

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
MEETING MINUTES**

**MICROSOFT TEAMS  
MEETING CONDUCTED IN PERSON**

**JANUARY 7, 2025  
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:**

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

**Staff Virtual:**

Renee Bensley, Director of Planning and Development  
Mike Fortner, Senior Planner  
Josh Solge, Planner II

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

Chair Hurd: Alright, ok. Good evening, everyone, and welcome to the January 7th, 2025, oh I'm going to have to get used to that, City of Newark Planning Commission meeting. We are conducting this hybrid meeting through the Microsoft Teams platform; I'd like to provide these guidelines for the meeting structure, so everyone is able to participate. Katie Dinsmore, our Administrative Assistant, will be managing the cameras, chat, and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present followed by the applicant for any land use item. For any land use applications following the presentations from both staff and the applicant, I will receive comments from members of the public that are either present or remote before calling upon Commissioners for their comments. I will call on each Commissioner on the dais for comments and questions of the presenter, followed by Commissioners online. If a Commissioner has additional comments they would like to add later, they should ask the chair to be recognized again after all members have had the opportunity to speak. For any item open to public comment, we will read into the record comments received prior to the meeting, followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, we ask that they sign up on the sheet near the entrance so we can get the spelling of your name correct and they will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment, we ask that they 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 on cameras and microphones in Microsoft Teams; all speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must be pertain to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into the

record. We follow public comment with any additional comments and questions from the Commissioners, then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote for all land use items, all votes must be audible. If anyone in the meeting room is on Teams, please mute your microphone and turn off your speakers. In addition, for Commissioners at the dais, please mute your microphones unless you're speaking so the camera doesn't automatically track to you. If there are any issues during the meeting, we may adjust these guidelines if necessary. The City of Newark strives to make our public meetings accessible. While the City is committed to this access pursuant to 29 Delaware Code 10006A, technological failure does not affect the validity of these meetings, nor the validity of any action taken in these meetings.

## **1. Chair's Remarks**

Chair Hurd: That takes us to item one, chair's remarks. The first is that we have an applicant request to move item 4, 261-263 South Chapel to be item 5 to allow their attorney time to get here after an earlier meeting. Any discussion? Ok, so moved. There are two things on my mind tonight, first is that New Castle County recently, today, recently enacted change to their zoning to allow ADUs and pocket neighborhood developments. The county has many of the same issues we have regarding affordable housing and housing for seniors. This and the state's interest in legislating for ADUs tells me that we, the Commission, need to start looking at this issue more so that we can be prepared to discuss it with Council after the upcoming election.

Second is that if you read the article, the other article in the Post earlier you know there are a lot of projects in the development pipeline. With the start of the New Year, I'd like to ask all of us to focus our attention to the work of the Commission and how we can best serve the City and the people. We all have issues with various parts of the process in code, and we've expressed those issues here and that's good, we shouldn't be complacent, and we should strive to improve the process and the code and when we are considering those changes, we have the ability and responsibility to consider the broader planning implications of those changes. Yet, we also need to be mindful to still consider the applications that come to us using the code and process in place. I don't wanna see the Commission become irrelevant to the process because we are distracted.

## **2. Minutes**

Chair Hurd: All right, taking us to item 2, review and approval of the December 3rd, 2024 Planning Commission meeting minutes. I had some minor corrections. Were there any comments or corrections you wish to give? All right, seeing none, the minutes are approved by acclamation.

## **3. Review and consideration of a Comprehensive Development Plan Amendment and rezoning for the property located at 300 East Main Street.**

Chair Hurd: That takes us to item 3, review and consideration of a Comprehensive Development Plan Amendment and Rezoning for the property located at 300 East Main Street. Who is presenting this from the City?

Director Bensley: That would be me.

Chair Hurd: Awesome. Take it away.

Director Bensley: All right, for the record, this is Planning and Development Director Renee Bensley here to present the request for a Comprehensive Development Plan Amendment and Rezoning for 300 East Main Street. Earlier this year, we, the Planning and Development Department and City Manager met with the folks at the NewArk United Church of Christ regarding the beginning of their ideas for potentially building an affordable housing project at their site on 300 East Main Street. As part of that discussion, we recommended as staff that they start with the process of filing for a Comprehensive Development Plan amendment and rezoning for the site. They are currently looking to change the Comprehensive Development Plan amendment for their future land use designation from "Residential, Low Density", which is their current designation, to "Mixed Urban" and a subsequent rezoning from RD, one family semidetached residential to BB central business district.

The NUCC is exploring plans to construct a multi-story mixed-use building with affordable housing on the units on the upper floors and the church operating on the ground floor. However, there is no major subdivision at this time, and therefore no construction proposed as part of the application in front of you this evening.

Existing zoning for 300 East Main Street, as I mentioned is RD. The existing church is permitted in the RD district as a by right use. The proposed mixed-use is not permitted in the existing RD zoning but is allowed in the proposed BB zoning. The church use on the first floor currently is allowed by special use permit in BB. However, as you know from last month's hearing, there is currently a proposal for an amendment to the code that is pending Council consideration, that would make churches and other houses of worship a by right use in the BB zone.

The properties adjacent to this, to the west are BC, to the east are BB, and to the north directly there is another RD zoned parcel which was subdivided from this parcel originally and is now a City of Newark substation. This property with the rezoning would fall into the boundaries of downtown as defined in Chapter 27, Appendix XIII (b), which is the design standards. Given the potential mixed-use nature of the proposed project, BB was determined to be more suitable for the desired conversion and more appropriate for the subject site than the existing RD zoning. Even if the mixed-use project that's been proposed, or that is being discussed, is not moved forward, the BB zone is appropriate for this area to match the nearby properties located in the downtown corridor.

The properties on the northern side of East Main Street and is bounded by the Market East subdivision to the west, the Kelway Plaza subdivision to the east and as I mentioned, the northern property line has a City of Newark electrical substation.

There is no density at this point, as no dwelling units have been proposed at this time. For the site design, we currently do not have site or building design proposed. However, engineering work is currently being performed for the site beginning actually January 16<sup>th</sup> to determine what size building the site is able to accommodate safely. For those who are not aware of the history of this property, it was the home to the original New, or excuse me, City of Newark Waterworks Department. Therefore, there are some there are some cisterns that are under the building, that need, that we are helping them do engineering studies in order to determine what can be safely built on the property.

For the Comprehensive Development Plan, this property is located within Planning Section A. The proposed mixed-use building as mentioned is not consistent with the existing, the Residential, Low Density designation and would require a change to Mixed Urban to reflect the mixed commercial and residential use. Mixed Urban is consistent with other parcel designations in this corridor within the Comp Plan.

There are no traffic effects to consider at this time, as this formal subdivision proposal has not been submitted as part of the application, and any potential traffic impacts would be reviewed as part of any subsequent subdivision application. This has not gone through formal Subdivision Advisory Committee review yet, since a subdivision has not been submitted. However, the Land Use Division of Planning and Development did review the application and believes that the proposed future land use designation in the Comp Plan as well as the proposed new zoning both align with the goal City's goal of promoting mixed-use development, particularly in the downtown district. It aligns with the goal of encouraging affordable and safe housing choices with the project that is in the works potentially. It also is consistent with the general development pattern of the area, with several projects listed in your report that either have been constructed, are under construction, or are pending Council consideration with both the same designations in the Comp Plan and rezoning.

Finally, and I've mentioned this item at previous Council meetings, when talking about this application coming up, is that due to the competitive nature of the Low Income Housing Tax Credit application process, amending the Comprehensive Plan and zoning map to remove discretionary approvals would give future low income housing tax credit applications for this property the opportunity to be scored higher and a greater chance to be awarded funding for the project. As we expect that these tax credits will become more competitive under the new administration due to come in on January 20<sup>th</sup>, we know that projects that have discretionary approvals are scored lower within the process and this would be the opportunity to help make these folks more competitive. At this point, no community meeting has been held outside of the church itself having or bringing up this project at some of their various meetings and services.

The public notification, the yellow sign has been posted since December 9<sup>th</sup> and notification letters were mailed. Because the proposed Comp Plan amendment and rezoning should not have a negative impact on adjacent and nearby properties and because the proposed use does not conflict with the development pattern in the nearby area, the Planning Department recommends, or

167 excuse me, suggests that the Planning Commission recommend to Council to approve both the  
 168 Comprehensive Development Plan amendment as well as the proposed rezoning. Thank you for  
 169 your time and I will take any questions after the applicant presents.

170 Chair Hurd: Ok, is there someone presenting for the applicant? Oh, awesome. Thank you, that  
 171 one's probably wait, there's no microphone on that one. Guess the live mic then.

172 Mr. Lonergan: Right here?

173 Chair Hurd: Sure.

174 Mr. Lonergan: Good evening, my name is Mike Lonergan. I'm a member of NewArk United Church of  
 175 Christ and I am on the Engineering Evaluation Feasibility Task Force, I think that's what we call  
 176 ourselves, that is engaged in the process to this point, basically, to get the engineering work done,  
 177 to figure out exactly what we're dealing with and how we can go about constructing this project.  
 178 And as Renee said, Pennoni will be on site next Thursday to begin that process with us. We are  
 179 excited about this, we understand that the length of time this will probably take, but we are looking  
 180 forward to utilizing our property for the best interest not only of the congregation, but also of the  
 181 City and its residents and the people that work downtown and we're asking tonight at the City's  
 182 suggestion that we get these two steps taken care of because it will and I'm, I have a little bit of  
 183 experience with the tax credit process, it will make life easier down the road for us.

184 So we have, I will tell you that we kind of haven't been sitting still since the City Council approved  
 185 the funding for the engineering study. We have had some conversations with attorneys and they  
 186 recommended that before we do anything as far as seeking a partner that we wait until the  
 187 feasibility study is done, because at least then we'll have a ballpark idea of what we're looking at  
 188 cost wise and exactly, not necessarily exactly, but more accurately exactly what we're able to do.

189 So, I'll be glad to try and answer any questions you may have.

190 Chair Hurd: Ok, we are gonna just start with public comment first because we're following the lead  
 191 of Council on that. They find that getting public comment first gives the Council and  
 192 Commissioners information to work with. So, Katie do have any submitted public comment?

193 Ms. Dinsmore: Yes, we had one e-mail submitted earlier today. This is from Elisa Diller. She is the  
 194 Chair of the NewArk United Church of Christ Engineering Evaluation Task Force. "To the City of  
 195 Newark Planning Commission. I am writing to express our task force's support for the January 7th,  
 196 2025, agenda item 3, the rezoning of 300 East Main Street to BB. This rezoning will allow the  
 197 property zoning designation to be consistent with the business zoning of the nearby properties and  
 198 allow our proposed project to move forward. Thank you for your consideration in this request." And  
 199 that is the only public comment submitted.

200 Chair Hurd: Ok, is there anyone present who wishes to give public comment? Is there anyone  
 201 online who wishes to give public comment, all right, ok. Well, that closes public comment then. So,  
 202 let's bring it to the dais. We'll start with Commissioner Tauginas.

203 Commissioner Tauginas: I don't have any questions.

204 Chair Hurd: Ok, Commissioner Bradley.

205 Commissioner Bradley: Just want to commend you for thinking outside the box to bring affordable  
 206 housing to Newark. I support this, my only question would be, and I don't know if you can answer  
 207 yet or not based on your comments, is would this be the same type of thing that Newark Housing  
 208 like partners with, more, for lack of a better term, commercial builders? Something like that, to  
 209 build and basically run the units, or would you guys be doing that in house?

210 Mr. Lonergan: No, we are thinking, at least right now is, that we're going to find a developer  
 211 experienced in nonprofit development and create some kind of entity because we want to be a  
 212 church, not a property manager and that's the direction...

213 Commissioner Bradley: I think that's kind of what Newark Housing has done...

214 Chair Hurd: And I'll just add that the low-income housing tax credits require the formation generally  
 215 of a basically a for-profit corporation in which the not-for-profit corporation may have a piece, but  
 216 that's the corporation that owns the tax credits, then sells them and then transfers ownership later.

217 So, they're, it's part of the application process that you have to actually create a separate  
218 corporation.

219 Commissioner Bradley: So, expanding on that then, one of the comments I had for Newark Housing  
220 with their project was if they were getting, would they receive any income from these properties?  
221 The answer was no. Is that pretty typical with the way these are? Because I'd like to see the  
222 nonprofits, Newark Housing or your facility right, retain some of the income from these income  
223 producing properties to use towards gathering or getting more affordable housing.

224 Chair Hurd: Yeah, that I don't know how that's structured, but there usually is a, most, many of the  
225 development companies that do low income will also do the management portion, but you can also  
226 separate it, or you can roll your own depending on your experience.

227 Commissioner Bradley: Ok, I would just suggest maybe looking into retaining some of the income to  
228 further get more affordable housing in Newark.

229 Mr. Lonergan: Yeah, I think that was one of the comments that the attorney made to trying to figure  
230 out a way to do that so.

231 Commissioner Bradley: Other than that, thank you.

232 Mr. Lonergan: Thank you.

233 Chair Hurd: All right, Commissioner Kadar.

234 Commissioner Kadar: It's pretty straightforward, I don't have any significant comments other than I  
235 wish you the best of luck on your engineering studies and I hope it all works out.

236 Mr. Lonergan: Thank you. Yeah, we got that 35-foot-deep question mark underneath the building.

237 Chair Hurd: Alright, Commissioner Silverman.

238 Commissioner Silverman: I have no comments.

239 Chair Hurd: Ok, Commissioner Cloonan.

240 Commissioner Cloonan: Thank you. I think this is a great project and again I appreciate your efforts.  
241 I have one question right now; the property has access to the driveway at Market East Plaza. And I  
242 hope that in terms of fire lanes, you can work out a shared agreement with Market East Plaza so that  
243 you do not have to repeat another, fire access lane down the side of your building. Do you  
244 understand what I'm saying?

245 Mr. Lonergan: Yes, I do, I do because there's already a city easement down the side of both sides of  
246 the building.

247 Commissioner Cloonan: And it's eating, you have a very narrow property that's eating up a lot of  
248 your...

249 Mr. Lonergan: Gotcha, thank you.

250 Commissioner Cloonan: Ok.

251 Chair Hurd: Ok, Commissioner Williamson.

252 Commissioner Williamson: Thank you, a couple of questions, one maybe for staff as well as the  
253 Church. Once the project, let's say it goes forward and you go through all the proper steps, being a  
254 church and affordable housing, I'm thinking the property would be tax exempt. And is there an in-  
255 lieu program in Delaware for tax exempt affordable housing to replace revenue so the City has  
256 some revenue for services provided? I don't know so.

257 Director Bensley: So, to respond to that, the property would continue to remain tax exempt. It's tax-  
258 exempt right now being owned by the Church, the affordable housing component would not change  
259 that. What would change is the city would likely get more revenue from utilities from the property,  
260 with it becoming housing. As you may or may not know, for our utilities, 25% of the revenue is  
261 transferred to the General Fund so that would help to subsidized some of the costs associated with  
262 that.

263 Commissioner Williamson: Thank you. So, what I'm hearing, and it's not just this project, it's  
264 probably all affordable housing development is they essentially, I'm not making this a negative

265 thing, but they pay less in annual taxes than market rate housing. Because sounds like the only  
 266 source of income to the City is the utility fees, the utilities. And I just point that out, that's all. I  
 267 mean, there's a benefit –

268 Director Bensley: So, there would also be, I apologize, there would also be revenue coming from the  
 269 rental licenses for the properties or for the units themselves in addition to the utility revenue.

270 Commissioner Williamson: Thank you. Given the shape of the parcel, which we all know is long and  
 271 narrow, if the zoning is approved, this again is probably for Planning. Is it almost a by right that they  
 272 could develop? And I understand you're doing a feasibility right now, but it could be a 5-story long  
 273 narrow building if that's, fits in the zoning envelope almost by right, given the zoning the BB zoning.

274 Chair Hurd: Yes, BB zoning can max out at 5 stories.

275 Commissioner Williamson: Ok, I just want to point that out. Finally, is it, and this is more to the City,  
 276 it's not a bad thing, of course to want to get through the LITC, the income tax credit process, I've  
 277 been through that myself and I know, and I've scored projects, and I provided the information to  
 278 help them get ahead, and the desire to help affordable projects obviously is good for everyone.  
 279 Could this be construed, though, as a special treatment for a specific property? And before you  
 280 answer that, if another project, another property came forward and said I'd like to have the rezoning  
 281 with no proposed building. With or without an income tax credit or any promise of affordable  
 282 housing, would that be accepted by the Planning Department? And if this, if there's a reason for  
 283 this particular property, you know as being somewhat of an exception to City policy, what is that  
 284 reason?

285 Director Bensley: It's not an exception to City policy. Anybody who applied for a rezoning on their  
 286 own would be eligible to have it go through the process. We've had them go through individually in  
 287 the past and be approved so that's not something that's unprecedented.

288 Commissioner Williamson: Ok, thank you, I just wanted to clarify that. Thank you.

289 Mr. Lonergan: I'm glad that she knew the answer to that.

290 Commissioner Williamson: And that's all. Thank you.

291 Chair Hurd: I don't have anything further. I think one, I think it makes sense for that parcel to be a BB  
 292 zoned parcel in general. Two, I'm in favor of removing the obstacles for affordable housing projects,  
 293 and I think I've seen a number of churches do that with, basically you don't have excess land  
 294 necessarily, but I've seen a number of churches who have excess land develop those into low-  
 295 income housing because it's easy, not easy, but it fits their mission. And they've got the land to start  
 296 with, all right. Well, I think that it takes us to the motion cause. I don't think there's anything left to  
 297 talk about. Secretary Kadar, are you prepared for the motion?

298 Commissioner Kadar: **Because the proposed property use does not adversely affect health and**  
 299 **safety, is not detrimental to the public welfare and is not in conflict with the purposes the of**  
 300 **the Comprehensive Development Plan, Planning Commission recommends that City Council**  
 301 **approve the Comprehensive Development Plan Amendment for the property located at 300**  
 302 **East Main Street to change the designation from “Residential, Low Density” to “Mixed Urban”**  
 303 **as outlined in the Planning and Development Report dated December 31<sup>st</sup>, 2024.**

304 Chair Hurd: Thank you. Do we have a second?

305 Commissioner Silverman: I'll second.

306 Chair Hurd: Thank you. I do want to note to people who may not notice that on your, in front of you  
 307 was an updated Comprehensive Development Plan section that shows the correct parcel outlined  
 308 in the future land use map. All right, any discussion to the motion?

309 Commissioner Williamson: Mr. Chair, one final question for probably staff. Assuming this goes  
 310 through, and I will support it also. Are we essentially approving the building?

311 Chair Hurd: No.

312 Commissioner Williamson: Will the building require?

313 Chair Hurd: Yes, absolutely.

314 Commissioner Williamson: All right. Thank you.

315 Director Bensley: The building will be required to go through the subdivision process. All  
 316 subdivisions go through Planning Commission and Council. Depending on the design of the  
 317 building will depend on whether or not they elect to utilize site plan approval as part of the process.  
 318 So, if it is a major subdivision that meets all current codes, then it would be something that would  
 319 be a by right project. If it were something that did not, that were to need site plan approval...I'm  
 320 trying not to say variances, relief, that's the word I'm looking for. If it were to need relief through the  
 321 site plan approval process, then it would not be a by right plan at that time.

322 Commissioner Williamson: Just a follow up, just so I understand it, so a by right project does still  
 323 come to the Planning Commission?

324 Chair Hurd: Yes.

325 Commissioner Williamson: Thank you.

326 Chair Hurd: If it's a subdivision, minor or major subdivision, it comes before us.

327 Commissioner Williamson: Thank you.

328 Chair Hurd: Thank you. All right, closing the discussion moving to the vote, Commissioner Tauginas.

329 Commissioner Tauginas: So, I've got to state my reason, right?

330 Chair Hurd: Yes.

331 Commissioner Tauginas; I vote aye because it is not detrimental to the public welfare.

332 Chair Hurd: Cool. Commissioner Bradley.

333 Commissioner Bradley: I vote aye because it's not detrimental to the public.

334 Chair Hurd: Thank you, Commissioner Kadar.

335 Commissioner Kadar: I vote aye because it's consistent with the conditions noted in the Planning  
 336 and Development Report dated December 31<sup>st</sup>, 2024.

337 Chair Hurd: Thank you, Commissioner Silverman.

338 Commissioner Silverman: I vote aye for the reasons cited in the Department's report, the Director's  
 339 presentation, and also because the proposal demonstrates a strong potential to serve the public  
 340 interest by implementing specific identified goals and policies of the Comprehensive Plan. The  
 341 amendment will also result in long term benefits to the community as, excuse me, as a whole and  
 342 the best interest of the community and the amendment is generally consistent with the goals and  
 343 policies of the Comprehensive Plan and will maintain concurrency between land use,  
 344 transportation and the capital facility elements of the plan.

345 Chair Hurd: All right. Thank you, Commissioner Cloonan.

346 Commissioner Cloonan: I vote aye because I think this is a positive asset or could be a positive  
 347 asset for the City of Newark and will not adversely affect health and safety in the City.

348 Chair Hurd: Alright, thank you, Commissioner Williamson.

349 Commissioner Williamson: I vote aye, it's based on the staff report, the public record of the hearing,  
 350 that's all.

351 Chair Hurd: Ok, and I vote aye for all the reasons stated by the Commissioners and those in the  
 352 Staff Report motion carries.

353 **Aye- Tauginas, Bradley, Kadar, Silverman, Cloonan, Williamson, Hurd**  
 354 **Nay- None**  
 355 **MOTION PASSED**

356

357 Chair Hurd: Ok, item, motion B, not done yet. Just one more thing that's all. Ready?

358 Commissioner Kadar: **Because it should not have a negative impact on adjacent and nearby**  
 359 **properties the Planning Commission recommends that City Council approve the rezoning of**

360 **0.97 acres at 300 East Main Street from the current RD, single family semidetached residential**  
361 **zoning, to BB, central business district zoning as shown on the Planning and Development**  
362 **Report, Exhibit E dated December 31<sup>st</sup>, 2024.**

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

364 Commissioner Silverman: I'll second.

365 Chair Hurd: Thank you. Any discussion to the motion? Right, seeing none, we move to the vote.  
366 We'll go in the same order, just for fun. Commissioner Tauginas.

367 Commissioner Tauginas: I vote aye because it should not have a negative impact on adjacent  
368 nearby properties.

369 Chair Hurd: Thank you, Commissioner Bradley.

370 Commissioner Bradley: I vote aye, based on the staff report.

371 Chair Hurd: Ok, Commissioner Kadar.

372 Commissioner Kadar: I vote I because I believe it will not have a negative impact on adjacent and  
373 nearby properties.

374 Chair Hurd: Commissioner Silverman.

375 Commissioner Silverman: I vote aye for the reasons cited in the Department's report and the  
376 Director's presentation.

377 Chair Hurd: Thank you, Commissioner Cloonan.

378 Commissioner Cloonan: I vote aye because it should not have a negative impact on adjacent and  
379 nearby properties.

380 Chair Hurd: Commissioner Williamson.

381 Commissioner Williamson: Aye, based on staff report and the public hearing record.

382 Chair Hurd: And I vote aye because it is consistent with the development pattern in the nearby area  
383 motion carries.

384 **Aye- Tauginas, Bradley, Kadar, Silverman, Cloonan, Williamson, Hurd**  
385 **Nay- None**  
386 **MOTION PASSED**

387  
388 Solicitor Bilodeau: I would just add, when you're when you're doing a rezoning, you always try to get  
389 in there, that it's consistent with the Comprehensive Plan as amended, which we just amended, but  
390 that's usually something you want to throw in when you're when you're voting for a rezoning. It was  
391 clearly consistent, but I just wanted to point that out.

392 Chair Hurd: Yes, thank you for that. All right, now you're good.

393 **4. Review and consideration of the Comprehensive Development Plan amendment for**  
394 **the property located at 53 West Delaware Avenue**

395 Chair Hurd: All right that takes us...stuff right here...new item for review in consideration of a  
396 Comprehensive Development Plan amendment for the property located at 53 West Delaware  
397 Avenue. All right, who's presenting for this? Renee, or Director Bensley?

398 Director Bensley: That would be me again. All right. Once again, Planning and Development  
399 Director Renee Bensley here to present the Comprehensive Development Plan amendment request  
400 for 53 West Delaware Avenue. The Planning and Development Department received an application  
401 for this property to amend the Comprehensive Development Plan's future land use designation  
402 from University to Residential, Low Density. The parcel was recently sold by the University of  
403 Delaware and is currently owned by the Kristol Center for Jewish Life. They also own two of the  
404 adjacent properties to this parcel. While there's no new construction proposed as part of this  
405 application, this will facilitate an administrative subdivision that they have also submitted to  
406 consolidate the three lots into one. The existing zoning for this parcel is RM, Garden Apartments,  
407 which was the underlying zoning on the parcel while it was zoned UN when owned by the University

408 of Delaware. The existing community center use is a permitted use in the RM, Garden Apartments,  
409 District by right. This property is part of a block that is bounded by West Delaware Avenue to the  
410 north, South Main Street to the West, Amstel Avenue to the South and South College Avenue to the  
411 east. As I mentioned, this property is part of a group of three parcels that currently includes a 4,200  
412 plus square foot community center with associated parking. There is no change proposed for the  
413 land use; the parcel is bounded to the north by West Delaware Avenue, to the South by Carroll  
414 Court Apartments which are zoned BB, and Amstel Avenue Apartments zoned RM to the east.

415 The parcel is adjacent to the other parcels owned by the Kristol Center and to the west the parcel is  
416 adjacent to a single-family house that is currently a rental. No dwellings are proposed as part of  
417 this application, and the site plan that is in the exhibit is the existing site design. This plan currently  
418 doesn't, oh excuse me, this parcel does not conform to the Comprehensive Plan currently. It is  
419 located within Planning Section A and is no longer consistent with the existing University land use  
420 designation since it is no longer owned by the university, but it is consistent with the future  
421 Residential, Low Density land use designation that is proposed.

422 The designation, as I mentioned, is no longer appropriate because that designation is limited  
423 exclusively to university owned property and the Residential, Low Density future land use  
424 designation would not only not negatively affect, excuse me, not negatively impact the health and  
425 or well-being of residents and would not impact traffic patterns, but the Residential, Low Density  
426 designation was the prior designation of this parcel until October 2021 when it was changed to  
427 University as part of an ordinance that changed several parcels that had incorrect designations at  
428 that time. Notification letters were sent to surrounding property owners and because of the current  
429 designation, is no longer appropriate due to the ownership change, Planning...excuse me, the  
430 Planning Department suggests that Planning Commission recommend to Council to amend the  
431 Comprehensive Plan to change the designation of this parcel from University to Residential, Low  
432 Density and the applicant is here to present as well.

433 Chair Hurd: Ok, that's the working microphone at the moment, sorry.

434 Mr. DeAscanis: Good evening, Commissioner, members of the Planning Commission, and everyone  
435 present. My name is Colm DeAscanis. I'm President of CDI Engineering Civil Engineering firm, I have  
436 with me Eileen Thorpe, our Senior Planner Designer who has worked with me on this project and we  
437 have virtually represented the Owner, Donna Schwartz, representing Kristol Center for Jewish Life  
438 and we also have two project architects who are involved just giving guidance, Jamie Unkefer and  
439 Michael Goldberg, present virtually so I just wanted to say that. And the Planning recommendation  
440 summary was very thorough, which is good. We did prepare just a few slides just to give you a bit  
441 more background, a little bit more color on it.

442 As was read in earlier, this land was originally owned privately, it was sold in 1993 to University of  
443 Delaware, originally owned by Elizabeth Conway William Morrison. Prior to the sale to University of  
444 Delaware going back to the old zoning maps, it was zoned RM originally. When the University of  
445 Delaware purchased it as we understand, the zoning switched over to UN and then now that's going  
446 back and will be purchased by Kristol Center of Delaware for Jewish Life it reverts back to the RM  
447 zoning, but we just wanted to give that history, that basically it was purchased by University of  
448 Delaware, the UN was applied at that time. Now that's being purchased back from University of  
449 Delaware, it would go back, it would revert back to the original zoning, and we actually have the  
450 original zoning map on the next...this is just an aerial showing. Right now, there was an old house  
451 that was there, like a rental unit that's been since demolished. So that's an accurate present-day  
452 aerial that it's basically just an open lot right now, but that's the lot in question.

453 Here's the original zoning map that was back in 1976 with revisions up through 1980, and I  
454 highlighted in yellow. There you can see at that time; this is previous to the University of Delaware  
455 sale that it was RM zoning. So, I put a little red outline around the RM, it's kind of hard to read  
456 (inaudible) from the zoning map, but it was originally RM. And then for the next slide, we just  
457 basically wanted to show you this is the plan that we submitted the application highlighted, it's that  
458 same plan, you can see it's just basically, mainly just open space. The building was removed and  
459 that's the parcel in question. And if you go to the next slide, this is the zoning map. The green is the  
460 RM zoning, the blue is the is the UN zoning for the University of Delaware, and you can see that  
461 basically this is like a, where that little piece of blue in between the green...so when that gets  
462 removed then it'll be all continuously zoned the RM, which means all those parcels. Yes, that's just

463 an aerial overlay showing the same, so that highlighted would just go to green and would be  
 464 consistent with the neighboring parcels.

465 And that's kind of that, that's our intent. So, the only thing we're seeking is, is the Comp Plan  
 466 Amendment to basically peel back the UN and get back to the RM that it was originally since it's no  
 467 longer owned by the University of Delaware.

468 Chair Hurd: Ok, thank you. We're gonna just jump quickly to public comment if we have any...was  
 469 there anything submitted prior?

470 Ms. Dinsmore: No Mr. Chairman.

471 Chair Hurd: Ok, is there anyone present who wishes to give public comment? Is there anyone  
 472 online who wishes to give public comment? Ok, seeing none, we'll close public comment. Bring it  
 473 to the dais, we'll start to the right, Commissioner Williamson. Any comments or questions of the  
 474 presenters?

475 Commissioner Williamson: No, I have none. Thank you.

476 Chair Hurd: Ok, Commissioner Cloonan.

477 Commissioner Cloonan: Hi. Could you go back to the site development plan?

478 Mr. DeAscanis: I think that was...slide three or...do I have that right...four actually, no five. Can I go  
 479 back and get that or?

480 Chair Hurd: That one?

481 Mr. DeAscanis: Yeah, and that's the basic Comp Plan amendment exhibit plan if you will.

482 Commissioner Cloonan: So, is that lot 43 on the end going to become a parking lot?

483 Mr. DeAscanis: There's no, there's no application for any development right now. The university  
 484 owns a parking lot on the far end.

485 Chair Hurd: The lot at the very end is a parking lot owned by the university.

486 Mr. DeAscanis: Yeah, by Orchard Road, so Orchard Road, then University of Delaware parking lot  
 487 that's existing, then Kristol Center for Jewish Life is existing and then there's two existing  
 488 undeveloped parcels, the one the one with the tree in it is, the other is UN, currently.

489 Commissioner Cloonan: So, that's an existing parking lot...I could have sworn it was a building on  
 490 that corner. Never mind, I must be misremembering.

491 Mr. DeAscanis: It almost feels like it's a parking lot for the building, but it's not, it's a separate,  
 492 there's a University parking lot. There's a fence that runs along the property line that splits University  
 493 of Delaware from Kristol Center.

494 Commissioner Cloonan: All right, that was my only question.

495 Chair Hurd: Ok, Commissioner Silverman.

496 Commissioner Silverman: I read through this report and then I started looking at exhibits and I was  
 497 very confused with all the parcels, so my question is, will there be an effort on the part of the  
 498 applicant to extinguish lot lines and create a single parcel out of the multiple parcels represented  
 499 here?

500 Mr. DeAscanis: Once they're rezoned that would be the intent, to consolidate them under common  
 501 ownership, yes.

502 Commissioner Silverman: Thank you.

503 Chair Hurd: Ok. Commissioner Kadar?

504 Commissioner Kadar: I wish they were all as straightforward, but they're not.

505 Mr. DeAscanis: I do too.

506 Commissioner Kadar: But I have no questions. Thank you.

507 Chair Hurd: Ok, Commissioner Bradley.

508 Commissioner Bradley: Are there any future use plans once it's made into one parcel?

509 Mr. DeAscanis: There's no formal, but there is considered enhancements to the existing facilities,  
510 but not, but not subject to this application.

511 Commissioner Bradley: Ok, great. Thank you, that was all.

512 Chair Hurd: Ok, Commissioner Tauginas.

513 Commissioner Tauginas: I take no issue with peeling back the UN onion.

514 Mr. DeAscanis: That's well said...we're just peeling back the onion.

515 Chair Hurd: Right, just going back to what it was. All right. I have no questions or comments either, it  
516 is as we've noted, fairly straightforward. Well, with that, I guess we can move to the motion  
517 Secretary Kadar.

518 Commissioner Kadar: Ready? Ok, **because the proposed use does not adversely affect health  
519 and safety, is not detrimental to the public welfare and it's not in conflict with the purposes of  
520 the Comprehensive Development Plan, Planning Commission recommends the City Council  
521 approve the Comprehensive Development Plan amendment for 53 West Delaware Avenue to  
522 change the future land use designation from "University" to "Residential, Low Density" as  
523 outlined in the Planning and Development Report dated December 31<sup>st</sup>, 2024.**

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

525 Commissioner Silverman: I'll second

526 Chair Hurd: Thank you, any discussion to the motion? Alright, seeing none, we'll move to the vote.  
527 Commissioner Williamson.

528 Commissioner Williamson: I vote aye for the staff report and the consistency with the  
529 Comprehensive Plan...is that?

530 Solicitor Bilodeau: Well, you're actually amending the Comprehensive Plan, but the staff report is  
531 fine.

532 Commissioner Williamson: Oh, we're amending, ok, the staff report and the public hearing record.

533 Chair Hurd: Commissioner Cloonan.

534 Commissioner Cloonan: I vote aye because of the staff report.

535 Chair Hurd: Thank you, Commissioner Silverman.

536 Commissioner Silverman: I vote aye for the reasons cited in the Department's report.

537 Chair Hurd: Thank you, Commissioner Kadar.

538 Commissioner Kadar: I vote aye for the reasons cited in the Planning and Development Report  
539 dated December 31<sup>st</sup>, 2024.

540 Chair Hurd: Thank you, Commissioner Bradley.

541 Commissioner Bradley: I vote aye for the reasons stated in the Planning and Development Report.

542 Chair Hurd: Thank you, Commissioner Tauginas.

543 Commissioner Tauginas: I vote aye because of the reasons stated in the Planning and Development  
544 Report.

545 Chair Hurd: All right, I vote aye for all the reasons stated by the Commissioners and for those in the  
546 Development Report, motion carries. Mazel tov.

547 **Aye- Williamson, Cloonan, Silverman, Kadar, Bradley, Tauginas, Hurd**  
548 **Nay – None**  
549 **MOTION PASSED**  
550

**5. Review and consideration of a minor subdivision for the creation of a new lot and construction of one two-story single-family dwelling on the property located at 261-263 South Chapel Street**

Chair Hurd: Ok, do we have? Any minute now ok, well we'll drag it out, that takes us to our new item...what is this...this is...item five, new item five, the review and consideration of a minor subdivision for the creation of a new lot and construction of a one 2-story single family dwelling on the property located at 261 and 263 South Chapel Street. Director Bensley, who's taking this one?

Director Bensley: I'm going for the trifecta this evening.

Chair Hurd: Oh yeah.

Director Bensley: All right, so last but not least, in the way of development applications for this evening, we have a minor subdivision for 261 and 263 South Chapel Street. The department received an application for this minor subdivision of 0.48 acres located at the referenced parcels, to create a third lot out of the excess land of the two existing lots and construct one additional single family detached house on that lot, the two existing houses will remain. The existing zoning for the two parcels is RD, one family semidetached residential, and the existing and proposed single family detached houses are permitted use in RD. The proposed dimensions for the new lot comply with all of the area regulations for the RD district. The house at 263 South Chapel Street that exists is located closer to the street line along East Park Place than is currently permitted by our area requirements, but because it is an existing legal nonconformity and the project does not propose to alter that condition in any way by demolishing or moving that unit, Planning has determined that no relief or variance is required.

The subject properties are located on the northwest corner of South Chapel Street and East Park Place. The proposed project is going to reconfigure the lot lines of the existing parcels to create a third parcel, construct one new, two-story single-family house with three bedrooms on that new parcel, as well as install new driveways for each of the three units. The site will include approximately 4,000 square feet of building area, an increase from the approximately 2,600 square feet currently occupying the property. The paved area is proposed to decrease to approximately 2,000 square feet from the existing 3,300 square feet and the open area of the site will decline slightly, but remain at approximately 14,800 square feet, declining from 71.5% to 71.2%.

The site includes two current single-family houses. Both of the main entrances for these houses, front South Chapel Street. However, the existing driveway for 263 South Chapel opens onto East Park Place. This site is generally flat and the land or the majority of the property is comprised of lawn and landscaping. The project is located within a Water Resource Protection Area, which limits the development potential of the parcels. However, it's been determined by the Public Works and Water Resources Department that the development of an additional house can be permitted if there is no net change to the impervious coverage of the combined site. This will be verified during the Lines and Grades Plan review process prior to approval of that plan of the plan and the building permit for new construction. The parcels directly adjacent to the subject properties are residential, sharing that same RD zoning, the property to the south across East Park Place is a small office building that is zoned BL and to the east across South Chapel Street is a University of Delaware office building zoned UN and a small commercial building zoned MI.

While there's no density limit in the RD zone, the only restrictions are based on area regulations, which require a minimum lot size of 6,250 square feet for a detached single-family use. The two existing homes on the 0.48 acres of the lot result in 4.2 units per acre, and the additional house will increase that to 6.25 units per acre. As this is a minor subdivision for a permitted use, color elevations and renderings are not required as part of this application for minor subdivision; however, the applicant did, or did submit some drawings for the project yesterday as we were closed for weather, and I believe Katie has those ready to be displayed on the screen if they are not at your seats already.

The Comprehensive Development Plan is or conforms to this project and the fiscal impact will be minimal. As far as traffic, with the addition of one single additional dwelling unit, the proposed development is not anticipated to have a significant impact on traffic along either South Chapel or East Park Place. It's my understanding that the question came up around ownership of those two streets, South Chapel is a DelDOT owned and operated street and East Park Place is owned and

605 maintained by the City. The project will be subject to TID fees, and a traffic impact study is not  
606 anticipated for the project.

607 With those comments, we also did do the public notification surrounding the property within 300  
608 feet. And because the minor subdivision plan with the Subdivision Advisory Committee  
609 recommendations, which are referenced in your report, should not have a negative impact on  
610 adjacent nearby properties because the proposed use does not conflict with the development  
611 patterns in the nearby area, the Department suggests that Planning Commission recommend  
612 approval of the project at 261 and 263 South Chapel Street for the minor subdivision to City Council  
613 and I will turn it over to the applicant. I believe John Tracey is presenting this evening.

614 Chair Hurd: Yes, he is, and he's just arrived. Yeah, sorry. That's the only one that's working.

615 Mr. Tracey: I was going to say that Colm DeAscanis out there was bragging that because of me, he  
616 showed up right as you were calling his application to the podium and now, I walk in and it's the  
617 same thing. So, I do appreciate you accommodating my scheduling needs, as New Castle County  
618 did to put me first on their agenda tonight so in any event, obviously the Department's report is  
619 extremely thorough for this very small project, which is basically reconfiguring the existing lot lines  
620 and subdividing to create a third lot where two currently exist. As you can see, the 261 lot is a lot  
621 larger than the RD zoning requirements, the 263 lot is more consistent with that. I think we have a  
622 couple copies of the plan that that you all have seen, but essentially, it's just taking two lots and  
623 making three, all of which meet all of the bulk requirements of the code, both from a lot size  
624 standpoint as well as setbacks and the like. You heard Miss Bensley comment about the WRPA,  
625 which we're aware of and we are, I think, at essentially a net zero with regard to impervious cover  
626 before and after which was our limitation within the WRPA. Obviously, this is not a Comp Plan  
627 amendment, it's not a rezoning, it's not a site plan project. It's a standard minor subdivision. I don't  
628 know how many of these you actually see but again, as I mentioned, it is fully compliant with the  
629 code. I think there should probably be a slide that shows the plan up there, that's the existing  
630 conditions right there. And then the next slide, if there is one, would show the proposed building  
631 envelope of the house, the dashed lines extending all the way to the top on the left, that represents  
632 where the actual set back lines are, but the house is actually, a proposed home would be more to  
633 the front so. I can't make this any more complicated if I try, so happy to answer any questions.

634 Chair Hurd: All right. Well, first we do this.

635 Mr. Tracey: I also have Matt Brickley from MRA, who's here with me as well.

636 Chair Hurd: All right. We're just going to first jump to public comment, was there anything  
637 submitted prior?

638 Ms. Dinsmore: No, Mr. Chairman.

639 Chair Hurd: All right. Is anyone present who wishes to give public comment on this item? Yes sir?

640 Mr. Tracey: Excuse me.

641 Commissioner Silverman: (inaudible) he came in late so he may not know...

642 Mr. Klima: Thank you.

643 Chair Hurd: You, just need to identify yourself too for the I'm sorry, just need to identify yourself.

644 Mr. Klima: I'm sorry?

645 Chair Hurd: You just need to identify yourself-

646 Mr. Klima: I'll get right to that if you'll give me, not my first rodeo here. Thank you so much, my name  
647 is Ed Klima, I'm the Owner of 310 and 312 East Park Place which are immediately adjacent to these  
648 properties, particularly 312 which abuts the rear of both of these properties and generally I've been  
649 before this Commission in favor of development, even in in this area. I must admit this one  
650 concerns me a little bit and that we're essentially adding a house in the backyard. In this, this entire  
651 block between West Park Place, Ashley in the South Newark area, they're all single-family  
652 dwellings, that's the character of the neighborhood. Certainly, somewhat concerned if we're going  
653 to start popping additional houses in backyards, I think that opens the door to some concerning  
654 trends and also certainly as it relates to detriment to my property, I would disagree that it's not  
655 detrimental. There are several large trees that look like they'll be removed as part of this project and

656 also adding a driveway at the end of Chapel Street. You know, going in and out of my driveway, you  
657 can barely get in and out of it with traffic as it is, so it does have an effect on traffic as well, so  
658 certainly a little bit concern and disappointed to add another house in in, in the adjacent backyard.  
659 Thank you for your time.

660 Chair Hurd: Ok thank you. Anyone else? Sir.

661 Mr. Beard: Yes, my name is Steven Beard, I live at 308 East Park Place which is 2 doors down from  
662 the backyard of 263 where the house is proposed now. This is the first time I heard about this, this  
663 project I did receive a letter last week, but it didn't have any plot plans, I could not figure out how  
664 they were gonna fit another house on that property and I, quite honestly, from what was displayed  
665 here tonight, I still can't understand what's going on. What the plan is. I'd like to have plan, you  
666 know, a plan that I can have in front of me that I can refer to in order to form an opinion, I don't think  
667 that one I don't think...so this.... the picture shows it as it is now. This...this plot plan I can't tell,  
668 there's all sorts of dashed lines on here and I, the print is so small I can't make head nor tail of it, so.

669 Chair Hurd: Ok, so the engineer seems to be bringing you a copy, for future and I know this doesn't  
670 always help, the application materials are always linked to the agenda for our meetings which are  
671 online on the City's website, so if you do get a letter, you can you can go to the City's website and  
672 once the agenda is posted, you can you can find all the information there.

673 Mr. Beard: Ok, I guess my question is, is this going to be voted on and accepted tonight?

674 Chair Hurd: So, the Planning Commission recommends approval or recommends approval or  
675 disapproval of projects to Council. Council makes the final decisions. So, we are simply an  
676 advisory body in this case, so we review the plans, review the code, make sure that the plan is  
677 consistent with the code, make sure that there aren't any issues with the application of the code,  
678 and then vote to recommend or not, and then the final, the real vote, is gonna be at Council  
679 shouldn't say real vote, but, the final vote is at Council, which is usually in...depending on the time  
680 frame and whether changes have to be made to the application, it's usually four to six or more  
681 weeks, depending on their schedule from this.

682 Mr. Beard: Ok, well I have to say I echo the concerns of the previous speaker, and I've lived at 308 for  
683 40 years and seen the neighborhood go from all owners occupied houses to, now that on Park Place  
684 on both sides of Park Place in that one block there are 10 houses. There are only two, well three  
685 owner occupied houses left, mine being one of those so. I have good relations with the students  
686 that do live there now, but I don't see the adding to the density is something that is good for the  
687 town or for permanent residents like me, so I guess that's, those are my concerns.

688 Chair Hurd: All right. Thank you. Ok, I don't see anyone else, all right we'll close public comment.  
689 Bringing it back to the dais, we'll start to the left this time for Commissioner Tauginas, any  
690 questions, comments, discussion?

691 Commissioner Tauginas: It's just, this is gonna become a rental property?

692 Mr. Tracey: Yes, it's likely, it would be similar to the others that are in that immediate area.

693 Commissioner Tauginas: Got it. Got it.

694 Mr. Tracey: Again, it'll be 3 bedrooms, not like a five bedroom or six bedroom like you've seen  
695 before, so you saw the picture, it'll be a single-family house.

696 Commissioner Tauginas: Right, yeah, that's my only question.

697 Chair Hurd: Ok, Commissioner Bradley.

698 Commissioner Bradley: Thank you, Chair. Line 185 of the literature here. Parks recommends that  
699 two street trees be added to the plan along East Park Place here. Is that just a recommendation or is  
700 there any type of requirement for street trees here? That's for I guess for staff.

701 Director Bensley: Since this is a minor subdivision, they are not required to submit a landscape plan  
702 as part of the application.

703 Commissioner Bradley: Ok, and just out of curiosity, how much would the transportation impact fee  
704 be? Do you know that?

705 Mr. Tracey: I don't off the top of my head, it's established by code per lot or per development or per  
706 unit. I don't know off the top of my head what that number is, but I'm sure we can get it for you.

707 Commissioner Bradley: Is that established by DelDOT or?

708 Mr. Tracey: The TID in partnership with DelDOT in the in the City, Renee may be able to tell you,  
709 usually it's a collaborative effort, although DelDOT, because there's a DelDOT street here I think is  
710 the driving force as to what that amount is going to be.

711 Commissioner Bradley: Ok, those are all the questions I had. Thank you.

712 Director Bensley: In regard to the TID, the, I don't have the exact number, but it is typically for one  
713 single family house it will be under \$5000 for the TID fee that's associated with this, and the fees are  
714 set based on a rolling five-year CPI they are reset every year. We have not gotten what the updated  
715 fees for 2025 will be yet from DelDOT, we expect those shortly. But the fees that are in place at the  
716 time of the building permit application will be the fees that are charged for the new construction.

717 Commissioner Bradley: I have one more question, I'm sorry. Based on the rendering there, where's  
718 the, where's the driveway going to be for this house?

719 Chair Hurd: That was actually my question too, because the plans show it on the other side.

720 Mr. Brickley: Yes, this is Matt Brickley of Morris and Richie, so the rendering that's shown right now  
721 has the existing driveway that is going to be removed on the right-hand side of the house, and  
722 there'll be a new one added where the existing shed is shown. If you look on the left-hand side of  
723 the property...back one.

724 Commissioner Bradley: So, that tan shed there is being removed and that's where the driveway  
725 goes?

726 Mr. Brickley: That's where the driveway goes, yes. There's a shed between the house.

727 Commissioner Bradley: So that there's no garage to this house, it's just open parking.

728 Mr. Brickley: No garage, just parking. And right now, we have 18 by 36-foot parking so we can amply  
729 get the cars off the road and have enough parking for everybody.

730 Commissioner Bradley: Is your intention to fence the common property line between you and the  
731 existing home?

732 Mr. Brickley: It's shown on the plan that the entire property will be fenced, as shown on there.

733 Commissioner Bradley: A privacy fence?

734 Mr. Brickley: Privacy fence, yes.

735 Commissioner Bradley: Ok, and I had another question, it just left me. If it comes back, I'll revisit it.  
736 Thank you.

737 Mr. Tracey: I leaned over to Mr. Brickley while Renee was talking, we've already added the two street  
738 trees to our revised plans, they just haven't been submitted yet.

739 Commissioner Bradley: I know what the question was, it's a 3-bedroom house what's the max  
740 occupancy you can have for rent for students in there?

741 Mr. Tracey: I believe it's three.

742 Commissioner Bradley: Ok, so it's one per bedroom

743 Mr. Tracey: I believe it's one per bedroom; Renee might know what the top of her head, but I believe  
744 that's the number.

745 Commissioner Bradley: Ok thank you.

746 Director Bensley: It's just three unrelated individuals in general.

747 Chair Hurd: All right, Commissioner Kadar.

748 Commissioner Kadar: One question, I'm looking at the City's report here and it says the size of the  
749 two parcels that are being subdivided into three parcels is 0.48 acres. Is that correct?

750 Mr. Brickley: That's the number that I'm seeing on here. Yes.

751 Commissioner Kadar: Ok, so when all of this subdivision is done what are the sizes of the lots?

752 Mr. Brickley: They are...and they're on the plan as I'm trying to look at what they are...the largest one  
753 is around 8,800 I believe, which is the new lot and the other two are both above 6,250 and below.

754 Commissioner Kadar: Ok, and so here's the question. Relate the size of those lots to the relative  
755 sizes of the existing lots down the street.

756 Mr. Brickley: If you could pull up the tax map, which was the first exhibit that was on here. So, what  
757 you see is what's along from along our side there long and narrow and on Chapel Street they're  
758 wider and squatter so we're essentially adding another lot that's going to be consistent with what  
759 you see in 312 and all those down another long lot goes all the way back.

760 Commissioner Kadar: Ok, so what you're saying is, if I take that that second lot there not the first  
761 one, the second lot appears to be about twice as large as the existing lots up and down the street.  
762 So, you're slicing it and I'm going to guess at one time it was two lots, right?

763 Mr. Tracey: In 1957.

764 Commissioner Kadar: Ok, so what you're in essence doing is fitting in with the norm of the  
765 neighborhood.

766 Mr. Brickley: Matching what's along Park Place with that.

767 Commissioner Kadar: Ok, well good, thank you.

768 Mr. Brickley: And just to clarify because I know this was raised, there's going to be no change in the  
769 number of driveways that are on East Park Place. There's one now, and there'll be one when we're  
770 done the other two.

771 Commissioner Kadar: Yeah, I understand that I saw that on the charts. Ok, page...item line 210 to  
772 216 there's a discussion about a letter of no contention with DelDOT. Now you had informed us, I  
773 mean, he has informed us that East Park Place is in fact a city street, as opposed to South Chapel,  
774 which is a state street, DelDOT controlled. So, my question here is why would we be concerned  
775 about what DelDOT wants on East Park Place versus what the City of Newark requires?

776 Mr. Brickley: Well, remember that the project involves lots that front on both South Chapel and East  
777 Park so DelDOT has to give us a letter of no contention for any changes or anything we're doing on  
778 the South Chapel Street side. So that's why they're involved the project properties –

779 Commissioner Kadar: No, no, I understand that they would have to stick their nose into what's going  
780 on South Chapel with the driveways, I have no question about that, but when we move to East Park  
781 Place, that's not a DelDOT street.

782 Mr. Brickley: Correct.

783 Commissioner Kadar: And this says that we'll required to submit entrance plans to DelDOT and in  
784 those instances a DelDOT approved entrance plan will be required prior to Lines and Grades. I  
785 don't mind South Chapel, but why are we doing that for the other one?

786 Mr. Tracey: I think I'll defer to the Engineer, but I'm going to presume that's a broad statement that  
787 the City has included in its report, and unless he smacks me on the back of my head and tells me  
788 I'm incorrect, that their focus, the letter of no contention, is focused on the Chapel Street side. We  
789 need the City approvals on the Park Place side, which is why you saw the requirements in there for  
790 repaving and things like that in terms of connecting. I think it's a blanket statement that's in here  
791 because we as part of the project, we do require it because of the South Chapel Street.

792 Commissioner Kadar: Yeah, but it's not specified that there's a difference between them and it  
793 reads as though they're all the same.

794 Mr. Tracey: (inaudible) that's all I can say is I do all right now

795 Commissioner Kadar: Well, we're going to get that resolved, right? All right. The sidewalk, this is  
796 line 241 to 244. The sidewalk fronting the subject parcel shall be a minimum of four feet in width.  
797 Does that mean that you're going to be required to tear up the sidewalk along South Chapel Street  
798 where there is no change?

799 Mr. Tracey: Only if and again, I'll have Mr. Brickley come in if we have to make changes to it, or if it's  
800 non-compliant with today's codes. We have to upgrade it, correct?

801 Commissioner Bradley: Yeah, this is not an opportunity to just fresh up the property and go from an  
802 old 3 1/2-foot sidewalk to the current standard, which is 4 if you're not doing anything with the  
803 sidewalk, are you?

804 Mr. Brickley: We are we...per engineering in the City of Newark, they would like that sidewalk in  
805 place to meet the code, originally we had it to remain as is, but we are going to because it's  
806 anywhere from 4 foot down to 3 1/2 foot, it, there's not a real straight section, but it is in good shape  
807 but we're going to replace it with four foot to meet their code.

808 Commissioner Kadar: So, you're doing that other kindness of your heart, right?

809 Mr. Brickley: The kindness of our heart.

810 Commissioner Kadar: Ok, all right, I have no further questions. Thank you.

811 Chair Hurd: Ok, Commissioner Silverman.

812 Commissioner Silverman: Several of my questions have already been answered. I have a question  
813 for the Director. Renee, are you there?

814 Director Bensley: I am.

815 Commissioner Silverman: Ok, this site is within a resource protection area. That's correct? That's  
816 what's cited in the report.

817 Director Bensley: Yes.

818 Commissioner Silverman: Ok, does the City maintain an active wellfield still down along Park  
819 Place?

820 Director Bensley: It's my understanding it is not active.

821 Commissioner Silverman: Ok, because where I'm going with this and this is a sidebar to the actual  
822 issue, if I recall correctly, there was gross contamination in that well field as a result of a landfill  
823 maintained on University of Delaware property and the activities of a city trash transfer station.  
824 When the Comp Plan is updated, can that RPA be reevaluated as to whether it should still be in  
825 effect? Ok, I just wanted to bring that up as an item that should be included in the Comp Plan.

826 Director Bensley: Ok.

827 Commissioner Silverman: Because the RPA designation can have a significant impact on  
828 development and redevelopment in the area and if it's no longer effective or it has no reason to be  
829 there, it shouldn't be.

830 Director Bensley: And I will say we do have restrictions around the WRPA in the code. For this  
831 particular property in order to meet the intent that that is why the Public Works Department has set  
832 kind of the maximum for this property of coverage being what is existing so to kind of talk about  
833 some of the entrances and the driveways and things like that, a lot of that's being, the driveways  
834 are, the buildings are not changing that are on the property, but a lot of the driveways and a lot of  
835 the impervious surface is being reconfigured in order to accommodate the proposed new dwelling.  
836 So, that way it does not increase the impervious coverage that's on the, or that's in the WRPA.

837 Commissioner Silverman: Ok, thank you. That's all the questions I have.

838 Chair Hurd: Ok, Commissioner Cloonan.

839 Commissioner Cloonan: I do think this is an appropriate lot size for this neighborhood and I do like  
840 the fact that you aren't increasing the impervious area, and I do like that you are protecting existing  
841 trees and adding new trees, and I even like the fact that you're widening the sidewalk to four feet.  
842 But I am concerned that there wasn't any discussion with the neighbors ahead of time. It seemed  
843 like that would have been a courteous thing to do, and to explain. I know when development goes  
844 on in my neighborhood, my neighbors bring the drawings to us and sort of talk about, talk about it.  
845 Is there a reason that didn't happen?

846 Mr. Tracey: No, I mean I think that's just a byproduct of a lot of the projects, particularly in the areas  
847 where there's a lot of student housing, that there hasn't been a lot of outreach because what you  
848 see in the those areas are similar and I think there was, rightly or wrongly, that this is one house  
849 that's similar to all the other houses in a similar lot type. And you know it wasn't intentional, but it  
850 didn't occur.

851 Commissioner Cloonan: Ok, all right. That actually makes some sense. My other concern is I  
852 couldn't really tell what the set back of the next house down was, it looks like your house-

853 Mr. Tracey: Further up Park Place or the existing house at the corner?

854 Commissioner Cloonan: On East Park Place, so you have a side, I'm assuming a side yard for your  
855 corner house, which would be less than a front set back. And I see that you're within the setback  
856 line, but it's only 15 feet. Is that what standard like going down the street?

857 Mr. Tracey: Yeah, that would be the setback for the zoning district for a single-family lot.

858 Commissioner Cloonan: But that's what the buildings actually were built at?

859 Mr. Tracey: Well, that that's what the setback line is. I don't know if we're showing the building going  
860 right to the line or not, but that we couldn't go further than that point.

861 Commissioner Cloonan: I understand that, but because these old buildings were built possibly  
862 before this 15-foot set back was established, I want to know if your house is sitting out in front of  
863 this sort of existing...

864 Mr. Tracey: Well, actually if you see, if you pull the plan up, what you'll see is that the existing house  
865 at the corner, which is part of this three lot subdivision, is closer to the road along the lines of what  
866 you were talking about and that's why the department indicated that's non-conforming, but we're  
867 not making any changes to it, so off the top of my head, I don't know, I don't know if Matt has a plan  
868 that shows what's to the west, I guess? Yeah, the aerial, actually, there was an aerial photo in there  
869 so.

870 Commissioner Cloonan: Well, the aerial photo is what raised my concerns cause to me. It looked  
871 like you were sitting outside of the neighbors.

872 Mr. Tracey: Again, I, we're not exceeding the setbacks on the property that complied, that are  
873 consistent with the code, I'll have to look at the aerals to see how it relates but again, you know the  
874 easiest way to answer the codes, establish setbacks and we're complying with all those setbacks,  
875 not seeking any relief. And again, that's what you see on the plan is the box of the, of the set back.

876 Chair Hurd: The only zoning code that has a separate requirement for common setbacks is BB  
877 where if there are buildings that are already further back, you have to align with that, you can't go to  
878 the to the closer one. Every other zoning code, or the zoning district, it's just you had, there's a front  
879 yard setback. And historically, I think you're right that there is a historical development pattern of a  
880 larger front yard. The zoning has changed, the standards for the zone have changed. So that's  
881 allowing a closer, but I don't see if there's other. Just trying to look...yes at least on that block, there  
882 isn't a whole lot closer. Though the office building across the street is much closer, but that's a BL,  
883 so that doesn't.

884 Commissioner Cloonan: Again, I look at those as side yard but ok.

885 Chair Hurd: Well, if it's a corner lot, it's two fronts.

886 Commissioner Cloonan: Oh, is it?

887 Chair Hurd: Yes, it is cause. I have a corner lot, and it sucks. Because it's like, yeah, it's in 15 and 15  
888 instead of like, 5 o 8 so you can't go much further.

889 Mr. Tracey: Yeah, and I think the only thing I can say to you, Miss Cloonan as you look at the plan  
890 itself in the box for the proposed house is further off of Park Place than the house that's on the  
891 corner and you can see there's actually a substantial side yard. You can see, yes, there's the  
892 dashed line which represents the setback line, but you can see the proposed driveway kind of  
893 bisects that so the house is further to the east then that set back line would indicate. If my  
894 geography is remotely correct.

895 Commissioner Cloonan: I have no further comment.

896 Chair Hurd: Ok, thank you. Commissioner Williamson.

897 Commissioner Williamson: Thank you. So, I'm gonna ask some questions because I think it's  
898 important to get the questions and the answers in the minutes record for the City Council and the  
899 public. Did the applicant meet with or offer to meet with any of the neighbors?

900 Mr. Tracey: No.

901 Commissioner Williamson: Ok.

902 Mr. Tracey: Not to my knowledge I should say.

903 Commissioner Williamson: Ok, does the corner lot 263, I think, other than the existing front set  
904 back on Park Place, nonconformity, does the corner lot, is there anything here that makes the non-  
905 conforming of the corner lot greater?

906 Mr. Tracey: No.

907 Commissioner Williamson: Ok, all right. Most of the houses just looking at an aerial appear to be  
908 one story on that corner.

909 Mr. Tracey: The two lots that currently exist are two stories.

910 Commissioner Williamson: They're two stories, ok. So, I'm a little sympathetic to the gentleman in  
911 308, the immediate neighbor, because it was second story home looking into your backyard, you  
912 lose privacy, you know, depending on what windows are up there... 2 doors down then. Well, the  
913 immediate neighbor is a concern, and I've had some experience with that with 3 story buildings  
914 popping up in single story neighborhoods and you have no privacy in your backyard unless there's  
915 pretty good trees. Question for staff given the, given our code, will the plans for the house, when  
916 they come in, be reviewed by just staff, or is there any opportunity for the Planning Commission to  
917 review anything on the plans?

918 Mr. Tracey: My understanding is that a single lot single house wouldn't come back to the Planning  
919 Commission –

920 Commissioner Williamson: Ok, thank you. So, there's no way for basically anyone to opine, look at  
921 or comment on what windows are facing into people's backyards?

922 Mr. Tracey: No, I mean it's, unless there's some code deficiency that would have to be addressed.

923 Commissioner Williamson: Right. Right, I bring that up because the applicant which the house is  
924 not yet designed in total, could adjust some of your plans to take account some of these issues.  
925 You could push it back a little bit from the street. You got plenty of room in the back. You could  
926 increase your set back in the front, you could design it in a way that certain windows don't, or not  
927 big windows look into the neighbor's yard.

928 Mr. Tracey: Yeah, they're design, architectural designs could be looked at or designed. I will  
929 caution, though, that pushing the house back likely would put us in a position where we're adding  
930 impervious cover because the driveway would need to extend back, and that's something that we're  
931 going to what, Mr. Silverman said, we had the discussions regarding the quality of that WRPA but  
932 right now it's on the books. So, we have to comply it, so we can't extend the impervious cover on the  
933 property.

934 Commissioner Williamson: How much of the impervious cover is parking spaces?

935 Mr. Tracey: It's a combination of the parking spaces as well as the house, the body of the house  
936 itself, sidewalk those types of things.

937 Commissioner Williamson: But how many? How many parking spaces are paved?

938 Mr. Tracey: I think we're just in what, a two-car driveway or three car driveway?

939 Mr. Brickley: The three car on one and then four car on the other two.

940 Commissioner Williamson: What's the number of spaces on the new house?

941 Mr. Tracey: Three, in the driveway. I mean, it accommodates 3 cars.

942 Commissioner Williamson: Ok, and there's still a backyard for the new property, in the further  
943 back?

944 Mr. Tracey: Correct.

945 Commissioner Williamson: And that, well, that'll have some kind of landscaping.

946 Mr. Brickley: There's an existing trees and hedgerows and other things there.

947 Commissioner Williamson: Ok

948 Mr. Brickley: So, we're not removing any trees in the backyard, any of the hedges in the backyard,  
949 anything like that, that's already grown up, that's blocking all the neighbors' views from a house  
950 now. So, the only thing we're adding is the two street trees up front and that's going to take place of  
951 the big old dead tree that's hanging out over top of Park Place now. So, we're going to take that  
952 down, that's going to be all sodded, a new street tree put there, another one in front of this house.  
953 Like you said, the privacy fence.

954 Commissioner Williamsons: Well, this information would have been nice to have shared with the  
955 neighbors before tonight, so I just point that out. Ok, it's a good use of a corner lot, you know, not  
956 uncommon. And the new lot certainly fits in with the development pattern of the Park Place strip.  
957 Ok, thank you.

958 Mr. Tracey: Thank you.

959 Chair Hurd: All right, thank you. I think most of the questions have been addressed. I did initially  
960 have a concern about the driveway, but then I realized looking at the plans more carefully that the  
961 new driveway is further down Park than the existing one. Because I come around that corner every  
962 day-

963 Mr. Tracey: Two wheels?

964 Chair Hurd: No. but I see other people just I mean because it's a right turn, no stop And so I had  
965 concerns about entering and exiting there. But if there's a current driveway that they're managing  
966 this whole...

967 Mr. Tracey: Like you said, the new driveway further down, the old driveway is going to be removed.

968 Chair Hurd: Yeah, and if there are trees on your property that are, I know there's a couple along  
969 there that that certainly block the view of the adjacent house. That may also help with traffic  
970 entering and exit for line of sight.

971 Mr. Tracey: Yes, Matt indicated we're removing trees that are essentially dead, but we've been, we're  
972 adding the two new trees down there.

973 Chair Hurd: So, I think I don't have any particular issues I think again it's, it's kind of a good use of an  
974 oversized lot. I know obviously that there are there are ongoing conversations in the City about  
975 density and housing and such. While this doesn't really address our issues around affordable  
976 housing, it does add another unit and it's looking, looking around, we're hard pressed to find places  
977 to put new single-family homes, which is what everyone would like to have more of for sure. So, I  
978 appreciate the neighbors' concerns, I just, I do also feel that this, this is addressing a concern that  
979 other people are expressing. So, we have to figure out how to balance that. You know, how do how  
980 do you add housing, how do you add density without adding houses? You know that's sort of the  
981 challenge we face. Ok, any last questions. Yes, Commissioner Bradley?

982 Commissioner Bradley: Just a couple follow up questions. The sidewalk widening being that it's  
983 outside of the of the property line, that does not go into your impervious area calculations, is that  
984 correct?

985 Mr. Tracey: It is counted inside of the impervious area, that they're making me stick to.

986 Commissioner Bradley: OK, because it says proposed sidewalk 62- and three-quarter square feet  
987 on here for proposed impervious and it's probably about 230 linear feet of plus or minus sidewalk,  
988 and so the...

989 Mr. Tracey: So, we don't have to replace anything on Park Place. That's all brand new.

990 Commissioner Bradley: So that's already the four foot wide, ok.

991 Mr. Tracey: So, if you only take the half a foot over the 150, it's 60, yup.

992 Commissioner Bradley: Gotcha, ok. Commissioner Cloonan mentioned the trees and that you were  
993 retaining a lot of them. On your plan it looks like all these are to be removed.

994 Mr. Tracey: Yeah. Those are the ones that Matt referred to earlier, they are not living trees. The ones  
995 we're preserving are towards the back of the property with existing hedgerows, and then we're  
996 adding the two new ones in front.

997 Commissioner Bradley: So, are the ones that you're preserving past the LOD? On the rear property?

998 Mr. Tracey: Yes. And then we have to take the precautions outlined in the Department's report about  
999 protecting the drip area and things of that nature.

1000 Commissioner Bradley: Would you be open to maybe putting some landscaping between the two  
1001 existing, between the neighbor's property and this new property?

1002 Mr. Tracey: Yeah, to help with some, Mr. Baldini and his son are here, the property owners, and  
1003 they're nodding ascent to that, so we should have some ability to do that. Again, the balance is if it's  
1004 those two are student houses that back up to it and you want to make sure whatever you put there  
1005 is maintained. But we do own the property, so we'll have the ability to maintain stuff. But again, we  
1006 have the room to add some stuff. There's no landscaping requirement but we can add some stuff.

1007 Commissioner Bradley: And on the site plan on the plot plan, what's the back left hand box on the  
1008 back of this house? What's that being used for?

1009 Mr. Brickley: So that is a like a study or a rec room type deal.

1010 Commissioner Bradley: Is that single floor or two floor?

1011 Mr. Brickley: On the first floor.

1012 Commissioner Bradley: That's only one floor? Ok, and then the rest of the building is two stories.

1013 Mr. Brickley: Yes. If you look at the architectural plan, yeah, we don't have those.

1014 Commissioner Bradley: Yeah, we don't have those, so we can't look at them. And there's, the corner  
1015 lot. There's, what's the reason for not having to get a variance, because it's non-conforming?

1016 Mr. Tracey: It's existing non-conforming and we're not doing anything by this plan to increase that  
1017 nonconformity. The nonconformity is essentially the street set back and that remains the same  
1018 regardless of the size of the lot.

1019 Commissioner Bradley: So, if you ever did do anything to this house, then you would have to get a  
1020 variance?

1021 Mr. Tracey: If it were to be knocked down and rebuilt, for instance, then it would have to comply with  
1022 the code or need variances.

1023 Commissioner Bradley: Final comment would be maybe just suggesting the developer maybe have  
1024 a community meeting with the people that are affected and hear them out and do a little Kumbaya  
1025 moment. But that's all my comments. Thank you.

1026 Mr. Tracey: Thanks, Mr. Bradley.

1027 Chair Hurd: All right. Anything further? All right. I think we're ready to move to the motion,  
1028 Secretary Kadar are you ready?

1029 Commissioner Kadar: I move that **the Planning Commission recommend that City Council**  
1030 **approve the 261 to 263 South Chapel Street minor subdivision as shown on the Morris & Richie**  
1031 **Associates Incorporated's 261 to 263 South Chapel Street plan dated December 4<sup>th</sup>, 2023, and**  
1032 **revised through November 11<sup>th</sup>, 2024, with the Subdivision Advisory Committee conditions as**  
1033 **described in the December 31<sup>st</sup>, 2024 Planning and Development Report.**

1034 Chair Hurd: Thank you, do I have a second?

1035 Commissioner Silverman: I'll second

1036 Chair Hurd: All right, thank you-

1037 Solicitor Bilodeau: Mr. Chairman with a subdivision vote it's just a straight up yes or no you don't  
1038 need reasons.

1039 Chair Hurd: Ok good to know, because there's lots of reasons given in the report here ahead of time.  
1040 All right, any discussion to the motion? All right. Moving to the vote, Commissioner Tauginas?

1041 Commissioner Tauginas: I vote nay.

1042 Chair Hurd: Ok, Commissioner Bradley.

1043 Commissioner Bradley: I vote aye.

1044 Chair Hurd: Commissioner Kadar.

1045 Commissioner Kadar: I vote aye.

1046 Chair Hurd: Commissioner Silverman.

1047 Commissioner Silverman: I vote aye because the proposal generally conforms to code  
1048 requirements and it's essentially restoring a lot line that appeared to be or was described to be as  
1049 part of the original subdivision.

1050 Chair Hurd: All right. Thank you, Commissioner Cloonan.

1051 Commissioner Cloonan: I vote aye.

1052 Chair Hurd: Commissioner Williamson.

1053 Commissioner Williamson: I vote nay, as a kind of a protest vote that they should have met with the  
1054 applicants, neighbors.

1055 Chair Hurd: Ok, and I vote aye as well. Motion carries. All right, thank you all.

1056 **Aye – Bradley, Kadar, Silverman, Cloonan, Hurd**  
1057 **Nay – Tauginas, Williamson**  
1058 **MOTION PASSED**

1059 **6. Informational Items**

1060 Chair Hurd: That takes us to item 6 informational items.

1061 Director Bensley: I believe I am up.

1062 Chair Hurd: It's you again, Director Bensley.

1063 Director Bensley: Alright, hopefully this is the last item you hear on from me to or hear from me on  
1064 tonight and I will keep it short. Since the last time there has not been a lot going on with Council  
1065 since the last time we met, because they have been mostly on holiday break, they did meet on  
1066 December 9<sup>th</sup> where they had the second reading of Chapters 27 and 32's development fee  
1067 amendments that you all considered at your October meeting, those were all approved.

1068 Upcoming this next Monday on the 13<sup>th</sup> they have the first reading for the Chapter 32 amendment  
1069 to establish, or I should say to allow body art establishments in the BB and BC zones, which you all  
1070 considered previously. There is a Special Use Permit at 211 Edjil Drive that is being amended for,  
1071 it's currently for an in-home daycare that it has a ceiling of 10 children and the applicant is  
1072 increasing her occupancy allowed with the state to 12, so she's asking for an increase in her Special  
1073 Use Permit as well.

1074 Finally, for that meeting related to land use, we have a Subdivision Agreement amendment for 65  
1075 South Chapel Street. They have run into some site issues with underground water, so they are  
1076 looking to reduce the number of parking spaces in their parking garage to the code required  
1077 minimum that would allow them to mitigate some of those issues. There is no Council meeting on  
1078 January 20<sup>th</sup> for the Martin Luther King holiday. The City is closed. On January 27<sup>th</sup>, they will be  
1079 considering the Comp Plan amendment and rezoning as well as the major subdivision for 339, 341,  
1080 and 349 East Main Street that evening.

1081 Looking forward to our next Planning Commission meeting on February 4<sup>th</sup>, as I mentioned last  
1082 month, we are looking to bring the affordable housing discussion back to you all; we have held over  
1083 a dozen public meetings over the last year. Between our both in person and virtual, as well as some

1084 stakeholder meetings on top of that. So, we are planning to bring back that data to you all and talk  
1085 about some of the potential next steps that we are looking at bringing to both Planning Commission  
1086 and Council and looking for feedback on those in which both groups would like to see us move  
1087 forward. We have not yet determined or identified projects for the March agenda. We're still sorting  
1088 through all the post-holiday submissions and getting everything back together, so I'll have more  
1089 information about that for you next month, and that's all I have for this evening. Thanks.

1090 Chair Hurd: All right thank you, Deputy Director Velazquez.

1091 Deputy Director Ramos-Velazquez: So...Jessica Velazquez, Deputy Director. So, for new projects  
1092 that we've received, we've received an amendment to a subdivision for One South Main Street on  
1093 December 1<sup>st</sup>. On December 9<sup>th</sup>, we received 53 West Delaware, which was heard tonight. We've  
1094 also received an administrative subdivision for 47 West Delaware Avenue. We've also received two  
1095 Special Uses, one that Renee just mentioned, which is to the 211 Edjil Drive and we've also  
1096 received one for 1164 Elkton Road, for a tow company. We have sent out three SAC letters in the  
1097 month of December, one for 118-129 Lovett on December 6<sup>th</sup>, on December 19<sup>th</sup> 73 West Delaware  
1098 as well as on the 23<sup>rd</sup> of December, 261 and 263 South Chapel, that's all I have.

1099 Chair Hurd: Ok, also in your packet was the Quarterly update for our work plan. Which comes to us  
1100 and usually goes to, I think, Council, just as an informational thing.

1101 **7. New Business**

1102 Chair Hurd: That takes us to item 7 new business. Any new items for discussion by City staff or  
1103 Planning Commissioners? That may also then become on a future agenda. Yes, Commissioner  
1104 Williamson.

1105 Commissioner Williamson: Chair and members, I just don't want to forget from the last meeting  
1106 where I brought up an item in new business beginning in the Minutes on line 945, etcetera. Haven't  
1107 done anything as it was the holidays, but I haven't forgotten about it either and just wanted to  
1108 mention that. Thank you.

1109 Chair Hurd: Right, and I'll just note on top for these minutes. With the Solicitor's understanding that  
1110 that we don't want to get into discussion about issues around a particular project, especially until  
1111 that project's worked its way through. But it sounds like it, well I can't tell where it is in the process  
1112 at the moment, but certainly we can be doing some research for that. Anything else? Everyone's  
1113 eager man, just eager to go.

1114 Commissioner Williamson: Chair Will, a question maybe for staff looking forward to the  
1115 presentation about affordable housing, that's next meeting. I'm just wondering whether accessory  
1116 dwelling units are sort of verboten, or we allowed to talk about them? Were they even brought up by  
1117 anybody? Or is that sort of mum at this point?

1118 Solicitor Bilodeau: I can answer, I mean, Planning Commission's free to talk all you want about  
1119 these, staff at this time is verboten from really working on stuff. But I do believe that Council is  
1120 going to see the light, if you will, because of obviously what was just brought up by the Chairman  
1121 about New Castle County and it's coming. So, it's just it, just have to kind of bide your time, but  
1122 you're certainly free to do all you want about it, but yeah, but you just can't rely on staff. I hope that  
1123 answers your question.

1124 Commissioner Williamson: Yes, thank you.

1125 Director Bensley: I will also say that in our meetings we did discuss the results of the Rental  
1126 Housing Workgroup when talking about the history of affordable housing in Newark and kind of  
1127 where we've got, how we've gotten to where we are, and the recommendations associated with that  
1128 and that is in the recommendations list. So, while we are not presenting on that topic specifically, it  
1129 has been included as part of the historical discussions in our presentation.

1130 Chair Hurd: Ok, thank you all. Excited for that.

1131 **8. General Public Comment**

1132 Chair Hurd: Any general public comment from anyone left? Ok, so having reached the end of the  
1133 agenda, we are adjourned.

1134

1135     **The meeting was adjourned at 8:35 P.M.**

1136     Respectfully submitted,

1137

1138     Karl Kadar, Secretary

1139     As transcribed by Katelyn Dinsmore

1140     Planning and Development Department Administrative Professional I