, maximizing your street tree canopy coverage, that's my role in life.

1338 Mr. Hill: So, what one of the things that one of the things that we do try and do, we try to give the code  
1339 compliant landscaping as best we can and for the parking lots and for this district it's quite prescribed.

1340 Commissioner Cloonan: But add more!

1341 Mr. Hill: So let me ask the client to put his fingers in his ears. We try and add more, the clients don't like  
1342 us to add more, but it gives them the chance to add more if they feel it's necessary going forward.

1343 Commissioner Cloonan: Well, I will say for you, trees raise property values and people like walking down  
1344 streets with shade and they like shade on their cars in the summertime. So, and the fact that, well, OK,  
1345 never mind. Anyway, I think that was just my soapbox with the, oh wait, I had one more question. I am  
1346 assuming you have turf grass sort of filling in.

1347 Mr. Hill: Yes. Yeah. It'll be basically lawn between the islands, between the landscaping, it'll be pretty  
1348 conventional.

1349 Commissioner Cloonan: So again, in a plea for the bees and the butterflies. It would be beneficial if we  
1350 could have native grasses and perennials in those areas instead of...

1351 Mr. Hill: So, for the stormwater management we do have a planter box on the plan, and that lends itself  
1352 to more of those types of plants and maintenance, those sort of things in the planter box.

1353 Commissioner Cloonan: I would argue that you don't need any turf grass here, it's not like people are  
1354 walking in those areas.

1355 Mr. Hill: We actually we need it for access for the fire company, so we can't block it.

1356 Commissioner Cloonan: They won't take perennials and?

1357 Mr. Hill: They will take some perennials, but they need their 15 feet strip where they can carry their  
1358 ladders around the buildings without obstructions, they don't count landscaping, but if we were to add  
1359 much landscaping in there, they could potentially it could be a risk to them. So, I like your idea. I'm not  
1360 saying it's a bad idea, but if we had more, if we say had 20 feet, we could do the 15 feet and then some  
1361 more. But with the space that we have, we have to prioritize the life safety stuff before the birds and the  
1362 bees.

1363 Commissioner Cloonan: Ok, but other than that, I, you know, other than the base, I like the massing of  
1364 the building, I like the big windows, I like the balconies, I think this is a good development, so thank you.

1365 Mr. Hill: Thank you.

1366 Chair Hurd: Thank you. I'm going exercise Chair's prerogative to extend the meeting to 9:30. I'm not  
1367 gonna pile on about the base of the building because I didn't think everyone else was gonna do that.  
1368 I think my only comment is other buildings have done this better. And, trying not to be too judgy cause I,  
1369 having been on the other side and trying to try to mesh conflicting things, especially this new world of  
1370 podium and four, you know stuff you're getting, it's a new typology that we're still I think trying to figure  
1371 out. But there are there are ways to do it that don't look like you just lifted it up.

1372 Mr. Hill: I thought the beach analogy was the best.

1373 Chair Hurd: That's probably it was like, yeah, we're in a flood zone, I guess or something there's this wave  
1374 surge coming in. I'll just sort of echo Commissioner Cloonan's things about the shade trees along Haines  
1375 Street. If you can shade that sidewalk more than the other one, people might walk on that sidewalk to  
1376 your retail center store more than they might go to the other one. Speaking of, I really couldn't see any  
1377 good first floor plan that explained that lobby space at all to me, so, can you?

1378 Mr. Hill: I didn't submit one

1379 Chair Hurd: Ok.

1380 Mr. Hill: Actually, that's not true, there is one in the package, I believe that shows a reasonable facsimile  
1381 of that space, but what I can I'll try and explain is –

1382 Chair Hurd: I guess my sort of question is like, what's the, what's the vision for that space?

1383 Mr. Hill: Yeah. So looking at the ground floor space, looking from Haines Street at the building, so you  
1384 have two retail commercial spaces going from left, the left side of this commercial retail, the front center  
1385 is commercial retail at the front, the right end of the downstairs will be the entrance to the lobby that  
1386 will go back and actually, we'll connect to the parking garage at the back or the parking spaces at the  
1387 back. The elevators will be in the back there, there'll be a, I believe there's a leasing office there.  
1388 There is also on the right side, the Fire Department Connection water room that we have to have within  
1389 10 feet of the exterior of the building, so that's in there. And then at the back left of that downstairs  
1390 part behind that left side, is where the trash room is and that how does the corridor down the left side  
1391 of the building that accesses out into that space, where the dumpsters will be picked up from about...

1392 Chair Hurd: About how many square feet is it looking to be?

1393 Mr. Hill: Sorry?

1394 Chair Hurd: How many square feet of retail is it looking to be?

1395 Mr. Hill: The retail is 2,200 square feet, so not huge.

1396 Chair Hurd: Not huge, but we need more small retail.

1397 Mr. Hill: That's what the discovery is being, things like the arcade from what I'm told, you know, it was  
1398 empty for quite a long time trying to find a tenant that needs that much space. So, a lot of the retail  
1399 spaces are changing into these small spaces that people can lease and use so it can be a multitude of  
1400 things in that in that space, but yeah.

1401 Chair Hurd: I will also, not that it has any bearing here, but I would say that this would be a lovely  
1402 building for owner occupied, probably more than any of the other ones that we've seen I think it's  
1403 location, I think it's kind of in the sort of, an off spot could with the Haines Street connection to  
1404 everything else.

1405 Mr. Hill: Yeah, so it's a great location.

1406 Chair Hurd: A great location and it's got a coffee shop that you know, and it just like it's got a little more  
1407 amenity around it than some other places too. My other thing, and this might be more of a city and it's  
1408 more of a concern, that light at Delaware Avenue backs up a lot when, especially middle of the day. So,  
1409 Haines south it backs up, do we know, I mean do we have any control over the timing of that light to  
1410 possibly change it or is that outside of our scope?

1411 Director Bensley: So that timing of that light is determined by DelDOT because it's on Delaware Avenue.  
1412 So, I will say that we have a, we have a former Public Works Director who is now City Manager who is  
1413 quite vocal with DelDOT about his feelings about that light, so they have, I know tweaked the timing at  
1414 times, but they've not quite gotten there yet so.

1415 Chair Hurd: No, because one of the things that that works now with Lot #7 is that with the two exits, if  
1416 I'm in there, I can come out the northern one to get into line right. Now it's like 4 cars in line and you  
1417 blocked the driveway.

1418 Mr. Hill: Right, and I think the traffic numbers that the director read from in the report, they are based on  
1419 a midrise building, which this is a midrise building, the parking that the City now has towards these  
1420 buildings is more of a high-rise parking. So those parking numbers are actually wrong, but DelDOT in  
1421 their ultimate wisdom...you won't get me to say anything about them, but that is the thing. So  
1422 ultimately when it's not, if the spaces are leased by the tenants, it's unlikely that those cars are going to  
1423 be coming and going to the extent of what's happening now.

1424 Chair Hurd: I think you're right; I think the trips will probably drop from its use as a parking lot.

1425 Mr. Hill: But just so you know our TID contribution is going to be more than the gas station that you just  
1426 looked at, just so you know, so that that is how ridiculous the system is.

1427 Chair Hurd: Gotcha, yeah because that's just a tough street in general.

1428 Mr. Hill: It's good at the moment.

1429 Chair Hurd: Well, I mean, it's just that turn from Main Street is kind of a blind turn that people stick too  
1430 far out and they get their noses clipped, and you're trying to make the left in and then you get to the

1431 end, and then there's the light and so it's always sort of a, I try to avoid going on to Main Street out of  
 1432 there just cause that's a pain, but I think you're...

1433 Mr. Hill: I know exactly what you're saying cause the same things almost happened to me multiple times.

1434 Chair Hurd: But I think thinking about it, I think to turn it from a parking lot, an active parking lot to a  
 1435 residential parking lot, we'll drop the people coming in and out of that driveway except for what might  
 1436 be managed parking. Ok, those were all my comments and or questions. Did we have any public  
 1437 comments submitted online prior to this?

1438 Ms. Dinsmore: No, Mr. Chairman.

1439 Chair Hurd: Do we have anyone online who wishes to give public comment? Anyone present who wishes  
 1440 to give public comment? Alright, closing public comment and bringing it back to the dais for any further  
 1441 comments?

1442 Commissioner Williamson: A question for our Planning Director or Solicitor. Given the type of permit, it's  
 1443 code compliant, and the discussion of the building elements recommended, strongly recommended. Is it  
 1444 worth a resolution, or is it? Or does really have any effect, or not a resolution but a motion or addition  
 1445 to the approving motion?

1446 Chair Hurd: I think Solicitor Bilodeau looks ready to answer, I mean I have thoughts but...

1447 Solicitor Bilodeau: Since it's a by right plan, it's, you're kind of in a position of weakness for imposing  
 1448 conditions. I think you can strongly urge; you know what you have, and I think you've made the point,  
 1449 but yeah, it's not really, I think.

1450 Chair Hurd: Yeah, I think the applicant has taken notes and is in agreement on some issues that we have  
 1451 but is limited also in their ability to do things.

1452 Commissioner Bradley: So, it would be it would be the same issue with Council? You'd have the same  
 1453 comment to Council if they asked you that same question?

1454 Solicitor Bilodeau: No, I tell them something completely different. No, I would, yeah, I would do the  
 1455 same thing.

1456 Commissioner Bradley: So even Council couldn't make an amendment to the motion of about that. Ok.

1457 Solicitor Bilodeau: And you can impose reasonable conditions, but you know usually those conditions are  
 1458 when you know there's site plan review or some sort of variance is involved where it's kind of give and  
 1459 take.

1460 Commissioner Bradley: Ok, thank you.

1461 Chair Hurd: So yeah, as an example, if this were a site plan approval, we could say that that's not, you  
 1462 know, exceptional architecture and either say we're not going to vote for it or press for something  
 1463 different to get as a as a condition. Ok, so with that, we'll move to the motion temporary Secretary  
 1464 Williamson, if you may.

1465 Commissioner Williamson: Yes, reading from page 14. **Because it fully complies with the subdivision**  
 1466 **ordinances, the building code, the zoning code, and all other applicable ordinances of the City and the**  
 1467 **laws and regulations of the State of Delaware, Planning Commission recommends that the City Council**  
 1468 **approve the major subdivision as shown on the AH Davenport Major Subdivision Plan, 141 East Main**  
 1469 **Street, dated June 6, 2023 and revised through July 2, 2024, with the Subdivision Advisory Committee**  
 1470 **Conditions as described in the July 30, 2024 Planning and Development report.**

1471 Chair Hurd: Thank you, do I have a second?

1472 Commissioner Silverman: I'll second.

1473 Chair Hurd: Thank you. Any discussion to the motion? Oh wait, we can't. Alright, moving to the vote,  
 1474 Commissioner Bradley.

1475 Commissioner Bradley: I vote aye.

1476 Chair Hurd: Thank you, Commissioner Cloonan.

1477 Commissioner Cloonan: I vote aye.

1478 Chair Hurd: Thank you, Commissioner Silverman.

1479 Commissioner Silverman: I vote aye.

1480 Chair Hurd: Thank you, Commissioner Williamson.

1481 Commissioner Williamson: Aye.

1482 Chair Hurd: And I am I as well, motion carries and that closes that item. Thank you, gentlemen.

1483 Mr. Hill: Thank you.

1484 **Aye: Bradley, Cloonan, Silverman, Williamson, Hurd**

1485 **Nay: None**

1486 **Absent: Kadar, Tauginas**

1487 **MOTION PASSED**

1488 **5. Informational Items**

1489 Chair Hurd: All right, that takes us to item 5, informational items. Director Bensley, I believe you are first  
1490 up.

1491 Director Bensley: Thank you. Since the last time that Planning Commission met, projects that have gone  
1492 to Council. On July 8th, we had the 750 Library Avenue project rezoning and special use permit for the  
1493 new Newark Free Library, that was approved unanimously by Council. We also had the 50-54 Corbit  
1494 Street Comp Plan amendment, rezoning, and minor subdivision with site plan approval, which was also  
1495 approved unanimously by Council. July 22nd, we had the first reading for the Chapter 32 amendments  
1496 for the marijuana zoning regulations and we also had the second reading for the 30 South Chapel Street  
1497 Comp Plan amendment, rezoning, and the hearing for the major subdivision for that property; that was  
1498 also approved unanimously. We had that evening a special use permit for commercial indoor recreation  
1499 for 301 Grove Lane, which was for the Picklr, an indoor pickleball court also approved unanimously by  
1500 Council.

1501 Upcoming meetings: August 12th, while not directly related to Planning Commission, the Newark United  
1502 Church of Christ request for engineering funds for a potential affordable housing project at their site at  
1503 300 East Main Street is on the agenda for that evening. For August 19th, that Council meeting is the  
1504 kickoff to our 2025 budget season, so the overview of the budget will be that evening. August 26th,  
1505 related to us, this will be the second reading for the Chapter 32 amendments for the marijuana zoning  
1506 regulations, that had originally been scheduled for August 12th. However, it was postponed by Council 2  
1507 weeks because there were several folks who were going to be on vacation, and they wanted a full  
1508 complement for that issue.

1509 Other items related to the department: for staffing, we welcome our new Community Planner I, Lauren  
1510 Dykes who started yesterday. She is online with us this evening. That puts our Land Use Division at full  
1511 staff for the first time since December 27th, so that's exciting. Upcoming Planning Commission  
1512 meetings, September 3rd we are looking to bring to you the 339, 341, and 349 East Main Street Comp  
1513 Plan amendment, rezoning, major subdivision, and parking waiver. That project just gave us their, what  
1514 should be their final submission for Planning Commission yesterday. So, we once we review that and  
1515 make sure it's good to go, that is anticipated to be on the September agenda. Also, as I mentioned last  
1516 month, 55 Benny Street is coming back again with just the minor subdivision with site plan approval  
1517 because they submitted the incorrect bedroom counts on their units initially. October 1st, we are  
1518 looking, we have a potential project, but we still need to do a review to make sure that it will be ready to  
1519 go, October 15th is the special meeting we have scheduled for review of the Capital improvement  
1520 Program so that is good to go. We also received confirmation from the UD Office of Student Life that  
1521 they will be available to come that evening for a discussion with you all on student housing as requested  
1522 by the Commission. And I just wanted to say thank you to everyone who forwarded their questions in  
1523 advance, so we could be prepared to respond, as plans are reviewed by all the departments for their  
1524 various portions. I have many talents, but I am not a landscape architect, an arborist, a stormwater  
1525 engineer. So, it's really helpful to me when I can get the people who are those things to answer your  
1526 questions in advance. And I think we had a very productive and streamlined meeting this evening. So, I  
1527 appreciate those efforts.

1528 Chair Hurd: I echo that, support that. Something...second that, that's the word I'm looking for. Alright,  
1529 welcome back, Deputy Director Velazquez. And your report?

1530 Deputy Director Ramos-Velazquez: Thank you. New projects in our queue as of June 27th, we received  
1531 an administrative subdivision for 502 South College Avenue. We've received on July 23rd, 509 Capital  
1532 Trail, which is a major sub with rezoning and Comp Plan amendments for 48 units. We received on  
1533 August 5th, 711 Barksdale Road, which is a comp plan amendment, major subdivision with site plan  
1534 approval inserting lot lines for fee simple lots. Resubmissions that we've received is July 16th for a  
1535 second submission for 261-263 South Chapel. On August 6th we received 339, 341, and 349 East Main,  
1536 which is what the Director just spoke about. SAC letters that have left the department this month on the  
1537 17th of July for 339, 341, and 349 East Main, on the 29th 87 South Chapel, which is sketch plan approval.  
1538 On July 30th 141 East Main which is a major sub. So, on the same day, July 30th, we also sent out 1110  
1539 South College which we've heard tonight. And then on August 6th, 502 South Chapel, which is an admin  
1540 subdivision as well, that's all I have.

1541 Chair Hurd: All right, thank you.

1542 **6. New Business**

1543 Chair Hurd: Moving to new business Commissioner Williamson, this might be the time for your questions  
1544 such or whatever you want to call it.

1545 Commissioner Williamson: Thank you, Mr. Chair. And I don't mean to take up much time. I just wanted  
1546 to share with the other Commissioners, ongoing concern about the cannabis ordinance coming to  
1547 second reading on August 26th. As you know, I've proposed that Area B, which is the area on South  
1548 College Avenue from West Chestnut Hill to the I-95 the gas station areas and so forth, be removed as a  
1549 place for retail cannabis sales in this evenings discussion of Dash-In, obviously I made that comment  
1550 about vulnerable existing businesses that might turn over, just doing sort of a quick scan of the area and  
1551 then you know this may not happen right away. But when you do an ordinance, it's forever, right? So, it  
1552 could be three years from now or longer, but there's the old the Exxon station, which is an old school, I'll  
1553 call it station. The Sunoco as well, the garage building on...

1554 Commissioner Bradley: Welsh Tract.

1555 Chair Hurd: Welsh Tract.

1556 Commissioner Williamson: Thank you. Welsh Tract, which is vacant for sale, I hear, which is in Area B.  
1557 Across the street, of course, one would not expect McDonald's or the Shell station, but the strip mall has  
1558 what, about 6 or 8? And I think one of them just turned over the old, the used tool store is gone and  
1559 there's a smoke shop in there now and just remind everyone, Jersey Mike's maybe, could go away and  
1560 then when we approved the new motel down by the freeway, we there's still a space there, right? That  
1561 hasn't been programmed. So, 6 to 10 spaces maybe? Maybe that could be available for someone  
1562 coming in for retail. There have been conversations with Councilman Bancroft, his district, he seems  
1563 interested in the same action. Residents in my neighborhood, I happen to live off of West Chestnut, are  
1564 concerned there's some outreach there going on, with an effort, with an idea of coming to the meeting  
1565 on the 26th to request this. What I'd like to do, not to get into a discussion and all that tonight, but just  
1566 I'd like to ask our Solicitor that just to confirm that at the Council hearing at the second reading on the  
1567 26th, assuming it goes forward, and the Council decides to remove Area B or even some other removal  
1568 action, nothing added. Can Council still adopt the ordinance and meet the September 1 deadline that is  
1569 important to them that night?

1570 Commissioner Bradley: Can I interject one thing?

1571 Solicitor Bilodeau: You're saying area B, I think we're talking about removing BC zoning, not all of area B.

1572 Commissioner Williamson: Yes, my mistake.

1573 Solicitor Bilodeau: Commissioner, in my view, and I'll, I'll say all this to Council, that would not be a  
1574 substantial change. By removing that area from consideration, now, if we were going to basically do the  
1575 opposite in increase everything that, to what the zoning ordinance states, that would be substantial  
1576 change, but since we're further limiting it that I don't see that as a substantial change, and we'd be able  
1577 to move forward on that meeting on the 26th. So yeah, and that will be my advice to Council if they, if  
1578 they want it, they want to make that change.

1579 Chair Hurd: And that and that recommendation, that that motion that we voted on is in the packet.

1580 Solicitor Bilodeau: Right.

1581 Commissioner Williamson: I was gonna say that's already written into the staff report as if you want to  
1582 do this type of thing. Ok, thank you, that was my question. Thank you.

1583 Solicitor Bilodeau: You're very welcome.

1584 Chair Hurd: Any other new business items that people want to bring up for future?

1585 Solicitor Bilodeau: Yes, we've got someone down here.

1586 Commissioner Cloonan: Yes, and actually I think I'm asking more for advice and opinion than actually you  
1587 know; I mean this is, I don't know the best way to proceed. But as you know, I have concerns about  
1588 planting in the city and I know that in the past the Conservation Committee has made recommendations  
1589 and, you know, we've adopted their recommendations. So I don't know whether this comes from us or  
1590 them or how it gets bounced around, but some of the things I would like to be considered is this  
1591 emphasis on native trees, perhaps more than a 70-30 mix, long term bonds on trees to guarantee care  
1592 and longevity, illustration of 20 year canopies on landscape plans so that, you know a more realistic  
1593 picture of what we're calling canopy trees is. Less reliance on turfgrass as ground cover, more emphasis  
1594 on shading, parking lots and sidewalks with tree canopies, and just requirement for more trees,  
1595 especially street trees. I just think we made a good initial start, but I think with the whole walkable  
1596 community things and frankly, we've all seen the high mortality rate of our street trees that perhaps we  
1597 need to start overplanting, if anything, rather than underplanting that. So again, I don't know if anybody  
1598 else is interested in any of these things. I don't know if this is something I should go talk to the  
1599 Conservation Committee about, I just don't know what the next step might be.

1600 Solicitor Bilodeau: So, you would like maybe for a future Planning Commission meeting to have this as an  
1601 agenda item to talk about? The future with tree plantings?

1602 Commissioner Cloonan: Yes, but I don't know if we're really equipped to make those recommendations, I  
1603 think the Conservation Committee might have more of this skill set. I'm not sure how everybody feels  
1604 about that.

1605 Chair Hurd: Yeah, I will say I think that the areas you're talking about across several boundaries, I think  
1606 there's a couple of those items that would fall into the areas of code that we're responsible for, and so  
1607 then could be something we put on to our future work plan, which is do we do it in October? October or  
1608 November like that?

1609 Director Bensley: Yes.

1610 Chair Hurd: So, October, November is when we when the work plan comes up on our agenda. And you  
1611 know, we do what we can to come up with, you know, try not to overload the Planning Department,  
1612 although apparently, you're fully staffed...

1613 Director Bensley: That doesn't mean much with the volume of work and the Planning Department is not  
1614 fully staffed, the Land Use Division is.

1615 Chair Hurd: Oh, ok. But that's, that's where we sometimes sort of shuffle things around and we go, ok is  
1616 this something that is within the Planning Commission's area of, like, wanting to do it? For instance, the  
1617 attached ADUs was something we put into the Planning Commission's portion of the work plan, not the  
1618 department's because of the issues, the political issues around it. So, there are some areas that we can  
1619 either work on or work on with some staff support. There are areas that are going into other people so  
1620 that they're going into the Parks and Recreation. They're going into the landscaping planning, which are  
1621 areas of the code that we're not as responsible for. If I'm correct in some parts, but certainly I think  
1622 there may be some areas that we could say, yes, you could go and talk to you know, go talk to those  
1623 people to see if you can get some traction. Especially if there's, we have a new director who might be  
1624 interested in in some new directions.

1625 Commissioner Bradley: So, I'd be in favor of that, of having a discussion.

1626 Chair Hurd: But I will let Director Bensley tell me where I was wrong.

1627 Director Bensley: Not saying anything about you being wrong, I'm just adding some context Mr. Chair.

1628 Commissioner Williamson: Mr. Chair, and everyone, can the Commission form committees? To take on?

1629 Chair Hurd: Yeah, absolutely, we do it all the time.

1630 Director Bensley: So, landscape screening and treatment is Article XXV in Chapter 32, which is within the  
1631 Planning Commission's review. This was opened back in 2019, in part to response of a plan that was  
1632 rejected at the time regarding concerns about the value trees that would be lost in that plan. So that  
1633 was kind of the basis under which the amendments were framed was in the, preventing the loss of and  
1634 encouraging the replacement of trees that were lost in development. Not as much in the downtown  
1635 environment and adding more, more street trees, things like that. It was more of the, you know, if  
1636 someone wants to develop a wooded area, this is what we, increasing the parameters with that. That  
1637 was about a two-year process last time. So, they met from early 2019 and an ordinance was finally  
1638 passed in early 2021. Now, granted, COVID offered a kind of a stop portion of time for that. But if in  
1639 looking at when the time frame that it was actually worked on, it was probably a solid, 18 months of  
1640 work at that point. The Conservation Advisory Commission did form a subcommittee and worked on  
1641 that over that time. And I believe, if I remember correctly, we did hire a consultant to help with that  
1642 effort and to staff that committee. So that was, was what happened leading up to 2021. I think there's  
1643 as far as moving forward, if there's additional request and changes that the Planning Commission is  
1644 looking to do, one we need to, if we're going to form another committee, we need to look at the capacity  
1645 to staff and other committees because it would have all the same FOIA requirements and things that this  
1646 committee is required, so as far as agendas and minutes and all of that good stuff. We would also need  
1647 to look at probably, what the structure of that committee would be, because anything that's related to  
1648 environmental changes, the Conservation Advisory Committee usually does have a part in that.  
1649 So if it's, I don't know if it's a joint subcommittee, or if it's inviting some of them to be members of the  
1650 Subcommittee, things like that may also be part of that as well. Looking at staff capacity, one of the  
1651 things, and you know this is something that we've talked about previously, you know ultimately Council's  
1652 work plan is what we as staff get directed to work on. So really having at least some sort of discussion  
1653 with Council about including this as one of their work priorities as well, will go a long way toward getting  
1654 movement behind it to move forward. So that is my two cents on the issue.

1655 Commissioner Cloonan: But you didn't include Parks and Rec in that?

1656 Director Bensley: That's part of staff, so we are all the staff of Council. Now I will say, this from, at this  
1657 point right now, one of the big things that is taking up the focus of a lot of the operational departments  
1658 is the looming ARPA deadlines. So, expending the remaining funds that were granted through the  
1659 American Rescue Plan Act that have to be encumbered by the end of this year and spent by the end of  
1660 2026, Parks has quite a few projects that are part of that. So, I don't know without talking further with  
1661 the Director what their capacity is out over and above their normal programming and getting those  
1662 projects over the finish line. But that's definitely, I mean, that's a conversation we can definitely have

1663 Commissioner Bradley: Director? I won't hold you to this answer, but just low-lying fruit, let's say one of  
1664 the options that Commissioner brought up was going from a 70-30 split from natives to just 100%  
1665 natives. How much behind the scenes work would be involved in in doing that to present that ordinance  
1666 to Council or present that code change to Council?

1667 Director Bensley: At this point based on the track record from the Parks Department, I don't know that  
1668 staff would support that recommendation.

1669 Commissioner Bradley: Really?

1670 Director Bensley: Yes.

1671 Commissioner Bradley: Wow, that's interesting.

1672 Director Bensley: So that's...

1673 Commissioner Cloonan: So, just for your education, non-natives don't tend to have the same kind of pest  
1674 and disease issues that native plants have. That's why people like nonnative. On the other hand, they  
1675 don't support our native...

1676 Commissioner Bradley: I think there's enough natives that would fit the criteria that we have, that we  
1677 could lose that 30% of non-native species. And I think that's a, we can easily get some experts in the  
1678 field, Rick Dark, all those guys to come in and talk about these things.

1679 Director Bensley: But I think you're, the expansion of this particular line of conversation is showing why  
1680 it's not just a simple code change like there's gonna be discussion. There's gonna be having to work with  
1681 staff there if folks are trying are looking to bring in other experts, things like that. It's not just go on in,  
1682 strike and add something in the code. And anything that gets changed and this is going to go through

1683 Conservation Advisory Commission, it's going to go through you guys, it's going to go through Council. I  
1684 mean it's a multi month process just to get to the point where it's getting voted on.

1685 Commissioner Bradley: So probably better to start it early than not start it at all then.

1686 Commissioner Cloonan: So, Renee where would we start? What would be the first step?

1687 Director Bensley: So, I mean, I think the first step would be to have a discussion with the Parks  
1688 Department. I'm happy to coordinate a meeting like we've had, you know, in the past and some other  
1689 issues with other departments and maybe sit down and have a discussion initially and kind of get their  
1690 feedback and go from there.

1691 Chair Hurd: Yeah, because I think it probably would be useful to find out where they are on these issues,  
1692 or these are issues they've even thought about. I mean, get a feel for the for the temperature and then,  
1693 yeah.

1694 Director Bensley: And I'd also say the Parks Department's going through some transition. You know,  
1695 their director retired at the end of May, we have a new director. We have a new deputy director that just  
1696 started about a month ago, they're still backfilling positions. They are a department in transition right  
1697 now as well so.

1698 Chair Hurd: Ok, thank you. If there's nothing further, we'll close new business.

1699 **7. General Public Comment**

1700 Chair Hurd: And open general public comments. Has there anything been anything submitted online  
1701 Katie?

1702 Ms. Dinsmore: No Mr. Chairman.

1703 Chair Hurd: Ok, is there anyone online who wishes to give general public comment? Is that all staff that's  
1704 online?

1705 Director Bensley: And Josh.

1706 Chair Hurd: Ok, alright, that closes public comment and that means reaching the end of the agenda, the  
1707 meeting is adjourned. Thank you everyone.

1708 **The meeting was adjourned at 9:35 P.M.**

1709 Respectfully submitted,  
1710  
1711 Christopher Williamson, Temporary Secretary  
1712 As transcribed by Katelyn Dinsmore  
1713 Planning and Development Department Administrative Professional I