

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON**

**NOVEMBER 5, 2024
7:00 P.M.**

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

Commissioners Present:

Willard Hurd, AIA, Chair
Alan Silverman, Vice Chair
Karl Kadar, Secretary
Scott Bradley
Alexine Cloonan
Chris Williamson
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
Michael Fortner, Senior Planner
Moses Karanja, IT Applications Analyst

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

Chair Hurd: All right. Good evening, everyone, and welcome to the November 5th, 2024, City of Newark Planning Commission meeting. We're conducting this public meeting on the Microsoft Teams platform. I would like to provide these guidelines for the meeting structure so that 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 to present followed by the applicant for any land use items. I will then, for land use applications, once the presentation is complete, I will call on each Commissioner in rotating alphabetical order and then those members of the public that are present to offer their comments. If a Commissioner has additional comments he'd like to add later, they should ask the Chair to be recognized again, after all members have the opportunity to speak. With land use applications following the presentations from both staff and the applicant, I'll seek comments from members of the public that are either present or remote before calling upon each Commissioner for their comments. For items of – the public comment will read into the record comments received prior to the meeting, followed by open public comments. If members of the public would like to comment on an agenda item and are attending in person, we ask that they sign up on the sheet near the entrance so we can get the spelling of your name correct, and then we'll call on you 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. All lines will be muted and cameras disabled until individuals are called on to speak. At that point, the speaker's microphone and camera will be enabled so the speaker can turn them on. We are unable to remotely turn cameras and microphones on in Microsoft Teams. All speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must pertain to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into

the record. After all Commissioners have completed their comments, we will move to the motions and voting by roll call. Commissioners will need to articulate their reasons for their vote for all land use items. All of those must be audible. If anyone in this room is on Teams, we ask that you mute your microphones and turn off your speakers unless you are speaking. In addition, we ask the Commissioners at the dais to please mute your microphones unless you are speaking. If there are any issues during this 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 us to Chair's remarks, I hope everyone remembered to vote because you're going to be stuck here until the polls close. And speaking of stuck here, I've had three years tacked on to my sentence, so I'm with you until then, too.

2. Minutes

Chair Hurd: All right, that takes us to item 2, the review and consideration of the October 1st and the October 15th, 2024 Planning Commission meeting minutes. Do we have any adjustments, corrections, suggestions? Ok seeing none, the minutes are approved by acclimation.

3. Review and consideration of the special use permit for a retail marijuana store at 800 Ogletown Road

Chair Hurd: And that takes us to item three, review and consideration of the special use permit for a retail marijuana store at 800 Ogletown Road. Director Bensley, are you leading?

Director Bensley: That's me. Good evening, everyone, I'm here to present the first special use permit for a retail marijuana store in the City of Newark for Fresh Delaware LLC. Since the portion of the parcel where Fresh Delaware is located is over one acre, this is brought to Planning Commission for review in advance of Council consideration.

As you're aware, Fresh Delaware is the existing medical marijuana compassion center at 800 Ogletown Road. Cultivation, product manufacturing, and medical marijuana sales all currently take place at this location. Fresh currently is seeking conversion licenses for cultivation, manufacturing and retail sales under the newly passed Delaware Marijuana Control Act as the Fresh Delaware LLC Compassion Center is changing to a retail marijuana store for adult use marijuana, the department has determined the use to be a new use that requires a special use permit. As existing cultivation and product manufacturing facilities are not changing, the department has determined that those two uses are existing non-conforming uses and do not require additional special use permits. Fresh Delaware corresponds to the land use recommendations in the Comprehensive Development Plan V 2.0, which calls for commercial and business uses at this location. The Department notes that the adjoining properties to the east, west, and south consists of both commercial and light industrial uses and zoning. The CSX Railroad provides a significant barrier between the Fresh Delaware facility and the single-family residential properties to the north.

Please note that the current facility meets all the requirements of Section 32-19(b)(22). Significantly, the property line of the nearest school, which would be Newark High School, is approximately 2,380 feet from the Fresh Delaware facility location far exceeding the 300-foot minimum set by Council that would have required a supermajority for passage. The Department notes that Fresh Delaware has operated at its location as a medical marijuana compassion center, with retail cultivation and production facilities since 2019. It should be noted that during the development of the City's existing zoning code regulations on marijuana, there was a strong consensus that Fresh Delaware, operating as a medical marijuana facility with retail, cultivation, and production was a beneficial business to the community that has caused few if any issues.

It was noted that as the adult use market develops in a state, the medical marijuana market tends to be significantly reduced, it was anticipated that Fresh Delaware would request to be permitted to become an adult use retail license holder to permit the conversion licenses for existing medical marijuana facilities. There was generally favorable feedback to Fresh Delaware making that transition to keep their business competitive in the retail and production market during the discussions about adult use marijuana zoning regulations in the city. No departments, including the police, have expressed any concern or objections to this application. Because the proposed use

114 does not conflict with the land use guidelines in Comp Plan V 2.0, is compatible with the zoning
115 code special use permit criteria, and because the relevant City departments have no objection to
116 the proposal, the Planning and Development Department suggest that Planning Commission
117 recommend City Council approve the special use permit for a retail marijuana store for Fresh
118 Delaware LLC at 800 Ogletown Road. Proposed motions are on page three of your packet, and I'll
119 turn this over to the applicant, Kristopher Kiely, who is here representing Fresh Delaware this
120 evening to present any information that they would like to support their application, and I'm
121 available for questions once their presentation has concluded. Thank you.

122 Mr. Kiely: Thank you, Director Bensley. And first of all, I would like to thank the entire Planning
123 Commission for allowing us to speak to you today. My name is Kristopher Kiely. I'm the Chief
124 Executive Officer for Fresh Delaware. I've been a part of the business since day one and we opened
125 our doors on March 1st, 2019. I've been very proud to serve the community here in Newark, I want
126 to introduce one of my partners, Justin Weisser. He would like to point on a few topics that we'd like
127 to address with you today. We are grateful that you're willing to at least acknowledge our request for
128 a special use permit. I feel it's absolutely essential to the survival of the business and so at this
129 point, I'll turn it over to Justin.

130 Mr. Weisser: Thank you everybody for allowing us to speak, we appreciate your time. Fresh opened
131 its doors in March of 2019 at 800 Ogletown Road, and we're very proud of our compliance history,
132 we've never had a violation with the state we've also to the best of my knowledge have not had to
133 call the police out to the property once over the past several years, which in this business is a...a
134 feat. Because I've seen some interesting things over the years, but you know, we pride ourselves on
135 compliance. I'm an attorney myself and we have a great relationship with State. Paul Hyland loves
136 us, always tells us how much he wishes all the other operators, you know, operated the way we do.
137 In the event that we are granted the special permit, we have plans in place to expand our sales area.
138 We're going to add nine additional point of sale terminals to the facility. The existing three are going
139 to be staying medical only.

140 We have a huge emphasis on prioritizing the medical patients. I have, you know, family reasons for
141 getting in this business. My mother passed away from cancer, and marijuana, which she was totally
142 against, never did it, but it gave her relief in her final days and that's really why I got into the
143 business. So it's kind of a sensitive subject for me, and I'm passionate about it. The other things that
144 we're going to do for the medical community, is we're going to have dedicated parking closest to the
145 building for the medical patients. We're going to have a priority of the medical patients as far as
146 being serviced first, they're going to have their own dedicated registers. We're also going to
147 guarantee them any product we have available at that facility for the adult use market is also
148 available to all the medical patients. There's never going to be a scenario where we tell a medical
149 patient that they can't buy something, that somebody that's just an adult use customer could buy.

150 So, we also are going to create jobs, we're planning on doubling our staff size. We're also going to
151 hire additional security. All of our security are retired state police, and you know, we really
152 appreciate what they do because we have no issues. Everything runs really smooth at the facility.
153 The other thing I wanted to point out is from a security perspective, we have 60 cameras,
154 surveillance cameras, that the state can monitor. We have a monitoring company that if anything
155 happens, we know about it instantly. We have burglar alarm systems, motion detectors at every
156 entry point, armed security guards, which I already mentioned, they're all former state police. We
157 have a perimeter fence around the entire property, roll down security gates at every door, and then
158 we have Trident locks with combination codes. So you know, there was a break in attempt during
159 COVID, they didn't get in because we have these in place. So, you know, we're, we're all about
160 compliance, security created safe environments with customers, and prioritizing the medical
161 community. And that's really, you know, a summary of who we are and what we do. And we're happy
162 to answer any questions that you may have.

163 Chair Hurd: All right thank you. I'll begin with Commissioner Bradley.

164 Commissioner Bradley: Thank you for that presentation, and thank you, chair. If you're granted a
165 special use permit, how soon would your retail adult use retail be available?

166 Mr. Weisser: It's dependent on the OMC, the state agency. They're targeting the spring, but they did
167 tell us that it's contingent upon at least a handful of the new social equity applicants coming online.
168 And so, it's out of our hands. We just don't know how fast they're going to be able to get operational.

169 The other thing we're going to do is we're going to be, we made a commitment to provide product
 170 wholesale product with the social equity retail stores. So, you know, we are gonna help that sector
 171 of the industry, but we can't help them get open quickly.

172 Chair Hurd: Can I ask that you speak more into the mic, you can turn the end up a little more and
 173 point it towards you.

174 Mr. Weisser: Sorry about that.

175 Chair Hurd: It's ok, for the online people.

176 Commissioner Bradley: Does that mean that pretty much all the retail is going to tend to open up
 177 around the same time? Or is it gonna be like a rolling open for whoever's ready?

178 Mr. Weisser: It's going to be rolling, but there will be, the initial launch, will be all of the existing
 179 operators and then at least a handful of the new social equity applicants. But there's going to be an
 180 application process for non-social equity applicants that they're just starting right now, but they got
 181 1200 applications. So I'm guessing it's going to take a little bit of time for the non-social equity
 182 applicants to get operational, so it will be rolling in that sense, but there will be a launch, a
 183 significant launch with the existing operators, which I think total around 14 in the state plus the new
 184 licensees.

185 Commissioner Bradley: With what you were commenting about your expansion, is there going to be
 186 a footprint expansion or is it just going to be all...

187 Mr. Weisser: Reconfiguring. It's yeah, we have a, like a waiting room that's kind of wasted space that
 188 we're going to expand into and you know, we just want to make sure that medical patients can come
 189 in and get service immediately. And so, we just need to add the point of sale system registers and
 190 you know, in order to accomplish that, we need to just expand slightly in the sales area.

191 Commissioner Bradley: Currently do you guys provide product to other medical facilities?

192 Mr. Weisser: We do. We sell wholesale, flower primarily, and we buy wholesale edibles from The
 193 Farm, for example, who's down the road from us. So that's been going on for several years in the
 194 industry where there's kind of wholesale, different companies kind of specialize in different
 195 products.

196 Commissioner Bradley: Thank you very much.

197 Mr. Weisser: No problem, thank you.

198 Chair Hurd: Commissioner Cloonan.

199 Commissioner Cloonan: Great presentation, very concise and very well done. Thank you. I have no
 200 further questions.

201 Chair Hurd: Ok. Commissioner Kadar.

202 Commissioner Kadar: I've taken a look at the documentation here. The business appears to be very
 203 carefully managed and controlled, and as was noted in the Planning Department reports, there
 204 have been no negative inputs from any city or state agencies and as such I plan to support. So,
 205 thank you.

206 Mr. Weisser: I appreciate that thank you.

207 Chair Hurd: Ok, Commissioner Silverman.

208 Commissioner Silverman: I have no questions.

209 Chair Hurd: Ok, Commissioner Tauginas.

210 Commissioner Tauginas: You're a well-oiled machine, I intend to support you.

211 Mr. Weisser: Thank you.

212 Chair Hurd: Commissioner Williamson.

213 Commissioner Williamson: I'll support it also, I just had one question about parking. You're
 214 doubling your staff, which is parking, you're anticipating more people coming.

215 Mr. Weisser: That's correct.

216 Commissioner Williamson: And I didn't see anything in the staff report regarding more parking
217 needed, so what is the situation?

218 Mr. Weisser: Right now, we have way more parking than we need unfortunately.

219 Commissioner Williamson: Ok.

220 Mr. Weisser: The reflection of our business, but we have 30 parking spots in the front of the building
221 and then our employees kind of park on the side and behind the building, which is not an active
222 road, but the other thing we're going to do is, we're going to be encouraging pre-orders and that will
223 speed up the transaction time. Most people are interested in pre-ordering the product. They come
224 in, they're in and out in two to three minutes, and we can turn over 200 transactions an hour is what
225 we're estimating. With 30 parking spaces each spots use, I think about eight times an hour. So,
226 yeah, the parking, we're really not worried about, the parcel is about 3.5 acres. We technically lease
227 58% of the parcel, so there's an area that the Subaru dealership, they store their cars. They're the
228 neighboring tenant, they're actually storing cars on our portion of property because we're not using
229 it. So, if need be, we can have them kind of shift their vehicles more towards their side of the parcel.

230 Commissioner Williamson: So, it sounds like you have plenty of parking, good news, ok, thank you.

231 Mr. Weisser: Thank you.

232 Chair Hurd: All right, I have no questions, good job, glad this is going along. This is going to look.
233 Have we received any public comment online or by email?

234 Ms. Dinsmore: No, Mr. Chairman.

235 Chair Hurd: Thank you, is anyone online who wishes to give public comment? Is there anyone with
236 President who wishes to give public comment? Ok, seeing none, I will close public comment and
237 return it to the dais. I'm going to assume there's no further follow up questions or things. So,
238 Secretary Kadar, we can move to the motion, please.

239 Commissioner Kadar: Thank you. **I move that the Planning Commission recommends that City**
240 **Council approve the special use permit for the retail marijuana store for Fresh Delaware LLC**
241 **at 800 Ogletown Road for all the reasons noted in the Planning and Development Department**
242 **report dated October 29th, 2024.** Thank you.

243 Chair Hurd: Alright thank you do I have a second?

244 Commissioner Bradley: Second.

245 Chair Hurd: Thank you, any discussion to the motion? Ok seeing none we'll move to the vote.
246 Commissioner Bradley.

247 Commissioner Bradley: Aye.

248 Chair Hurd: And because this is a special use permit, we do need a reason.

249 Commissioner Bradley: For all the reasons stated in the report, I vote aye.

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

251 Commissioner Cloonan: I vote aye because the proposed use does not affect adversely the health
252 and safety of the citizens of Newark. It is not detrimental to the public welfare, and it will not be in
253 conflict with the purposes of the Comprehensive Development Plan of the city.

254 Chair Hurd: All right, thank you Commissioner Kadar.

255 Commissioner Kadar: I vote ayes for all the reasons stated in the Planning and Development
256 Department report dated October 29th, 2024.

257 Chair Hurd: Thank you, Commissioner Silverman.

258 Commissioner Silverman: I vote aye for the reasons cited in the department's report of October
259 29th, 2024.

260 Chair Hurd: Thank you, Commissioner Tauginas?

261 Commissioner Tauginas: I vote aye for all the reasons stated in the report.
262 Chair Hurd: Thank you, Commissioner Williamson.
263 Commissioner Williamson: Aye for all reasons in the public record.
264 Chair Hurd: Thank you and I vote aye for all the reasons stated by the preceding Commissioners.
265 Motion carries.

266 **Aye – Bradley, Cloonan, Kadar, Silverman, Tauginas, Williamson, Hurd**
267 **Nay – None**
268 **MOTION PASSED**

269 **4. Review and consideration of the Comprehensive Development Plan Amendment,**
270 **Rezoning, and Major Subdivision for the parcel at 136 and 160 South Main Street**

271 Chair Hurd: Welcome. All right, that takes us to item 4, reviewing consideration of a
272 Comprehensive Development Plan Amendment, Rezoning and Major Subdivision for the parcel
273 at 136 and 160 South Main Street.

274 Director Bensley: Sorry, too many things open on one little computer screen. All right, so as
275 Commissioner Hurd mentioned, this land use application is a Comprehensive Development Plan
276 Amendment, Rezoning, a Major Subdivision for the property located at 136 and 160 South Main
277 Street, which is on the north side of South Main Street, across the street from the intersection
278 of South Main and Beverly Road. Please note that the title of the Planning and Development
279 report lists Site Plan Approval, however, that is not what was on the agenda, is not required for
280 this project and the plan is code compliant.

281 The applicant proposes to demolish the existing restaurant building on 160 South Main Street,
282 the former Pat's Pizzeria, to make way for a proposed mixed-use building, as well as
283 constructing a 2-story residential addition on top of the existing northern section of 136 South
284 Main Street. The existing zoning for 136 South Main Street is BB and 160 South Main Street is
285 BN, which is neighborhood shopping. 136 South Main Street is currently occupied by a mixed-
286 use building with ground floor retail and parking, two-story apartments comprising the second
287 and third floors, and a surface parking lot. 160 South Main Street is currently occupied by the
288 vacant commercial building formerly operated as a restaurant. The proposed use for 160 South
289 Main Street is a 5-story mixed-use building with ground floor commercial space and parking and
290 upper floor apartments is not an allowed use in the BN zoning district. All the proposed uses,
291 including the additional apartments on 136 South Main Street, are permitted in BB. The
292 proposed site does not conform to the existing land use designation indicated in the Comp Plan
293 and will require a Comprehensive Development Plan Amendment to change the future land use
294 designation of 160 South Main Street from Commercial to Mixed Urban. 136 South Main Street
295 is already designated for Mixed Urban Development. 136 and 160 South Main Street are
296 included in Planning Section B of the Comp Plan, which recommends Mixed Urban for
297 downtown along South Main Street, west to West Park Place.

298 This proposed development does meet all the requirements detailed in Chapter 27,
299 Subdivisions, and Chapter 32, Zoning, regarding the Major Subdivision once rezoned to BB and
300 does not require Site Plan Approval. Regarding project density, regulations for the BB zoning
301 district do not restrict the unit density of residential uses in new developments. The 40
302 proposed apartments at 160 South Main Street and the 38 existing and proposed apartments at
303 136 South Main Street result in a proposed density of 41.3 units per acre on the 1.89-acre
304 combined property. The density of this project, along with other pertinent project details
305 compared to other recent projects, is shown in a chart attached in Exhibit F of your packet.

306 Regarding traffic, South Main Street is a state road, and the proposed development is not
307 expected to have a significant impact on the average daily trip through the South Main Street
308 corridor, and it's not anticipated a TIS will be required by DelDOT. The applicant has provided
309 preliminary traffic generation information to the City of Newark, and they estimate the
310 redevelopment would result in a reduction of 292 daily trips over the existing uses, due

311 primarily to the removal of the large existing restaurant use. As this project was submitted after
312 the Newark Transportation District was approved, it will be subject to this current Newark TID
313 fees at the time of the execution of their TID agreement.

314 The proposed site is well situated to facilitate alternative routes of transportation. It's adjacent
315 to South Main Street, the University of Delaware's campus, and has bike lane connections to the
316 nearby protected bike path on East Delaware Avenue. The site is also located between two bus
317 stops served by DART and Cecil County Transit. Each stop is approximately 1,000 feet from the
318 property. There's also a virtual bus stop for DART Connect approximately 800 feet away from
319 the site in front of the City Municipal Building on South Main Street.

320 Because the Comprehensive Development Plan Amendment, Rezoning, and Major Subdivision
321 should not have a negative impact on adjacent and nearby properties and because the
322 proposed use is not conflict with the Comprehensive Development Plan V 2.0, the Planning and
323 Development Department suggests the Planning Commission recommend for approval the
324 Comprehensive Development Plan Amendment, Rezoning and Major Subdivision for 136 and
325 160 South Main Street. Thank you for your time and please let me know if you have any
326 questions. I'll turn it over to the applicant with John Tracey presenting.

327 Chair Hurd: Ok.

328 Mr. Tracey: Good evening, members of the Commission. It's been a hot minute since I've been
329 here, so a few of you are new faces, but I'm glad to be back. It's been a couple of years. Except
330 for you, Mr. Bilodeau I don't need to see you anymore. As per usual, well, first of all to my right,
331 Ryan Musacchio, and to my left is Chris Duke, they are the Project Engineers from Becker
332 Morgan Group. Also on my left, Jack Mumford, who is the Project Architect, also from Becker
333 Morgan Group, and I wanted to make sure you introduce them into the record. As usual when
334 some things haven't changed, Ms. Bensley reads her statement and the report, and I feel like I
335 just cross out ¾ of my notes because she was saying all the things that I was saying, but so I'm
336 trying to be very brief. We have a brief slide presentation for you regarding this project, but as
337 you heard Ms. Bensley saying, we are seeking three types of relief: the Comp Plan Amendment
338 and Rezoning of both, excuse me, for the 160 parcel and then a Major Subdivision Plan for the
339 combined parcels as part of this project. You've heard Ms. Bensley already indicate to you that
340 the Planning Department is suggesting a positive recommendation for this. And I will note, as
341 she indicated as well that this project does not require Site Plan Approval, is not seeking any
342 deviations from the subdivision code, it does not require a Special Use Permit because it does
343 have retail on the first floor in both of the mixed-use buildings, and it also meets and exceeds
344 the parking requirements, so no parking waiver relief is being offered for this project.

345 The first slide that you will see, besides showing you the relief that I just mentioned that we are
346 seeking, is the area photograph slide of the area which is property is contained. Our property is
347 outlined in the red, 136 to the right and 160 to the left, 160 being the former Pat's that my son
348 darkened the doors a few times doing open mic night back in the day, so hopefully none of your
349 ears were fractured in any of those appearances.

350 You will see the various projects that we've highlighted around here. The CSX rail line runs
351 behind the property separating us from The Rail Yard, at the top of the photo. The one thing
352 that I did want to point out is on the very left-hand side above the little spot there, which holds
353 the famous 7-11, is a project, 532 Old Barksdale Road, that was approved by Council last year,
354 essentially seeking much of the same relief we did here and so a five story building that needed
355 a Comp Plan Amendment and a Rezoning. It also, however, required a special use permit
356 because they did not have a retail component, which means Special Use Permit is necessary for
357 residential in the BB. The next slide zooms in on our property again, you can see the square
358 footages of each of the two structures there. You can see the L-shaped building on 136 with the
359 22 two-story apartments and then you see the former Pat's there on the left of the 160 building
360 there. You can see that the site of both sites are essentially almost entirely fully paved relics of
361 obviously older development that had occurred in this site.

362 The next slide adds in from, well, this is the street view. For those that I'm sure are very familiar
363 with this, this is the zoning map for the area. The current zoning map, wanted to point out two
364 things on that map. You can see the asterisks there, the left-hand corner, that's the 532 Old
365 Barksdale site we changed the color on the map to match the BB that property now holds. This
366 map actually incorrectly shows the piece directly across from us, it's also BB as well. I think this
367 zoning map came out prior to, or didn't capture that change when it was made. So, as you can
368 see the BB zoning is fairly dominant in this particular area going to what Ms. Bensley had said is
369 carrying around the kind of the downtown feel from a Main Street to South Main Street. The
370 next slide shows the same thing from the Comp Plan perspective, again, we've highlighted
371 where our properties are, the bulk of it, or a larger portion of it, excuse me, is classified as
372 Mixed Urban. The small red sliver in the middle is what we're seeking to change to mixed urban
373 to match what's on either side. Again, we placed an asterisk on the 532 Old Barksdale site
374 because that has changed now to match the orange that you see bracketing the 160 South Main
375 property.

376 What these two slides show is that what we're seeking from both the zoning and Comp Plan
377 standpoint are certainly not inconsistent with what you see along this corridor of South Main
378 Street and, again, the next slide shows some of the more recent construction that's occurred in
379 this area. From Rittenhouse Station, which I was involved in, in which Becker Morgan occupied
380 for a long time, to some of the other projects that have occurred in this particular area.

381 As the Commission is undoubtedly aware from consideration of those projects we saw, as well
382 as others, there's been a steady stream of movement of change that's been occurring in this
383 area of what was formerly Elkton Road and now South Main Street moving away from the old
384 retail buildings and adding in either apartment or mixed-use communities with the BB zoning.
385 This is reflected in what you heard Ms. Bensley note in the existing comprehensive plan that
386 notes that this area down to West Park Place has been targeted for Mixed Urban development,
387 which of course requires the BB zoning that we are seeking here as well. I will note that the
388 Comp Plan in the future land use element also talks about the fact that the City should
389 encourage residential high density uses in infill areas that are near essential services; public
390 transit, the university, employment opportunities all which you had in this particular corridor,
391 again, of South Main Street. This is the plan for the project that you see in front of you, I tried to
392 talk the engineers into a couple more pages and then realized that they would all be showing
393 the same thing. On the left you've got the 160 property, which is the former Pat's site, that's
394 going to be the home of a 5-story mixed-use building with a perpendicular to South Main
395 Street, so it extends back towards the rail line as opposed to like you see what's across the
396 street from us, which is parallel to South Main Street.

397 On 136, you see the existing building in the front that runs parallel to South Main Street, that's
398 not changing any substantive way, we're not adding anything to that building. What you see
399 identified in red is the existing three-story building that we would be adding two stories for the
400 apartments on top of that existing building. As I mentioned this site is actually has more parking
401 than is required by code. We have 13 more parking spaces than required by code for the BB
402 zoning. Taking into account both the nonresidential and residential uses of these properties we
403 have, I guess it's almost, if my D in University of Delaware math is right, nearly three times the
404 required bicycle parking, we have 64 bicycle spots, 22 are required by the code. There's actually
405 slight decrease in impervious cover on the property from what exists previously on-site a, little
406 less than a 10th of an acre or less impervious cover that was on the site previously. And as you
407 heard Ms. Bensley mention, we are based on the ITE, it's a reduction in traffic from the site from
408 the commercial use of the existing mixed-use building of slightly less than 300 trips on a daily
409 basis. And again, as I mentioned previously, and Ms. Bensley mentioned as well, this site as you
410 see as design doesn't require any relief in the way of Parking Waivers or Site plan Approval, it is
411 fully compliant with the code.

412 So, the next slide I think is the existing aerial of the site. You can see looking across the street
413 the 136 building on the right, the former Pat's on the left. The next two slides are two of the

414 renderings, I know there's other renderings that are in your packet of information. From an
415 architectural standpoint, if I can plagiarize verbatim what our architects have told me are going
416 on this project with creating a unified project that addresses the consolidation of the two
417 parcels into one campus that fits well within the context of the existing neighborhood. Since the
418 136 South Main Street building is to remain, the architectural features were carried through
419 onto the addition. Above the existing rear building, on the street facade of the 160 Main Street
420 building, which I think, made visible in the next slide, has been enhanced with new landscaping
421 brick walkways to further unify the project. Retail space is provided at street level and in new
422 buildings fronting South Main Street. Bike storage has been provided for each building, ground
423 level parking is available for each, providing accessible access for fire service to the building as a
424 whole, so that's the project in a nutshell. Again, Renee saved me probably 10 minutes of my
425 presentation, so I appreciate that, but obviously we'd be happy to answer any questions.

426 Chair Hurd: All right, thank you. We will begin, as I said, with a public comment. Is there
427 anything that's submitted by e-mail?

428 Ms. Dinsmore: No, Mr. Chairman.

429 Chair Hurd: All right, is there anyone online who wishes to give public comment? Is there
430 anyone present who would like to give public comment? I have to ask. Ok, closing public
431 comment and bring it back to the dais, and we will begin with Commissioner Cloonan.

432 Commissioner Cloonan: Thank you for providing the additional illustrations to me today, I'm still
433 unclear as to where the additional trees are, I'm assuming, at these four here and these two or
434 three here is that right?

435 Mr. Tracey: Chris, do you want to come up here and respond to that? Chris Duke can respond.

436 Mr. Duke: (inaudible)

437 Commissioner Cloonan: That's correct? And is this all the existing vegetation that's currently
438 there?

439 Mr. Duke: There's a lot of existing vegetation there. In coordination with the Planning
440 Department, we were asked to provide a beefier buffer than what's there, so that includes
441 supplemental planting as well.

442 Director Bensley: Just so the rest of the Planning Commission knows, Commissioner Cloonan
443 had requested some additional clarity on the landscape plan and a drawing colorizing the open
444 space was sent today so I'm going to share that to the screen so everybody can see it if that's all
445 right. And Chris, can you just state your name for the record?

446 Mr. Duke: Sure, Christopher Duke with Becker Morgan Group.

447 Director Bensley: Katie, can you please give me presentation capabilities? Thanks.

448 Ms. Dinsmore: You should be good.

449 Director Bensley: Thank you.

450 Mr. Duke: So, in coordination with the Planning Department, the southern property line that
451 does include additional plantings as well to give the enhanced buffer yard. Between 168 South
452 Main Street, the property immediately south, there are several trees, in the southwest corner of
453 the property proposed. There are two street trees in front of 160, the old Pat's building that are
454 also proposed. As well as four proposed trees just south of the L-shaped addition, if you'd allow
455 me to point?

456 Director Bensley: Katie, do you have the remote he can use to point from the podium so he can
457 still...

458 Commissioner Cloonan: Yeah, I can see you have one more above those next to the dumpsters.
459 Yeah, right there yeah.

460 Mr. Duke: I come semi-prepared.

461 Commissioner Cloonan: Is this a solid wall between the south side of building 160 is it, or is
462 that? Can you see the plants from the parking lot or not?

463 Mr. Duke: You will probably not. There is a solid wall here to follow my pointer.

464 Commissioner Cloonan: That actually makes me feel better because as a woman I don't like
465 densely planted edges to parking lots so...

466 Mr. Duke: Sure, yeah. So, the parking will be below grade of the landscaping so there was a solid
467 wall.

468 Commissioner Cloonan: Ok, so this 11- to 12-foot-high retaining wall on the south side of the
469 building, and you show me where that is on the plan?

470 Mr. Duke: It's right here 11-12 is probably a little bit taller than it's going to end up being, it's
471 probably going to be more in the range of like 6 to 8. As we progress the design, we've tweaked
472 that even further. But that's in this area right here. It's basically, so the site has some pretty
473 good fall from the back to the front I'll call it, so our plan flattens it as you go from South Main
474 Street towards the back and that's going to leave a height difference once you get to the back.
475 But we think it's going to be about a 6-to-8-foot wall.

476 Commissioner Cloonan: Ok, I didn't realize that. So, what you're telling me is you have an exit
477 stair that exits into a back alley that's 12 feet below grade with no supervision from anything?
478 No parking lot, no visual from anywhere?

479 Mr. Duke: Well, if I don't think it'll be 12 feet below, it will be in that 6 to 8 range. And you're
480 talking in this area right here, right?

481 Commissioner Cloonan: Exit out the door, up is where you show the door on the railroad side.

482 Mr. Duke: Right here. Yup.

483 Commissioner Cloonan: Yeah, and so, people exiting out that door are exiting into a blind alley?

484 Mr. Duke: Is it an access way, I think it'll be lit and there certainly be security cameras there as
485 well if it's a concern.

486 Commissioner Cloonan: Is there a way to provide an access? Maybe into the parking garage and
487 directly out so they aren't going behind you understand my concern here. Do you have a way to
488 remedy that? I don't think extra lighting is good enough because you're back there by yourself,
489 so it doesn't really matter how many lights you have on it.

490 Mr. Duke: Sure. Yeah.

491 Commissioner Cloonan: And it also concerns me because you know how often doors are
492 propped open so that people can get access into buildings, so it just seems like a...

493 Mr. Duke: Yeah.

494 Commissioner Cloonan: So, where do guests park, if every space is leased to an individual?

495 Mr. Duke: So, as part of the Subdivision Agreement will require the decoupling of parking spaces
496 from residents and the parking. So, I think the intent would be every parking lot is assigned to
497 someone either as a resident or you know, someone leasing the spot. So, there could be some
498 parking space specifically for I guess, but they would be marked that way.

499 Commissioner Cloonan: So as of now, you don't have any designated for guests. You're assuming
500 that they will all be assigned?

501 Mr. Duke: Our plan doesn't show any specific designs. We do have in excess of what was
502 required so we can certainly –

503 Mr. Tracey: And then there's also, we did take into account the fact that there's some retail
504 which will not be operating at nighttime so that those spots would also be available if folks were
505 there, I know the department has endeavored to pursue the decoupling of parking, so that just
506 not people automatically bringing cars. This is, that is actually in a good location where it lends
507 itself to walking, I recognize that there are the various bus routes, and even I in my University of
508 Delaware days would take the bus from Towne Court to get into campus, but here you're
509 actually closer to a lot of things so the walking is available, but the reality is we've got 13 more
510 spots and we can very clearly designate on each parcel, some as guests parking spots. But then
511 we also have the ability, if there's some that are designated for retail, those would be available
512 for guest parking as well.

513 Commissioner Cloonan: Ok, and then also on the north end of Building 140, it looks like you
514 have one single parking lot sort of out from underneath of the building, which again is very
515 isolated, and I worry about visibility on that spot. It's north of the building, there, yep.

516 Mr. Duke: Right. We have an excess of parking. We can simply eliminate that and if that
517 eliminates the concern...

518 Commissioner Cloonan: I would say yes to me personally...and then the parking layout under
519 the building. I understand this is an existing condition under building 140 where you have this
520 doubled up parking, but how does that work in reality?

521 Mr. Duke: I believe they are assigned. So, I don't know of any issues with it to be honest with
522 you.

523 Mr. Tracey: Yeah, this has been something that we've done in a number of projects that I've
524 been involved in and part of them is treating people like adults, you know, you park two cars in
525 you can move one of the other out. But I think in those situations where you have back to front
526 that they're usually in the same unit, so they would be able to know, hey, I need my car in the
527 morning to go do whatever or, you know, vice versa.

528 Commissioner Cloonan: So right now, you have essentially the same amount of parking, but
529 you're adding a lot more apartments, right? And I you find that now you have an excess of
530 parking in this lot.

531 Mr. Duke: Yes, per the code requirement yes.

532 Chair Hurd: Chris, can you come closer to the mic please?

533 Commissioner Cloonan: Not by a code requirement, I mean in actuality you have an excess of
534 parking, you have a lot of empty parking spaces

535 Mr. Tracey: We're not aware of any issues.

536 Mr. Duke: Yeah, I don't, I don't know the day-to-day operations, but I don't know of there being
537 an issue.

538 Commissioner Cloonan: I understand that you didn't have room for street trees along building
539 136 and that you're (inaudible) I was disappointed to see just two in front of 158 and my
540 disappointment arises in the fact that I want it to be a pleasant urban space, and I would like to
541 have some urban amenities along that corridor. So, if it had been, if I had my druthers, I would
542 have provided some sort of nice plaza or outdoor public space or amenity. And I will tell you
543 about my problem with the project that I see up here is that I don't really see any additional
544 amenity provided to the City of Newark by this project. So just to keep going through the
545 questions, you're making no improvements in the existing lot because you don't have to
546 basically, ok. And then these two dumpsters, are they gonna serve all these new apartments?
547 And is that what's currently there and is one recycling and one trash, or how does that work?

548 Mr. Duke: So, we believe the dumpsters here are adequate, as to how they get separated...

549 Chair Hurd: Chris, Chris, mic. You need to get right on it.

550 Mr. Duke: Yes, so certainly one could be trash, one could be recycling, I don't think we've
551 thought about that in as much detail to be honest with you yet, but that that is desired
552 accommodate that.

553 Commissioner Cloonan: But that is what's existing now or not?

554 Mr. Duke: I don't know, to be honest with you Commissioner.

555 Commissioner Cloonan: Ok, I would like wording that says all exterior lights will be dark sky
556 compliant. I understand that the police are worried about encroachment into the neighbor's
557 areas, but I'm worried even further than that. I noticed in your parking garage on 140 you
558 currently have lights shining into the people driving in that direction and dark sky compliance, I
559 think is only safer for the people on the ground, but also safer for, you know the birds. So
560 sometimes I think the City lets you get by with dark sky friendly, but I think in this case it should
561 be dark sky compliant. And I guess my final question is, you know we're adding a lot of residents
562 to this this property, and you know, I just wonder how you reconcile with the needs of fresh air
563 and open space and public amenities with these additional residents. And I recognize it right
564 now, you see them as being students, but in 30 years I can see them being you know, young
565 families or something else, so. I want to know if you have given any thought to anybody besides
566 a student population here.

567 Mr. Tracey: At the moment I think it's currently being looked at is, as a student population, there
568 is amenity space within the building for the residents of the buildings. I don't think we fully
569 fleshed out what's going to be in there, but that square footage that's referenced is both retail
570 space and amenity spaces in the front of the 160 building, so there are some internal amenities,
571 I know that we've added some, I don't think there's a plaza or anything there, but there is, I
572 think we've added you know a pavement scheme or brick paving to make it more welcoming
573 coming to the building as opposed to just a sidewalk into an entrance. And Jack may want to
574 speak about that more as the architect, but we do have that added as well. But you know, we
575 have an internal amenity space designed to serve the residents of the building, we haven't
576 really designed it externally, the amenity spaces and a lot of times, and I shouldn't go too far in
577 this, the, and I don't know if we're making a contribution, we might not have to because this
578 isn't Site Plan. But oftentimes, instead of adding the amenity space, there's contributions made
579 because there's other amenity spaces that are approximate to the properties to utilize.

580 Commissioner Cloonan: This is a question I honestly don't know if it's a valid one or not, but I
581 know that next door to you where the dance studio is, where they put their sign was so close to
582 the sidewalk that if you're trying to exit from that, the sign is blocking your visibility of the
583 pedestrian and I thank you for putting this screen up in front of the transformer, I appreciate
584 that, but I just wanted to make sure that was just set back enough for visibility.

585 Mr. Duke: I know that we, obviously we're not seeking any relief to put it any closer to the road
586 than what it would need to be for both the buildings, the existing building and the new building
587 are proposed to have you know, big numbers on the building to advertise it as 160 or 136 South
588 Main to designate where the buildings are, I don't know what we have, if anything, the way
589 external signage on the one existing building.

590 Commissioner Cloonan: Well, mine's just, visibility for the car is trying to exit and my concern
591 was that it just looks like the transformer is a little close to that wall, if that transformer needs
592 any kind of air circulation, so again, just something for you to look at, nothing that I have skin in
593 the game about. Alright, thank you.

594 Chair Hurd: Thank you. Commissioner Kadar.

595 Commissioner Kadar: As I look at this project, I'm actually pleased that you were honest enough
596 to call it student housing because it sure looks like dormitories. Having said that, it is however in
597 keeping with the architecture, the feel, the flow of South Main Street, and I think it takes us in
598 the direction that we all want South Main Street to go eventually and so I have no significant
599 comments related to the actual building itself. Other than, and, I think we talked about this

600 earlier here, I would like to see you look for an opportunity to reduce the number of parking
601 spaces to only those that are required and see if you can't put in an additional green space a
602 couple of benches, a park, a walkway, a fountain, a statue. You know, like in Animal House,
603 knowledge is good, right? Something like that but, and I don't know where you would put it,
604 probably in the back towards the railroad, but I see that is an opportunity to add a little bit
605 more landscaping to this because it's pretty sparse.

606 Mr. Duke: No, I appreciate that, and again, there's always that tug of war between how much
607 parking is appropriate, and do you want to have more parking, or do you want to have less
608 parking? As I said, we do have more parking on this site than that is required, so there may be
609 that flexibility to look at something, I harken to Bespoke Brewing in Lancaster if you've ever
610 been by there, which is right by the railroad tracks and there's some picnic tables right there.
611 Granted they're not functioning railroad tracks, but there's rail cars parked on there...

612 Commissioner Kadar: Ok, that's all I have, thank you.

613 Chair Hurd: Ok, Commissioner Silverman.

614 Commissioner Silverman: The statement was made that we exceed the parking requirements, I
615 frequent the commercial uses in building 136, there is no available parking there. The landlord
616 has chosen to designate multiple spaces as reserved that sit empty during business hours. The
617 owner has chosen to designate pick-up spots for 15 minute only parking and has chosen to
618 reduce the amount of public handicapped parking by designating one of the handicapped
619 places as reserved parking for the units. The owner's also chosen to charge public parking fees
620 for part of the available parking that's shown on this diagram, and the diagram makes it appear
621 that that parking is just available to anybody.

622 Mr. Duke: Is that on the 160 site or...

623 Commissioner Silverman: On the 136 site. So, the City, of course, has an interest in businesses
624 being successful. I go there primarily around noontime and it's very hard to find parking
625 because of the restaurant activities that are in that building. So, the statement that there's
626 excessive parking on this site really doesn't work from the point of view of commercial activity.
627 Right now, I understand that there's no regulations on how parking is designated, there's no
628 requirement that assigned parking be shared during daylight hours, a question was raised by
629 the Commissioners with respect to guest parking. I would know which of those spaces right now
630 were guest parking, so it's just very confusing.

631 Mr. Duke: And I think that, Commissioner Silverman, is part of what you're talking about too, I
632 mean, part of the reconfiguring, the combining of these buildings, the new uses that are being
633 added, that additional retail with regard to the residential, those designations, in addition to
634 decoupling of the parking, which I don't think currently exists on the building, but I don't know
635 the answer to that, but that will hopefully make everything more clear on the property as to
636 what's commercial and what's, what your assigned spot is if you've chosen to lease a spot which
637 you're able to do, and then what would be available is guest parking.

638 Commissioner Silverman: And I know the owner would not want to lose the revenue from
639 leased parking, but I believe this building is not that far away from the University parking
640 building. Which I don't know now, but at one time also offered public parking. So, there is kind
641 of an overflow available.

642 Mr. Duke: Yeah.

643 Commissioner Silverman: I intend to support this particular project, and I will go through my
644 reasons as we go down the various motions. Thank you.

645 Mr. Duke: Thank you.

646 Chair Hurd: All right. Commissioner Tauginas.

647 Commissioner Tauginas: I don't really have any questions as much as just a couple of thoughts. I
648 agree with Commissioner Silverman, the parking over there's a disaster. Any time we go there, I
649 dread it, might as well just try to walk. I'm a little, I'm just a little disappointed in just like this
650 whole space is just straight up just building, just all building. I think that in terms of like, I just
651 would have liked to see more in terms of just appeal you know, like even in the front like
652 something. It's just like building all the way up to the sidewalk, that's it. Parking, you know,
653 every square inch is being used for residential. We know that there's going to be a decline over
654 the next 10 to 15 years in terms of students attending the University, they're expecting a drop.
655 So, we're, you know, I'm just, I'm just a little disappointed in it. I would've liked to see, you
656 know, more of an attempt to add a little more of a courtyard space, some kind of beautification,
657 other than just planting a few trees. You know, not like trying to hate on anybody's work, it's
658 just, I think Commissioner Cloonan probably agrees with me. We just would like to add a little
659 more appeal, and I get like the security issue like putting something like that in the rear of a
660 property, you know against a railroad could be an issue. But you know you might have the space
661 to do something up front, you know that would be a little more visually appealing and allow
662 actually, so the residents, you can have some designated interior like areas for people to do
663 something.

664 Mr. Duke: Yes, the amenity space.

665 Commissioner Tauginas: So, there'll be a little bit of amenity space, just like something you
666 know to the exterior. I lived in New York City for many, many years. I always appreciated going to
667 someone's building when they had, you know, space that you could actually enjoy the exterior. I
668 just think that that would in the end, add value in terms of you know long term value to the
669 space. But it is what it is, you designed it, so I'm just complaining, so you take it for what it is.
670 That's all I got to say.

671 Mr. Tracey: And there's opportunity to look at things, as we said.

672 Commissioner Tauginas: Yeah, yeah, I mean but also, I wouldn't, like the doubling up of the
673 parking situation, so if you think about it like from a like a real estate perspective, right, like if
674 this, if this building is going to stay student apartments forever, ok. But maybe at some point in
675 time it'll make more sense to turn it into condos, but you're going to have double parking
676 spaces for condos?

677 Mr. Tracey: Well, again, that's the existing condition on that one building that's not being added
678 in the sense of that that exists right now under that building.

679 Commissioner Tauginas: So, it's just, you know, forward thinking like if there is a draw down in
680 terms of economic driver from the university here, what's going to happen to the building, what
681 could be the potential long term, like really long term not like, you know what I mean? Just like
682 thinking about the future and where things are headed, what the direction is. So, I think when
683 you have like you know, exterior amenity type area and whatnot, it just adds value to the
684 project, especially if, at some point in time, it does become an option for the ownership to turn
685 it into, you know like nice condominiums or whatever, how these units that are going to put in
686 what are they going to be?

687 Mr. Tracey: I think most are one bedroom in the 160 building. Then I think there are two
688 bedrooms in the 136 building?

689 Mr. Duke: It's one bedrooms in the 160.

690 Mr. Tracey: And one bedrooms in the 136. So, in the new building it'll be two-bedroom units,
691 what's being added to the existing building are one-bedroom units.

692 Commissioner Tauginas: Got it, so the top two floors will all be one bedrooms and then the
693 other one is going to be all twos, no threes, just straight up all twos?

694 Mr. Tracey: Yes.

695 Commissioner Tauginas: Interesting, all right, nothing else. Thanks guys.

696 Chair Hurd: All right, Commissioner Williamson?

697 Commissioner Williamson: Thank you, so I have some questions. I'm reading the report, there's
698 a net gain of 56 apartments I think, and 96 bedrooms, so roughly at least 100 people. How
699 many units will be ADA required? I mean you obviously are going to comply with ADA...

700 Chair Hurd: I need to ask that you come to the mic and state your name too please.

701 Mr. Mumford: Jack Mumford, with the Becker Morgan Group all the units will comply with the
702 Fair Housing Act, where they can be adaptable if, you know, someone handicapped goes into
703 one of those units, I don't know we've determined exactly how many of them will be full ADA
704 units, but whatever the code requires.

705 Commissioner Williamson: Whatever the code requires. Ok, thank you. That's 100 students. I
706 mean, let's be honest, it's basically, it's basically a dormitory in a parking lot, 2 dormitories. And
707 unfortunately, the University dormitories usually have some nice grounds around them, but
708 here, it's parking lots. That's 100 students, I was looking at the street, I think we all know the
709 street fairly well. And the, I'm guessing it's about a quarter mile between the light to the north
710 and the light to the south and you're not supposed to cross the street right, and it almost
711 suggests with this number of people and the next door down by the 7-11, although there's a
712 light down there, you know, a mid-block crossing and a light activated mid-block crossing for
713 safety.

714 Mr. Mumford: That would be a DelDOT decision, because it's their street.

715 Commissioner Williamson: Sure, I understand.

716 Mr. Tracey: I don't think, well I don't know, and I'm bad on distances, but I know that you got
717 Madeline Crossing to the left of the picture and then I think the 7-11 is the next thing that's
718 down there. So, I'm not sure if that distance is quite as long, but...

719 Commissioner Williamson: Well, it doesn't seem to be addressed in the staff report and I
720 understand it's a state street, but it's also a city street.

721 Director Bensley: I can help provide some additional context on that one, so this had come up
722 with another project recently, I want to say it was...5, no not 532 Old Barksdale...but there has
723 been discussion on this issue at Council and one of the items that our City Manager had
724 mentioned was, you know, this all, the current configuration was all done when South Main
725 Street was redone in the early 2010s. So, at that point, there was not a lot of the mixed-use that
726 was going on in the corridor now. So as this has transitioned, you know there's some additional
727 thought as to where appropriate additional crossing areas would be, so I know that our City
728 Manager had discussed reaching out to DelDOT to get input from them as far as the possibilities
729 for providing additional crossing areas along South Main Street, recognizing that there's a lot of
730 folks who don't follow the existing crossing areas right now and, as we add more density to the
731 corridor, we're going to have more folks that will have an issue. So, it is on the radar of the city,
732 particularly the Public Works Department and then while it's not addressed in this particular
733 report, it is part of the discussion internally.

734 Commissioner Williamson: All right so with that information, thank you very much. It would
735 lend to a conditional of approval up to City Council that this project contributes a proportional
736 share of the building a crosswalk; lighted, signalized to state standards. And I would make that
737 condition.

738 Mr. Duke: Would that be a condition that? Sorry Commissioner, to interject, that sounds like it's
739 a higher level, more of a coordinated effort with DelDOT.

740 Commissioner Williamson: Sure. And if it doesn't happen, you get your money back, you know,
741 but it contributes to a fund set aside by several projects that are generating the housing on the

742 west side to put in a standard signalized pedestrian crosswalk with all the lights and you know
 743 maybe that's 50,000...

744 Mr. Tracey: We are going to have to be making the contribution to the TID, the Newark TID. So, I
 745 don't know if, that funding those improvements are what that fund is utilizing, because we have
 746 to make a contribution regardless, so that funding may be able may be available to, in
 747 coordination with Newark to do something like that.

748 Commissioner Williamson: That could be as well.

749 Mr. Tracey: I know it's an infant TID, but in my experience a TID's, that's typically, they're for
 750 road improvements in areas, and where you can't make road improvements, they'll make
 751 pedestrian improvements.

752 Director Bensley: And I will say in regard to the TID as Mr. Tracey mentioned, they will be
 753 required to contribute. The TID does not specifically have a project for this area for this
 754 however, part of the adoption of the TID included the review of the TID at the time that the
 755 comp plan is reviewed, that is, we're actually getting ready to kick that off early next year for
 756 adoption of our new comp plan in 2026 when it's due, so the TID would be reviewed at that
 757 point as well. And if it was determined that an additional project in the corridor was warranted
 758 at that time, then it could potentially be included.

759 Commissioner Williamson: Earlier you mentioned the amenities that possibly using that space
 760 in the building, but that's supposed to be commercial, isn't it?

761 Mr. Tracey: It's both, if you look at the report it denotes it as both retail as well as amenity
 762 space, but we don't have any particular amenities called out yet, and we don't have a particular
 763 retail user either called out, so that space would likely be divided up based on what the
 764 demands are.

765 Commissioner Williamson: And your site plan does not have a bathroom there, but I guess you
 766 could add one?

767 Mr. Tracey: Yeah, if there's retail, there there'll have to be one.

768 Commissioner Williamson: On the site plan itself in the far, in the southwest corner is next to
 769 the staircase, it's labeled Trash Room? How does that work, given that the dumpsters are
 770 outside just wasn't clear? It does say traffic (inaudible)

771 Mr. Tracey: You're going to have to come up here Jack, if you're going to.

772 Mr. Mumford: I believe there's a trash chute that ends up in that room and you would wheel out
 773 the trash and you know.

774 Commissioner Williamson: Doesn't look like a very big door but I guess you would have to make
 775 that work and speaking of trash, the way that the dumpster's configured like a trash truck has to
 776 drive in and then back all the way down the aisle how could it turn around?

777 Mr. Mumford: It would need to back –

778 Commissioner Williamson: Back an entire parking lot?

779 Mr. Mumford: It wouldn't have to back out onto South Main Street, but it would have to come
 780 in and then reverse. There wouldn't be enough room to make the counterclockwise movement
 781 given the clearance under the second floor of the building there.

782 Commissioner Williamson: I don't know about Newark pickup, but usually they don't like to
 783 back up because potentially the danger of backing up. Ok, going over to the property on the far
 784 right, there's that easement area that's the access to the railroad tracks, yeah that long corridor
 785 that you drive over and that stripe for the parking. Is that somebody else's property, how does
 786 that work?

787 Mr. Mumford: Yeah, sorry it's Jack, the dark line is the property line, so the easement is actually
788 on the neighboring property.

789 Commissioner Williamson: And you have the easement access for that?

790 Mr. Mumford: There is an easement access for that, for that property.

791 Commissioner Williamson: For all those properties. That's the FedEx building next door, right? I
792 think that's FedEx which has a lot of parking. It's going to be tempting to use it. Ok, in the
793 February 1st, 2024 Subdivision Advisory Committee letter, there was a note about the down,
794 sewer capacity downstream, and I think in the current, it's still not known. Is that not done?

795 Mr. Mumford: Testing is, if it's not started this week, it will be started here next week or the
796 week after. There was an issue with getting the proper equipment and replacement parts a little
797 bit, but they're testing new schedules for this month.

798 Commissioner Williamson: So do we have any information that there is capacity in the line,
799 because you're on the hook for whatever improvements are needed, and that could be quite
800 extensive and disruptive in the whole street.

801 Mr. Mumford: So theoretically, just based on the calculation of sewer demand with the
802 restaurant use versus the apartments we should be seeing a reduction in sewer demand based
803 on historical data. The Public Works Department did ask us to confirm with the actual in place
804 testing capacity of the line so obviously we're doing that. But theoretically, we should be seeing
805 a reduction in demand.

806 Commissioner Williamson: I understand that would be the, the volume coming from the
807 property into the main, but this is the testing of the main further down. Given all the other
808 development that's occurred, right?

809 Mr. Mumford: Yes.

810 Commissioner Williamson: And that's a different game.

811 Mr. Mumford: Yeah, I haven't heard any issues with existing capacity. We haven't been told that
812 there is an existing issue, so that coupled with the expected decrease in demand hopefully
813 won't have an issue, but obviously we're testing to make sure of that.

814 Director Bensley: And also, just to add some context, one of the reasons that there was a delay
815 in that testing is our Public Works Department does require that that testing be done during the
816 semester so that way we have the full residential capacity in the area and usage. So, they were
817 not able to complete it over the summer during that, or after that February letter and are now
818 working to set it up.

819 Commissioner Williamson: No, that makes sense. A question for our legal eagle over here. The
820 actions being requested include an amendment to the Comp Plan, and the other, the approvals,
821 well the approval of the 160 building, the new building is contingent on that amendment and
822 the Rezoning. Correct?

823 Solicitor Bilodeau: Right.

824 Commissioner Williamson: And even though the building code is compliant, which is an
825 example of be careful what you code for because you get it, if the Comp Plan action is a
826 discretionary action, correct?

827 Solicitor Bilodeau: Correct, that's a discretionary action, you've got to state your reasons, but it's
828 discretionary.

829 Commissioner Williamson: Ok, I'd like to point out in the Comp Plan, there's a policy about
830 ensure adequate access to active and passive recreational opportunities for residential
831 developments and it's a subjective term of what is adequate access to active and passive. I don't
832 think this project's ready for approval and I don't, I'll vote against the Comp Plan Amendment

833 and then probably abstain on the others. I wish it was better, and the fact that you don't even
834 know if you have sewer capacity, and the parking's not worked out and I'm hearing things like
835 "we hope" you use the hope word, that's something –

836 Mr. Tracey: I am going to say Commissioner Kadar, and you clearly have the ability to vote how
837 you determine you should be voting, I do believe this is consistent with the Comprehensive
838 Plan. This is an area that the Comp Plan has specifically said that Mixed Urban is appropriate
839 and that BB zoning is appropriate and the same thing has occurred on the property to our left
840 off screen as well as across the street. We have more parking than what the code requires,
841 which gives us maybe some flexibility if there's a desire to do some stuff on the outside. As far
842 as what Mr. Silverman was talking about, that's the existing condition on the current building
843 which obviously has to be adjusted to take into account the new building, which also brings in
844 the City's requirement to decouple parking, which didn't exist for the existing building as well.
845 There are, as we know, external communities that are available and proximate, there's a whole
846 new park that was built right up right behind us, there's other obviously walking paths and trails
847 throughout the City. Again, we can look at options, but as you know, we presented a plan that is
848 code compliant and does exceed the requirements of what the City asks us to do as far as the
849 subdivision code. It doesn't mean we can't look at ways to try to improve it some more. As far
850 as the sewer that Chris was talking about, you were having the back and forth, that's obviously
851 part of the CIP process as well, when we're doing a construction plans, we have to, we're
852 essentially taking the risk of going forward, that there may be an issue with the sewer. We are
853 not aware of any potential issues, but the City has asked us to take a look at it and obviously we
854 are obligated to do that and we're the ones that have to either exhale, because what we think is
855 the case is in fact the case, or we have to address whatever problem is, as part of this project.

856 Commissioner Williamson: Ok, thank you. That's all, Mr. Chairman.

857 Chair Hurd: Ok, Commissioner Bradley.

858 Commissioner Bradley: Thank you, Chairman. Where to start. So, I'm gonna echo some of the
859 comments made by other Commissioners here. I don't think...I'm not impressed that there's no
860 green space to this project at all. You've got 100 plus units in here, they don't have balconies,
861 they don't have any place to go outside and sit outside. Landscaping is minimal and you have
862 extra parking. I hear the comments from the other Commissioners about there's really not extra
863 parking, but on paper there's extra parking. I think...I think another crack at the layout might be
864 in order to get some type of outdoor amenities here. The other issue I have is five stories right
865 on South Main. We have other buildings in the area, there are no 5-story buildings right on
866 South Main. I think personally, I'd like to see it, I mean, three stories in the front and have it step
867 back and then have five stories in the back like other buildings have done. I think that would
868 make it more appealing from the road. Wouldn't feel as tall either, it wouldn't be as tall. You're
869 using up every bit of space you have for impervious area. I mean, it's just, I don't see any quality
870 of life for people that live here is I guess the bottom line that I have here. I mean they're gonna
871 be in their apartments, they can open their windows, but you can't step outside. What are they
872 gonna do out there? Let's see...we had a presentation from UD last month about student
873 housing and requirements that they foresee in the future, and they anticipated I think was a
874 15% drop off in the future, for student housing. What type of future plans would this place have
875 for non-student housing? Could it be converted into retail or, not retail sorry, market space, or
876 market rate housing.

877 Mr. Tracey: I mean, again I think I haven't, and Jack if you wanted to talk about the internal
878 layouts, obviously there are some legacy two-story apartments that are existing in the existing
879 building that might lend themselves to that type of situation, the floor plan certainly may be
880 able to be adjusted if there was a movement towards these becoming non student housing, I
881 mean things as you heard people look to do student housing proximate to the University, but
882 every developer, not just this developer would have to adapt if that market were suddenly 20 or
883 30 years from now as the Commissioner was suggesting in a different direction and I think these
884 aren't like some of the buildings you've seen, which are, you know, one structure with a bunch

885 of bedrooms, these are more traditional in terms of like an apartment layout I would assume
886 and Jack if you want to talk about the layout at all?

887 Commissioner Bradley: Are these individual meter, individually metered units?

888 Mr. Mumford: The entire building, it would not be individual I believe.

889 Commissioner Bradley: So, in the future, if this wanted to be a condo or a market rate
890 apartments, you're not set up for that?

891 Mr. Mumford: There would have to be a conversion.

892 Commissioner Bradley: Pretty major conversion.

893 Director Bensley: Well, also condominiums are not required to be individually metered. The
894 condominium association would control the central meter and then bill out the units. We have
895 other condos that do that in Newark.

896 Commissioner Bradley: Right, thank you for that. I didn't know that.

897 Mr. Mumford: Yes, that's fairly typical. I think the units could be converted to condominiums or
898 apartments down the road if the need for the student housing fell off as you mentioned.

899 Commissioner Bradley: I know there's no, there's no way of getting, not subsidized housing, but
900 reduced rate housing in this complex for the general Joe Schmoe out there, this is all for
901 students. Is there any? Does the owner have any intention of having lower rate units for lower
902 income students.

903 Mr. Tracey: I don't have an answer to that as I'm sitting here today, but it's certainly something
904 that can be conveyed back because I know maybe something may get asked at the next level as
905 well.

906 Commissioner Bradley: Ok, and I may have misheard about what you were saying about the
907 reduction in the sewer capacity. Were you saying that this site is actually going to be, have a
908 reduced input to the sewer when Commissioner Williamson asked you, then what it's currently?
909 Or is there an increase?

910 Mr. Tracey: My eyes can't read that so I'm trying to...

911 Commissioner Bradley: Neither can mine.

912 Mr. Tracey: I mean I do know that the restaurant has a pretty heavy use and that's part of what
913 it's based on is that use is being eliminated instead of the residential use, which as you know is
914 a much more refined number and I think that's what Chris is looking to see, but that is what

915 Commissioner Bradley: So, that would be the reason behind that because you have 100 units-

916 Chair Hurd: It looks like 136 and 140 the peak is higher in the proposed but for 160. The peak
917 is...(inaudible) looking at this.

918 Commissioner Cloonan: But they don't know what use is going in the commercial areas, it could
919 be restaurants couldn't it?

920 Mr. Tracey: Either way, it's a much smaller square footage than what the existing facility is. The
921 existing facility is over 5,000 square feet, that's all restaurants. This amenity space is around
922 4,000 and change it's going to be split between the retail and amenities so if it were a
923 restaurant, it would be a very small restaurant.

924 Chair Hurd: Yeah, I think if I'm reading this accurately both your peak and your average are both
925 are higher in the proposed than the existing.

926 Mr. Mumford: Yes, so I misspoke before, so we are anticipating an increase in sewer demand
927 and obviously we're testing to make sure the capacity is adequate.

928 Commissioner Bradley: Ok thank you.

929 Mr. Mumford: I apologize for that.

930 Commissioner Bradley: So, in summary for me is, I don't have an issue with the Rezoning, but I
931 do have an issue with the design as it's been presented to us, but thank you.

932 Mr. Mumford: Thank you.

933 Chair Hurd: All right, thank you for the presentation and thank you for your time. I'm going to
934 sort of counter Commissioner Kadar's comment, I'm going to suggest that you take the term
935 student housing off the title of this project. One, I think there's an argument to be made that
936 you're violating fair housing law by designating this as a student housing project which you can't
937 legally do so, that. And two, I think it's going to inflame unnecessarily, people looking at this, we
938 know what it's for now, but I think as we're talking here, we're trying to have an eye to the
939 future. You know, calling it a student housing project, I think puts a, puts a certain lens around it
940 that you know, we maybe don't want to have as we talk about its future.

941 Mr. Tracey: That's a fair point, you make a fair point. I appreciate that.

942 Chair Hurd: I think I would certainly support Commissioner Silverman's comments about the
943 parking, and I have one question. It doesn't appear, but you can tell me if I'm wrong, there does
944 not appear to be a connection between the two parking lots.

945 Mr. Tracey: There's not.

946 Chair Hurd: Ok, then I would say that you can't realistically, on your summary show that your
947 combined parking meets code that you have, that you've adequate when you can't share it.
948 So by your calculations, 160 is short a space.

949 Mr. Mumford: Could, since parking is decoupled and assigned, could they not be, could the
950 residents for 160, not the assigned parking spaces?

951 Chair Hurd: Well then, I think that we need more language around that in here because right
952 now it just says, you know, the parking provided for 160 and 158 is 43 required spaces is 44.
953 So you're short.

954 Mr. Mumford: So, so, part of our application is to consolidate the parcels, so at the end of the
955 day, it would be.

956 Chair Hurd: Right. But if I pull into this 160 to park and there's not space, I can't go back over to
957 136 easily, you know, but so without that cross access of availability, I think you have to be very
958 careful about how that parking is assigned on the 160 parcel. I think you need to make sure that
959 you've got spaces blocked out for the commercial spaces that you're, that you're clear about
960 what the residential is and maybe even have some language in here saying there may be
961 assigned parking for some of these units in 160 that are on the 136 because that's where we
962 have space. And I think, you know, I think as the, as you rethink the parking layout on the 136
963 and I would say look carefully at sort of what your actual extra is, because if you're going to start
964 taking spaces out of commission for 15 minute drop off, those to me aren't commercial spaces
965 anymore.

966 Mr. Tracey: Yeah. And again, that's the existing condition pre-the project and so it's clearly
967 caused complications on the site but when you're developing a new project, and so you're now
968 taking credit and you're accommodating those things, you need to be more clear in terms of
969 delineating where things are going to be, what's available during the day, what may be available
970 at night for guests and things of that nature which, I know she owns the building where Santa Fe
971 is and it's the same thing with the parking lot as well as the under staff parking as well.

972 Chair Hurd: So, I would just sort of say that in that reconfiguring, to my mind, what we had
973 proposed when we talked about the decoupling and such and gave parcel owners basically the
974 ability to resell their excess parking surplus. I think we've eaten into that surplus by designating
975 existing commercial spaces as basically not usable, but we've kept the paid parking.
976 So I think we need to like wipe it clean, relay it out if the building ownership does say yeah, we

977 want, we want the 15-minute drop offs, you know, fine. But rethink how many spaces you're
978 actually selling and how many need to be dedicated.

979 Mr. Tracey: Yeah, and it's interesting because I think it's the unintended consequences of
980 decoupling. I think when we first started talking about decoupling 5-6 years ago, it was this is
981 going to discourage people from bringing vehicles because if you have to pay for your parking
982 space, you're not going to necessarily do it. And then what I'm hearing is that some people will
983 say well we have 10 extra spots, so I think that –

984 Chair Hurd: Well, that argument holds for decoupling for residential. For commercial, I think you
985 still need to think about, because we're not close enough to public parking lots to say, hey, I can
986 under support this building because there's adequate public parking elsewhere because there
987 isn't.

988 Mr. Tracey: The garage I guess is a couple blocks away, right?

989 Chair Hurd: Right, so on this portion of South Main, the building has to provide the parking
990 necessary, we have to work with that.

991 Mr. Tracey: And that again, as you said, can be addressed both in Subdivision Agreement as well
992 as on the plan itself.

993 Chair Hurd: My take on this is that it's clearly, I mean it's a BB zoned building and it is
994 maximizing its space I think at times to its detriment. One of the things I'm seeing is that it is
995 pushing hard against that southern parcel boundary line which is giving you sort of a very flat
996 elevation. There's no opportunity for any kind of bays or in and out of the of the design, which I
997 think makes it look less appealing compared to some of the other buildings that we've seen. But
998 I don't know how you can shift this adequately like 3-4 feet over and still get everything you're
999 trying to do. So, I would ask that you maybe look at the elevations a little more carefully and
1000 think about maybe instead of such a horizontal differentiation between materials, maybe look
1001 more vertical and see if you can do something in the materials to give us some depth and some
1002 variety because looking at the elevations and it just like very flat. And I'm with Commissioner
1003 Tauginas, I'm not trying to poop all over your work because I know how hard it is.

1004 Mr. Tracey: (inaudible) wasn't trying to hate on us.

1005 Chair Hurd: Yeah, but sitting here as sort of speaking for the public and looking at it, I mean, just
1006 have to say you know, if we're gonna do this kind of large scale stuff, we need to bring it up to
1007 the level of what the city I think can expect.

1008 Mr. Tracey: That's why the architect is sitting to my left. To hear those comments.

1009 Chair Hurd: I think that's it for my stuff. Commissioner Silverman has one last, or one more.

1010 Commissioner Silverman: The numbering along the street front is rather unusual, going from
1011 136 to 160, and there's also a building labeled 140 in the rear. I'm looking at the drawing labeled
1012 South Main Street perspective west. And this building numbered 136 is clearly marked on the
1013 front of the building, it's shown as part of the facade. Is there any way to very clearly from the
1014 street, even with this around the corner, from the labeling 136 South Main Street to clearly
1015 identify the building 140 as located in the rear?

1016 Mr. Tracey: Yeah, I thought we added signage for that...that was a request from the Fire
1017 Marshal, right?

1018 Mr. Mumford: Right, it's probably not in the presentation but we did submit renderings that
1019 shows additional views where 140 prominently displayed on the building.

1020 Director Bensley: If you look at aerial view southwest, you can see...it's the second to last page
1021 in the elevations. It's got the 136 South Main on the front portion and then 140 South Main on
1022 the back with a directional arrow showing where to go. We did not ask them to put it on the

1023 opposite side of the building, since there's no traffic connection through there. We didn't want
 1024 to misdirect fire apparatus up a place where they couldn't get around the building.

1025 Commissioner Silverman: Good, good. I missed it on this aerial I just thought it was part of the
 1026 architectural band around the building. Thank you, that answers that question.

1027 Commissioner Bradley: Mr. Chair? I just wanted to build on some of my earlier comments and I
 1028 want to throw this out just for discussion or future discussion I don't know. But I for one would
 1029 be perfectly willing to entertain a parking waiver if you could create some more green space in
 1030 that massive parking lot between the buildings.

1031 Mr. Tracey: It's something we can take back but –

1032 Commissioner Bradley: I don't, I'm not trying to speak for the rest of the Commissioners, but it's
 1033 been a while since we had a good parking waiver discussion.

1034 Mr. Tracey: I think I was involved in one of the last ones. And look, it's something that we've
 1035 heard and there's no limit as to when we can come forward with a parking waiver if we wanted
 1036 to do that, it doesn't change necessarily the buildings or anything like that it would really be
 1037 looking at a site plan and seeing what you've got, but going back to the property owner and do
 1038 they want to do it and how we could reconfigure it and what we would do is circulate it.

1039 Commissioner Bradley: You've got back corners near the railroad track; you can carve out a
 1040 section and it gets to the point that you were talking about. It just looks like a wasteland. It's
 1041 just a massive flat of parking, and if you wind up with fewer parking spaces then are required.
 1042 Given what you've done with the landscaping at that point, I'd be willing to consider a waiver.

1043 Mr. Tracey: Well, it's something –

1044 Commissioner Bradley: But I don't want to speak for the rest of the Commission on this –

1045 Mr. Tracey: Again, I don't think it's, it's not going in front of you because there's a whole
 1046 different process we would have to go through for a parking waiver. But what we're hearing is a
 1047 comment that we can take back and evaluate in terms of looking at this, there's obviously time.

1048 Commissioner Bradley: And that's the way I intended it, thank you.

1049 Mr. Tracey: No and I appreciate that, and it's good to hear those things.

1050 Chair Hurd: Hold on, Commissioner Williamson had something and then you're next.

1051 Commissioner Williamson: Yeah, mine's more of a procedural question for our Solicitor, given
 1052 there are three actions the Comp Plan Amendment, the Rezoning, and the Major Subdivision.
 1053 Would you confirm what I think the interrelationship is? You cannot approve the Rezoning
 1054 unless you approve the Comp Plan?

1055 Solicitor Bilodeau: The Comp Plan amendment has to come first.

1056 Commissioner Williamson: Ok

1057 Solicitor Bilodeau: And then and then the Rezoning and then the Major Subdivision.

1058 Commissioner Williamson: Ok, and you could not approve the Major Subdivision unless both
 1059 the Rezoning and the Comp Plan were previously agreed?

1060 Solicitor Bilodeau: Correct, because you couldn't have –

1061 Commissioner Williamson: Ok, could you deny the Subdivision which is largely code compliant if
 1062 both the Rezoning and Comp Plan were approved?

1063 Solicitor Bilodeau: So, the, if you approve the Comp Plan Amendment and the Rezoning, and
 1064 then it's just a matter of the Subdivision it is totally code compliant so it would be very difficult
 1065 for you to vote down to not recommend the Subdivision. We're just making recommendations

1066 here as opposed to final votes, but you know it is, if it passes, if it gets over those first two
1067 hurdles, then, then there's really no more hurdles.

1068 Commissioner Williamson: And also in the same light, if the Comp Plan, could the Rezoning be
1069 denied if the Comp Plan is approved? Since the Rezoning is to a zone that is allowed by the
1070 Comp Plan and that you know, it's going to be allowed to use.

1071 Solicitor Bilodeau: You just hit me with a lot of stuff here.

1072 Commissioner Williamson: Sorry.

1073 Solicitor Bilodeau: But to answer your question if you if you amend the Comp Plan to basically
1074 recommend this property be rezoned to then deny the BB zoning would be a difficult decision to
1075 justify so...

1076 Commissioner Williamson: So that would be a no, ok. Thank you. So what I'm getting at, fellow
1077 Commissioners is, for myself, necessity is to, if you don't think the project's ready, that's my
1078 opinion, you referred to many things you're going to take back and look at and so forth, but you
1079 know they're not here in front of us, so, you're welcome to come back in several months with a
1080 different plan, but, so if that's anyone else is leaning that way, I think the Solicitor agrees. You
1081 basically have to not vote for any of the actions because the only way you cannot vote for the
1082 subdivision is not vote for the rezoning and the Comp Plan if that's correct. And the Comp Plan
1083 being a discretionary action you it's easier to justify or state.

1084 Solicitor Bilodeau: Well, if on the first vote you vote, I mean, this is all recommendations once
1085 again, but if we were at the Council level and you voted down the Comprehensive Plan
1086 Amendment, then we that would be done right, there wouldn't be any need to have any other
1087 votes. So, you know, as far as here with recommendations, I think you followed through with all
1088 three votes.

1089 Commissioner Williamson: Ok, thank you.

1090 Solicitor Bilodeau: And of course, too, there's the ability Subdivision Plan, for instance, to issue
1091 recommendations to the Council on some of the topics that have been covered tonight, if that's
1092 something that the Commission, wanted Council to consider, it's part of ultimately, again, I will
1093 say you know, for purposes of the comprehensive plan, I do recognize it's a discretionary action.
1094 I also recognize the request is fully consistent with the Comp Plan and the future land use map
1095 for this particular area of Newark and South Main Street.

1096 Chair Hurd: I will add that we have had times where the Comp Plan Amendment or the
1097 Rezoning failed, and we stop because that you can't you know you can't recommend approval of
1098 a not code compliant. And I think to the Solicitor's point, Council, if faced with this and if the
1099 Comp Plan and the Rezoning pass, if they're given a code compliant Subdivision Plan, they have
1100 to vote in approval for it. There's no, no legal way that they can say no, we don't approve
1101 because it's by code. We are a recommendation body, so we have had occasions where people
1102 have voted against recommending the project for what it's worth. But you're right, I mean the
1103 motions are in that order because that's the order that legally they have to go. So that one can
1104 follow the other. Commissioner Cloonan, you had?

1105 Commissioner Cloonan: I just had one more question because one of my concerns with this
1106 project was just the scale of this five-story building, which I'm assuming about 60 feet from the
1107 ground to the top of it, roughly?

1108 Mr. Tracey: The way that city measures height, it's technically 54 feet, but then there's stuff that
1109 you're allowed to do on top that doesn't count towards height. So, I think it's around 57. I say
1110 stuff.

1111 Commissioner Cloonan: Yeah, and this fire lane between the two buildings is, what, 50 feet, 60
1112 feet?

1113 Mr. Tracey: It's 24.

1114 Commissioner Cloonan: No, you're talking about the actual lane, but I'm talking about the face
1115 of wall.

1116 Mr. Mumford: Sorry, yes that would be correct.

1117 Commissioner Cloonan: So that is going to be a very cold and dark alleyway for $\frac{3}{4}$ of the year.
1118 You have a 60-foot-high wall on both sides of a 50 foot wide paved area so I'm not even sure,
1119 well ok, this is a very optimistic planting scheme, but aside from that in terms of usable open
1120 space, I don't think this is going to be a good match, I think if you were so inclined, it would
1121 have to be along the street. That's just my opinion, not a fact, but that's what it looks like to me.
1122 The plans were hard to read because, frankly, the distinction between paving and ground,
1123 building and driveway, it's very hard to figure out, so I'm just telling you that it, took me a long
1124 time to wrap my head around this project, so if you wanted to make it easier for subsequent
1125 reviews, those would be my suggestions.

1126 Chair Hurd: Ok.

1127 Commissioner Bradley: Chairman?

1128 Chair Hurd: Yes, Commissioner Bradley.

1129 Commissioner Bradley: I'd like to revisit with the Solicitor for a second. Just for my own
1130 clarification. As a Commission that makes recommendations only, in theory on these three
1131 items in theory, we could vote yes, yes, no. But as the City Council, since they're not a
1132 recommendation, they're whatever you want to call it, they would have if, if we voted yes and
1133 yes and they voted yes and yes on A and B, they would have to vote yes on C. Is that correct?
1134 Because it's a compliant plan?

1135 Solicitor Bilodeau: Yeah, if they get over the first two hurdles for the Comp Plan and the
1136 Rezoning then they have really no choice but to vote yes on the Subdivision Plan.

1137 Commissioner Bradley: So, if I as a Commissioner wanted to see the design plan aspect of this
1138 project come back, can I vote yes, yes, no?

1139 Solicitor Bilodeau: Because it's a recommendation, yes. You're recommending, although you
1140 know that the plan is code compliant, you're basically stating your dislike for it.

1141 Commissioner Bradley: Ok, thank you.

1142 Chair Hurd: And the Council does get our minutes. So, they have, you know, they have the
1143 verbatim transcript of what our concerns were.

1144 Commissioner Bradley: Hopefully they read them.

1145 Chair Hurd: Hopefully they read them.

1146 Solicitor Bilodeau: They do. I can tell you we've heard them.

1147 Chair Hurd: So that is the, but yes. Commissioner Silverman?

1148 Commissioner Silverman: But to continue that logic, if we voted yes, yes, no, the applicant could
1149 still proceed to Council because there's nothing to require them, at our level, to come back to
1150 be reheard. Council can ask, correct?

1151 Solicitor Bilodeau: I don't, it would proceed to Council, there have been other plans that
1152 basically proceeded to Council that were not recommended here.

1153 Chair Hurd: We have had one or two that have not been recommended. I think they're more for
1154 site plan approval since it's more discretionary but yeah.

1155 Mr. Tracey: And here I thought we were doing a good job by not needing site plan approval.

1156 Chair Hurd: All right, have we cleared the air enough? Secretary Kadar, let's start the ball rolling.

1157 Commissioner Kadar: All right. **Because the proposed use does not conflict with the**
 1158 **development pattern in the nearby area, Planning Commission recommends that City Council**
 1159 **revise the Comprehensive Development Plan version 2.0 Land Use Guidelines for 160 South**
 1160 **Main Street from commercial to mixed urban as shown in the Planning and Development**
 1161 **report dated October 29th, 2024, Exhibit G-1.**

1162 Chair Hurd: Thank you. Do I have a second?

1163 Commissioner Silverman: I'll second.

1164 Chair Hurd: Thank you. Is any discussion to the motion?

1165 Commissioner Williamson: Discussion?

1166 Chair Hurd: Yes.

1167 Commissioner Williamson: Just to confirm, clarify and confirm, although the recommended
 1168 language here, what page was that on? Ok, does not conflict with development pattern but is
 1169 that the only reason? Because there's all these other policies in that are relevant, they're in the
 1170 document, right? You wouldn't have given us all these sections of Comp Plan, unless they were
 1171 relevant to the consideration.

1172 Chair Hurd: So, that is a reason that the Planning Department has put into the motion. If you
 1173 feel that it's not in compliance with the intention of the Comp Plan, then that can be your stated
 1174 reason for your vote.

1175 Commissioner Williamson: Thank you.

1176 Chair Hurd: All right, moving to the vote, Commissioner Bradley.

1177 Commissioner Bradley: I vote aye.

1178 Chair Hurd: Commissioner Cloonan.

1179 Commissioner Cloonan: Nay.

1180 Chair Hurd: Commissioner Kadar.

1181 Commissioner Kadar: I vote aye.

1182 Chair Hurd: Commissioner Silverman.

1183 Commissioner Silverman: I vote aye, but do we need to?

1184 Chair Hurd: Well, at some point we're probably going to run into that yes.

1185 Commissioner Silverman: I'd like to give my reasons. This is an urban corridor, in the city on a
 1186 state-maintained road. Over the last recent past, there have been millions of dollars of state
 1187 investment in the area, including as we heard at the recent city capital hearing, a redo of all the
 1188 underground utilities in the area to support development. My reading of the comp plan,
 1189 although it has mentions of public open space, etc., I consider this an urbanized area. I don't
 1190 expect the public open space to be as convenient in this particular area, as it would be in the
 1191 suburban setting. There is a pedestrian walk under the railroad not far from here that leads
 1192 directly to another major city taxpayer investment in Hillside Park that provides open space.
 1193 Down the street is a ball field and athletic field next to the VFW. So, there is urban open space in
 1194 the area, granted, it's not a large backyard on one acre lot. It's not expected in this kind of area.
 1195 I believe that the development is consistent with the development in the area with respect to
 1196 even the mass of the buildings, I have no problem with a 5-story building being right on the
 1197 road frontage. The new development at building street number 140 is the taller building, but it
 1198 sits behind the 136 I believe building that's the lower building from the visual point of view a
 1199 driver will never see it and someone walking along the street will not see it as dominating. I can
 1200 appreciate the sun's not going to shine between the buildings, but that just happens to be the
 1201 way Mother Nature does it in an urban area. This is a redevelopment area, the applicant

1202 mentioned old two-story buildings that still exist in the area, so this is consistent with the
 1203 redevelopment parts of the Comprehensive Plan. In fact, it's actually a reuse of a site that was
 1204 formerly redeveloped not that many years ago, so I think it's an indication of a healthy
 1205 development pattern in the area, and people want to make a significant investment in an area,
 1206 that reinvestment in an area that somebody already made a major investment in. It's an urban
 1207 site, the architecture is in the eyes of the beholder, and I'm voting in favor of this plan because
 1208 of that.

1209 Chair Hurd: Thank you. I am going to back up and ask Commissioner Cloonan to provide her
 1210 reasoning for the nay vote, so that it's on the record and so that we're covered.

1211 Commissioner Cloonan: Yeah, there are other developments in this neighborhood on the other
 1212 side of the street that do provide nice plaza and open spaces towards the street and more
 1213 vegetation. I think the intent of this corridor is to provide walkable community and the idea of
 1214 six story buildings with no sunlight, reaching the ground, and the sidewalks is counter to what
 1215 we want the City to be and to become. Again, if you had taken advantage of setbacks, lower
 1216 height buildings just because the code says you can max out coverage and the number of units
 1217 doesn't mean that you have to. I would say that in this case, the Comprehensive
 1218 Development Plan is not serving the interests of the citizens of Newark, and you know if this is
 1219 the best that we can expect with this revised zoning, I'm opposed to it.

1220 Chair Hurd: Ok, thank you. Commissioner Tauginas.

1221 Commissioner Tauginas: I vote nay because I do not believe that, I believe it does conflict with
 1222 the development pattern as shown in other properties like South Main Street Plaza and The Rail
 1223 Yard.

1224 Chair Hurd: Ok, Commissioner Williamson.

1225 Commissioner Williamson: Nay, based on the Comprehensive Plan Planning section B 3, to
 1226 ensure adequate access to active and passive recreational opportunities for residential
 1227 developments, there's nothing in the record indicating there's any on site recreational
 1228 opportunity.

1229 Chair Hurd: Ok thank you. I hate being the tiebreaker here. But I think especially based on
 1230 previous discussions around South Main prior Elkton Road, and certainly the Council's stated
 1231 direction for where the denser development needs to be going and certainly with the way that
 1232 the street is already majority BB and majority urban, I think I echo much of Commissioner
 1233 Silverman's comments, and I will vote yea for the Comprehensive Plan rezoning. Motion carries.

1234 **Aye: Bradley, Kadar, Silverman, Hurd**
 1235 **Nay: Cloonan, Tauginas, Williamson**
 1236 **MOTION PASSED**

1237 Chair Hurd: That takes us to item B

1238 Commissioner Kadar: Ok...what's the point of item B of item A is voted down?

1239 Chair Hurd: Well, no, item A was carried.

1240 Commissioner Kadar: All right, **Because it should not have a negative impact on adjacent and**
 1241 **nearby properties Planning Commission recommends the City Council approve the rezoning of**
 1242 **0.73 acres at 160 South Main Street from the current BN neighborhood shopping zoning to BB**
 1243 **Central Business District zoning as shown on the Planning and Development report dated**
 1244 **October 29th, 2024, Exhibit E.**

1245 Chair Hurd: Thank you. Do I have a second?

1246 Commissioner Silverman: I'll second.

1247 Chair Hurd: Thank you. Any discussion to the motion? Trying to weigh in there Commissioner
 1248 Williamson?

1249 Commissioner Williamson: No, no.

1250 Chair Hurd: All right, seeing no discussion we'll move to the vote. Commissioner Bradley.

1251 Commissioner Bradley: I vote no because I do believe it'll have a negative impact on the
1252 adjacent nearby properties.

1253 Chair Hurd: Ok, Commissioner Cloonan.

1254 Commissioner Cloonan: I vote no because I do think it will have a negative impact on adjacent
1255 and nearby properties.

1256 Chair Hurd: Ok, Commissioner Kadar.

1257 Commissioner Kadar: I vote no because I believe it'll have a negative impact on the adjacent
1258 nearby properties.

1259 Chair Hurd: Ok, Commissioner Silverman.

1260 Commissioner Silverman: I vote yes for the reasons previously stated.

1261 Chair Hurd: Thank you. Commissioner Tauginas?

1262 Commissioner Tauginas: I vote nay because I do believe it'll have a negative impact on the
1263 nearby and adjacent properties.

1264 Chair Hurd: Ok, Commissioner Williamson.

1265 Commissioner Williamson: Nay for the reasons stated, having a negative impact on adjacent
1266 properties.

1267 Chair Hurd: Ok, I vote aye for the reasons stated previously stated by Commissioner Silverman
1268 and the Planning Commission report, but the motion fails 5-2.

1269 **Aye: Silverman, Hurd**
1270 **Nay: Bradley, Cloonan, Kadar, Tauginas, Williamson**
1271 **MOTION FAILED**

1272 Chair Hurd: Thus ends the agenda item. I'll just say I think you've heard a lot of good comments
1273 and such that I think will help, hopefully help guide you in your process.

1274 Solicitor Bilodeau Mr. Chairman, do we still want to vote on the Subdivision?

1275 Chair Hurd: I don't believe we can because the Rezoning failed.

1276 Solicitor Bilodeau: Ok.

1277 Chair Hurd: I mean previously we've done it, but without the Rezoning, our approval of the
1278 Rezoning, the project doesn't comply.

1279 Solicitor Bilodeau: Ok that's fine, and I think it's pretty clear how that vote would have gone so.

1280 Chair Hurd: Yep.

1281 Commissioner Kadar: That was ugly.

1282 **5. Review and consideration of the proposed amendments to Chapter 27, Subdivisions,**
1283 **clarifying the City of Newark addressing standards**

1284 Chair Hurd: All right, something fun. Hey, item 5, review and consideration of proposed
1285 amendments to Chapter 27, Subdivisions, clarifying the City of Newark addressing standards.
1286 Deputy Director Velazquez are you starting? All right, take us away.

1287 Deputy Director Ramos-Velazquez: Good evening. So, this is a modification of the standard that
1288 was put into place in 2023, so this is a matter that's familiar to most of you. Just some
1289 background on it previously, the City of Newark had adopted back in 2013, an Ordinance 13-39
1290 that gave some information regarding addressing that was not sufficient to what we found,

1291 which is what today's development is. So, in 2023, staff in conjunction with the Addressing
1292 Committee reviewed the need to create a uniform standard for the City of Newark prior to the
1293 assignment, while addressing provided recommendations for addressing. For the development
1294 projects in the City, there was no code required for the unit addressing which led to the
1295 developers applying inconsistent standards for projects throughout the City of Newark, and
1296 causing some concerns with the emergency services personnel such as police and fire in
1297 confusion once getting on site to provide the necessary request.

1298 Since then, since what we adopted previously, in 2024, January of 2024, there has been now
1299 questions that have come against the standard that was put into place needing some more
1300 clarity, more definitions, in addition to putting the burden back on the design professional to
1301 actually assign the drawing. As it stands right now, that is on the Committee to suggest and give
1302 the developer a drawing, which can conflict what we need. It also is not what is submitted final
1303 to New Castle County Parcel Records.

1304 In front of you on the report, we have added all of the changes to the definitions that are
1305 already in place. I'm sorry, my mouse is going a little nuts here....you'll see that the changes that
1306 are suggested for the definitions, which is Section 27-18 of the subdivision plan, we also, which
1307 are the major changes that we are requesting, are in Section 27-23 of the addressing standards
1308 that is currently in place. Specifically, in the applying for the addressing wording, all exterior
1309 addressing for projects must be submitted during the subdivision phase of the project and
1310 approved prior to Planning Commission. This shall be done with a Site Plan to include and we've
1311 named out things that we would like to see prior to that any interior addressing for a project
1312 must be submitted with the CIP or Lines and Grades and approved prior to building, prior to
1313 building permits and also the verbiage of things that we want to see in developing the standard
1314 that you have in front of you, consideration is given and looked into for the City of Wilmington,
1315 the City of Smyrna, as well as Fairfax, Virginia is another area we looked into to get the wording
1316 and the additional recommendations that we're making tonight.

1317 Chair Hurd: Ok, Katie, are we able to bring up when it comes time, the text of the code that
1318 we're looking at? Ok. We're going to begin with, Commissioner Kadar.

1319 Commissioner Kadar: If the proposed provisions are ok with the police department and the fire
1320 department, then I'm ok with them as well. And according to the report, they are.

1321 Chair Hurd: Ok. Commissioner Silverman.

1322 Commissioner Silverman: I have no additional comments.

1323 Chair Hurd: Ok, Commissioner Tauginas.

1324 Commissioner Tauginas: I have no issue with adjusting addresses.

1325 Chair Hurd: Ok, Commissioner Williamson.

1326 Commissioner Williamson: Thank you, I just have one clarification, so if the developer needs to
1327 submit address plans before it comes to Planning Commission, that suggests there would need
1328 to be interior floor plans provided as part of the subdivision review to staff to identify the units
1329 inside the building?

1330 Director Ramos-Velazquez: So, the exterior addressing would be done prior to Planning
1331 Commission. The interior is CIP and Lines and Grades.

1332 Commissioner Williamson: Later, ok thank you, that was my only question.

1333 Chair Hurd: Ok, Commissioner Bradley.

1334 Commissioner Bradley: I will echo Commissioner Kadar's comment about the police and fire and
1335 add Commissioner Silverman to that list, and I'm ok with anything.

1336 Chair Hurd: All right, Commissioner Cloonan.

1337 Commissioner Cloonan: Well, I have to say that the apartment numbering is confusing to me,
1338 but I agree that the more important people are the police and fire so, if you tell you're on the
1339 10th floor and your apartment number is 21001. It would never occur to me that that was the
1340 10th floor, but I guess this is a new standard that I just have to learn to accommodate, so I'm ok
1341 with it also.

1342 Chair Hurd: Ok, I guess it's up to me to do the close reading of everything. So, I had some
1343 comments on the definitions section and then a couple in the code of it. The two that I've
1344 already sent by the record, and I recognize again, much of this is the existing definitions section
1345 on the on the code, but it's in front of us, so I'm going to take the opportunity. Line 246
1346 architect, that's not what the Board of Architects is called anymore, so it's the Delaware State
1347 Board of Architects is it's official title now, not the Board of Examiners and Registration of
1348 Architects. The new definitions for different types of streets, I love them so I'm starting with line
1349 270 is the definition of circle. And I had a general question, what do you do if someone wants to
1350 name something a circle and it's not a roadway that forms a closed loop?

1351 Deputy Director Ramos-Velazquez: So, that is why we have the definition come into play, we've
1352 already had an applicant that likes the way something is written and not necessarily what the
1353 street is by definition.

1354 Chair Hurd: All right. So, we're going to see very few Drives in the city, and Lanes. Ok, I just had
1355 that concern that by narrowly defining it, but that tells me that. Ok, line 301 where we're
1356 defining an engineer and we have a lot of language there about technically qualified and
1357 registered, or in the case of structure, I would say for here, like engineers I would say see
1358 registered engineer, which is a later term. Which then says an engineer properly registered in
1359 the state and we if we want to, we can include registered with the Delaware Association of
1360 Professional Engineers but I, the more I look at that definition of engineer, the less I find it
1361 needed there and the need to correct it. I think we just want to point it to our later definition.

1362 Director Ramos-Velazquez: So, you would like to see line 301 pointing at line (inaudible)?

1363 Chair Hurd: Right, so as we have in other places where it says engineer, it's like see registered
1364 engineer and then there we just say an engineer is an engineer who's registered in the state and
1365 the state handles you know, the licensing and qualifications and everything else. And the state
1366 code as well as I was sort of discussing offline, that's what defines the practice of engineering
1367 when an architecture can't perform engineering services, you know that's all covered there, so
1368 we don't, we don't need that

1369 Commissioner Bradley: Would there be a reason to keep both then?

1370 Chair Hurd: No, I would strike –

1371 Commissioner Bradley: Just eliminate 301?

1372 Chair Hurd: I would eliminate all the language on 301 and just point it to registered engineer
1373 because right now it's not correct that in the case of structure only an architect is like, that's not
1374 how it's set up. Oh, line 436 for street, we need a plural, so a public way that has buildings on
1375 both sides of it. Ok, in the 27-23 line 533, I feel like that comma is taking the place of the word
1376 that needs to be there, and I think that word is and. Looking at line 541 as the example, saying
1377 that projects must be submitted during the subdivision phase of the project and approved prior
1378 to Planning Commission, do we need to define who's approving that? Or have we, or have we
1379 already stated that that's the Subdivision Advisory or Addressing Committee?

1380 Deputy Director Ramos-Velazquez: It's already stated above...

1381 Chair Hurd: Ok. Line 556 where you define the odd even rule, my English teachers would have
1382 written "awkward" next to that sentence without providing any, you know particular solutions,
1383 it's just, "the travelling away from established baseline" I got the point I think near the end of it,
1384 but I think it could use a little clarification maybe, the picture does help. Actually, maybe if in

1385 this picture you had some sort of point mark or some direction to say we're talking about this
1386 this end of the street and moving in this direction, I think that could help.

1387 The clarity of information person, wants to reopen the discussion around leaving in zero, but
1388 probably that's a point that your committee has already thrashed out. If I have, if I have 10
1389 floors, it makes sense to me to have a leave in 0 for all the floors less than 10 so that everything
1390 lines up and I can recognize that that is the 2nd and not, because when things get smooshed
1391 together and then suddenly a 10 appears it doesn't get read as a 10. It reads as 1-0 something,
1392 so in terms of looking at it that information that that leaving 0 for the floors means everything
1393 kind of lines up, it's like oh, it's a 5-digit number describing the unit and it's a 5-digit number for
1394 every unit in the building. As opposed to sometimes it's four, sometimes it's five, but I didn't
1395 know how much angst that may have caused the committee, so I offered my suggestion that
1396 you put it back in, but I will not lean on that.

1397 And then lastly, line 680 where you're talking about the examples of other rooms that have
1398 names, that sentence is very long, the second sentence. I think it needs...so this is how I think it
1399 should read, "these rooms shall be designated by a combination of floor number if more than
1400 one room exists per floor...these rooms, shall be designated by a combination of floor number
1401 and room purpose" I think is probably what we're saying and if "more than one room exists per
1402 floor, a letter designation will be added"

1403 Commissioner Kadar: I'll be right back.

1404 Chair Hurd: So that you have one elevator room, but if you have two, it's 1A elevator room, I
1405 think we need to bring those two ends together and take the middle part out. But that does not
1406 change, the substance of it is lovely and I'm glad that you guys are still like working on how to
1407 make this a better and more efficient process. So, I'm glad to support it.

1408 Commissioner Silverman: Can I ask a question? On your leading 0, since we are restricted in the
1409 number of floors, it can be built in the City, the world may get confused...well I can see an
1410 owner or an apartment renter saying I live in 000001, right, instead of 100.

1411 Chair Hurd: Yeah, I mean, realistically, I don't know that we have any zoning that goes oh, but I
1412 think the towers is probably more...

1413 Commissioner Silverman: That's University, they're in a world of their own, they can do
1414 whatever they want.

1415 Chair Hurd: Yeah, but this tries to talk to the University about that. That's all I'm just, in terms of
1416 stacking the numbers and looking at them as a whole, that extra 0 means that you can read it as
1417 a thing. Since we're not doing dashes or dots or any other way to separate floors from units
1418 from things. That's all. That's just my...general comment because I like to see things stack up
1419 because otherwise, well, it's gonna sort funny too, it's going to sort the floors out of order if you
1420 ever sort the list. That's a separate thing. Now that I've opened this can of worms, anyone else
1421 piling on?

1422 Commissioner Williamson: Mr. Chair, just one comment, well two things, it's after 9:00.

1423 Chair Hurd: Yes, sorry, I was meant to do that, I'm going to extend the meeting to 9:30.

1424 Commissioner Williamson: And in the spirit of definitions, does the city have a Boulevard
1425 somewhere? The Boulevard definition is a very wide city street, I thought that was a bit...you
1426 know, what does the word "vary" mean maybe dimensions would be better there? In excess of
1427 more than some square, some footage. So that's just a comment instead of very wide.

1428 Chair Hurd: That's actually definition that I don't think you added.

1429 Commissioner Williamson: No, it's an old definition.

1430 Chair Hurd: That's probably why it's not so.

1431 Commissioner Silverman: And does Commissioner Cloonan want to take the opportunity to add
1432 the Boulevard, usually street lined with planted median?

1433 Commissioner Cloonan: Exactly, very good Commissioner Silverman. A boulevard generally has a
1434 planted center piece, and either side.

1435 Commissioner Silverman: With divided roadway.

1436 Chair Hurd: Any further discussion or comments? Ok we're just dragging this out.

1437 Deputy Director Ramos-Velazquez: And one correction, that is actually an added...avenue.... yes,
1438 avenue is as well, so lines 240 and 241, and 257 and 258 are actually added language.

1439 Chair Hurd: Ok, was alley already in there? I guess that's not really a street naming, ok. I don't
1440 think that was an ad in. Ok. All right, trying to find the recommendation, last page...all right if
1441 there's nothing further, we can move to the motion, Secretary Kadar?

1442 Solicitor Bilodeau: Excuse me, we still need to ask for public comment.

1443 Chair Hurd: Oh, you're right we do. Has there been any public comments submitted?

1444 Ms. Dinsmore: No Mr. Chairman.

1445 Chair Hurd: Thank you, anyone online wishing to give public comment? Or anyone present?
1446 All right, seeing none, closing public comment, thank you Solicitor Bilodeau we would have just
1447 breezed through our FOIA requirements, found ourselves in violation. All right.

1448 Commissioner Kadar: I move that **the Planning Commission recommend that City Council**
1449 **adopt the revisions to the City of Newark Municipal Code, Section 27-18, Definitions, and**
1450 **Section 27-23, Addressing standards, as outlined in the October 28, 2024, Planning and**
1451 **Development report, with the inclusion of the items discussed during this meeting.**

1452 Chair Hurd: Thank you. Do I have a second?

1453 Commissioner Tauginas: Second.

1454 Chair Hurd: Ok, thank you, any discussion to the motion? All right. Seeing none we'll move to
1455 the vote. Commissioner Bradley.

1456 Commissioner Bradley: Aye.

1457 Chair Hurd: Commissioner Cloonan.

1458 Commissioner Cloonan: Aye.

1459 Chair Hurd: Commissioner Kadar.

1460 Commissioner Kadar: Aye

1461 Chair Hurd: Commissioner Silverman.

1462 Commissioner Silverman: Aye.

1463 Chair Hurd: Commissioner Tauginas.

1464 Commissioner Tauginas: Aye.

1465 Chair Hurd: Commissioner Williamson.

1466 Commissioner Williamson: Yes, aye.

1467 Chair Hurd: And I am aye as well, yay motion carries. This closes the item.

1468 **Aye: Bradley, Cloonan, Kadar, Silverman, Tauginas, Williamson, Hurd**
1469 **Nay: None**
1470 **MOTION PASSED**

1471 **6. Informational Items**

1472 Chair Hurd: That takes us to item 6 informational items.

1473 Director Bensley: All right, so since we last, well I'll say since we last met and I gave a report, we
1474 had the October 7th Council meeting where they had the first reading of 1110 South
1475 College Avenue's Rezoning as well as the 2025 budget workshop. October 14th, they had the
1476 second reading for the 55 Benny Street Comp Plan Amendment and Rezoning and the Minor
1477 Subdivision with Site Plan Approval, all three items were approved to move forward.

1478 October 21st, they had the discussion, these weren't, Planning did not directly present these,
1479 but related, they discussed the electric rate study as well as potential water and sewer impact
1480 fees for new developments. The October 28th meeting we had the first reading for the 711
1481 Barksdale Road Comp Plan amendment as well as the second reading for the 1110 South
1482 College Avenue Rezoning, it's associated Minor Subdivision and three Special Use Permits
1483 Council approved the Rezoning, they approved the grading in the floodplain, the Special Use
1484 Permit, and the automobile vehicle refueling station permit for the gas pumps and on a 3-3 tie
1485 the motion for the automatic car wash Special Use Permit failed. The Minor Subdivision did pass
1486 with an amendment removing the automatic car wash item, there was a last-minute absence of
1487 that Council meeting. So, the mayor has asked that we bring the automatic car wash special use
1488 permit and the minor subdivision back to Council on the November 25th agenda. So that will be
1489 coming back. We got verification on that today.

1490 The November 4th meeting was supposed to be our first budget hearing, but thanks to an
1491 advertising mishap, it got cancelled so November 11th, which is next Monday, we have the first
1492 hearing.

1493 For the items related to this body or the first reading for the 339, 341 and 349 East Main Street
1494 Comp Plan Amendment and Rezoning. November 18th now will be the first reading or excuse
1495 me, the first budget hearing for the 2025 budget and the CIP as well as the first reading for the
1496 Chapter 27 and 32 development fee amendments that you all reviewed at your October 1st
1497 meeting.

1498 November 25th will be the second reading for 711 Barksdale Road's Comp Plan amendment, as
1499 well as their Major Subdivision with Site Plan Approval. The 800 Ogletown Road retail marijuana
1500 Special Use Permit that you considered this evening is also on that agenda. And as I mentioned
1501 before the 1110 South College reconsideration is on that agenda.

1502 Looking forward to the December 3rd Planning Commission meeting that is still in flux, we've got
1503 a couple of potential items, depending how things come forward. One is looking at 300 East
1504 Main Street, which is the New Ark United Church of Christ and they're looking at doing a
1505 potential affordable housing project there. So, looking at a code amendment to allow a church
1506 as a by right use in BB because that's not in the code currently, even though we do have other
1507 churches in BB that are existing nonconforming. So that is a code amendment that we're looking
1508 at to help them and that if that passes, looking at doing their Comp Plan amendment and
1509 Rezoning for their parcel to be Mixed Urban and BB because one of the things that affordable
1510 housing projects are running into right now is a lot of the financing that's associated with it,
1511 particularly financing through various government agencies, part of the application scoring is
1512 whether or not you have discretionary approvals attached to that. So, if you have discretionary
1513 approvals that you have to, that you need like Comp Plan amendments and rezonings, you are
1514 scored lower on your application as opposed to it being a project that is by right. So, we are
1515 looking to remove some of those discretionary barriers for them so they would be able to score
1516 higher in their financing for the potential project.

1517 Another item that we'll have, some more direction on after Monday, potentially is a potential
1518 code amendment for body art establishment as an allowable use in the City, looking at getting
1519 feedback from Council on Monday for...

1520 Commissioner Cloonan: What –

1521 Director Bensley: I'm getting there. So, looking for feedback from Council on Monday, they were
 1522 approaching public comment at their last meeting by a business owner who is looking to
 1523 relocate from Wilmington to Newark that body art establishment in State Code part – jk

1524 Commissioner Bradley: Body art or body armor?

1525 Director Bensley: Art. I'll finish, please let me. Thank you.

1526 Commissioner Bradley: I thought you said barnyard.

1527 Director Bensley: Ok, I know it's late, but let's finish. So, body art establishment, which by State
 1528 Code covers tattoos and piercing. So that is what, so she's looking to potentially relocate to the
 1529 City of Newark. Council agreed to have a discussion as to whether or not they're interested in
 1530 pursuing code amendments that would allow that, and giving us some feedback as to what
 1531 parameters they would like to see as far as potential zoning locations, whether it should be right
 1532 or Special Use, any special restrictions they want to have on that, so we'll have some more
 1533 information on that after Monday's meeting and if that's the case, we may be able to move
 1534 forward that in December.

1535 Also, we have our final Affordable Housing Workshop, public affordable housing workshops
 1536 tomorrow and Thursday. So, we're looking at bringing to, the next step after that is to bring
 1537 Planning Commission and then Council an update on outreach and the feedback that we've
 1538 gotten over the last year with those meetings. So, depending on some of the other stuff falls,
 1539 we may have that on the December agenda, we may have it on the January agenda depending
 1540 on because I'm sure it will be a spirited and lengthy discussion as always.

1541 Commissioner Bradley: Director Bensley, is there something scheduled for District 3? Do you
 1542 know?

1543 Director Bensley: District 3 was already held. My apologies, District 3 is tomorrow at Newark
 1544 Charter School.

1545 Commissioner Bradley: Do you have a time for that?

1546 Director Bensley: From 7:00 to 8:30 and then District 1 is being held on Thursday at Downes
 1547 from 7:00 to 8:30 on Thursday. And then just once again, thanks to those who forwarded their
 1548 questions in advance so we could be prepared to respond. Thank you.

1549 Commissioner Bradley: Director Bensley, just one more question? 1110 South College did they
 1550 make any changes to the car wash to bring it back? Or is it coming back to Council the same way
 1551 it left Planning Commission?

1552 Director Bensley: Council has, the mayor has asked for it to be placed for reconsideration in its
 1553 current form.

1554 Commissioner Bradley: Because I read in, I think it was the Post something about the number of
 1555 vacuum stations was reduced?

1556 Director Bensley: They did, the reduction I told you guys about at your last, at the previous
 1557 meeting.

1558 Commissioner Bradley: Can you remind me please?

1559 Director Bensley: They reduced it by two.

1560 Commissioner Bradley: Ok, because I think it said from 4 to 2

1561 Director Bensley: That was, they wrote it incorrectly.

1562 Commissioner Bradley: Ok, thank you.

1563 Chair Hurd: All right, Deputy Director Velazquez.

1564 Deputy Director Ramos-Velazquez: We'll keep it very short tonight, new projects that have been
1565 submitted to the department is 24 and 30 North Chapel, which is a Major Subdivision, Rezoning,
1566 Comprehensive Development Plan amendment with plans to demolish 5 existing dwelling units
1567 and construct a four-story apartment building consisting of ground floor parking, 30 apartments
1568 on the 2nd and 4th floor. Resubmissions and we had 136 and 160 which was heard tonight as well
1569 as 339, 341, and 349 East Main. SAC letters that have gone out, 136 which was heard tonight,
1570 509 Capital Trail, 1050 South College and 261-263 South Chapel received SAC letters in the last
1571 month. That's all I have.

1572 Chair Hurd: All right thank you. Closing informational items.

1573 **7. New Business**

1574 Chair Hurd: That takes us to new business, items of discussion by city staff or planning
1575 commissioners for future agendas for consideration. And anything still on people's minds? This
1576 is just like a class before break, they're like everyone's got stuff in their bag, they're just like,
1577 coats half on, ok.

1578 Commissioner Williamson: Wait, wait I have just one question. I was cheating here and looking
1579 at the Out and About which is out front.

1580 Commissioner Tauginas: During class?

1581 Commissioner Williamson: During class. And there's an article here about could Delaware
1582 become a movie making destination? The state is issuing millions of dollars in tax credits for
1583 productions to be in Delaware and I'm just wondering whether our zoning code allows movie
1584 productions in some way. Should we think about it?

1585 Commissioner Tauginas: This is why Williamson, and I get along.

1586 Chair Hurd: Yeah, I read the article, and I thought of you Kazy.

1587 Commissioner Williamson: So just a question, we don't need answer now, but it's just
1588 something to think about.

1589 Chair Hurd: Yeah, I don't know how that fits in with the current definitions in our various
1590 industrial parks, I know we've broadened some of that. So that's a good question.

1591 Commissioner Tauginas: Bringing production to Newark could be very lucrative and help
1592 support that 15% of student drop off that we're going to be getting for local businesses
1593 absolutely, could happen if we became a film friendly town but that's a discussion for another
1594 night.

1595 Chair Hurd: 48% of non-taxable land and all the other various challenges that we face. Thank
1596 you. Closing new business.

1597 **8. General Public Comment**

1598 Chair Hurd: That takes us to general public comment for items not on the agenda related to
1599 work in the Planning Commission. Has anything been submitted by e-mail?

1600 Ms. Dinsmore: No, Mr. Chairman.

1601 Chair Hurd: Anyone online wishing to? No, anyone present, no. That closes general public
1602 comment and having reached the end of our agenda the meeting is adjourned.

1603 **The meeting was adjourned at 9:25 P.M.**

1604 Respectfully submitted,

1605

1606 Karl Kadar, Secretary

1607 As transcribed by Katelyn Dinsmore

1608 Planning and Development Department Administrative Professional I