

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON**

**MARCH 4, 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
Kazy Tauginas
Chris Williamson

Staff Present:

Paul Bilodeau, City Solicitor
Renee Bensley, Director of Planning and Development
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
Mike Fortner, Senior Planner
Katelyn Dinsmore, Administrative Professional I

Staff Virtual:

Katya Raskin, Planner
Lauren Dykes, Community Planner

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

Chair Hurd: All right, hate to cut everybody off, but we need to have a meeting. All right evening everyone...sorry. Good evening and welcome to the March 4th, 2025, City of Newark Planning Commission meeting. I'm going to skip my prepared things because there is nobody else here. If anyone shows up, I'll explain how it works, but otherwise we'll skip it.

1. Chair's Remarks

Chair Hurd: I don't have any Chair's remarks.

2. Minutes

Chair Hurd: So that takes us to the minutes which are provided to you at your seat, and were emailed to you earlier. Does anyone have any corrections or comments on the minutes? All right, seeing none, the Minutes are approved by acclamation.

3. Review and consideration of amendments to Chapter 32 Zoning, to change certain special use permit uses to be by right units within specific zoning districts.

Chair Hurd: And that takes us to...let me find my...Item 3, review and consideration of amendments to Chapter 32, Zoning to change certain special use permit uses to be by right uses within specific zoning districts. Director Bensley, who is leading this enjoyable conversation?

Director Bensley: That will be our Senior Planner, Mike Fortner.

Planner Fortner: Thank you, Mr. Chairman, and members of the Planning Commission, I'm Mike Fortner, Senior Planner. I'm going to go over a report for potential amendments to Chapter 32 Zoning for residential, business and industrial districts. As you know, we've been making some incremental changes over the years, trying to modernize and update our zoning code. And this is an

attempt to kind of do a bit of a catch all, at least with the uses in zoning districts, particularly focusing on special use permits. Ok...and it's not working here, is it on? Oh, thank you. Sorry it wasn't on, there we go.

First slide I'd like to show you is a...is the one before that, it's just sort of a zoning code, it's a primer. And so, in this report, I just sort of start referring to zoning districts by the two letter things. And I put in a little index for you to help kind of guide you through that. If you have a question, we'll bring it up or if you need any explanation on each zoning district, I can do that. Please just stop me.

Also wanted to just go over to you that part A in our zoning code for each zoning district, there's a part A, those list uses that tend to be by right that are permitted, what we call by right for administrative review.

Then there's Part B, these are uses permitted in each zoning district that are permitted as conditional uses or with a Council approved special use permit, and if the use isn't listed in either of those parts then it is not permitted in our zoning code. All right, so the policy objective that we have is, first of all, we want to reduce the economic burden of the special use permit requirement for economic development, particularly focused on small businesses. And with that, there's a fee for these special use permits that range from a residential for \$787.00 and up to \$1,210.00 for a business district. So, these are extra costs that are put onto a business that are an impediment to that business. There is a time delay; these things can take at a minimum, a month to two to three months to get on a Council agenda. They have to be for a public hearing. And so that's a time delay. And it's also an uncertainty delay, they don't know whether their special use permit is going to be approved, so everything is sort of on hold for them. So, it's sort of a stressful experience.

There's also a large staff, Planning Commission and Council resources and time put into this, so staff reports take several hours to put together, they involve all the departments having to review this. Then there's a Council meeting that needs to be scheduled, needs to be advertised. And so when we look at when we're looking at these uses, we're looking at uses that in the past have not been a large impact and that we believe that can be moved from a special use permit to an administrative review. This is some of the most recent cases pretty much the past year, that we've had special use permits would be impacted by some of the changes that were proposing. You can see that a lot of them are restaurants with alcohol, which is a suggestion that we're making, that we not make that a special use permit requirement anymore, because this is a State regulated industry. And so the state provides all the regulations for that and they have not been controversial in the past, these restaurants with alcohol, so we're suggesting that maybe this is something that we would move to by right or administrative review.

Another thing is family daycares, you'll notice there's a lot of indoor commercial, indoor recreation, these are your gyms. We've had a lot of these come through the Planning Department and the Council, these also tend not to be a very controversial. So we had like for, Lefty's Alley and Eats, they had a bowling alley with it. So special use permit, that's an extra thing for them. And then they also had to get alcohol with that one. Then we have in home businesses too, micro enterprises. This is Newark Prenatal Massage and Yoga, this is an individual practitioner, she makes appointments, people come, one person at a time comes to her home. She gives this a special type of massage, that tended not to be very controversial. So these types of things, and we're going to get more than that in a bit, home occupation. There was First Watch, Crunch Fitness, a gym, special use permit.

Oh, I just real quick, we're trying to modernize our zoning code as well, kind of streamline it and correcting some inconsistencies and clarity in the zoning code. All right, so I divided these up cause there's a lot of stuff here. The good news is that you don't have to make any decisions today, it's just sort of getting your feedback, your temperature. It's just kind of, yeah, we're just trying to get what your feedback from and we will come back after we visit with Council. But I thought maybe after each little theme that we would stop with your permission, so we don't get too far ahead of ourselves, we just sort of talk about that. We'll kind of get your temperature, we won't beat a dead horse, we kind of see how it's going, then move on to the next one.

So family care, this has to do with daycare centers, and it has to do with nursing homes. The first proposal is for daycare centers and it's in our zoning code, it's in all residential zoning districts, it's also in BL and BLR. Those, BL and BLR are kind of like limited business districts. And so we permit daycares under section B, so it means it's a special use permit. The typical thing is a family

110 daycare. It's usually a woman, she usually works at home, she gets in about...usually it's between 7
 111 and 10 and kids, 10 is usually the max, and she watches those. Perhaps some of you have used
 112 those services in the past or was part of those types of services when you were a kid. So, it's very
 113 traditional in Newark, and it requires a special use permit, but it doesn't in the county and we also
 114 put these extra little special requirements on them, most of these are for fairly redundant to what
 115 the state regulations are. They kind of somewhat don't mesh up as well cause if the State changes
 116 it, ours messes up. So we had a case where the State would have permitted one more, but ours
 117 permitted one less. The square foot requirement also has taken a person out of consideration,
 118 where it wouldn't have applied to the State, they're not permitted in BC and BB at all.

119 So, what we're suggesting is that we remove all section A, B, and C on that and so, no special
 120 requirements, then just put subject to State code, they're the ones that regulate it, they're the ones
 121 presumably, that know how much square foot that the child needs and then. Move it to section A
 122 which would no longer require that a family daycare would get a special use permit, and then we'd
 123 also would add that same language to section in the BC and the BB. Those are your central
 124 business district, and your downtown is your...downtown is the BB district and BC is your general
 125 business district. That's what we're proposing for that.

126 A similar thing with the nursing home, the nursing home has kind of the same thing, it's allowed it
 127 just an RD. It's not allowed in the RS, the RT, anything 9,000 square foot or larger but it is allowed an
 128 RD, RM, RA, and RR because it's sort of a group home sort of multifamily type of living situation.
 129 We're suggesting now that we remove all the special requirements to that too and then just say
 130 subject to State codes. So, it would be regulated by the State and rather than imposing our zoning
 131 code on this and trying to collate the two. And that concludes that, we would add that to RD and
 132 make it a by right and...making nursing homes and similar uses as administrative you in the RD
 133 district, OK, because it's already in the RM, it's already administrative in the other residential zoning
 134 district, so it just would make it RD as well. So, I'll open the floor for comments on that.

135 Chair Hurd: Sure. Why don't we start on the right with Commissioner Cloonan.

136 Commissioner Cloonan: I have no concerns or comments I think this is well thought out and
 137 probably long overdue, so, thank you.

138 Chair Hurd: Ok, Commissioner Tauginas.

139 Commissioner Tauginas: I echo the sentiments of Commissioner Cloonan.

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

141 Commissioner Williamson: Thank you. I just have a couple questions in general. The
 142 State...deferring to the State regs, which periodically change for presumably good reasons. The
 143 State regs do require some kind of fire department review, emergency access, all that stuff is all
 144 part of their work, I assume one thing I'm is there any noticing requirement under this admin for
 145 immediate properties for replicating the CUP? Does anybody know...in the admin process? That's
 146 my question, just a question.

147 Planner Fortner: So, the first part is, the City would participate in the fire inspection, the City does
 148 participate in all of that and other types of inspections in terms of the public notice, there's no, for
 149 this proposed ordinance, the way it's written, there would be no notice on the part of the City to
 150 that. I don't know that the State does that.

151 Director Bensley: The only exception would be for, if there was the development of, say, a center like
 152 a standalone center that fell into the major/minor subdivision process, then that would go through
 153 the normal development process.

154 Commissioner Williamson: Thank you. So, I just want to follow up on that, and I think this is...not
 155 only for nursing and child, but just for all of these transfers from conditional to admin. There's, in all
 156 the admin permits...some places have a requirement for noticing even for admin.

157 Director Bensley: We do not have that requirement.

158 Commissioner Williamson: I wonder if I just raise it for the everybody else, whether that should be
 159 a concern. I can't think of immediately why, although I would want to know if seven kids are in the
 160 house next to me all of a sudden during the day, playing in the yard, it could be noisy, but if it's
 161 allowed by the State...ok. So that's just a general question about noticing about admins in general,

162 and my third one was just to clarify you said this, a use is either conditionally allowed, admin
163 allowed or now?

164 Planner Fortner: A is administrative review, essentially by right.

165 Commissioner Williamson: So, you're seeing admin and by right are the same thing.

166 Planner Fortner: Basically, yeah.

167 Commissioner Williamson: And then, the code says somewhere else a use not listed is not
168 allowed.

169 Planner Fortner: So yes, so it's a list. A is by right, B is conditional use if it's not listed then it's not
170 permitted.

171 Commissioner Williamson: Ok, and that's clearly in the code? Is it clearly a code section that says
172 any use not listed is not allowed?

173 Planner Fortner: Alright, we have to research that, I don't know off hand.

174 Commissioner Williamson: Ok, that's a suggestion. I just raise it. Some cities have found that's a
175 problem if you don't list it, if you don't say if it's not listed, is not allowed. You just can't say that.
176 Maybe, maybe.

177 Solicitor Bilodeau: You know what? I've got a little time here, I'll see.

178 Commissioner Williamson: Ok, thank you, that's all.

179 Chair Hurd: Ok, Commissioner Silverman.

180 Commissioner Silverman: I also echo that this is a good piece of work and it is long overdue. And
181 we've confused ourselves up here with the terms by right and administrative. We need to make sure
182 that the vocabulary is very clear and the meaning is very clear because administrative to me, Mr.
183 Williamson confused me right up front when you started talking about "administrative
184 permissions". I'm thinking by right, because it's within a zoning district. You can imagine what's
185 going to happen when others get a hold of this and start dealing with that. Administrative to me is
186 something that comes in and is handled literally in the office as opposed to, I don't even have to ask
187 the question anymore. I want to put in a restaurant. I qualify under the State regulations for alcohol,
188 I don't even have to talk about it with the City, it just happens. That's kind of the way I look at it.

189 Director Bensley: So, to answer the question, all of our zoning districts have in the beginning, the
190 way that the by current language is phrased is that "no building shall be erected or altered, which is
191 arranged, intended, or designed to be used except for one or the more following uses" o, it's right up
192 front at the beginning of every zoning district

193 Planner Fortner: In terms of by right, I essentially mean by right. Administratively is that all uses are
194 reviewed by Planning when a building permit comes in or like a tenant fit out for a business, there is
195 some sort of zoning review just to say, oh, that's permitted when, for any kind of a business. And
196 then sometimes there's conditions on a by right, you have to have so many square feet or
197 something like that. So, there is an administrative role, but is essentially you're assured that it's by
198 right. So, in a residential RS, you're allowed a single family house, if you have 9,000 square foot, it
199 still gets approved administratively...

200 Commissioner Silverman: Hopefully we understand the techno speak, but will the average person
201 coming in or reading the newspaper article or talking to their council person.

202 Planner Fortner: I used administrative because with by right, it sounds like there is no oversight at
203 all and I kind of wanted. I kind of want to convey that people are looking at this and watching what
204 people are doing, just making sure that it's permitted by zoning. So that's why I called it
205 administrative, but I understand it's confusing.

206 Director Bensley: And I'd note that we're only looking at the use, we're not looking at any of the other
207 pieces of the code, so anything regarding building code or fire code or you know, business licenses,
208 different inspections that may be required, those are all still part of the process. It's just the actual
209 use within the zoning district.

210 Commissioner Williamson: Mr. Chair, just a follow up. So is there a, like a permit defined called
 211 zoning clearance or something like that in the code? You actually stamp something, you sign
 212 something?

213 Director Bensley: So, when business licenses are submitted for review, the Planning Department
 214 does a zoning review on everyone that comes on every application that comes through.

215 Chair Hurd: And it happens for building permits, too, for zoning. So, I think administrative is the
 216 right term, and we may have to in the future presentations or when it comes back sort of define that
 217 more clearly as being the, you know, review for it's that it's an allowable use as part of the zoning or
 218 like the building permit or the business permit process. But I agree that by right does carry a term,
 219 sort of a tone of I don't even talk need to talk to anyone. I can put that shit in my backyard, I can, you
 220 know, start having kids come in into my daycare. cause I got a State license. But you know, if you
 221 haven't gotten the city's part yet...

222 Commissioner Silverman: It all leads to an occupancy permit.

223 Chair Hurd: Right. All right, Commissioner Kadar.

224 Commissioner Kadar: Back to the by right. I think that's a concept that's fairly well understood by
 225 the development community here in Newark, cause I've heard it come up often times, and it's also
 226 established in our codes, it's by right. And I have a question for our Solicitor. How often have we
 227 rejected a by right issue? And not granted an administrative approval? Understanding that I've
 228 heard some mumblings up here from contractors, large contractors putting in apartment buildings
 229 and so forth that have said, well, everything I've done meets the code, therefore, it's by right now
 230 you can either give me approval or I'm going to build it anyway. So how often have we a contractor
 231 approached and said by right and I'm building it and we've said we're going to give you an
 232 administrative review. And as we look it over, yeah, we don't think so. Legally, where do we stand on
 233 that well?

234 Solicitor Bilodeau: Well, that happened about six months ago with John Tracey, he had an
 235 application that was buy right and the Planning Commission, it was a close vote, but you voted it
 236 down, or did not make did not recommend approval. And I think the reason was...maybe, I don't
 237 know if it was the trees or it was, or it was that there was no public meeting with the neighbors, but
 238 it was. It was not a reason that would hold water if it was challenged in court, but since we were,
 239 but since it was a Planning Commission it was just making a recommendation. You know it was, it
 240 was like no harm, no foul. But then when it came time for it to go before Council, you know, at that
 241 point you definitely have to, if it's by right, you know. And I had to tell them that you really, really
 242 have no basis to vote it down.

243 Commissioner Kadar: Yeah they've knuckled under a couple of times, the Council. All right. Well,
 244 I'm just concerned as to what kind of legal footing we're on if someone decides to get nasty and say,
 245 look, I've done everything that city code requires, have a nice day.

246 Director Bensley: Now, Commissioner Kadar, I will say that we have seen applications put in where
 247 they originally assess it as being by right, but once staff reviews it, we do-

248 Commissioner Kadar: Yeah, that's different but-

249 Director Bensley: But that happens earlier in the process so usually by the time it gets to you all
 250 we've-

251 Commissioner Kadar: -oops. You missed this.

252 Director Bensley: We've taken out hopefully all of those issues, but yes, we've had, we have had
 253 that discussion with several developers where they've either gotten kicked into the Site Plan
 254 Approval process or you know they needed a Comp Plan Amendment when they didn't think they
 255 did or things like that. So that's not unheard of from the plan submission and review perspective,
 256 but usually by the time it's coming to you all you know we've hopefully shaken out all those issues.

257 Commissioner Kadar: So, everyone's comfortable that we're on strong legal footing by putting in
 258 that kind of a statement, by right requires administrative review, and if we don't like it...I'm just...
 259 something for you to ponder Paul.

260 Director Bensley: I would say that the use is an administrative review. That doesn't mean the plan is
 261 an administrative review, so we don't have, for anything that would qualify as a major or minor
 262 subdivision at this point, and administrative review process where it skips Planning Commission
 263 and Council and just gets the thumbs up like...

264 Commissioner Kadar: Oh, no well I'm not, I'll look beyond the Planning Commission and even the
 265 City Council as well.

266 Director Bensley: But I but my point is, we're just talking about at this point, uses being by right not
 267 plans being entirely code compliant.

268 Commissioner Kadar: No, I understand that. Now let's talk about uses. Mike, what is an
 269 orphanage?

270 Planner Fortner: If there's a definition or code, it's, that's what it is in terms of our code, but an
 271 orphanage is where kids that they don't have parents they would live in a...

272 Commissioner Kadar: So, it's a foster home.

273 Planner Fortner: Nowadays, it's probably a foster home, in that case. There's probably not a lot, so
 274 it's an old term that probably there's not a lot of orphanages.

275 Commissioner Kadar: As I read your, this is suggesting that for virtually all zoning areas including
 276 single family residential detached homes that, again by right administrative review, I don't know. It
 277 depends on what your definition of an orphanage is. Me, I think of Annie when I say an orphanage,
 278 right? And I say you're not, seriously, you're not going to build an Annie in my neighborhood or
 279 anyone else's neighborhood for that fact. However, if there's a family that happens to be foster
 280 parents and has 2 to 3 kids that's fine, but I don't even think that you would consider that an
 281 orphanage.

282 Planner Fortner: Perhaps not, it's a family. I mean, it's an old term. An orphanage is permitted, but
 283 so is a school, Downes Elementary is by right, a high school is by right, those are by right uses and
 284 so an orphanage is probably not something we're going to come across, at least in the what you
 285 might say, the Annie type of method, but. A group home, for example, so it's permitted already by
 286 right. So, your group homes have no more than 10 adults that maybe usually have disabilities. So,
 287 you can have a childcare facility like that as well, theoretically. And so it just sort of like,
 288 acknowledges these types of uses. The same as we would a school.

289 Commissioner Kadar: Yeah, ok, all right, as long as the Planning and Development Department
 290 understands what it means and can apply properly, I'm comfortable. That's all I have for that, thank
 291 you.

292 Chair Hurd: All right, Commissioner Bradley.

293 Commissioner Bradley: For the by right definition, should we consider just adding administrative by
 294 right? And that way kind of combines both terms into one term and put it in our definitions? Just a
 295 thought. And as far as we're subject to State code, so just looking at the nursing home criteria here
 296 that we had just as an example, no more than 50 patients, subject to State code is State code.
 297 Have you drilled down to see if State code means they could do more than 50 patients? I mean are,
 298 if we go by subject to State code, are we being more lenient and allowing more or?

299 Planner Fortner: We would not be more lenient than the State code, no, we're just taking away
 300 things that are there, we don't know why they're there, some of this stuff, so we don't know why it's
 301 10,000 or minimum lot size should be you know, whatever. We're just saying, hey, if it qualifies for
 302 State, then it's fine. It's housing for seniors, who are impaired.

303 Commissioner Bradley: In theory, the State could say no more than 100 patients though. Is that
 304 correct?

305 Planner Fortner: Well, the State can have their own limits, but the facility still has to be appropriate
 306 for them. And they're not going to want to do something that's inappropriate.

307 Commissioner Bradley: No, I agree with that. I'm just saying that our, I guess my, my general thing
 308 is...

309 Planner Fortner: If there was 100 people then they would need a very big site and they're not going
310 to be able to find a site, it's not going to be next to your house, They're not going to find that site next
311 to your house...

312 Chair Hurd: Don't forget things like parking requirements, which aren't in this section, would still
313 come into play. So, there's always going to be some sort of limit on the sort of the size you can fit.

314 Commissioner Bradley: That's all I had, thank you.

315 Chair Hurd: Yeah, I generally echo that. I'm glad that we're doing this. For the nursing home and
316 such does that include retirement communities, or is that a separate item? Or is it more of senior
317 living?

318 Planner Fortner: It is not the typical AC...

319 Director Bensley: So that's why I made the comment that I made about parking in the report for this,
320 because we did end up classifying The Vero as a nursing home because it didn't really have another
321 place that it fit. So looking at how you know your historical definition of a nursing home was what
322 would be the equivalent of skilled nursing care now, right? Like where people are there, they're not
323 likely driving, they're not likely having a lot of trips back and forth, things like that. But in our
324 experience with, you know with The Vero in particular, you know by applying the parking regulations
325 for the nursing home criteria, that has left them under capacity for where they probably need to be
326 for parking, particularly when they're looking at like their shift changes for staff. Because a lot of
327 their residents do still drive, they have brought vehicles and they've had a lot of overflow issues as
328 far as parking is concerned, so I did note on line 196, that you know with the evolution of elder care
329 to a continuum of care options that we are also going to be reviewing, whether there are other areas
330 of the zoning code like parking standards that we might need to review to ensure minimal disruption
331 for this type of use.

332 Chair Hurd: Ok, I just want to be sure. I didn't know if that was a use we've defined in any of the in
333 any of the zoning districts, or if that's just sort of a multi-unit residential. Because most retirement
334 communities know for independent living are no different, really, than apartments or connected
335 colleges or things. So I just, I didn't know if we had a special bucket for it or it just became a multi-
336 unit.

337 Director Bensley: I think generally we've considered places that are classifying themselves as
338 independent, living as more apartment, condo type, uses but moving into assisted living and on
339 classified them more in the nursing home bucket under our current code.

340 Chair Hurd: Right, because I would agree that those people tend to still be active in the community,
341 they're still driving, they often will come with two cars and then shift to one, you know, once they
342 realize they don't need it as much. But yeah, ok that's more than the residential thank you. But I
343 appreciate this. The only thing I wonder, just because the, for the daycares were talking about for
344 the most part, what people would consider like a daycare center like a building for me, like a home
345 daycare is very much more like a low impact home occupancy kind of thing. But it's I guess it's still
346 classified as a daycare center, even though it's in home. Does the State not have a separate
347 designation for a home daycare versus a daycare center?

348 Director Bensley: They do.

349 Planner Fortner: As I said, they might, but they do. And so, that's our most common it is all under
350 one zoning district for us, so we tried to loop it all together. So those requirements were for even a
351 family, but it's also for an institutional, more institutional ones as well. So, we're proposing just to
352 take those out and again regulate by the state rather than zoning administrators.

353 Chair Hurd: Ok, I'm just thinking that you might get a little more approval if, if it's like if home day
354 cares were very clearly like an allowed thing, but people might want some sort of cut off to say well
355 and like a KinderCare in my neighborhood might be too much cause that's going to have a traffic
356 thing. Maybe that's more of a BC kind of thing, and I'll take or accept a home daycare or a small
357 facility. You know, if there's some way to, but that's I think a further conversation about.

358 Planner Fortner: But they're not even allowed in business districts, even those facility ones. Now
359 again we're comparing-

360 Chair Hurd: Yeah, it makes sense for me to say, yeah, let's put those in the business district for sure.

361 Planner Fortner: So we're comparing them to other kinds of uses are already permitted by right. And
 362 for example, schools are permitted by right. And so usually again, if you're going to have a big
 363 facility, you're going to need a big lot, a big area for that, and so it's not going to be...everybody won't
 364 get this next to their home, a big facility just like you're not going to get a school next to your home.

365 Director Bensley: So I can offer some, like an example in context like Newark Day Nursery for
 366 example, they are approved for 247 kids, they actually serve 200 kids at the at the maximum. They
 367 are on...I want to say close to five acres of property. So you may not be able to tell how big their
 368 property is just because a lot of it's wooded. Yeah, it's, they're on almost 6 acres of property. So
 369 that gives you kind of an idea of what, size wise, what the Sstate's looking at for approving that
 370 number of kids. They don't take as many kids as they're actually approved for because they use
 371 some of the spaces that the state says they could use for kids they use as like open area for the kids
 372 to play when it's raining outside, that kind of stuff and it's not a classroom per se, but that gives you
 373 kind of an idea of, as far as scale on what you'd be looking at.

374 Chair Hurd: Ok. Yes, Commissioner Silverman?

375 Commissioner Silverman: Yeah, with respect to daycares, if I was a major employer and I wanted to
 376 offer daycare within my business or my office park. How would that fit with what we're doing?

377 Director Bensley: So that would be, it would depend, right? So right now, if you look at, say, a
 378 church that has a daycare, we classify the daycare as an accessory use to the church because that
 379 is, the church is the primary use. Depending on the business and how it's structured, if it's a
 380 business that is operating its own daycare, just as a secondary use, we probably would classify it as
 381 an accessory use for them as well. If it's something where they're leasing space to a private
 382 operator that has its own space, we would probably treat that as a separate use for that operator, so
 383 it would be on a case by case circumstance, but I think you know, and kind of going back to what
 384 Mike was talking about. You know, we already have daycares operating in some of these residential
 385 zones either as accessories, as to churches, as aftercare with schools that are permitted, things
 386 like that, so you know we wanted to, you know, kick off this discussion with the with the larger and if
 387 the feedback is hey, we're not quite ready to, you know, hit a home run on this but we can maybe get
 388 a double with some of the stuff. Then you know we look at that. But you know, you don't start
 389 negotiating at the lower point.

390 Commissioner Silverman: Thank you.

391 Chair Hurd: All right, let's take on #2.

392 Planner Fortner: Ok, number 2.

393 Director Bensley: Before you get started, considering we spent almost 30 minutes on just that...

394 Planner Fortner: That was a controversial one!

395 Director Bensley: Could we let Mike finish his presentation and then have comments or we're not
 396 going to get to the Comp Plan tonight.

397 Planner Fortner: Well, I was just thinking if I could do the whole thing, we're just gonna. It's just
 398 gonna be all over the place. Can you go to back to slide 10 this, maybe we just cut it off at some
 399 point?

400 Chair Hurd: Yeah, cause, I did like, I mean, you had the same thought as I did, which was it made
 401 sense to not kind of discuss each one after but maybe we can ask people to either...just like keep it
 402 as limited, knowing that this is really just feedback and not and not parsing of the language of the
 403 code, but feedback to the to the department about the direction, that might go faster.

404 Solicitor Bilodeau: Before we go onto the next, there might not be anyone listening, but you might
 405 want to ask public comment on-

406 Director Bensley: I would do that at the end of the agenda item.

407 Chair Hurd: Yeah, that's at the end.

408 Solicitor Bilodeau: Ok. It's what you want to do.

409 Planner Fortner: Ok, Affordable housing, we've got two very limited kind of affordable housing,
 410 things that we can do to our zoning code. This isn't introducing anything new like accessory

411 dwelling units, but it's something that's already in code that we could expand in our code. So, it's a
412 conversion of one family dwellings into two, more duplexes and also taking in non-transient
413 boarders and roomers in one family dwellings, on an owner occupied premises.

414 So, the first one is in RM zoning, you see this every once in a while or I don't know that you have.
415 Only know of maybe two cases where we've done this, but in the RM zoning district, you can take a
416 house where it's a size where it's no longer feasible to rent or sell that as a single family house, and
417 you can subdivide that house into two or more units. And so that's only in the RM zoning district,
418 that's a very limited zoning district. We're proposing that this be added to all residential zoning
419 districts and make this an option, so we would add that to each one including RA and RR and that's
420 what we're proposing.

421 The second Affordable housing initiative would be to add duplexes and, in 2022 we added duplex to
422 the RA zoning district as part of the Charette and the RA reform, so we added duplexes. We're
423 proposing adding duplexes to the RM and RR zoning districts in part A as well. And then also, this is
424 a bit of an oversight, so in all zoning districts, you are allowed if you're an owner occupant of the
425 house, you're allowed to take in of a resident or boarder. In fact, you're allowed to take up to three in
426 most cases, three and four. This can be like, if you have a partner or romantic partner, you're
427 allowed to live with them or you're allowed to just take them in. You might have some spare
428 bedrooms, you're an empty nester, you're allowed to do that and you don't need a rental permit, and
429 that's in every zoning district. But for some reason it's not in RR and RM and we think it was just sort
430 of inadvertently left out. A regular permit is in there but not that, so we're recommending putting
431 this in those zoning districts as well. So, we think that's just sort of like an administrative correction
432 really. And that's, those are the three things.

433 Chair Hurd: All right. We either go down the line or people can just...if people have something they
434 want to add...

435 Commissioner Williamson: Chair?

436 Chair Hurd: Ok, Commissioner Williamson.

437 Commissioner Williamson: Got a couple comments. So, the conversion of one family into two
438 dwelling units that's just, sort of reads like an accessory dwelling unit code and rather than keep
439 this, my personal opinion is, this is the guts of a new ADU ordinance for all zoning, for all districts –

440 Director Bensley: We're trying to focus on things we already have and not do things that we've
441 specifically been told not to do.

442 Commissioner Williamson: I understand, but I get to say what I want to say anyway. And in the
443 code, I'm really bothered by these phrases, too large to be in demand for one family. Who
444 determines that? It's very subjective.

445 Planner Fortner: Well, it seems to be a special use permit, we were putting this in section B, so you
446 would explain this to as part of your special use –

447 Commissioner Williamson: Still, it's subjective. And then under item C, a reasonable state of repair,
448 I don't know what that, that's subjective...anyway. On the taking in of people, I think that's
449 completely illegal anyway, because you cannot regulate households of who lives in a household.
450 You can't do anything unless you're running a boarding house, which is a whole separate definition,
451 I can't tell you how many cities have gotten in trouble for trying to regulate who lives with who, it's
452 just federal law until it gets changed by somebody. But at the moment it's the federal and probably
453 state law that I defer to our legal eagle on that one. And that's the end of my comment. If you want
454 to...it's a comment and a question as well.

455 Planner Fortner: One thing I'd like to say about this, this particular ordinance is it's been identified
456 as terms of a way of housing preservation. So you have housing, it's not marketable, it's a big
457 house, no one maybe wants that house in that particular area, and so by allowing it to divide several
458 units, sometimes you preserve the house. You're basically preserving the house as is. It looks like a
459 single family house from the outside, but it's actually maybe two or three units in some cases, and
460 so it's been implemented in a lot of areas successfully for those reasons.

461 Chair Hurd: I think my, and again I'm liking this, I'm liking the ideas. The only thing I would sort of
462 say, and maybe we should post this when we have the thing coming back. The, not tying it to a fixed

463 lot area, but try to base it on either a factor of the minimum lot areas for the zoning districts for the
 464 for the conversion.

465 Director Bensley: So, Line 260

466 Chair Hurd: Yes, I'm agreeing with it. I also made the note before I turn the page, but that's one to
 467 cover for that. And I recognize the department's intention to see what we can do with existing code,
 468 which now we have, you've said we've had a couple of conversions?

469 Planner Fortner: Yeah.

470 Chair Hurd: Do we have any duplexes in the RA district?

471 Planner Fortner: Do we have any in the?

472 Chair Hurd: Did any come through after the code change?

473 Director Bensley: No.

474 Planner Fortner: Well, nothing that we've approved like they might have been pre-existing like in like
 475 on Chapel Street for example, there probably are some.

476 Director Bensley: So, I will say we have not received any new applications for construction. We have
 477 had inquiries with interest from other districts that would potentially be interested in looking at that
 478 option which is, which is part of why we're going the way we have. But in looking at both the
 479 conversion of a unit as well as the duplex, you know the conditions to that are very much targeted
 480 toward what's allowed in that specific district. So, I think we would need to likely in whatever
 481 district it becomes allowed, rework those conditions to be more district specific because obviously
 482 you don't want to require a, you know a 10,000 square foot lot in RA, or, that's appropriate for RA but
 483 not for RR type deal.

484 Chair Hurd: Ok, and then I like the idea of extending the boarders code into the RR and RM where
 485 we have single family residences. And I'm going to guess from the tone of it, that that the code was
 486 written as a way to kind of say this is the threshold, this is when you need a rental permit, and this is
 487 when you don't. And whether it was just legalizing what was already standard practice cause I
 488 know, I mean, my mother-in-law that's how she paid off her mortgage, I'm pretty sure was with
 489 boarders. And they're family now, so I am fully in support of continuing that.

490 Planner Fortner: One of the things it does is gives them a cap, so it's a three or four, so that's part of
 491 the regulations.

492 Chair Hurd: Right, so if you had 6 bedrooms you couldn't fill it with 6 people, right?

493 Planner Fortner: Right, well the way it is now, it's capped at 3 or 4 boarders, but and so that's part of
 494 the regulation as well, but.

495 Chair Hurd: Ok.

496 Commissioner Bradley: Yeah, I have a question? Oh, go ahead.

497 Commissioner Silverman: I'm referring to line 256, two off street parking places. If I'm in an area of
 498 Newark where I have a single driveway now, and I've always parked on the street, and I want to do a
 499 conversion or I wanna take in a boarder, or use this code I have to now provide an additional on my
 500 lot parking space?

501 Director Bensley: So, this is just for the conversion piece, this is not the boarder item, those are two
 502 separate things.

503 Commissioner Silverman: Ok.

504 Director Bensley: And this is the language that is currently in the code for RM, as we're looking at
 505 parking minimums in general, and as we are looking at district specific requirements, I can see
 506 where you know we would be looking at reassessing these to be more district specific then having a
 507 one-size-fits-all for every district, regardless of what the current regulations are.

508 Commissioner Silverman: That's what I wanted to hear. So it could be both on site or off site.
 509 Referring to, in general, Line 294 below that, with respect to a duplex. Is there any way we can put in
 510 writing that any configuration of a duplex is acceptable? If I have a front and back duplex, if I have

511 an over and under, if I have a side to side, if I have a building with two side entrances? So, because
512 some of the duplexes we have that are in our community now are very clearly side by side. So with
513 respect to the impact on a neighborhood, the front of the house could be exactly like the neighbors,
514 but the rear of the house would be the other side of the duplex kind of thing, or it might have an
515 inconspicuous side entrance.

516 Director Bensley: I think we're asking for feedback and any feedback provided is on the table.

517 Commissioner Silverman: Ok.

518 Chair Hurd: Do we have a definition for duplex in the code or is it just simply?

519 Planner Fortner: We do.

520 Director Bensley: We had a definition for duplex long before we actually had a duplex anywhere as a
521 use.

522 Chair Hurd: I know that's where the sum of this conversation has come from, is, it's like, we talk
523 about duplexes in the code, but they're not allowed anywhere. So that's confusing.

524 Commissioner Silverman: Yes, I'm looking for, I don't want architectural requirements, but I believe
525 architectural treatment can really soften the impact of a duplex in a predominantly single-family
526 area.

527 Director Bensley: So, the definition for dwelling duplex is just a detached dwelling designed for and
528 occupied by two families living together independently of each other.

529 Commissioner Silverman: Ok

530 Director Bensley: So, there's no specification of how the configuration is or anything like that in the
531 code definition for duplex.

532 Chair Hurd: So, I'll just add because I'm doing a project right now, in the building code, there is
533 provisions for if it's a two unit dwelling what the requirements are for separation. So, you can draw
534 that line horizontally, you can draw it vertically, you can draw it zigzag, and that's going to be part of
535 the building code review to be sure that the, that you know you've actually created two separate
536 units by the code.

537 Director Bensley: So, regarding the configuration of the duplex. Especially if you have like an over
538 under duplex you would have likely some sort of exterior steps on the rear, is that something that
539 from a design perspective, you all are?

540 Chair Hurd: Yeah. Either that or you have a separate rear staircase or something in term, but again
541 separated so that they're separated units.

542 Commissioner Silverman: Ok, so there would be a side entrance with interior steps, that kind of
543 thing, ok. They're my questions. Thank you.

544 Chair Hurd: Commissioner Kadar.

545 Commissioner Kadar: Why are the minimum space requirements different for a one family dwelling
546 that's been converted to two and for duplex?

547 Planner Fortner: So those are something we could take a look at. So this is the way it is in RM, we're
548 proposing to use this model and the other ones, as Renee said we may want to, if we were to go that
549 route if we thought that was an interesting route we might have to change them per district. Same
550 with duplex, that was created for the RA district and so there may be things we want to tweak-

551 Commissioner Kadar: Yeah, line 247 you say you need to have at least 1,000 square feet per family
552 and if I look at the duplex, let's start with line 278, which says the lot area is 12,000 square feet.
553 Then in line 308 it says that the footprint of the house should be no more than 25%. And if you do
554 the math that comes out to 1,500 square feet per family.

555 Chair Hurd: So keep in mind that all they've done is take code that's in one spot and move it, so the
556 department hasn't sat there and said, hey, let's think about how we're....So they're taking the RA
557 zone code, which is fairly roomy because of RA and just sort of saying, what if this were in all the
558 other districts, knowing that we would have to then, and I think that's the feedback you're giving,
559 would have to look at to say, ok, what is a duplex in the RD district look like as opposed to one in

560 RS? You know, would it have a different, you know, minimum footprint or minimum coverage?
 561 Because we can't just drop an RA 1,200 square feet or 12,000 square feet anywhere because that
 562 doesn't fit.

563 Commissioner Kadar: Well, I'm just looking at it from the standpoint of minimum space per family. I
 564 mean, if it's ok in one place and it's not in another...

565 Chair Hurd: So yeah, I think that's the feedback that we're looking for.

566 Commissioner Kadar: Ok.

567 Director Bensley: And I'd also say, because I sat down with City Manager about this before we
 568 finalized everything to send out to you guys and he kind of asked a similar question like, well, what's
 569 the difference between conversion of a unit to two and a duplex? And you know, I view it as more
 570 the conversion of one unit into two is the reuse of an existing building. A lot of the regulations with
 571 the duplex were created with the thought of new construction, so I don't think they all make sense
 572 for this for all of the districts. And I think I've said that a couple times now. But when we're looking at
 573 this, if the general thought is ok, yeah, we'd like to see a version in more zoning districts. Then we'll
 574 take and put the staff time investment into well, what should each one look like and how does that
 575 work within, in concert with the area regulations for that particular district? I'm not going to take a,
 576 a, words come. I'm not gonna take a zoning district where that has area requirements that say, you
 577 know, you can have a minimum, you know, 2,400 acre lot and say you have to have 12,000 to have a
 578 duplex, that doesn't make any sense. So it's going to be more district specific once we get the
 579 feedback that this is an idea you're interested in us pursuing further.

580 Commissioner Kadar: All right.

581 Commissioner Silverman: You're going to harmonize it based on the district.

582 Director Bensley: Yes.

583 Commissioner Kadar: That's it, thank you.

584 Chair Hurd: Commissioner Bradley.

585 Commissioner Bradley: Just a curiosity question for the conversion versus a duplex. So duplex,
 586 you're assuming new construction, you're going to have party wall, fire separation, stuff like that for
 587 conversion of a one family dwelling into two, does that come into play or not?

588 Chair Hurd: Yeah, you still need it because the International Residential Code does require if you
 589 have two separate units, there has to be a one hour separation between.

590 Commissioner Bradley: And sprinklers or no? In the City of Newark?

591 Chair Hurd: In this city that would, that would count. I mean, within the City that would be more
 592 than 50% of the area affected. So, sprinklers would be required by default.

593 Commissioner Bradley: Ok, thank you.

594 Director Bensley: The only exception to that, we do have some we do have some units in the city
 595 that were constructed originally as 2 units, but they lost their existing non-conforming use because
 596 they weren't used as that for a period of longer than a year. In those cases where it's already set up
 597 that way, we have and there's minimal renovation, under 50% renovation, they have not required
 598 sprinklers to be added.

599 Commissioner Silverman: George Reed Village.

600 Chair Hurd: All right. Transit.

601 Planner Fortner: Are we on transit?

602 Chair Hurd: We're on transit.

603 Planner Fortner: So, this is probably my titles started getting a little less interesting. But transit
 604 facilities, these are bus stops, we're talking about bus stops, and transit shelters and off-street
 605 parking. And so here it is. In all residential zones, you're allowed to have a public transportation
 606 bus or transit stop for the loading and unloading of passengers. So that's just a stop, but then, so
 607 that's under part A. That's what we call by right administrative review.

608 So it's all easy, but then Part B that requires a special use permit, we put a public transit bus shelter
609 and this is where we're getting to make things clearer. Public transportation bus or transportation
610 shelter, the little thing to keep out the rain is subject to review by the Planning Department as to
611 design and location. So that's a little confusing see, it's saying that the bus shelter's subject to the
612 Planning Department's review, but it's under Section B, which would mean it's really a Council
613 review. So we just think that's unclear language. The same is true, in all residential districts, public
614 transportation, bus or transit off-street parking facilities may be permitted for users of the public
615 transportation service subject to review by the Planning Department, but it's really subject to review
616 of Council. And then BLR, BLR and BL have the same language. In A it has bus stops but it has no
617 provisions for shelters with Planning Department review or not, it's not in Section B at all.

618 So, BC and BB includes everything under part A, public transportation facilities, bus stops, and for
619 loading, and includes the station and depots and same with MOR and MI it has all that and plus
620 they even have for bus repair garages and storage that not all the other zoning districts have. So we
621 find those very complete and recommend no changes to those two districts, but for residential and
622 BL and BLR, we recommend putting in part A, public transportation bus and transit stops for the
623 loading and unloading of passengers, shelters may be permitted, subject to review by the Planning
624 Department as to design and location, so the Planning Department would review that and approve
625 the design.

626 And then under Part B, we kept parking, public transportation, bus and transit, off street parking
627 facilities, and we eliminated review of the Planning Department on that and that goes to Council for
628 a special use permit for all residential districts. So in a residential district, a bus stop with a shelter
629 is permitted. DART has its own regulations when a shelter is provided as warranted, and then
630 transferred parking off-street parking to special use permit.

631 Director Bensley: And just to add to Mike's, one of the things that we did discuss, you know, public
632 transportation obviously isn't just DART, it's also school buses, things of that nature and you know
633 you don't really see it that much in Newark because of our current codes, but if you go outside of
634 Newark, sometimes you'll see you know, small shelters for kids at bus stops and things like that so
635 that would be encompassed in this, but it would be, you know, for those type of stops it would be at
636 the discretion of the property owner whether or not they wanted to install something, not every
637 school bus stop in the City would get one.

638 Chair Hurd: Just, I don't know if this is a clarification question or a question, was it possible that the
639 review of shelters by the Planning Department is because shelters are usually placed on public land
640 and not on private land?

641 Commissioner Silverman: Yes, public right of way.

642 Planner Fortner: I don't know.

643 Chair Hurd: Because I don't know that many people who are going to say, hey, I'm going to put a bus
644 shelter on my property, but it might be in the DelDOT right of way or something.

645 Planner Fortner: That's true, but it's under section B, so it's like a special use permit, so the big
646 question is, do we want this to be a special use permit? And then, so we felt that the shelter could
647 be something that could be reviewed by the Planning Director, this is mostly on public lands, but it
648 would be a bit of a stop guard if it was in an appropriate location and then a parking facility again,
649 that would be something a little more impactful.

650 Director Bensley: And it would be obviously up to the discretion of the owner to of the property to
651 apply for one, right? So if it's, you know somebody, especially if you're looking at, say, a larger
652 development or something like that where they wanted to offer a bus stop or, you know, somewhere
653 where there is, you know, senior living type facilities, things like that, you know, you they may want
654 to offer some sort of shelter on their property for you know, their constituents or patrons to wait.
655 You know, I referenced the school bus stop example, you know, I've had a couple of comments
656 since this came up that, you know, I'd rather have built a small shelter for these kids instead of
657 having them wander all the way up my driveway as they're waiting for school. But also it's, you
658 know, I think looking at your places like, it wouldn't be as much, let's say for example, I'll use the
659 BLR building that's on West Main Street, so that little building that has the offices, not West Main
660 Street, West Park Place when you come right off of South Main Street/Elkton Road, it's on the left
661 hand side, that little building there, so BLR would be at that site and let's say they wanted to have

662 the bus stop on their side of the road as, or they do have a bus stop on their side of the road. So,
663 they could then put a small shelter on their property if they wanted to, or if DART wanted to put a
664 shelter there, it would be, you know, a property that would be eligible if the owners permitted it and
665 give them the opportunity to do something like that.

666 Chair Hurd: Ok.

667 Commissioner Williamson: Mr. Chair?

668 Chair Hurd: Yes?

669 Commissioner Williamson: A suggestion that, and maybe this is just not clear. Three things. A bus
670 or transit facility on public property is just Public Works Department, you don't need anything in the
671 zoning code, so that's that would be one class, the second is a bus shelter or something that's an
672 accessory use to an existing use is administrative, it doesn't need a conditional use permit and then
673 a transit station type thing, you know that's a whole facility is the main use was requires a CUP. So
674 there's trying to divide it that way.

675 Director Bensley: That's kind of what we think we have here.

676 Commissioner Williamson: Ok, well, maybe it's, I'm just not reading it real well.

677 Director Bensley: We kind of looked at the off-street parking facilities designation being you know
678 where you're going to see more of your transit center, your park and rides, that kind of thing. We did
679 not think that would be appropriate to have necessarily in a residential district, so that would be
680 something that be more by a special use permit versus you know, a smaller stop that would be
681 appropriate, you know throughout the City.

682 Chair Hurd: It's quiet here. Let's keep moving.

683 Planner Fortner: Everyone commented that wanted to?

684 Chair Hurd: That's right.

685 Commissioner Williamson: One last, one way is to just put it in the accessory use section except
686 for a major transit station, otherwise, it's just in the section of the code that lists accessory uses
687 that are just routinely administrative. Why do you need a whole section about bus stops?

688 Planner Fortner: Well, it's not a whole section –

689 Chair Hurd: It's not, I mean I see what you're saying that that could be defined as a just a no impact
690 accessory use maybe.

691 Commissioner Silverman: That doesn't apply to UD.

692 Planner Fortner: All right, business friendly economic development. So this is going to cover retail
693 food stores, restaurants, with alcoholic beverages and commercial indoor recreation and indoor
694 theaters and indoor theaters with alcohol. So, this is the current code for retail food stores, they're
695 permitted in the BB and BC zoning districts and we divide them into two types. They're divided into
696 retail food stores up to 5,000 square feet, those are permitted by right in your commercial districts,
697 but in BB, it's a retail food stores over 5,000 square feet is in the, it would be a special use permit
698 and for some reason BC just says retail food stores, it doesn't say over 5,000 square feet. So, that
699 that almost implies that they're permitted by right, but they're also not permitted by right. So, we
700 think it's an inconsistency in the code.

701 We've had some experience with food stores, at least in my term, at least two food stores and they
702 are always non-controversial, in fact the public comes out in support of them, they fill up the room
703 in support of them for them and these had to be delayed, they had to pay a fee and it had to be
704 delayed a couple months just to have everyone come and say they want this. So, the examples that
705 is the Co-op food store everyone wanted that and they moved it up on the agenda because you
706 have a whole audience of people waiting. And then in the Food Lion, everybody wanted that Food
707 Lion in the Fairfield Shopping Center to come here. But we make them do a special use permit and
708 wait a couple months to get their public hearing, so we're proposing that we don't do that. We make
709 that food store a by right, we take out the 5,000 square foot, we put retail food store.

710 We don't regulate other types of retails that way, like for example a Home Depot that does not have
711 any type of special regulation. A big, large department store like that would not get a special use

712 permit, but for some reason we've regulated retail food stores a little bit separately, so in a way you
713 can just say it's all retail. So maybe we don't even need retail food store, but we're keeping retail
714 food store, at least in this proposal.

715 Commissioner Silverman: I applaud that because probably with the upcoming food deserts, this is
716 going to be very important and I think keeping, differentiating the retail food store with late night
717 deliveries, early morning truck deliveries and that kind of thing, it does have a slightly different
718 impact than other kinds of commercial retail.

719 Planner Fortner: Ok, so you do want to keep it as a by right use?

720 Commissioner Silverman: Oh yes.

721 Planner Fortner: Ok, all right.

722 Commissioner Williamson: Chair? Following on your comments. So how does, how does the site
723 plan of a food store be reviewed for placement of trash containers and grease traps? How is that?
724 Is that done by building?

725 Planner Fortner: So that would be under site design...go ahead Renee.

726 Director Bensley: So, if it's new construction, it would depend on the size of the building as to
727 whether or not it would trigger a subdivision. As far as the use within an existing building, and even
728 with new construction, if it doesn't trigger a subdivision, it would still go through our lines and
729 grades process, which is basically our site plan, site plan review. You know where utilities go, grease
730 traps, all that good stuff. And then for the renovation of an existing building that would be
731 something that would be captured in all the various building permits required, the zoning
732 requirements, things of that nature.

733 Commissioner Williamson: So, there is a way to review all that and the difference between almost
734 the CUP and admin is there's no noticing, there'd be no noticing requirement to the 300 foot radius?

735 Director Bensley: If it is not considered a subdivision, correct.

736 Commissioner Williamson: Ok, thank you.

737 Chair Hurd: If it was a fit out of an existing space like the Food Lion was and such. Yeah, it's just.

738 Director Bensley: And I will say another thing that kind of gets caught in this net right now is looking
739 at things like the Wawas and things like that. You know we've got some coming in at 4,800 feet,
740 some coming in at 5,300 feet, and one needs a special use permit and one doesn't but it doesn't
741 really have a difference in use or a large variation, it's just is kind of an arbitrary cut off.

742 Chair Hurd: Yeah no, I'm glad to see that cleaned up.

743 Planner Fortner: Any more comments on this or on to the next one?

744 Chair Hurd: All good.

745 Planner Fortner: All right, the next one, restaurants, restaurants are permitted under part A in the BB
746 or downtown zoning district, and BC or general business district. Restaurants with alcohol are also
747 permitted under Section B, so if you're a regular restaurant, no alcohol, it's a by right use normal
748 administrative review if you're going to sell alcohol, then you need a special use permit and you go
749 to Council generally with that. And so under part A is restaurants with alcoholic beverage. What
750 we're suggesting for some reasons; one, is that they haven't been controversial generally, generally
751 these restaurants with selling alcohol, they are regulated by the State, the State has all the reviews.
752 Renee will explain to you that there's been some push back from them that why are they under our
753 system. We'll be keeping our ability to regulate them through our business license process and
754 converting our point system that we've established for the special use permit, converting that to the
755 business license process, letting the State regulate them like they want to do and getting out of that
756 conflict. Again, when you look at the list, the kind of restaurants that we have coming here selling
757 alcohol, they've gone very smoothly and without much controversy. So we're suggesting moving
758 restaurants and restaurants to alcohol together into part B.

759 Commissioner Silverman: And along with your comments the ABC people do the public advertising.

760 Planner Fortner: Yeah, they do.

761 Director Bensley: I was going to say, to follow up on Mike's comments. We have gotten some
762 feedback from the Delaware Alcohol Beverage Commissioner's Office that they feel that the
763 regulation of alcohol is the purview of the Sstate, that the City does not have a role in that or should
764 not have a role in that. They haven't pushed the issue necessarily, but we would like to proactively
765 correct it before they do. One of the things that we've looked at with this is, you know right now the
766 Police Department has a point system that they have used for the special use permits that
767 basically, depending on the offense, businesses with special use permits are assigned points. Once
768 they reach a certain point threshold, they have to have a meeting with the solicitor. If they continue
769 to accrue points, then they can be brought before City Council to potentially suspend their special
770 use permit. We think a more appropriate way of dealing with this would be to codify the point
771 system, but to include it with the business license, not with a special use permit. That way,
772 businesses that were in place prior to special use permits being required would still be affected
773 because they are required to have a business license. It also is not specifically targeting
774 businesses that serve alcohol. It is all businesses in the City and I will say one of the businesses
775 that caused the most problems on Main Street for quite a long time before they closed did not serve
776 alcohol at all. And there was not a lot we could do about it, so. That's kind of the nexus behind why
777 we are, you know we why we're suggesting that we look at kind of transitioning away from the
778 special use permits for the restaurants with alcohol specifically and looking at it as more of a kind
779 of global process for all businesses attached to the business license that they are required to have
780 to operate in the City.

781 Chair Hurd: Which makes, which makes a lot of sense. Because I know in a in a college town you
782 wanna regulate alcohol, but I think you're right that, most restaurants serving alcohol aren't really
783 problematic. It's, you know, bars are and things but yes, I think it makes sense to sort of collect it
784 for all businesses and then we don't have, there's no issue then about, oh, you're targeting us cause
785 we serve alcohol or whatever.

786 Commissioner Kadar: So, several years ago, an experience, a restaurant I'm not going to name.
787 They got tagged by the local Police Department for too many violations and as a result was banned
788 from selling alcoholic beverages for 30 days. And appropriate, I'm not arguing it, so if we're going to
789 extend the point system to everybody with a business license. If a business has three points
790 violations, the penalty is I lose my business license for 30 days?

791 Director Bensley: So I will say under the current system it takes 10 points to trigger the discussion
792 with the Solicitor. So we're not talking a one time, you know, you accidentally serve somebody
793 underage because you weren't checking you know.

794 Commissioner Kadar: No, I understand that it's not a one time, it gets progressively worse. I know
795 that.

796 Director Bensley: I would say it could, the penalty could be up to losing your business license. I
797 would say there's probably some interim steps we look at through the process.

798 Commissioner Kadar: No, the only the only thing I'm concerned about is that that there be some
799 consistency in what's doled out for each of the businesses. I mean, because it's one thing to not be
800 able to serve liquor but still be able to serve food for 30 days and it's another thing to say, you know
801 what? You can't do anything for 30 days. Now the first one is a real hardship on a restaurant, the
802 second one is pretty much you're out of business. So, we need to tread carefully on how we define
803 find what the penalties will be for noncompliance. That's it, I don't want to sound like your mother.

804 Chair Hurd: Commissioner Bradley.

805 Commissioner Bradley: Just a couple comments. I think if you're leaning towards going to the point
806 systems for all businesses, I wouldn't change the restaurants with alcoholic beverages until that
807 point system is codified. And second comment is, do you think Council will give up their power to,
808 cause that that's, I think the alcoholic beverages part of this is you know somebody here is at a
809 restaurant's coming in and they're gonna serve alcohol. They would like to know that before the
810 public notice, I guess it goes back to, so I like the idea, but I don't. I mean, I'm kind of on the on the,
811 I'm teetering on this one.

812 Director Bensley: So I'll say that the Delaware Alcoholic Beverage Commissioner, they do public
813 notice when they're issuing liquor licenses.

814 Commissioner Bradley: So regardless of –

815 Director Bensley: So, we wouldn't be issuing notices, but the State would be for this particular use.

816 Commissioner Bradley: Same type of thing within a certain radius or whatever that is?

817 Director Bensley: Correct.

818 Commissioner Silverman: And they have a default position. I believe they advertise and if they get
819 so many inquiries or complaints then they hold a formal public hearing.

820 Commissioner Bradley: Ok.

821 Chair Hurd: And does the ABC have? Sorry, did you want to finish?

822 Commissioner Bradley: Oh, I was just gonna echo what Commissioner Kadar was talking about
823 with the penalty for different types of businesses. I mean, if you take our first tattoo parlor that that
824 we're going to have here, if they get over 10 points, what's your...what's the slap on the hand there? I
825 mean it is. It's putting them out of business because that's the only thing they do. So I would just
826 look a little bit deeper into the point systems on if you're going to want to roll it out to all businesses.

827 Director Bensley: So I think it's important to frame this again as similar to the last to the affordable
828 housing items we're bringing you ideas, once we get feedback on the ideas and we say, you know, I
829 don't have seven people tell me they hate it, don't worry about it anymore. We say ok, let's look at it
830 some more. Then we look more at the fleshing out of the actual...

831 Commissioner Bradley: But these are just my comments. I mean, that's what you're asking for, so
832 that's what I'm giving, that's all.

833 Chair Hurd: Does the ABC have a definition for a food service establishment serving alcohol versus
834 an alcohol establishment serving food kind of thing?

835 Commissioner Silverman: The ABC has that, a certain percentage of gross.

836 Director Bensley: And we're not recommending removing our restaurants with alcohol regulations.
837 So those are still going to stay, would still stay in the zoning code. It's just changing whether the use
838 is permitted with or without a special use permit.

839 Chair Hurd: I was just trying to be sure that we didn't have people trying to say I'm a restaurant
840 serving alcohol when really they're a bar serving food, you know that. But if the ABC regulates that,
841 then I think it makes sense.

842 Director Bensley: And we also have those thresholds in our code.

843 Chair Hurd: Ok, we still have that, great.

844 Planner Fortner: Are we done with restaurants with alcohol?

845 Chair Hurd: Yes.

846 Planner Fortner: Ok, then we're going to go very similar, this is commercial indoor recreation and
847 indoor theaters. That's a special use permit if you're going to open a gym, or a movie theater, or
848 Chapel Street Players, indoor recreation or indoor theater. That's a special use permit. Also, an
849 indoor theater with alcoholic beverages. So, you have an indoor theater and these special use
850 permit, but if they're going to serve alcoholic beverages, that's another special use permit. So we
851 recommend two things, we're looking at combining that, same kind of idea as the restaurants
852 combining it and moving it to section A in our code, making it a by right use again movie theaters,
853 Chapel Street Players. These types of uses tend not to be very controversial, certainly indoor gyms,
854 that's indoor recreation, we've had several of those need special use permits. They're just not
855 controversial or impactful, and we don't have any reason to be concerned about him so moving to
856 section A, taking him out of section B. That's it for that.

857 Chair Hurd: I think we're good.

858 Planner Fortner: Are we good on that? Do people like that?

859 Chair Hurd: Yeah, because I remember the long conversation we had when Main Street Movies
860 wanted to serve alcohol and they went through the whole litany of all the things that they're doing to
861 make sure that kids aren't buying little bottles of wine and drinking it in the movies. I mean, it was
862 just like extensive, it's just extensive I mean...

863 Planner Fortner: I mean they sell alcohol there, but it's like a little place, and I've never bought beer
864 there, but they do sell it, you don't see many people getting it.

865 Chair Hurd: No, it's just not a thing.

866 Planner Fortner: Ok, so here we are. We're close to the end, we're getting close here. This is a big
867 code modernization and streamlining, this has a bunch of stuff in it I wanted to call this stuff "stupid
868 stuff"

869 Chair Hurd: We would call it overcome by events.

870 Commissioner Silverman: Obsolete.

871 Planner Fortner: Here we go, we have, and in BB it's not so bad. We had this repair and servicing
872 indoor off site of any articles which is fine, then we have photo developing and finishing as a stand
873 alone business. And then in BC we have a lot of things that gosh, I think were left over from the 20s
874 and 30s, like crate services, frozen food locker, which I'm not exactly sure what that is...ice
875 manufacturer, sign painting and manufacture, photo developing and finishing, cleaning and dying
876 plants? Which is the same, stuff that you can buy, repair place.

877 Commissioner Silverman: You're just too young.

878 Planner Fortner: I'm too young, ha-ha. All right, So what we're proposing is, and this is something I
879 took this from the Dover Code, this may not be the best code, but we might look at some other
880 types of things, but just put this out there or it's a kind of a catch all thing. Manufacturing,
881 assembly, converting, altering, finishing, cleaning, cooking, baking, and other processing of
882 products where goods produced are processed are to be sold at retail on the premises or online
883 where the size establishment and we have under 5,000 square feet and the uses, we have a bunch
884 of exceptions, we took them from the MI and MOR district. Just some types of manufacturing we
885 wouldn't want in those districts and then we have one that's if it's over that then it would be a
886 special use permit. If it's over 5,000 square foot, but I know we're trying to get away from the 5,000
887 square foot.

888 Chair Hurd: I was going to bring that up...

889 Planner Fortner: We're just throwing things at the wall here. So anyway, that's what we're
890 proposing, taking a lot of those old things. But our economy is so dynamic. We're always getting
891 new kinds of things and it's like, oh, if it's not listed, it's not permitted, we constantly find ourselves
892 in that little trap, and somehow we have to go, well what does this fall under? And this is a better
893 catch all of just different kinds of things that our economy creates and businesses and we can say
894 ok it fits under this, or in some situation we don't have ice manufacturer anymore, at least I don't
895 think we do. But we have makings of things and so we want that to be permitted.

896 Director Bensley: And I think the key to this difference between this and what's currently in MI is the
897 addition of that the goods that are produced or processed have to be sold at retail on the premises
898 or online. If you're talking about an MI district, you're not going to have that retail sales component
899 as part of that. You know, we took the MI definition exceptions that were in the industrial code
900 because we figured those are those are kind of the worst of the worst uses that we definitely don't
901 want in the downtown district, but if there's other uses that as we go through this that you think
902 would be inappropriate that you think we should add, we're open to additional suggestions.

903 Commissioner Kadar: What am I missing here? To me, the first one, which is part A which I assume
904 is by right and then just get to administrative review and then the second one requires a special use
905 permit?

906 Planner Fortner: Yeah, it's the size 5,000 square feet.

907 Commissioner Kadar: Shall not exceed 5,000 and the first one says shall not exceed 5,000.

908 Planner Fortner: That might be a typo, I'll have to take a look...so the first one's supposed to be
909 below, or should be larger than 5,000

910 Director Bensley: It's in the report, we got it right there.

911 Planner Fortner: (inaudible) the report and it's in the presentation, that was my bad. Thank you Karl
912 you caught it, you got me, he got me on that one.

913 Chair Hurd: One point against you now.

914 Planner Fortner: Oh God.

915 Chair Hurd: Everyone okay with regulating out abattoirs and or smelting? Though if I liked it, I could
 916 smelt ore if it's less than 5,000 square feet or no wait, it's except for, I can't do that anywhere. But
 917 with the with the economy going, I might need to have local ore smelting to maintain.

918 Director Bensley: (inaudible)

919 Chair Hurd: Move to the County man...ok, we're getting punchy, it's just right to move into...

920 Planner Fortner: Ok, low impact uses from B to A. This is, this is the catch all of things that we
 921 looked at in the code. It's like, yeah, we don't really think it needs a special use permit, it probably
 922 doesn't, we think maybe it could go into A. So some of the uses in BB, a library, museum or art
 923 gallery. I mean, you could imagine those being pretty small in a lot of cases. I mean a library is for
 924 example, the Christian Science reading room, I don't think we've ever made them get a that library
 925 that we've never made him get a special use?

926 Director Bensley: A new library would get a special use permit.

927 Planner Fortner: Well, that's a big library, well, yeah, we made the library get a special use permit.
 928 So we think that museum, museums tend to be like, we have the Newark Museum, that's in our
 929 little train station, you know, these aren't things are impactful. Why do we have to get a special use
 930 permit if we do a little museum, so. Churches, now the BB and BC churches, that was something
 931 that we forgot to put in the last ones you already approved to move church to a by right use in BB, so
 932 this is making the same in BC, which is something we kind of intended to put in, but we
 933 inadvertently left off. So those are that for the business districts then in MI is it's pretty simple here.
 934 This is similar to Alan's question about a daycare and a work environment. So this is a food service
 935 facility in a, like an industrial area. They have a cafe or something in there for the employees, that's
 936 what this is. For some reason we had this as a special use permit but you really don't need that. It's
 937 more of an accessory to the building, so we just put that in section, move that to A and then MOR
 938 we're proposing moving commercial indoor recreation that we recently put into MOR under part B
 939 moving that to part A.

940 Chair Hurd: Now, wasn't it separated in MOR just cause MOR is a more industrial intense use and
 941 we wanted to be careful about like, you know, baseball coaching facilities next to body shops or
 942 things I mean?

943 Planner Fortner: MI is actually more of an industrial use, this is more officey, but they both can have
 944 industrial uses. But yes, your rationalization, and also it is a different kind of use than your typical
 945 industrial uses, MI doesn't really fit into that kind of district, but so, when we put in there, we put in
 946 there as a as a special use permit, thinking that, yeah, if it was I used it was. I'm sorry, that's my
 947 thing. I'm gonna turn it off. Thinking that, yeah, if there was some reason it was incompatible to
 948 have a gym in this this particular location MI that we would turn it down. But we're finding that
 949 probably not ever going to be the case, I mean, these places are supposed to be contained, they're
 950 not supposed to be polluting and Newark anyway, so we find this a very common use. So that's
 951 what we're proposing.

952 Chair Hurd: Just to be sure, because I do remember, there was a discussion around why we wanted
 953 to make it a conditional use. So just wanted to reassure, be aware of that before we pulled it out.
 954 Ok.

955 Planner Fortner: Any comments on that?

956 Chair Hurd: Well, let's go to hot topics.

957 Planner Fortner: Hot topics, all right.

958 Chair Hurd: My hair is getting gothy already.

959 Planner Fortner: All right, so these are ideas that we didn't propose because we're still, we just
 960 haven't worked them out yet. But we're just introducing these ideas to you just to get your
 961 temperature on them. But for micro enterprise home based businesses, we used to have
 962 customary home occupation and professional office and then about 10 years ago we added no
 963 impact home based business which is supposed to be really just a guy with a computer and a

964 phone. Yeah. So that you know, there's no impact to the community and we find this to be a very
965 common use, consultant, travel agent, so when a customer kicks in, like if there's going to be
966 someone going to visit your house at any time, then that kind of kicked in this customary home
967 occupation. But the regulations are very, very similar. And in fact, there's almost no difference with
968 other ones that have no impact, you know it has no minimum impact. And then finally, we have
969 professional office in a residential dwelling, again, this is supposed to be a very low impact thing as
970 well. All three of these are not supposed to change the character of a neighborhood, a professional
971 office and residential dwelling would allow an employee that doesn't live in the home like someone,
972 like if you were an accountant and you had a receptionist or a doctor, a dentist look and you lived in
973 the house, you own the house, but you had a part of your house that was your dentist office and you
974 could have a receptionist that would do your record keeping and do that could come and be an
975 employee. What we're looking at, because we have two, we have two categories that require
976 special use permit, and it doesn't make any sense. We were looking to buy this in the two
977 categories. One would be the lowest impact that would be in residential areas.

978 Again, this would cover, you know your consultant that works with a computer and a phone, but
979 could give some leeway to, like, say we had a massage therapist who most recently came through
980 and she has single clients at a time by appointment, looking to maybe make that by right or by right
981 via an administrative review and not make that person, that business go through a special use
982 permit. There's lots of businesses like that, that we put through that because they have a little bit of
983 impact, we don't think we need to bring them through the whole special use permit process so we
984 can regulate that way, then have one that's more impactful in office where you have an employee
985 and people come in to their dentist appointment, make that a special use permit, which we get very
986 few of that. That's just putting it out there so.

987 Chair Hurd: So customary home occupation, it sounds like you're defining that as something that
988 has customers, but that's customer service. So, what would be a normal?

989 Planner Fortner: That's the problem with the thing that we have no impact, it's supposed to be like
990 no impact at all. A customary home occupation can have a sign. And it's not supposed to be
991 impactful. It doesn't say you can have customers, but that's the way we interpret it. Like a massage
992 therapist, a piano teacher, has people come to their house one student at a time. So we would
993 make them get special use permit. Or a tutor, people come to the house, you tutor, teacher,
994 whatever. An artist, those would be customary home occupations and they would require special
995 use permit. We're trying to devise a way where that could be just approved administratively.

996 Chair Hurd: Right. I guess I read that as sort of a customary home occupation which has sort of a
997 historic sense to it of like what did what kind of businesses do people normally operate out of their
998 home? But that's changing, I think as you as you noted, it's shifting. So I would agree that I would
999 like to get rid of that term, because I think it locks it or it bogs it down. And just talk about like, it's a,
1000 it's a no impact or a low impact business in the out of the house.

1001 Planner Fortner: So calling it instead of no impact it would be?

1002 Chair Hurd: Maybe you could say low, I mean you could say-

1003 Planner Fortner: Residential community...

1004 Director Bensley: And I would just say with the customary home occupation, you don't see a lot of
1005 those permits get to Council often because the price scares off people who are trying to just have a
1006 little bit of a side hustle and not, you know, it be their primary business, but when you say you know
1007 you know you have to sink \$787.00 into this application and you might get it, but you might not. That
1008 gets a lot of people...I would say four out of five inquiries we get don't move past an initial phone
1009 call once they hear that information.

1010 Commissioner Silverman: But we don't wanna discourage that.

1011 Chair Hurd: Right. I fully agree that that lowering those barriers is, well it's one way to make housing
1012 more affordable if you can turn a piece of your house into a commercial piece. Yeah. So I'm
1013 supportive.

1014 Commissioner Tauginas: Nolo.

1015 Planner Fortner: What do you mean Nolo?

1016 Commissioner Tauginas: Nolo, No and low impact. Nolo. Well, The thing is, what we're talking about
 1017 is no impact. Could be a little bit of a very low impact, because like someone's coming to the
 1018 house, technically, because people come to people's houses. No, but it's both, no and low.
 1019 Combine them. That's it.

1020 Planner Fortner: So we have two the under section a no impact section B, low impact?

1021 Commissioner Tauginas: Yeah, and just put them under the same umbrella, essentially because it's
 1022 no, it's no to low impact.

1023 Chair Hurd: Right, it seems to me the difference might just be in the business permit that business
 1024 license that you're getting.

1025 Commissioner Tauginas: Yeah.

1026 Chair Hurd: Right or no?

1027 Director Bensley: Well, I think if I, if I'm interpreting your feedback correctly, you're looking to have a
 1028 no or a low home based impact home based business be a by right use yes?

1029 Commissioner Tauginas: Yes.

1030 Director Bensley: And not require special use permits.

1031 Commissioner Tauginas: Absolutely.

1032 Planner Fortner: Oh, Nolo, that was just one then.

1033 Commissioner Tauginas: Correct. I came up with a catch phrase and you missed it, went right over
 1034 your head.

1035 Chair Hurd: He's branding.

1036 Commissioner Tauginas: The Nolo, no impact, low impact. Combine them. Nolo. It's ok, I'm just
 1037 trying to make this room a little more hip, and it's not working.

1038 Planner Fortner: So I'm getting a good vibe on two different kinds, expansion of the no impact. And
 1039 keeping the professional office maybe is...

1040 Chair Hurd: Yeah, no I would agree that an actual office with employees, customers like a dental
 1041 office and such is a very different animal and would need to be kind of looked at.

1042 Planner Fortner: Yeah, very good. See this is supposed to be hot topics. So let's see if this one...

1043 Chair Hurd: To other people maybe.

1044 Planner Fortner: Alright, this one here, neighborhood businesses. Oh, this is gonna be hot. So
 1045 provide opportunities for smaller businesses such as coffee shops, delis, convenience stores,
 1046 etcetera that can be integrated into districts to provide convenience to residents. Reduce the need
 1047 for car trips and allow people to take care of minor needs without leaving their neighborhood. So
 1048 the idea is ok, you have a big RA development, why not allow some commercial in there? That's an
 1049 easy one, right, that's probably pretty easy. The other one, the RM district, same with that. And
 1050 then, but that in RH and others, these are your single family districts, allow small scale businesses
 1051 and arterial corridors. So right now they have to be rezoned, like Barksdale Road, which is
 1052 referenced there, that's BLR, in them, so there's like for example, a hair salon where my wife goes
 1053 down there. There's a finance place, but this would be allowing them actually an RH or RT, RS, these
 1054 kind of things.

1055 Chair Hurd: I'm 100% behind this. I've been asking for this for a while, and I'll say Portland has had
 1056 some success with this too, with like micro commercial in like the front porch or the front...you
 1057 know, you've got the house, you've got the driveway sort of thing to the street. And that they're
 1058 saying, yeah, you can put a little something right there on the sidewalk.

1059 Planner Fortner: So we allow this a little bit with special use permit, not special use permit, what do
 1060 we call that? Site plan approval, we allow different uses a little bit. This would be, we have to figure
 1061 out how we're going to work this in code, but...

1062 Commissioner Silverman: The irony is we've come full circle here. Some of Professor Jones's
 1063 walking trips talk about the houses on Main Street, where the front porch, the living room was

1064 converted into the food store. And that's that was the generation of the general store, that kind of
 1065 thing, yes.

1066 Planner Fortner: Bodegas too.

1067 Director Bensley: And I'll say, you know, we kind of cracked the door open on the limiting it to
 1068 certain areas within the district with the marijuana ordinances, so we think we can mimic some of
 1069 that to create these type of regulations.

1070 Chair Hurd: Right, think it makes sense to start it on the arterial corridors where you have basically
 1071 you have the foot traffic a lot, you know where that would work. Cause, I think in a residential
 1072 district especially, it's got to be an almost all walk up kinds of business. It's like you don't want cars
 1073 parking, pulling in because that's going to get people to freak out, but it's like, oh, I'm walking to
 1074 school and oh, there's a there's a guy selling smoothies. Boom, great.

1075 Planner Fortner: All right.

1076 Chair Hurd: Anyone else want to... Commissioner Tauginas do you have a branding idea for this?

1077 Commissioner Tauginas: It just reminds me of, you know, the setups in in like, you know, cities like
 1078 in Chicago where you had, like, the neighborhood stores and you had, you know, areas you had
 1079 places to get things that were walking distance in residential neighborhoods that, you know, were
 1080 there just to serve the community in which they were in essentially, right. And every neighborhood
 1081 has their own little corner store and that's very much what they have going on in New York.

1082 Director Bensley: Even Dover is better at this than we are as far as that is concerned. Like, I mean, I
 1083 went to the former Wesley College, now DSU Annex. But you know, there was a little corner store, a
 1084 block up from where, like, that was all right in a residential area, there's a corner store, a block up
 1085 from where the dorms are, there's you know, if you go out Route 8 toward the, you know, toward the
 1086 Route 1 exit, there's a little house there that has been converted into a convenience store for the
 1087 neighborhood right there. Like it has a couple parking spots in front because it's on Route 8, but you
 1088 know it looks like a house that they just have been converted. So yeah, I think there's a way to do
 1089 some of this, you know where we might want to have some design considerations in some of these
 1090 districts, like the buildings need to look like the buildings around them, that kind of thing so you
 1091 don't, you know, get the neon lights of a vape shop stuck somewhere that you don't want them,
 1092 but...sorry.

1093 Chair Hurd: Well, that's a hot topic.

1094 Director Bensley: But I think there's a way to do it smartly that we can integrate it into the
 1095 neighborhoods to make ourselves a more walkable, bikeable community.

1096 Commissioner Silverman: So, this would be both new and conversion.

1097 Director Bensley: I think it can be whatever we want it to be.

1098 Chair Hurd: I'm gonna turn my porch into a vape shop, selling Red Bull. I have so much foot traffic
 1099 in front of my house. I would make a bank in the morning.

1100 Commissioner Silverman: But what would you want to bait shop there for?

1101 Chair Hurd: Vape.

1102 Commissioner Silverman: Oh, vape.

1103 Director Bensley: Josh is going to listen to this later and have quite the Post article.

1104 Commissioner Silverman: Talk about picking the wrong demographic there.

1105 Chair Hurd: : Yeah, I couldn't let that go by.

1106 Planner Fortner: Alright, here we go, hot topics and these are more mild topics. This is pretty hot,
 1107 pretty hot actually. Revising the zoning code to develop and encourage forms of live entertainment
 1108 venues to be considered for the BB zoning districts such as comedy clubs, piano bars, dancing,
 1109 small live music venues, restaurants allowing to have live entertainment in their business, so to
 1110 kind of open up the code to facilitate that more in and maybe encourage it. Right now, there's a lot
 1111 of can be done I think.

1112 Commissioner Kadar: Don't we currently allow restaurants to have live entertainment?

1113 Director Bensley: Well that is not true. We allow them to have a single acoustic performer, and
1114 unamplified performer. And then a singer. So, you know we're eh...

1115 Planner Fortner: There are some pre-existing places too we do have a thing in Newark. Where there
1116 are single family houses that are converted into like a nightclub kind of thing that are kind of like
1117 underground. You don't know about them unless you're hip.

1118 Director Bensley: We're not hip.

1119 Planner Fortner: I didn't know about them but my son, he thought it was really cool, and he knew
1120 about them.

1121 Commissioner Bradley: I might be dating myself here, but are there no bands allowed at Deer Park
1122 anymore?

1123 Director Bensley: No, Deer Park predates the regulation.

1124 Commissioner Silverman: Well, there used to be the Down Under.

1125 Commissioner Bradley: Oh, that was a great bar. I could go on for hours about that one.

1126 Director Bensley: There used to be the Stone Balloon...

1127 Commissioner Bradley: Oh, the Stone Balloon was great.

1128 Director Bensley: Newark formerly had a long tradition of nightlife.

1129 Commissioner Bradley: We had a good night life, we really did.

1130 Commissioner Kadar: Yeah, when Stone Balloon was here it was...it was good.

1131 Director Bensley: This is kind of the shedding, the starting to shed the no fun Newark reputation that
1132 we have at times. You know it's where Mike was going as far as the house basement issues. You
1133 know, we joke about not being hip enough to know, but what we do know is there's no control of
1134 occupancy levels, there's no fire safety. It's potentially dangerous for the number of kids that are
1135 crowding into some of these facilities, and you know we would, we would like to consider having
1136 options that can be, you know, permitted but regulated. So, you know they get inspected for fire
1137 safety, they get inspected for occupancy levels. They're keeping track, you know, if they're serving
1138 alcohol, they have to abide by DABCC regulations in order to, you know, ensure safety that way. So,
1139 that is in a more serious note, one of the reasons that we want this to be considered. Sorry, Mike, I
1140 interrupted you before the end of your slide. Go ahead and finish.

1141 Planner Fortner: This is the slide. That's it.

1142 Chair Hurd: Yeah, because I've heard comments from students saying that they wish there were no
1143 drinking options to go out to cause the only options are basically restaurants, bars, or that's it. So,
1144 I'm all for this. I would actually say let's look at putting this in the BC as well because that's
1145 basically business-oriented driving to, there's separation, there's not residential adjacent to it. But I
1146 think there could be some value in there too. Because you know, I think of the number of places
1147 that have stuff in a strip mall or strip, or development center. There's a there's a comedy club there,
1148 there's a whatever, and it's like, yeah.

1149 Director Bensley: I think also realistically looking at you know, we're kind of headed into a little bit of
1150 a crisis with the amount of office space leasing that UD is terminating right now, so giving property
1151 owners another option that they could potentially use some of that space for I think would be
1152 valuable.

1153 Commissioner Silverman: And this is relatively, and I use that term low cost for outfitting.

1154 Director Bensley: Sorry, I interrupted.

1155 Commissioner Cloonan: But we're also saying that these places can serve alcohol, right? We aren't
1156 putting any limit on this, are we?

1157 Director Bensley: So, we have not suggested a limit of no alcohol, so it would you know, it would be
1158 up to the owner to propose that they would have to follow any, the ABC, the alcohol regulations and
1159 we wouldn't necessarily, this isn't something that if we went the special use permit route or

1160 something like that. It would be on this as a use, not on the alcohol piece of it, so that I should say
 1161 that would be our suggestion. We're open to feedback, but we would look at that of an alcohol
 1162 related special use permit on this to raise similar issues at the restaurant with alcohol or the
 1163 commercial indoor recreation with alcohol raises. But I think it's, you know, the other thing that we
 1164 haven't touched on that we looked at this too is you know we get the feedback a lot that you know,
 1165 we've got the students, we've got population that you know is ageing. We have this asset in our
 1166 student population, but they're not staying after they graduate. They're not getting jobs here.
 1167 They're not living here. This could be something you know, where they don't have to go to Trolley
 1168 Square or they don't have to go to, you know, Wilmington or Baltimore.

1169 Commissioner Cloonan: Yeah, in my 20s, I remember there was a lot of live music on Main Street. I
 1170 mean at least six or seven venues. So yeah, I'm all for this.

1171 Chair Hurd: And it gives a business area an evening event too, so you could have, you know,
 1172 business, daytime business, evening business and you can sort of extend that. Yeah.

1173 Commissioner Kadar: This was a good hot topic.

1174 Commissioner Silverman: And it extends the value of the public parking too, after hours.

1175 Commissioner Tauginas: I like it.

1176 Planner Fortner: All right so that's the end of the presentation. I can give a short version of this or a
 1177 very long.

1178 Chair Hurd: Hold on let me finish –

1179 Planner Fortner: A real, real long one? I can go long.

1180 Chair Hurd: Hang on Mike, we have to finish the topic first. Katie, has there been any public
 1181 comment submitted on this item.

1182 Ms. Dinsmore: No.

1183 *****Secretary's Note: A public comment was submitted via email on March 3rd, 2025 prior to the**
 1184 **Planning Commission meeting by Sophia Marianiello of District 1, and has been included**
 1185 **below. It was not read into the record at the meeting.*****

1186 "Hello, I am writing to express my support of the proposed changes to the City of Newark's
 1187 zoning code. I'm especially in favor of allowing more and denser types of housing in residential
 1188 areas; permitting bus shelters in more zoning areas; allowing a wider variety of retail food stores,
 1189 restaurants, and indoor recreation in business districts; allowing neighborhood businesses in
 1190 residential areas; and allowing live entertainment venues in the central business district. I live in
 1191 a heavily residential area of Newark without a car, and changes like these would make living car-
 1192 free in Newark more practical and enjoyable for me and for other residents like me. I would also
 1193 be in favor of reducing or eliminating parking requirements for most uses and removing the
 1194 restriction on live entertainment accompanied by dancing."
 1195

1196 Chair Hurd: Anyone present who wishes to give public comment? Ok, that closes item 3.

1197 **4. Presentation and discussion regarding the upcoming 10-year review for**
 1198 **Comprehensive Development Plan VI**

1199 Chair Hurd: That takes this item 4, the presentation and discussion regarding the upcoming 10-year
 1200 review for Comprehensive Development Plan 6. Is that still you Senior Planner Fortner?

1201 Planner Fortner: Yes.

1202 Chair Hurd: Alright.

1203 Planner Fortner: Plan to plan. All right. So, it's that time of the decade where we're going to do our
 1204 update to the Comprehensive Development Plan. And I put a little joke on there, well it used to be
 1205 funny to make fun of conspiracies before people really believed in conspiracies, but. So, I'm gonna
 1206 try to skip over this, but you know I put in there what a Comprehensive Plan is for those of you
 1207 who're new I tried to explain that a little bit, but the State code spells that out for us, and I put that in

1208 your presentation, what they include. So it's a very comprehensive, it looks at all facets of the City,
1209 we coordinate with regional plans, county plans, WILMAPCO, federal and we update our plan and
1210 we're required to every 10 years.... did we get?

1211 Ms. Dinsmore: There's a bit of a delay.

1212 Planner Fortner: I thought this slide would be before that one, you know, we did an, a 5 year review.
1213 Let me go back to this one. I just want to say this is what we're working on, Plan VI and we're hoping
1214 to adopt that in the fall of 2026. Plan I was adopted our first one back in 1969, we were the first
1215 municipality that adopted its own Comprehensive Development Plan. And then we've had four
1216 after that. So, we've had we updated it in 1987, we updated in 2003, so this is when we were
1217 required to do every five years, in 2008 and then we were required to do every 10 years. We did it in
1218 2016 and then we did a five-year review and most of you were on that. We did our five-year review
1219 of what we call Plan V 2.0, we completed that in 2022. So now, so it seems like we just did all this,
1220 and we went through a very comprehensive part of that. And so it seems like we're done, but it's
1221 actually gonna be 10 years in the fall of 2026. So, we're gonna start this process, it'll be in over
1222 about a year and a half process. This is what it says in code so every five years we have to; we have
1223 to review. That's what we did in 2022, we looked at it and kind of updated it to make sure things
1224 were still relevant. We updated things that we thought should be updated and then we readopted
1225 this plan 2.0. So, 10 years, this is our more comprehensive revision of it.

1226 And so, we've been amending it as necessary, but then we adopt it at least every 10 years. So the
1227 first thing is plan to plan to the plan for planning. So, the first thing what we do is we'll have
1228 preliminary consult, plan, the Planning Commission and Council, so this will be sort of a regular
1229 thing either I'll give a presentation or Renee or Jessica will update you in their reports, but we'll have
1230 something very regularly where we update you. So we'll have preliminary discussions with you.
1231 Then we will use our municipal planning services contract, we will select a consultant firm that will
1232 be helping us. That's a big change from the 2016 and even the 2022 that we're gonna have this, this
1233 consulting services and this is gonna bring a lot to us and make this process I think a lot better than
1234 we've been going through. Then we will be consulting with you and the, and the consultant, we work
1235 with them and we'll create what we call plan for planning and this is something that you will be a
1236 part of developing that. And then you will adopt it as our plan, our process that we'll go through and
1237 this will establish our roles. If you call for it, we'll establish a steering committee that we've done in
1238 the past that will bring together a diverse range of stakeholders. And we have a lot of community
1239 outreach and public participation planned that will have provisions for open discussion,
1240 developing, weblink, doing more web and outreach engagement, something that we're going to do,
1241 there are some services I'll tell you about that will make it a lot easier for people that can't come to
1242 public meetings to be able to participate online and by using applications that community surveys,
1243 story maps, looking at a map in Newark, and they can participate in a variety of ways that will be
1244 engaging.

1245 So once we've adopted our plan for planning, this will establish a steering committee, we'll identify
1246 the stakeholders and partnering agencies for this steering committee and just for coordinating in
1247 general, we will assess. First of all, we'll assess Plan V 2.0, we'll do our own assessment, but we'll
1248 also submit it to the Office of State Planning what they call pre PLUS, it's Planning Land Use
1249 Services and this is all State departments, or where relevant State departments review your plan
1250 and give you comments on it. So we do this before we even start planning, they look at our last plan
1251 and say these are the things we think need updating. Yeah, Alan?

1252 Commissioner Silverman: I recall, it took more than a year for the state to approve our approved
1253 plan. Is there a...

1254 Director Bensley: It was 4 months.

1255 Commissioner Silverman: Was it?

1256 Director Bensley: It was approved by Council at the end of September in 2021, and it or excuse me
1257 in 2022 and it was approved by the State and or no, it was approved by Council at the end of 2021
1258 was approved by the state in January of 2022.

1259 Planner Fortner: We have a typo on our plan that that, if that's what you're looking at but yes, it was
1260 a few months.

1261 Commissioner Silverman: Ok, or maybe I'm confusing with the 2016 plan.

1262 Planner Fortner: 2016 it only took a few months too.

1263 Commissioner Silverman: The point I'm getting to is this pre review, does it have a timeline that we
1264 can continue without them?

1265 Planner Fortner: Well, yes, it's just a thing we get on the next month. It's not a long wait for them to
1266 do that. We apply for it, we send it, we get it on the next month. Yeah, we'll continue work. It's not
1267 going to be on hold. What we'll be doing during that time is sort of preliminary stuff, establishing
1268 our website, getting that put up, the different kinds of community surveys that we want.

1269 Commissioner Silverman: Because I've been jaded by DelDOT

1270 Planner Fortner: Sure, so we'll be reviewing regional plans, we'll be developing our website and
1271 these are three web portals we might be working with that'll help us with public engagement. Then
1272 we'll be examining our existing demographic updates land use survey...another thing that the
1273 consultant will be providing us is all the GIS mapping is very complicated that map and there's lots
1274 of problems. Maybe there's solutions, but we can. Everything's going to be reworked, so maybe
1275 there are things that we thought didn't work so well in the last plan, we can look for solutions in this
1276 plan in terms of the way that the plan's laid out.

1277 Then we'll, once we do the preliminary research, we'll do the public engagement kickoff of the main
1278 kickoff. We might do an event before, but the Community Day, September 21st, 2025 is usually a
1279 big kind of kickoff day for us and that'll be a major event and we will host a series of public
1280 workshops, both online, virtual and even just engagement via a website in some cases.

1281 Here are the list of kind of things that we covered in our last Plan in 2016. It was the first plan to
1282 actually have a community vision in that and then we divide up into these different chapters, we
1283 restructured the whole plan the last time around. So public utilities and infrastructure, housing,
1284 transportation, environmental quality, economic development, parks and recreation, open space
1285 and land development and annexation are basic categories. Each of those categories will have
1286 their own chapter and the Planning Commission will receive monthly reports. As I've said, I mean,
1287 so each month will be a little update on what's going on, if it was just a steering committee meeting,
1288 I'll tell you about what happened at the steering committee meeting. Last time we had two people
1289 from the Planning Commission that were on the steering committee, and they'll also be kind of your
1290 liaison too, with the Planning Commission, the Planning Commission's role is overseeing the whole
1291 process, but we have a committee that's doing the committee work and reporting back to you.

1292 Then we'll have community open houses, this is the phase three where implementation,
1293 community open house. This is when we get our plan developed, we'll have social media, web
1294 engagement, public hearings, public Planning Commission, public hearings where we go through
1295 and hash it all out just like last time, usually three or four meetings and then the Planning and
1296 Development Department will provide information, feedback and comments and staff will provide a
1297 scope of work to the Council from out. That's the next step so. these are the next steps so what I've
1298 just said, so I'm going to conclude with that. It's a long night.

1299 Chair Hurd: All right. Any questions or concerns? Yes.

1300 Commissioner Silverman: The \$64 question what will, what will be the role of the University of
1301 Delaware in this process?

1302 Planner Fortner; So they'll be a stakeholder and so last time we had a student, this time we have
1303 better communications with their facilities people and so we'll probably have one of their facilities
1304 staff on with us too, and they will help us coordinate whatever the University is thinking in terms of
1305 their planning.

1306 Commissioner Silverman: Because I know with our parking study it really worked out well to have
1307 the University person who was involved in handling the cement and asphalt aspect.

1308 Planner Fortner: Yeah. So the stakeholder steering committee and this, that'll be part of your
1309 suggested role of suggesting and helping us coordinate. So that's all part of the plan for planning.

1310 Commissioner Kadar: The schedule for pushing that out for Community Day in September is awful
1311 tight.

1312 Planner Fortner: Awful tight? So that's just the opening.

1313 Chair Hurd: That's just the opening. That's not...

1314 Commissioner Kadar: So when do we legally have to have this done next year?

1315 Planner Fortner: Next year, next fall, 2026.

1316 Commissioner Kadar: Yeah, I thought it was too soon, but all right.

1317 Chair Hurd: So it basically gives us a year that sort of kicks off to say ok, hey public, we're starting a
1318 new Comprehensive Plan.

1319 Commissioner Kadar: Seems just like yesterday.

1320 Director Bensley: So, when we did the reviews of the applicants for the consulting contract, one of
1321 the things we did in the second round interviews was ask them all, hey, pitch us your best idea for
1322 the Comp Plan and what you would do as if we were to pick you for this project. So we did get a
1323 good kind of preliminary idea of what each of them would be thinking, you know, absent, you know,
1324 time and budget constraints. But we, part of this is Mike is working to develop the scope for us to
1325 send out to the three contractors who we did ultimately select for the municipal services contract.
1326 So they can give us their, you know their quotes and their proposals and we can select the final one
1327 from there. I will say that you know we have, we're moving more toward the consultant model for
1328 this. Mike will be the staff liaison and project lead in the department for it since he's worked
1329 extensively on the Comp Plans in the past, but we're looking to farm out a lot of the, some of the
1330 work to the consulting firm in order to be able to have people who this is their thing that they focus
1331 on, we as staff members, if we're working on this on our own, this is one of many things we have to
1332 focus on, which sometimes has contributed to the lengthy amounts of time it has taken us to do our
1333 Comp Plan. So we're hoping that by bringing on a consultant to give us some help with this, that we
1334 can adhere to some tighter turn around times to not have this be a two, 2 1/2 year process.

1335 Chair Hurd: Yeah, I'm. I'm going through this for another organization for strategic planning and we
1336 have a consultant to do the work so that we're not, and it helps as you said no helps also keep the
1337 staff bandwidth from being overwhelmed and it brings people in who for whom, this is what they do
1338 they do planning, they do know this comprehensive planning, which I think is there's a value to
1339 know at least once or once or twice in the cycle, bringing in that outside perspective to sort of go,
1340 what are you seeing comp plans doing, what are you seeing in them address. That gets us out of our
1341 kind of parochial kind of viewpoint of things. Cool, alright. Well, that'll be fun

1342 Planner Fortner: All done? Well we're all done I guess.

1343 Chair Hurd: Alright, any public comment for this item? Anyone online wanted to...no? Ok, closing
1344 item 4.

1345 **5. Informational Items**

1346 Chair Hurd: Taking us to item 5, informational items, starting with Director Bensley.

1347 Director Bensley: It's 8:59. Do you guys want to just do your 9:00 thing?

1348 Chair Hurd: Oh yeah. Yeah, sorry. I'm gonna use my Chairs prerogative to extend the meeting to
1349 9:30. Thank you.

1350 Director Bensley: I'll try to keep this quick so projects that have gone on Council on February 10th,
1351 we had a presentation from DART First State on the DART Connect program that's been....man, I'm
1352 usually in the one pointing at everybody else. All right. Thanks Katie. So February 10th, we had a
1353 presentation at the Council meeting about DART Connect. The TLDR on that one is it's doing about
1354 triple the, double to triple the volume that Unicity was doing when it ended. It's still serving our
1355 senior population, which is something that people were very concerned about. Main Towers is the
1356 top stop as far as destinations and pickups, but it's also being widely used throughout the rest of
1357 the community, students are using it, but the vast majority of the passengers are full fare riders, so
1358 neither in the senior nor the student category. So it's getting a pretty good, we think it's getting a
1359 pretty good cross section of the community.

1360 We had the second reading for the Body Art Establishments ordinance, so that was approved to
1361 permit them to be allowed by special use permit, they did take the accommodation or I should say
1362 the recommendation of Planning Commission, to add a distance between the locations. They did
1363 not take Planning Commission's recommendation to remove the provisions around schools or to

1364 make them just to remove the appointment only restrictions. So they moved forward with those
1365 two restrictions in place. Subsequent to that, B13 Tattoos did get their special use permit approved
1366 for 170 East Main Street. Also that evening, we had a special use permit for an accessory use with
1367 impact for Boom Down Towing at 1164 Elkton Road, so that was approved and then the minor
1368 subdivision at 261 and 263 South Chapel Street was also approved.

1369 February 24th we had the first reading, we've kind of done the review of what are all the things that
1370 we put on Planning Commission as code changes that we haven't gotten to Council yet because
1371 Renee's going to be out of town for a Council meeting so that those can move, those will move
1372 forward. So for first reading we've got the updates for the addressing standard that we had, I think
1373 back in November for you guys and then one that we had missed the allowing of hospitals by right
1374 and the BB and BC zones. So that one went for first reading on the 24th as well.

1375 Second readings. It was the all Planning all the time agenda. Out of all of the agenda items, there
1376 was one that I did not present, so I think we had 7 items on that agenda. We had the Chapter 32
1377 amendment making churches by right in BB that was approved. Related to that the 300 East Main
1378 Street Comp Plan amendment and rezoning for the Newark UCC Church that came here, that's
1379 looking to do the mixed-use affordable housing development, the Comp Plan amendment for 53
1380 West Delaware Avenue which is the Kristol Center's property that they bought from UD. We had a
1381 subdivision agreement amendment for One South Main, which is the building, that's when you're
1382 going from South Main Street to Delaware Avenue, the building that's right there. The first two floors
1383 had previously been leased by UD, they're not going to be leasing them anymore, so the second
1384 floor is going to be converted to 6 additional apartment units. So that was approved and then we
1385 had the RFP 24-04 award and budget amendment which was the municipal planning services
1386 contract that was approved by Council with the condition that the funds only be spent on State and
1387 City code required items and Council directed priorities.

1388 The Council meeting this upcoming Monday for March 10th, we have the 1105 Elkton Road minor
1389 subdivision and special use permits. You may not remember that because you guys heard it all the
1390 way back in November of 2020 or no, sorry, August of 2023. Yes. So they been stuck in the FEMA
1391 loop for a while, so they had to get their Conditional Letter of Map Revision before they can move
1392 forward to Council. They finally got that, so they can move forward. We also are gonna have a
1393 presentation on the results of the pilot for the free parking during the winter off season that we had
1394 and the path forward for that, for considering the summer season, March 17th, we're going to have
1395 the Planning Commission work plan for 2025, Will's gonna lead the charge on that one, and then we
1396 are going to have the affordable housing next steps discussion that we had with you guys last
1397 month with them.

1398 On March 24th, we are going to have the second reading for the addressing updates and hospitals
1399 in BB and BC. We're also looking at a potential subdivision agreement amendment for 141 East
1400 Main Street. It's around how their water, the water meters, and how they're required to be installed,
1401 so it's a, they're going from having to be individually metered for each unit to 1 meter for the
1402 building.

1403 And then for April 1st Planning Commission meeting, it is going to have the plan for 124 East Main
1404 Street which is a major subdivision with site plan approval, that's for the Center Square building,
1405 which is the building where Walgreens and Homegrown is located. They're going to, they're not
1406 tearing down the existing building, but they are looking at going up two more floors for, to have a
1407 total of 40 apartments in the building with all of the retail, or with all the commercial on the bottom
1408 floor. And then we're looking to see if there's an additional policy item that we want to bring to you
1409 for that meeting. May meeting is going to depend on whether the most recent submissions we've
1410 gotten for a project are ready to go to Planning Commission. It is their third submission, so I'm
1411 hoping we'll have something ready for you guys in May for that and just one other note, the April 1st
1412 Planning Commission meeting, I will be joining you remotely from Denver because that is the last
1413 day of the APA conference. So, I will be online for that one.

1414 Chair Hurd: All right. Thank you. Any questions for the Director? Ok, in that vein, I think the June
1415 meeting I will be, that's the night before the AIA conference starts up in Boston. So, I'll be either
1416 joining online or not able to make it depending on how my travel plans work out. Takes us to item B,
1417 the Deputy Director's report.

1418 Director Bensley: I'm going to be fielding that one, too. So, for the Deputy Director's report plans
1419 that have come in as far as new projects, we did receive a submission this week for 900 Ogletown
1420 Road, so that is next door to 800 Ogletown Road on the same parcel. 800 Ogletown Road you'll
1421 remember, is where Fresh Delaware is located. 900 Ogletown Road is currently being used as a
1422 storage lot for Subaru. They are looking to, they've submitted a major subdivision to have a repair
1423 shop, paint and fueling station there, so they are looking to, or that is under review for completion of
1424 the application right now. It should be posted on the website before the end of the week. 515
1425 Capitol Trail, which you guys heard last year, they have withdrawn their application, they are not
1426 moving forward to Council. That was the application for the two office buildings that were to look
1427 like single family homes with the two accessory buildings in the back.

1428 Commissioner Bradley: Allura bath?

1429 Commissioner Silverman: The cabinet shop.

1430 Director Bensley: Yes. So, they have withdrawn their application, they're not moving forward. We
1431 have met with another applicant regarding their plans for that site. So, we're expecting something
1432 to be submitted in the not-so-distant future. Resubmits, we got the 1105 Elkton Road Council
1433 submission. We also got the resubmit for 118 to 129 Lovett which is a Comp Plan amendment and
1434 major subdivision by site plan approval. We did also issue a SAC letter for 124 East Main Street to
1435 get all of the last minute things they need to do before coming to you guys.

1436 And then just as an update on EPL, which is our new permitting and licensing system, we continue
1437 to configure applications, the most recently added is the addressing application, which allows a
1438 formal application to the Addressing Committee in compliance with the addressing standards that
1439 have been approved for code and that is the Deputy Director's update.

1440 Chair Hurd: All right. Thank you.

1441 **6. New Business**

1442 Chair Hurd: Moving on to item 6, new business, any items of discussion, new items? Yes,
1443 Commissioner Bradley.

1444 Commissioner Bradley: Yes, just real quick, I received a notice in the mail for Folk Park, the
1445 proposed dog park, and the reason I'm asking this question here is because there was something in
1446 it related to Dash In's project? And as I recall, I think Dash In, as part of their approval was going to
1447 put some park benches out there and I don't know if you can answer this or not, but...

1448 Director Bensley: So, this is separate from that. The tables and things that are part of the
1449 subdivision agreement are part of their approval. This is a grant that we received from their
1450 charitable arm, like basically people who have locations near Dash In's can apply for, you know, for
1451 grant money toward their parks and things like that. So that's, it was not part of the approval of the
1452 project, it's a separate thing.

1453 Commissioner Bradley: Great. All for it. Thank you.

1454 Chair Hurd: Anything else from people? Ok, closing new business.

1455 **7. General Public Comment**

1456 Chair Hurd: That takes us to general public comment for items not on the agenda, but related to the
1457 work of the Planning Commission, has anything been submitted online Katie?

1458 Ms. Dinsmore: No, Mr. Chairman.

1459 Chair Hurd: Anyone present wishing to give public comment? Alright, seeing no items closed and
1460 having reached the end of the agenda, we are adjourned.

1461 **The meeting was adjourned at 9:11 P.M.**

1462 Respectfully submitted,

1463

1464 Karl Kadar, Secretary

1465 As transcribed by Katelyn Dinsmore

1466 Planning and Development Department Administrative Professional I