

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON**

**MAY 6, 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
Alexine Cloonan
Chris Williamson
Scott Bradley

Commissioners Virtual:

Kazy Tauginas

Staff Present:

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

Staff Virtual:

Josh Solge, Planner II
Mike Fortner, Senior Planner

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

Chair Hurd: We going? All right. Good evening, everyone...let me get this microphone fixed and welcome to the May 6th, 2025, City of Newark Planning Commission meeting. We are conducting this hybrid meeting through the Microsoft Teams platform. I'd like to provide these guidelines for the meeting structure so everyone is able to participate, Katie Dinsmore, our Administrative Assistant, will be managing the cameras, chat, and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present, followed by the applicant for any land use item. For any land use applications, following the presentations from both staff and applicants, I will seek comments from members of the public that are either present or remote before calling upon Commissioners for their comments. We'll call for the Commissioners at the dais first, and then Commissioners online. If any Commissioner has additional comments they would like to add later, they should ask the Chair to be recognized again after all members have had the opportunity to speak.

For any item open to public comment, we will read into the record comments received prior to the meeting, followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, they should sign up on the

sheet near the entrance so we can get the spelling of your name correct and we'll be called on to speak at the appropriate time. If members of the public attending virtually would like to comment, we ask that they use the hand raising function in Microsoft Teams to signal the meeting organizer that they would like to speak. We will then allow you to enable the camera and microphone and then the speaker can turn them on. All speakers must identify themselves prior to speaking, and public comments are limited to five minutes per person and must pertain to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into the record. We will follow public comments for non-land use items with any additional comments and questions from the Commissioners and then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote for all land use items and all must be audible. We do ask if anyone in the meeting room is on Teams to please mute your microphone and turn off your speakers. In addition, for Commissioners on the dais, please mute your microphones unless you are speaking so the camera doesn't automatically track you. If there are any issues during the meeting, we may adjust these guidelines if necessary. The City of Newark strives to make our public meetings accessible while the city is committed to this access pursuant to 29 Delaware Code 10006A, a technological failure does not affect the ability of these meetings, nor the validity of any action taken in these meetings.

1. Chair's Remarks

Chair Hurd: That takes this item one chair 's remarks...I have nothing.

2. Minutes

Chair Hurd: So, item two review and approval of April 1st, 2025, Planning Commission meeting minutes on which were mislabeled on the agenda, I only noticed today. Were there any comments or corrections for the minutes? All right, seeing none, the minutes are approved by acclamation.

3. Review and consideration of a Comprehensive Development Plan amendment and major subdivision with site plan approval for 118, 120,126, and 129 Lovett Avenue

Chair Hurd: Takes us to item three, a review in consideration of a comprehensive development plan amendment and major subdivision with site plan approval for the project at 118, 120, 126, and 129 Lovett Avenue. Director Bensley, who is presenting?

Director Bensley: That would be me.

Chair Hurd: Ok.

Director Bensley: All right, good evening, everybody. This land use application is a Comprehensive Development Plan amendment and major subdivision by site plan approval for 0.81 acres of land located at 118, 120, 126, and 129 Lovett Avenue. The applicant is requesting approval of plans to construct 12 three story, seven-bedroom townhouse style apartments divided into 3 four-unit sets. The plan also requires the demolition of two existing single-family houses and the vacant church building.

118, 120, and 126 Lovett Avenue are located on the north side of Lovett, across from the intersection of Lovett and Benny Street. 129 Lovett Avenue is located on the south side of Lovett Avenue, just east of the intersection of Lovett and Benny Street.

Existing zoning for the subject parcels is RM, multifamily dwellings garden apartments. The properties currently are occupied by two single-family houses, a vacant church building,

and an asphalt parking lot. The proposed use of townhome style garden apartments is an allowed use in the RM zoning district, so a rezoning is not needed. The proposed plan does not conform to the existing land use designation indicated in Comp Plan V 2.0 and will require a Comp Plan amendment to change the designation from “Residential, Low Density” to “Residential, High Density”. As you may recall, the RM zoning district has often split between those two designations; in this case, it would be moving from low to high without having to change that zoning. These properties are included in Planning Section A of the Comp Plan, which currently designates Residential, Low Density use for these four parcels. Within Planning Section, A, the properties are located in Focus Area #4, which indicates the properties currently designated for Residential, Low Density in this area may be considered for Residential, High Density designation. The proposed development meets all requirements detailed in Chapter 27, Subdivisions, with the following exception. Chapter 27, Appendix VI requires multifamily single lot subdivisions to dedicate land to parks and playgrounds, and the code indicates that the Director of Public Works and Water Resources and the Director of Parks and Recreation may recommend to City Council that the developer submit a cash payment in lieu of dedication, where it is deemed that the drainage capability or other conditions at a site are not adequate for recreation purposes.

As this site is approximately eight tenths of an acre and divided across the street, the size of the lot is not adequate for any active recreation purposes in addition to the development that is proposed. The Director of Parks and Recreation requires that the developer pays \$700 per unit for a total of \$8,400 for cash in lieu of land. With this payment, the plan will fully comply with the Subdivision ordinance. This required payment will be memorialized in the subdivision agreement for this project, and Council 's approval of the subdivision agreement with that provision accepts this recommendation.

The plan with the detail presented does fully comply with the 2018 ICC building codes and as more detailed plans are presented during the lines and grades and building permit review phases compliance with the 2018 ICC building codes will be verified. The proposed development also meets all requirements detailed in Chapter 32, Zoning, with the site plan approval process as detailed.

For site plan approval, as you're aware, Section 32-97 provides alternatives for new development and redevelopment proposals to encourage variety and flexibility and provide the opportunity for energy efficient land use by permitting reasonable variations from the use and area regulations. Site plan approval shall be based upon distinctiveness and excellence of site arrangement and design which includes, but is not limited to, the seven characteristics outlined in the section and in your report.

In this case, the applicant is requesting site plan approval for relief from several area requirements. Specifically, the plan requests relief from the requirements as follows. For the proposed north parcel, it is requesting relief for set back side yard, rear yard lot area, building separation, lot coverage, and building height. For the proposed south parcel, they are requesting relief for setback, side yard, rear yard, lot area, lot coverage and building height. The Planning Commission will need to consider these requested area regulation exceptions against the standards of distinctiveness and excellence of site design as outlined in the code and in the developer’s site plan approval submission, which was included as Exhibit G in the report.

For parking, the proposed use of garden apartments requires two off street parking spaces per dwelling unit, plus one additional off-street parking space per unit for each unit, with more than three bedrooms. With seven bedrooms in each unit, the project requires 36 parking spaces, the proposed plan requires 48. The proposed plan provides 48 parking

141 spaces, and, additionally, residents will not be issued residential parking permits for Lovett
142 Avenue or the surrounding streets, so this project will not lead to overcrowded parking on
143 city streets.

144 Regarding traffic, Lovett Avenue is a city street, and the proposed development is not
145 expected to have a significant impact on the average daily trips in the area, and it is not
146 anticipated that a TIS will be required by DelDOT. The applicant has provided preliminary
147 traffic generation information to the City of Newark. They estimate the redevelopment
148 proposed will result in a reduction of daily trips from the 128 daily trips estimated for the
149 current uses to the 80 daily trips estimated for the proposed use. This is largely due to the
150 conversion from the church use to the residential use.

151 As this project was submitted after the Newark Transportation Improvement District was
152 approved on March 27th, 2023, it will be subject to the most current Newark TID fees at the
153 time of the execution of their TID agreement and payment of those fees. The site of the
154 proposed development is less than two blocks from the University of Delaware campus
155 and within a quarter mile of a fixed route DART stop on Delaware Avenue. Additionally,
156 DART Connect now provides door-to-door transportation for the city's microtransit bus
157 service, which will further reduce the amount of vehicle traffic in the area. Because the
158 Comprehensive Development Plan amendment and major subdivision by site plan
159 approval should not have a negative impact on adjacent and nearby properties and
160 because the proposed use does not conflict with the Comprehensive Development Plan V
161 2.0, the Planning and Development Department suggests that the Planning Commission
162 recommend approval of the Comprehensive Development Plan amendment and the major
163 subdivision by site plan approval for 118, 120, 126, and 129 Lovett Avenue. Thank you.

164 Chair Hurd: All right, thank you. Mr. Tracey, I assume?

165 Ms. Dinsmore: You just need to flip the on switch on the mic and then the clicker is ready to
166 go.

167 Mr. Tracey: Good evening, members of the Commission. John Tracey from Young, Conway,
168 Stargatt and Taylor here, on behalf of the applicant. I apologize for my voice, I'm a little bit
169 jet lagged, but I should be able to make it through this. I haven't done that long flight in
170 about ten or fifteen years, so it's still kicking my rear end. As Miss Bensley indicated, we're
171 here on behalf of the aforementioned applications for Lovett Avenue. I have with me, Nick,
172 Chris, and Gabe Baldini. They're all the part of the property owners for the property as well
173 as the developer. Also, Matt Brickley from MRA, who is the engineer, and Toren Williams
174 from Architectural Alliance, who is the project architect. And you heard the department
175 has prepared an incredibly thorough review of this project, which has been available to
176 people for some time. In addition, she gave a very thorough verbal overview of that report,
177 so I'm going to try not to cover the same ground, but I'll probably be covering some of that
178 same ground. So, I apologize in advance. In addition, I note that a lot of what you've read in
179 this report will be familiar to many of you because there have been a number of projects in
180 this area that have followed the same path along Benny Street and others. In particular, 10,
181 16, 20, 22, 30, 36, and 55 Benny Street within the last few years. Projects like this one also
182 received favorable review from the Planning Department for comparison purposes, this is
183 probably most similar to the 10 & 16 Benny Street project which was approved by the
184 Council in 2022. Unlike that property, the subject property is already zoned RM so, as you
185 heard, a rezoning is not needed as part of this. However, this project does require the Comp
186 Plan amendment and site plan and subdivision approval as you heard.

187 So initially we have – see I told you this would be a problem, there we go – a few site photos
188 grabbed from Google Earth, hence the arrows, I can't figure out how to make those

189 disappear when I print these things from screen grab. This is the building at 129 Lovett
190 Avenue, this is the former church that you heard Ms. Bensley reference earlier. This
191 property was put up for sale for the church when it was decided it needed a new location,
192 and my clients purchased the property from the Church. They did offer to rent it back at
193 favorable terms to keep them in the building for a couple of years while this process was
194 moving forward, but they were intent on finding a new location, so it has been vacant since
195 my clients purchased it. They have fully remediated the internal portions of the church,
196 there was asbestos in the property so that it has all been remediated and it's essentially a
197 shell, and the outer shell is what you see there, and the inner shell largely completely gone.

198 These are the other two buildings, these are two single-family houses, and you heard Ms.
199 Bensley reference that they had rental permits, I believe for six total students. And then this
200 is the third property, which is the parking lot for the church that existed previously, so there
201 was no parking on the actual church building side of this. Parking utilized this parking lot
202 here, so that is the third portion of this. So, as I mentioned and as you can see in Exhibit C
203 in the department 's report, this property as well as all the properties in this area are
204 primarily zoned RM, which is the garden apartment zoning classification.

205 While predominantly residential and mostly student rentals, you do find a wide variety of
206 housing types in this area, ranging from single family through apartments and dormitories
207 along with non-residential uses more to the east. These apartments are both a townhouse
208 style as well as a more traditional apartments in the area that's bound by Chapel, Benny,
209 Chambers Streets and Lovett Avenue and, as the department's exhibit indicates, it's not
210 only RM zoning, but also RA zoning and other classifications.

211 This is an exhibit that I've used before. Our properties are represented by the very crudely
212 drawn asterisks that you see along both sides of Lovett Avenue. The numbers one through
213 nine, they're actually one through ten, reference properties that have gone through both the
214 rezoning process as well as the Comp Plan amendment process over the last few years.
215 And you can see from this listing that almost all of them went from low density to high
216 density, with the exception of the Chapel Street property, which is The Continental, which
217 was already high density but still needed a rezoning from RM to RA for a portion of that
218 project. What we're proposing here fits comfortably within the same designations, again,
219 not needing the rezoning that was referenced earlier.

220 So, as the Commission is undoubtedly aware from the consideration of these projects in
221 the past, there's been a steady push occurring in the area to move these properties from
222 low density residential to high density residential, often including a rezoning component to
223 it. It reflects the recognition that this is the area, as indicated in the Comprehensive Plan
224 that Ms. Bensley referenced earlier that has been deemed to be appropriate for student
225 housing projects of the type that are proposed here, again with not needing a rezoning, we
226 do still require the change in the Comp Plan to high density, but this change, as you heard
227 Ms. Bensley allude to, is both consistent with what the Comprehensive Plan is identified for
228 Focus Area #4 as well as Goal 3 of that Comprehensive Plan and the excerpts of the
229 Comprehensive Plan can be found at pages 147 to 148 as well as page 174 in the
230 department 's report. You have copies of the plan, but this is the proposal that we have
231 before you, 8 seven-bedroom units on the north, with eight on the north side of, excuse me,
232 again, I told you the jetlag is still, takes a while. So, there are eight seven-bedroom units
233 located north of Lovett Avenue and four seven-bedroom units located on the south side of
234 Lovett Avenue, each provides for parking spaces, one more than required by the code both
235 within and outside of the garages.

236 According to the department's report notes and the plan notes, we are significantly
237 reducing impervious cover on the north side of Lovett Avenue, where the parking lot
238 previously was. However, we are slightly increasing impervious cover on the southern side
239 of Lovett Avenue, overall, though, there is a net reduction in approximately 7,200 square
240 feet of impervious cover. So, in an effort to counter that with some stormwater facilities,
241 we're adding rain gardens essentially at all four corners of the existing building that we'll be
242 accepting the water from the roof, the clean water that comes off of the roof and slowly
243 infiltrating that into the ground. Those will be able to be utilized as gardens, things can be
244 planted there as well, but it's also serving as a storm water management apparatus. In
245 addition to bike storage internally within the buildings, they're also going to be bike pads for
246 at least four bikes for each of the buildings, which again exceeds the requirements in the
247 code. We are also adding decks to these buildings to the rear, as you'll see in a moment.

248 This is a non-colored version of the landscape plan, the colored version is coming next,
249 but all of the dots, and this is in the exhibit that you see surrounding the property along the
250 backside and along the front, represent new trees being added or new shrubs being added
251 to the property. This is carried forward in color rendering, and I wanted to note that these
252 trees don't represent the size necessarily of the trees but the limitation of the color plan
253 that was being utilized in order to create this rendering, but they are showing the locations
254 of the trees. We are also including solid fencing along all three sides of the property
255 excluding obviously the street side portion of the property.

256 We also, as again mentioned, have more parking than required by code and less
257 impervious cover we did, as you heard, reduce the estimated average daily trips. From
258 about 128 total combined for these properties, down to 80. Mostly again, because it's
259 student housing, although we are required to make the TID contribution. The landscape
260 plan in this instance is consistent with city requirements, no specimen trees are being
261 removed as part of the project, and as you can see a large number of trees are being added
262 as a result, unlike a lot of the projects that you've seen come before you. We are not
263 obligated to make any payments for missing trees or putting all the trees that are required
264 by code onto the property such that no tree contribution is required. So, as you heard, Ms.
265 Bensley indicated, we are seeking site plan approval for this project, again, this is at the
266 early stages, so these aren't the full CIPS as you heard Ms. Bensley indicate, but they are
267 the instances where we need to solidify these zoning changes that are part of the overall
268 project.

269 This is just for comparison only to the 10 - 16 Benny Street project you can see most of the
270 variances being requested are similar. While we do have a larger number of coverage
271 requests, we don't need an open space request because we have more green space on the
272 property than some of these other projects have had. The setback requirements are largely
273 consistent with what you've seen in this area. The two, I should note, as a lot of projects on
274 Benny Street have been needed, we did not need any density relief here as you heard Ms.
275 Bensley indicated, our density is within the guidelines for the high density that we're asking
276 for. In fact, it's the lower end of that scale. The two that are unique to this project, one is the
277 building height which is 2.5 feet higher than what the code would allow. This is not for the
278 purpose of adding additional bedrooms or additional floors. This is still a three-story
279 structure, but this is more due to the architecture that we have and the dormers that we've
280 added to the top. Torin, of course, can answer specific questions with regards to the
281 architecture.

282 I will note though, although it was not in the department 's report where we had pulled this
283 page from which is an exhibit from the report, I will note that 44 Benny Street did go to a
284 height of, excuse me, 20 to 22 Benny Street did actually get permission to go to a height of

285 44 feet and did have four stories in there. So, it's certainly what we're asking for is
286 substantially less than that. The other request relates to the separation distance between
287 the two buildings on the north side. This is mitigated by enhanced construction along
288 those walls that are adjacent to each other in that particular area for fire rating and things
289 like that, and the Fire Marshall 's office has had no objection to that particular request.

290 We also have the floor plans that are, these are the architectural renderings that Torin can
291 talk about if there are further questions. As you can see, and as these slides show, and the
292 documents that were submitted into evidence you've got a variety of different types of
293 materials. Again, as you've seen in this particular area, we're not mimicking the same color
294 scheme that's been in the other buildings, we're adding different colors as well as adding
295 different materials there to avoid the monotony of the same thing, same color scheme of
296 each one of these projects moving forward.

297 As it is site plan approval, we are required as I thumb through the floor plans here...we'll
298 have one bedroom on the first floor. This is similar to what's next door in the 10-16 Benny
299 Street project.

300 Then the common space on the second floor, as well as two bedrooms and then four
301 bedrooms on the third floor. And then this is a breakdown of the materials, with the
302 architecture being carried through the entire front and both sides of the buildings and then
303 a breakdown of the materials and things that are added in there. As a Site Plan request, we
304 do have to address the standards in Article 32 or what the department looks for in terms of
305 approving that so I just want to touch on a couple of these briefly, with regard to common
306 open space, as I mentioned, we are not seeking any deviation from the specific open space
307 requirements on the property as we have more green area than is otherwise required by the
308 code. As you heard Ms. Bensley indicate, though, that there's no active open space on the
309 property. But as in the past, the department has identified that there are a number of
310 outdoor recreation areas near to this area such that it makes more sense for there to be the
311 contribution to the department for use as opposed to trying to put something on these
312 properties. So, we will be contributing that fund, with regard to the unique treatment of
313 parking, we, as you've heard, are placing twelve more spots than required by the code on
314 the property. In addition, we are including EV charging capabilities in all the garages for the
315 buildings. And as I mentioned, the way we've handled the car park in this instance also
316 results in about 7,200 less square feet of impervious cover on the property.

317 With regard to the architecture, the letter that was submitted into evidence just so I don't
318 need to read it again, goes through the architecture and the architectural concepts that are
319 part of this project. Torin can certainly speak more about that if the board has questions
320 regarding that. Again, with regard to natural environment and landscaping, as I mentioned,
321 this does not require any kind of deviation from the planting or tree requirements and no
322 payments in lieu of trees. It's a fully compliant landscape plan. We are, as I mentioned,
323 fencing the site on three sides to insulate the building from the neighboring properties and
324 again, reducing the impervious cover on the property as well, and then as I mentioned, also
325 adding the rain boxes as part of the stormwater management treatment for infiltration of
326 the water into the ground. And then for energy conservation purposes, we will be meeting
327 the requirements of the City 's code. So, with that I'm going to take a sip of water and be
328 happy to answer any questions between myself and the members of my team.

329 Chair Hurd: All right. First, we're just going to go through the public comment portion
330 because we're following the lead of the Council for that. Have we had any public
331 comments submitted prior to the meeting?

332 Ms. Dinsmore: No, Mr. Chairman.

333 Chair Hurd: Ok, is there anyone present who wishes to give a public comment? All right,
334 seeing none, I'm closing public comment and bringing it to the dais for the Commissioners.
335 I'll start on my left with Commissioner Bradley.

336 Commissioner Bradley: Thank you, Chair. I think this is a good reuse of property; I had one
337 concern and one and a half comments. My concern was alleviated by Director Bensley's
338 comment that there 'd be no parking permits on Lovett so, I think Benny gets pretty packed
339 down there. So that's cleared that up. My only other comment...that was on the
340 landscaping. It'd be nice to see the colored landscape rendering more represent what the
341 actual landscape plan shows. This shows just a couple clusters, whereas your landscape
342 plan truly shows more landscaping in most places. And then just nitpicking the landscape
343 plan shows all these places with hip roofs. So, if you could just correct the roof profiles on
344 here that would be great, just nitpicking.

345 Mr. Tracey: We can do that, and I'd had the conversations about, you know, putting more
346 color renderings, and it was going to start taking over the site. And as you know, it's a
347 landscape plan that governs, you know that's what the landscape.

348 Commissioner Bradley: Right. But I mean, if you're a lay person, you might not look at a
349 landscape plan and see all the X's and boxes and triangles, but they would look at this and
350 see. Well, you got a spot here, a spot here, a spot here, whereas on the landscape plan,
351 whereas it's more continuous on here, it might be a better sell.

352 Chair Hurd: Mr. Tracey, I will need to ask you to use the microphone so you can get into the
353 record completely. Yeah, I know. I know.

354 Mr. Tracey: Ditto.

355 Commissioner Bradley: And that's it for me.

356 Chair Hurd: Ok, Commissioner Kadar.

357 Commissioner Kadar: Seven bedrooms, huh?

358 Mr. Tracey: Yes, that's actually the same as 10, 16, and 22 Benny Street-

359 Commissioner Kadar: -Yeah, how many occupants per bedroom?

360 Mr. Tracey: One.

361 Commissioner Kadar: One?

362 Mr. Tracey: One, yeah and the department's report is indicated to us to deed restrict that.
363 That's one way, which we don't have an objection to because that's what we've done, but it
364 is one per bedroom

365 Commissioner Kadar: OK, cause I was a little concerned there were only two trash cans
366 downstairs in the garage and I'm thinking if there's fourteen college students in that
367 building, those two trash cans aren't enough. But anyway, and I would like that aside, can
368 you go into a little bit more detail on lines somewhere between 251 and 255 in the report
369 you talk about something called micro scale stormwater management using bioretention
370 planter boxes. What is that?

371 Mr. Tracey: I'm gonna turn that over to –

372 Commissioner Kadar: – it sounds intriguing, that's why I'm asking.

373 Mr. Tracey: It's not a superhero from a Marvel movie, but...

374 Commissioner Kadar: It's not a tub at the end of the downspout, is it? No, ok.

375 Mr. Brickley: No, Matt Brickley with Morris and Ritchie, so basically what this is is a full size,
376 I think it's a six by eight-foot-long planter box and basically, it's filled with bio media. So
377 basically, all the downspouts are hooked to it, it drains into this box, bio media is like a
378 sponge with all the nutrients and everything, so it's great for gardening. In a lot of Maryland
379 and other Delaware ponds, they're required to do a landscaping inside of it, planting trees,
380 shrubs and stuff like that.

381 Commissioner Kadar: Is this an above ground structure?

382 Mr. Brickley: It's above ground structure, yeah.

383 Commissioner Kadar: So, it looks like a planter box?

384 Mr. Brickey: It looks like a planter box. Yeah, like a raised bed planter exactly.

385 Commissioner Kadar: Interesting, yeah.

386 Commissioner Bradley: What's the material around the perimeter of it?

387 Mr. Brickley: So, we have it as concrete right now, but it could be, we've seen them
388 anywhere from you know if we can find them plastic or they're you know you can build them
389 out of wood and just layer the inside with a...yeah.

390 Commissioner Bradley: Gotta gets me one.

391 Commissioner Kadar: All right. I have no other questions, I mean it's fairly straightforward.

392 Chair Hurd: All right. Thank you, Commissioner Silverman.

393 Commissioner Silverman: I have no questions about this plan. It's very straightforward. I
394 like the fact that it is redeveloped within the City.

395 Mr. Tracey: Thank you.

396 Chair Hurd: Alright, Commissioner Williamson.

397 Commissioner Williamson: Thank you, Chair. I do have questions.

398 Mr. Tracey: I would be stunned if you didn't.

399 Commissioner Williamson: Well, I'm struggling with this. I just got to share that I struggle
400 with these projects that are essentially dormitories or rooming houses disguised as
401 housing units. It's kind of, I think it's kind of an abuse of the zoning code in a way, because
402 these are not normal sized units with seven bedrooms. So, that gets you around the
403 density by putting the seven-unit bedrooms in one unit and call it a unit, that's the way the
404 code's written, I get it. But I don't like it. A couple of questions. Why is there no door out of
405 the ground floor bedroom into the yard? There's no way to get to this yard except out the
406 front door, right?

407 Mr. Tracey: That's correct, although the windows, are they available to get in and out there I
408 assume? Yeah, the windows are egress windows to get out.

409 Commissioner Williamson: And there's no stairs off the back deck, right?

410 Mr. Tracey: No, it's just the second floor.

411 Commissioner Williamson: And yet the fire department says one exists enough for seven
412 bedrooms with a few stayovers, I suppose. Correct? And it is sprinklered and so let's
413 acknowledge that it is all right. Is the ground floor bedroom ADA compatible?

414 Mr. Tracey: It can be.

415 Commissioner Williamson: It should be, and I've asked staff, and I know they haven't had
416 time. But you've got eighty-four bedrooms and nothing's ADA right now. I just find that really
417 an abuse of zoning but that's the way the code 's written I understand. Ok, so the set
418 backyards, with no access to them from the units as you would have in a traditional
419 townhouse, you'd have an exit to your rear and go into your backyard and probably would
420 run it a fence line out to the rear of lot line. So, you have a private backyard, right? That's a
421 traditional townhouse. This is obviously not a townhouse. So those yards are essentially
422 not usable, so it's a dormitory with no outdoor use. These planter boxes maybe somebody
423 will plant pot there or something, I don't know, but I kind of doubt that.

424 So, the street view is almost all garage doors and cars parking two cars in front of your
425 garage is not a unique parking idea by any stretch. I'm just, I know the code, I know Benny
426 Street, I didn't like that project either, I don't think we should have approved it, but.

427 Oh, the deed restriction for one person per unit. Has that been run through serious fair
428 housing law? Per bedroom?

429 Mr. Tracey: It's one that the department, it's one that the department had requested
430 previously. It's not one that we came up with and offered. The department has for a
431 number of years made that request. And not just this developer, but others have assented
432 to it.

433 Commissioner Williamson: I understand. I deal with fair housing. I just wonder whether
434 that's defensible and even though you're doing it at the department 's request, and it's been
435 done. That doesn't mean it would stand up for a legal challenge, so. Unless our Solicitor
436 has an opinion to the contrary, I just advise everyone that that could go away. Do you have
437 any, you want to correct me if I'm, please do if I'm wrong.

438 Solicitor Bilodeau: As far as I'm aware, you know, that would, it's legal, but you know things
439 change. I mean I can't tell you what would happen in the future if it was challenged.

440 Commissioner Williamson: Ok.

441 Mr. Tracey: I mean again my clients have made a habit of only doing one person for
442 bedroom. It just works better as they're the ones that ultimately own the property and have
443 to deal with issues that occur.

444 Commissioner Williamson: Is it an irrevocable deed restriction?

445 Mr. Tracey: Unless the city were to sign off on any amendment, yes, because we couldn't,
446 couldn't just change it ourselves. These restrictions are recorded the city or City Council
447 would have to consent to any change to the deed restriction.

448 Director Bensley: It would require both a subdivision agreement amendment and a deed
449 restriction amendment in order for it to be changed. Both parties have to agree to both.

450 Commissioner Williamson: Question for Staff as well. So, the current zoning is fine
451 because it's high. And again, the use of the of this site, it's a great site for housing,
452 townhouses fit into the neighborhood. What was I going to ask? Oh, so the, with the
453 change to the Comp Plan to the newer designation, you still need these six or seven code
454 reliefs.

455 Mr. Tracey: Correct.

456 Commissioner Williamson: So, that suggests either the code 's not really good, which
457 probably should be looked at in our Comp Plan update. I hope that we can revisit some of
458 these code sections that constantly get changed for projects that we approve. Then maybe

459 the code needs to be changed because it's not working as well as it should. That's a
460 question more for the City, of course. The justification for the five or six? Some of these are
461 fifty percent code changes. Is distinctiveness and excellence, and I just have a hard trouble
462 finding that...there's really anything distinctive here. The common open space is not really
463 usable. The unique treatment of parking facilities that's not unique, putting two cars in the
464 driveway and the architectural design is nice. You know, it's a box with, as we used to say,
465 with good lipstick on it, right? You wrap the box in nice treatment. That should be the
466 standard, not an exception in my opinion. And do you have ten additional points for energy
467 conservation?

468 Mr. Tracey: We're complying with the City's energy code.

469 Commissioner Williamson: Does that satisfy the ten additional points? Staff?

470 Mr. Tracey: I mean if we need 10 additional points we'll find ten additional points. Yeah,
471 we'll find the architect is telling me we can get the ten additional.

472 Chair Hurd: Yeah. So, the energy code is not an optional requirement, it's part of site plan
473 approval, it requires the additional ten points.

474 Mr. Tracey: And we will be doing that.

475 Commissioner Williamson: So, if you're doing it anyway, it's not really extra. Ok.

476 Director Bensley: So, they're required by code to have fifty, fifty points from the Energy code
477 menu. With site plan approval, they do an additional ten on top of that. So that puts them
478 up to sixty.

479 Commissioner Williamson: Ok...so you know some of these are met. If we weren't trying to
480 get all these people packed in there, you know, you could have turned the town houses
481 sideways...oh are there any windows on the end units, on the sidewalls?

482 Mr. Tracey: Yes.

483 Commissioner Williamson: That's, that's nice to see, some places don't do that.

484 Mr. Tracey: Torin has said yes for the record.

485 Commissioner Williamson: All right. I want to hear other Commissioners and I, you know, I
486 know I'm probably an outlier. I just need to say my piece. And express my disgruntlement
487 with...

488 Mr. Tracey: And I appreciate that. And I guess the one thing I would say in response, at least
489 the architectural comments and again, certainly Torin can come up and defend his
490 architecture to the board. If you're not doing site plan approval you aren't really required to
491 do things with it. You could have a box that has the same amount of people that looks like a
492 barracks and –

493 Commissioner Williamson: I know, and that shouldn't be allowed in any. but that's the
494 code I understand...

495 Mr. Tracey: And what the city has done is that if you want to do site plan, you've got the
496 architecture and upping the architecture is I think some folks know, it is not cheap but
497 anyway, we've heard your comments.

498 Commissioner Williamson: Seven bedrooms, seven, eight hundred a month, what do they
499 charge nowadays for bedrooms? This is a cash cow compared to what it costs to build this,
500 you know it's type five wood. You know on a cement slab, come on, you guys are going to
501 make a fortune, and you can afford the architecture. Ok, and that's not a bad thing, right?

502 That's our economy and that's our system. I just point out to the Commissioners a little
503 quick little story, you know when you go to grad school and planning one of the first books
504 you read is called The Zoning Game, written back in the 60s. It's a take off by a college
505 professor who just wrote about a Planning Commission making zoning decisions and he
506 starts the book with a chapter that says why do we have general plans and zoning. Well,
507 there's two models, one is called the rational model. The community gets together, does a
508 comp plan, establishes a vision, and then we implement it with our zoning code. So, we do
509 that, we do that and we're getting exactly what we asked for, which is an extension of
510 campus for students. Right, gradually, incrementally, through these five or eight blocks
511 east of campus. The other model which is equally true is to protect property values,
512 especially single-family homes who are the voters. And I think that's also in play here,
513 because ten or fifteen years ago, when the Council decided we didn't want students in the
514 residential neighborhoods out, you know, beyond walking distance, we want to focus on
515 the campus area. That's largely to protect property values out there, you know, put the kids
516 in here and that's fine too. And that's a legitimate exercise of the public and democracy so
517 that's working. So, we're kind of doing two things, and that's fine. I just point out that in a
518 couple of college towns, be careful what you ask for and zone for. University of California,
519 Santa Barbara, big campus has an entire neighborhood of these privately owned apartment
520 buildings renting to students called Isla Vista. It was a nightmare for police after it got to a
521 certain scale, and I remember there were all over the news, stories of these...Halloween
522 night would just get out of control and the police had to come in, they had to...and they
523 regretted having essentially green lighted a college, a student neighborhood of that
524 intensity, and it became a headache. I don't know if, hopefully that's not happening here.
525 But as we incrementally change these parcels and get the denser and denser and denser,
526 it's just you have got to be careful, you know what you're asking for. So that's, I'll end it
527 there.

528 Mr. Tracey: I think, just in a brief response just to that, because I think most of us here have
529 had kids that have gone to college and we've had experiences in different college towns,
530 and I was at the University of Delaware in the early to mid-eighties, despite my youthful
531 appearance, and I do think that there's with this transformation that you've seen in this
532 particular area and I'm just leaning into it, that Benny Street and what's around it, there
533 were a lot of problematic properties in that area that that have been removed as a result of
534 these new buildings that are coming in. Which are in part addressing the University's
535 inability, failure, non interest in building housing for students but yet the students get
536 admitted, so they have to have some place to live, but I think the experience has been with
537 the removal of these older houses and with the addition of these newer structures that the
538 end result has been a net benefit. In this particular area, you're not having the issues that
539 you talked about using UC Santa Barbara and I, I don't know what types of things were built
540 or whatever, but I just do know that there was a time where this was the area where all the
541 unofficial fraternity houses and things like that were and that these have been slowly
542 replaced by these new structures that, that seems to have been disappearing. Which I note
543 I guess in part too, when I look at the comment letter, the report that the department did
544 and used to see police comments of certain concerns when these buildings were first
545 being proposed ten years ago, and you don't really see those concerns now in these letters,
546 suggesting that they may be seeing the same beneficial impact of removing these older
547 structures and replacing them with the newer structures.

548 Commissioner Williamson: Thank you for that, it's good to know. That sets up a rhetorical
549 question, is whether the design of units and density affects people's behavior. So, by
550 changing the units are the students being changed or did the students just change no
551 matter what they live in? I don't know, it's a rhetorical question.

552 Mr. Tracey: I'm not equipped to make that analysis.

553 Commissioner Williamson: Yeah, no one is, thank you though, thank you for your
554 comments.

555 Chair Hurd: All right, Commissioner Cloonan.

556 Commissioner Cloonan: Well, I do have a series of questions. I do appreciate the fact that
557 this is a very transitional neighborhood and that it's a very diverse mix of one-story, single-
558 family housing and these four-story townhouses for students. But I have some specific
559 questions, one is concerning these what were called planter boxes some places and
560 stormwater management boxes elsewhere, which again refers to them as planter boxes. I
561 would like to see an example of a planter box underneath a deck facing the due north that
562 can actually grow plants. And two, one that's periodically flooded as rain gardens are, and
563 as these will be, do you have any experience with this situation? This seemed very bizarre
564 to me.

565 Mr. Tracey: I'll bring Matt Brickley back up.

566 Commissioner Cloonan: Good.

567 Mr. Tracey: I'm not the one to answer it.

568 Mr. Brickley: Again, so inside the planter box, it's not your typical soil that you would just,
569 you know, throw topsoil and let it go cause yes, that would flood. It's a bio-mix of wood
570 chips, sand, all kinds of stuff that act like a sponge to begin with, and then as the rainfall
571 increases, it would then actually allow it to go out at a natural pace once that sponge is
572 filled.

573 Commissioner Cloonan: Once it's fully saturated, you mean as if it is flooded?

574 Mr. Brickley: Yes. And they're designed to handle the ten-year storm that's required by all of
575 them.

576 Commissioner Cloonan: The biomass is designed to handle?

577 Mr. Brickley: The size and the biomass, yes.

578 Commissioner Cloonan: What sort of plant is designed to handle that?

579 Mr. Brickley: So again, there is a, you know, I'm not a landscape architect, but there are
580 plenty of different options that love that wet you know, almost no sun kind of a deal.

581 Commissioner Cloonan: Well, I would like to see a planting plan that lists some plants that
582 love this full shade.

583 Mr. Brickley: Keep in mind this is –

584 Commissioner Cloonan: Three-foot four foot, fully saturated planting box because I know
585 there are plants for rain gardens, I'm familiar with them, but I also know that they require
586 tending. So, if you if you're proposing that the students are going to see this wonderful
587 amenity of a planter box underneath their decks, that they're going to maintain as wow, this
588 great asset, I think you are sadly mistaken. I mean, this sounds like a weed pit underneath
589 a deck, right next to the air conditioning units.

590 Mr. Brickley: So, keep in mind we did not, our landscaping is approved with all the
591 landscaping, there is no one proposed inside of these. So yes, if you want to try to grow a
592 tomato plant, have it. If you want to try to grow something else, we are not putting anything
593 in there.

594 Commissioner Cloonan: I think it's disingenuous to call it a planting box let me put it that
595 way.

596 Mr. Brickley: It's a planter –

597 Commissioner Cloonan: It's it could be a soil management, I mean, it could be a water
598 management treatment kit, but it's certainly not a planting box.

599 Mr. Brickley; Yes, it is fully designed for stormwater management as it sits.

600 Commissioner Cloonan: Ok, all right, I was actually thinking you might show me something
601 I hadn't seen. So, you don't know if those are gonna be concrete, wood? I see they're lined
602 with three millimeters of plastic, which is, like, surprisingly thin through something that you
603 do expect gardeners to be digging in.

604 Mr. Brickley: They are four foot deep, so if they have got to put something down four foot
605 deep then.

606 Commissioner Cloonan: No. You have the sides lined with three millimeter. Ok, I think, I
607 was saying the alarm bells were ringing loudly with this one aspect of your design. My
608 second concern was that if I owned a house behind these units, that deck that runs
609 continuously across the back with no separations, looks like a huge party deck to me.

610 Mr. Tracey: There will be separations in between each of the units there.

611 Commissioner Cloonan: Ok, so there will be separations.

612 Mr. Tracey: Torin was whispering that in my ear, he was saying six-foot-tall separations. I
613 hate to be parroting, but he's behind me so.

614 Commissioner Cloonan: Fair enough. Six-foot-tall separations. But then I also have
615 concerns, even with a seven-member house that's easily a fourteen-to-twenty-one-person
616 party on the first-floor spilling over those decks and trying to exit that way, during an
617 emergency? I know it meets code, but not only do I find it sort of an invasion of the privacy
618 of the people behind you because you've got these, I'm gonna say entertainment decks sort
619 of overlooking their backyards. I see it as sort of a safety and access issue also.

620 Mr. Tracey: I, again, the earlier designs didn't have decks and there were concerns about
621 folks, places for people to gather and socialize and do that. So, the decks were
622 reintroduced again, separated, so it's not, as you said, a 28-person party deck. I know that
623 the ones on the south side overlook the parking lot, I believe the 10 -16 Benny Street project
624 that's right behind that one as you head south.

625 Commissioner Cloonan: I'm gonna tell you what my dad did in my house, and that's provide
626 those emergency rope ladders you can get down and slide or something so.

627 Mr. Tracey: I don't know, too much fun but look we've, again, kids have had playhouses and
628 all that stuff with the ladders to get down from the inside, the outside.

629 Commissioner Cloonan: How many kids were in that playhouse?

630 Mr. Tracey: Oh, it depends on the size of the house, some of them have sounder
631 construction.

632 Commissioner Cloonan: All right, you lived in a higher scale neighborhood than I did.

633 Mr. Tracey: I had no tree house.

634 Commissioner Cloonan: I did. All right, who actually did this landscape plan? You did. You
635 do and what is your training in landscape design?

636 Mr. Brickley: Again, I'm not a landscape architect, but I've met the code with the different
637 styles and with that plan that you see there, it went in through the Planning Department and
638 they had comments, we revised it further, and this is landscape plan.

639 Commissioner Cloonan: So, can I infer that you have no landscape design training?

640 Mr. Brickley: Not in this stage. The final CIP plans will be approved by a landscape
641 architect. And they should represent the same plants.

642 Commissioner Cloonan: Finally what plans will be approved by landscape architect?

643 Mr. Brickley: The CIP stage.

644 Chair Hurd: I think you mean prepared, but.

645 Director Bensley: So, he's referencing the Construction Improvement Plan stage. So that is
646 what comes after the Council approval of the subdivision plans.

647 Commissioner Cloonan: Ok, I'm just going to tell you what I see when I look at this plan as a
648 landscape architect. Every tree is selected is a columnar. That means it is not spreading, it
649 goes like this, straight up. That includes your Beacon Swamp White Oak, columnar.
650 Eastern Red Cedar, columnar, Arborvitae, columnar, Merry Christmas American Holly,
651 columnar, the Armstrong Maple, I'm amazed you could find this many columnar trees, to
652 be honest. It's an incredible variety of one form, so kudos to you. As everybody here knows,
653 I'm a big proponent of shade trees. I think that's what makes a walkable city and a good
654 wildlife habitat. Shade does wonders, what you have created here. I believe is a sort of
655 barren desert with no shade that nobody 's going to want to walk down. It's lined by almost
656 wall to wall driveways with columnar trees. I mean, you might as well just put a fence up
657 and get the same amount of shade, right? So, there's no mitigation of the heat island effect
658 with these types of trees and it doesn't make for a pleasant walking and cycling experience,
659 and I would say, not only would they be nice over the front driveways, I mean over the front
660 walkways. It would be nice to have in the backyards, because it would create a nice
661 outdoor environment for people. So, I would like you to take that, well, into consideration.
662 My first concern was that I saw every single plant like six to seven feet apart. I mean that
663 was my first red flag like, every shrub is six feet from every tree, every maple is 6 feet from
664 every Arborvitae, I mean it was just a little odd to me, so I would have somebody with
665 design expertise, look at this.

666 Mr. Brickley: Noted.

667 Commissioner Cloonan: I'm not faulting, my husband is an engineer. I have great respect
668 for your profession.

669 Mr. Tracey: But again, we, we can take a look at that certainly as part of the overall process.
670 I mean, again we presented what was a code compliant landscape plan as I mentioned
671 and, but it doesn't prevent us from adjusting what you see to maybe introduce some new
672 tree types particularly along the road area.

673 Commissioner Cloonan: I'm just trying to create a new mantra among developers. Shade
674 trees, shade trees, shade trees, shade trees. Ok, I think those were my main concerns.
675 These decks along the back, the landscape plan and the so-called planter, but really
676 stormwater management boxes. Ok, so it is my understanding of our purview here is that if
677 we don't see evidence of distinctiveness and excellence of site arrangement and design,
678 we should not vote for relief from these area requirements. I have no problems with the
679 density. I think if you're going to infringe upon front in rear backyards like this, you should be
680 providing a little extra for your people on the street and back in the back and instead you're

681 sort of taking away those...what small amenities that code already allows, so I appreciate
682 that you're following the code. And I am not going to follow the code and saying I don't see
683 evidence of distinctiveness and excellence of site design so.

684 Mr. Tracey: Ok, noted.

685 Chair Hurd: Thank you, Commissioner Tauginas.

686 Commissioner Tauginas: Can you hear me, OK?

687 Chair Hurd: Yes, we can.

688 Commissioner Tauginas: Oh, wow success this time around. That's good because I have
689 just typed an essay. Just kidding.

690 Chair Hurd: Just in case.

691 Commissioner Tauginas: So, I know, as you know that the area obviously could I think this,
692 this, this does fit in with the designs in the area, that doesn't bother me. And this is not, you
693 know, this has nothing to do with the developer, but it's just it's about that look into the
694 future that we got when the University of Delaware came by and said they're expecting a
695 15% drop off in student enrollment this is obviously because of the density, this is definitely
696 housing that is aimed at students. You know 7 per is a lot and I guess my biggest concern
697 really is there's only, there's no, there's no exit through the rear. So, you do have you do
698 provide green space, but it's not, I mean, you have to, I mean they're townhouses so you
699 have to literally go out through the front to go all the way to the rear. And I just, I don't know
700 how we got there with that. You know if you, even students at some point in time, probably
701 would like to be able to just be able to exit through the rear like, and have a front and rear
702 entrance, I don't how we didn't get that. And the thing is with this with these numbers that
703 the University is reporting to us and it's happening nationwide because there is a decline in
704 birth rates, period. This type of property, you know, because there is no egress in the rear,
705 it's very specific. It's many, many, many bedrooms, you know, like years down the line. You
706 know, if these, could these serve, as you know, if sold as townhomes could they be sold as
707 single-family homes in the future? Desirable ones, nonetheless? Obviously the two-car
708 garage is desirable, but you know where every floor is basically just composed of bedrooms
709 instead of the actual living space. You know that's, you know, it's coming from a real estate
710 perspective, it's kind of hard to determine. I would say it would be tough you know, because
711 it becomes so specific, it's just basically a house full of bedrooms. And I'm just thinking,
712 you know, I'm just thinking ahead, but overall, like I, I get it, it fits with what has what has
713 been done in the area, but I'd really like to see going forward is just, you know, planning for
714 a future that is acknowledging the fact that there is going to be a substantial decrease in
715 enrollments across the entire country, not just University of Delaware, so.

716 You know, and again I would love. I personally would just love to have to see an egress in
717 the rear so that you know it makes it easier for the tenants to be able to enjoy the small
718 green space that they have at the rear of the property. That's all.

719 Chair Hurd: Ok, thank you. All right, so it falls to me partly because I'm the guy across the
720 corner from this project. And I share some of the sentiments of the Commissioners here, I
721 think I'm ok with the density. I'm ok with the rezoning. I mean not the rezoning, but the
722 Comp Plan and the density this, this is what the area needs. I do think Commissioner
723 Williamson; he's talked about this before. I think this area is starting to reach the tipping
724 point in terms of the number of people. The crowds certainly have been increasing by
725 walking around, there are certainly more students traveling from, part of that's the
726 University Courtyards across the other side of Chapel. But the numbers are going up. My

727 biggest concern well and I think I also just talk a little bit about the zoning code. One of our
728 challenges and something we've talked about wanting to relook at is that the RM zoning is
729 based on a one-acre lot. And this area has no one acre lots. So, everything we do with the
730 prescribed setbacks is impossible on the lots that we have, so I would acknowledge that.
731 My main concern is that backyards, those fenced in enclosed backyards on the two sides
732 are the antithesis of what the buildings on Benny were to do, which was to remove the
733 fenced in backyards where the parties could be held. And I'm kind of surprised that the
734 police didn't flag this in their review, because they look at things like enclosed party areas
735 where there's only one way to get in, like between the buildings. So that's a huge concern
736 for me that we've got those two spaces in that likelihood.

737 Mr. Tracey: I mean, if we included the fences in part to screen additional neighbors,
738 however, they're not critical of the plan. If the recommendation was to remove the fence...

739 Chair Hurd: Well, no, because if you remove the fence then, then when the party breaks up,
740 everyone runs through the backyard of the people next to it. It's that you've got an enclosed
741 space that's shielded by the building, fenced in, where the where you can have a large party
742 out of sight. For a fairly significant period of time, until the police notice that it's going on.
743 They're trying to have parties at 10 and 11 or 10 and 16, but they have to do it in the
744 driveway and it's exactly what we talked about on those. It's like there's space for them to
745 gather, but it's right out front where you can see it and there isn't that on this project and
746 that's a huge concern to me. Just having seen because one of those, one of those houses
747 across from there used to have parties in the backyard, the ones on Chapel would have
748 huge parties in the backyard. And I do not want this to end up in that situation.

749 Mr. Tracey: Again, if it was a recommendation not to have the fencing, we could remove
750 that.

751 Chari Hurd: It's not, it's the whole building. I mean it's the fact that you have a four unit
752 building and a four unit building and a gap and a strip of backyard. It's that arrangement
753 which we really can't change unless we broke everything up smaller and turned them
754 sideways or did something where you had front courtyards or a shared driveway, or some
755 other way to look at it that took away the back and put it into the front. So that is my main
756 concern about a lot of coverage that we're allowing and the, and the arrangement of the
757 building. I think I also share the concern about the planters I don't believe that they will...I
758 think they're going to be an enticement to the students, and I don't know that they're going
759 to survive.

760 Mr. Tracey: Yeah, I mean again, they're designed as storm water with the ability to plant, it's
761 certainly not required that they be planted, but if somebody wanted to with a green thumb,
762 they could.

763 Chair Hurd: Yeah. No, that's not gonna happen. Is there a reason that we couldn't use the
764 underground stormwater management systems that we often use under parking lots and
765 such?

766 Mr. Tracey: I'll turn that over to Mr. Brickley.

767 Mr. Brickley: So, based on the, I guess, the number of impervious areas that were actually
768 decreasing, the micro scale kind of fit this program. If, as you know, the ground is clay in
769 that area, so the underground infiltration area stuff, you got to find a pocket of sand
770 somewhere and we went, we did three test bits on the one side, obviously the church takes
771 up the whole other side, so there's nothing there. So typically, that that was ruled out right
772 from the get-go. You know again we; this isn't like your typical 10 -16, we don't need to...you
773 know, that was all grass and then we're making it all (inaudible). This was all pavement,

774 we're making it less so. We're just trying to, you know, we actually over designed these
775 probably don't need as many. So, we just wanted to make sure.

776 Chair Hurd: Is there any way that they could be built with a lid or something and just I
777 mean, you just said that they're biofiltering and there's a way that you can obviously get in
778 to maintain them. But I think an open container of bio media is going get torn up, and you're
779 gonna have to go back in and rebuild it.

780 Mr. Brickley: There's gonna be. Yeah, there. There would have to be some kind of
781 maintenance schedule on them for, you know, keeping them good, keeping the soil
782 because the bio media, again, has a breakdown time period and it may come down to that.

783 Chair Hurd: Right, and back to the party concern, it's a trash can sitting next to the party. I
784 mean it. It just causes, to me, a lot of concern, I think from both the usefulness as a
785 planting I think, it's an open topped concrete box that there. So, I would say relook at that
786 and see if there's a way to...yeah.

787 Mr. Brickley: We could definitely put something on top.

788 Chair Hurd: So, I would just say stormwater management and not try to not try to make it
789 two things which I think is going to be challenging.

790 Mr. Tracey: We can definitely do stormwater management; you know micro scale boxes
791 instead of calling them a landscape box. And we'll put a lid on it or fencing or something
792 over top.

793 Chair Hurd: Ok, one comment just on the drawings, it wasn't until I got to the rendered
794 landscaping plans that I could see that the buildings were actually kind of queuing on the
795 north side of Lovett, we're actually kind of lining up with the front of the building of the
796 house next door. So that would have been useful to have in the other drawings to have
797 some sense of like, oh, the house is set back here. That's why we're pushed forward is to be
798 to sort of maintain that streetscape.

799 Mr. Tracey: I understood that and that typically we, as you know, on the south side, can see
800 the building at the corner. We were just running out of the page room, and we tried to, and
801 you'll see also both of those and we do try to keep in line with the houses because that
802 would be, you know.

803 Chair Hurd: Right, well, it's easier to make the argument for why do you want the encroach
804 in the front yard? Because that's where everyone else is, and it was harder to, for me to
805 reach that until I sort of did more on it.

806 Commissioner Cloonan: I'm not seeing that Will, I'm seeing this house sit back
807 considerably more than these.

808 Chair Hurd: Which one are we looking at...

809 Commissioner Cloonan: So, I'm looking...your house is actually set back, I think probably
810 to the correct set back. The one across the street from your house.

811 Chair Hurd: Well, the...if we look at the renderings.

812 Commissioner Cloonan: I mean, that was one of the things that concerned me was they
813 were sticking out, proud of the neighboring house.

814 Chair Hurd: Where's the record plan...so if you look at the rendered site plan.

815 Commissioner Cloonan: I'd want to look at the real site plan.

816 Chair Hurd: Well with the real site plan doesn't have the doesn't have the house next to it.

817 Commissioner Cloonan: Oh, ok.

818 Chair Hurd: But the house that the, so the house to the west, to the left and the garage of
819 the house on the corner, they line up and they are...they're close. I mean it does extend a
820 couple of feet it looks like past it.

821 Mr. Tracey: Ms. Cloonan, you may be looking at the one building that's being removed from,
822 to make way for this.

823 Chair Hurd; Oh, that, that side, I wasn't looking at that, I was looking at this.

824 Commissioner Cloonan: Is that being removed?

825 Chair Hurd: No, that's staying.

826 Commissioner Cloonan: And that is a really sweet house.

827 Chair Hurd: It is, and that's there, so it's between this set back and that set back. I was
828 gonna talk about these.

829 Commissioner Cloonan: I was assuming that there was a side yard setback but.

830 Chair Hurd: Well, it probably is. Well, it's not, it's two fronts because it's a corner.

831 Commissioner Cloonan: Ok, well, that was one of the reasons I didn't like it was because it
832 was sitting crowd of this guy.

833 Chair Hurd: Ok, I got you. Anyway, to my point, the north side I was trying to understand,
834 it's a relationship, and it wasn't until I got to this plan that I could go, oh, there's the kind of
835 the line and that's, ok, that's making sense now. So that was just that comment on, on
836 presentation, I think it just helps tell the story better.

837 Mr. Tracey: Noted.

838 Chair Hurd: Ok, any last comments or questions?

839 Commissioner Cloonan: I'm sorry I had one more comment and that was oh, sorry.

840 Chair Hurd: Yeah, absolutely.

841 Commissioner Cloonan: It would be nice to have roofs over, if you truly only have one entry,
842 it would be nice to have some sort of porch roof over your front door, and I realize that
843 infringes even more on your set back, but I think it's really inhospitable to have a house
844 where you're searching for your keys.

845 Mr. Tracey: I think Torin just whispered into my ear, I think initially we were showing it and
846 then we were, it was suggested that we remove it.

847 Chair Hurd: So, I think, well, to answer that, once you put a roof over the porch, then that
848 becomes part of the building that has to be set back.

849 Commissioner Williamson: But isn't that allowed to encroach in the set back?

850 Chair Hurd: No.

851 Commissioner Cloonan: No, it's not.

852 Mr. Tracey: New Castle County gives you some exceptions to intruding into setbacks for
853 things like that, but I don't think the City does.

854 Chair Hurd: Yeah, not the City, I've explored that.

855 Mr. Tracey: But again, going back too, if you wanna make a condition of approval that these
856 stormwater boxes be covered, you know that's something that we can certainly
857 accommodate.

858 Chair Hurd: Ok.

859 Commissioner Williamson: Mr. Chair? Procedural question, for the City, meaning to ask
860 this several times, when an Applicant, should an Applicant desire to not seek a vote at their
861 meeting and instead come back with some changed plans or something. That's an option
862 all the time. But if a project, and this is not necessarily tonight, if a project do not, doesn't
863 get a recommendation here and it goes on with the City Council anyway. But can that same
864 project come back and sort of resubmit to hopefully change the vote? If there is a vote,
865 could they come back? There's no... what's the term, prejudice or anything on they can't
866 come back?

867 Commissioner Cloonan: So, what would be the reason for them to come back?

868 Solicitor Bilodeau: So, what, are you asking after the Council?

869 Commissioner Williamson: No, after the Planning Commission.

870 Chair Hurd: So, in an, in a hypothetical situation and we've had this before where we give a
871 negative recommendation to a project, he's asking, could that project come back to us with
872 changes, seeking a new, better basically a better vote. I believe the answer is yes.

873 Solicitor Bilodeau: Oh, absolutely. Yeah. Because all you've done at this point is –

874 Chair Hurd: But they're also allowed to take the risk and go to Council with the negative
875 recommendation of Planning Commission and take the chance there too. Alright. Any
876 further questions, comments, yes, Commissioner Silverman.

877 Commissioner Silverman: With respect to the biomass, is it combustible, when it's
878 absolutely dried out?

879 Mr. Brickley: So, the biomass is like, if I remember correctly, it's 30% sand, 15% wood chips,
880 there's peat moss, it's a whole thing. So, it's used a lot in the state of Delaware for all the
881 dry ponds that you see that look like they're mulched when you drive around, so that's the
882 bio media. I've never seen it, but I'm sure if somebody sat there and really wanted to catch
883 it on fire, just like anything else it would.

884 Commissioner Silverman: I'm asking the question because it's not unusual in Newark to
885 respond to mulch on fire for somebody at a commercial establishment or mulch around
886 bushes they discard smoking material.

887 Mr. Brickley: Like I said, it's 15%, and then the rest of it is all, you know, sand or some other
888 kind of material that you know, and it's made to retain the moisture like a sponge and then
889 it slowly like, so if everything else is dried, the last time it rained I'm sure the bottom of this
890 is still gonna be wet.

891 Commissioner Silverman: Ok, thank you.

892 Chair Hurd: All right if we're ready...oh, yes absolutely, Director Bensley?

893 Director Bensley: Thank you, Mr. Chair. To just offer a couple of responses to some
894 comments that were made during the hearing. In regard to the Police and how they view
895 these type of units our Chief of Police has said on numerous occasions that when these
896 single-family houses are redeveloped into newer townhouse style developments. The calls
897 for service drop dramatically. To give some not anecdotal, but actual data out of our

898 nuisance property program, which has been in effect since November of 2022, so about
899 thirty months now, we currently have. Eighty-seven properties that are either in warning or
900 nuisance status in the City and out of those eighty-seven properties, zero are from any of
901 these new townhouses developments. They are all either single family rentals or they are,
902 we do have some owner-occupied houses that fall into that.

903 Regarding the question about setbacks relative to other properties in the area for so for that
904 Katie, can you bring the slide show back up? And go to one of the slides that has a map of
905 the site...that one 's fine. So, in looking at that southern portion of the site, the house to the
906 east is actually in excess of the minimum required setback. So, it's, the minimum required
907 setback is about thirty feet or thirty feet, and that one 's closer to thirty-five back from the
908 set back from the road so there is some additional there. 112 Lovett, which is that house
909 that is to the west of the northern parcel, that one is roughly...where is it...roughly twelve
910 feet back so they also encroach in the existing set back.

911 For the lot coverage regulations, as it was mentioned, if it is something that has a roof on it,
912 it counts toward your lot coverage, so whether that is a deck, whether that is a porch,
913 whether that is, you know, a carport over a driveway, it counts toward your lot coverage and
914 your calculations, according to City code. And I'm sorry I'm being corrected, set back is
915 fifteen feet for a non-apartment in RM so that house to the east of the southern parcel, is
916 about twenty feet further back in the setback than is required. According to some quick
917 research by my Deputy, the biomass is not flammable, so we should be good there, or
918 combustible ok. There we go.

919 And as far as the transition to these types of developments is concerned, the existing
920 single-family houses. We have found that there are, and I think we all have seen some of
921 these properties around town, single family houses that are rented to folks who are looking
922 for old single-family houses because they want to wreck old single-family houses. It has
923 been our experience that with these newer developments that is not the case because
924 quite frankly it's a significant investment on the part of the developer to the property and
925 they don't rent to people who are looking to wreck single family houses in these type of
926 projects for the most part. So I would just say, I can, and I also feel like there's some
927 conflicting feedback to the applicant here where we're saying on the one hand, we want
928 additional egresses to the back to allow people to enjoy green space or to make it
929 marketable to different types of potential buyers in the future, but we're also saying that we
930 are concerned that there are going to be large parties in the back yards and they have not
931 put additional egresses in the back yards to help prevent some of that. So, I think there's
932 some mixed messaging going on as well...and I will leave it at that for this evening. Thank
933 you.

934 Chair Hurd: Thank you. All right, yes, Commissioner Silverman?

935 Commissioner Silverman: Something the Director brought to mind when she was speaking
936 and it was brought up by other Commissioners, we're looking at the occupants in with
937 today's eyes. I can see as markets change as housing conditions change that those 5- and
938 6-bedroom units have a potential future market for those people, and we're talking about
939 housing affordability. Who can't afford to rent a fifteen hundred dollar apartment or they're
940 of an age, either just getting started or elderly where they want to live in a group, communal
941 kind of existence with like individuals. And I think there's a future market for these four, five
942 and six bedroom around common core kinds of units. So, I don't see them becoming
943 dinosaurs and obsolete. I just see a shift in market demand right now, nobody's looking to
944 market to that group because the college students are currently occupied. So, I think there
945 is a future for these units. Thank you.

946 Chair Hurd: Ok, thank you. Secretary Kadar, I believe we're ready for the motions. Oh,
947 microphone please.

948 Commissioner Kadar: First motion is on the comprehensive plan, **because the proposed**
949 **use does not conflict with the development pattern in the nearby area, Planning**
950 **Commission recommends that City Council revise the Comprehensive Development**
951 **Plan Version 2.0 land use guidelines for 118, 120, 126, and 129 Lovett Avenue from**
952 **“Residential, Low Density” to “Residential, High Density” as shown in the Planning**
953 **and Development Report dated April 29th 2025 Exhibit H-1.**

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

955 Commissioner Bradley: Second.

956 Chair Hurd: All right, any discussion to the motion? All right seeing none we'll move to the
957 vote. Commissioner Bradley?

958 Commissioner Bradley: For the reasons stated in the Planning report, I vote aye.

959 Chair Hurd: Thank you, Commissioner Kadar.

960 Commissioner Kadar: For reasons stated in the Planning and Development Report, I vote
961 aye.

962 Chair Hurd: Thank you, Commissioner Silverman.

963 Commissioner Silverman: For the reasons stated in the Director 's report as well as the
964 amendment resulting in long-term benefits to the community as a whole and the best
965 interest of the community, I vote aye.

966 Chair Hurd: Thank you, Commissioner Williamson.

967 Commissioner Williamson: Because the eight-unit project presents 8 driveways in a row
968 and that is not the development pattern in the nearby neighborhood, I vote nay.

969 Chair Hurd: Ok, Commissioner Cloonan.

970 Commissioner Cloonan: Because of the planning report, I vote aye.

971 Chair Hurd: Thank you, Commissioner Tauginas.

972 Commissioner Tauginas: For the reasons stated in the planning report, I vote aye.

973 Chair Hurd: Thank you. And I vote aye as well for the reasons stated by the Commissioners
974 motion carries.

975 **Aye – Bradley, Kadar, Silverman, Cloonan, Tauginas, Hurd**
976 **Nay – Williamson**
977 **MOTION PASSED**

978 Chair Hurd: Next one.

979 Commissioner Kadar: And the second one and I know the report indicates that there are
980 two proposals to vote on, but the second one, which I think is necessary, is the site plan.
981 So, **I move that the Planning Commission recommend that City Council approve the**
982 **site plan with the acceptance of all the specifications noted in the Planning and**
983 **Development Department report dated April 29th, 2025, for the Morris and Ritchie**
984 **Associates project, for 118, 120, 126 and 129 Lovett Avenue dated January 31st, 2024,**
985 **and revised through April 24th, 2025.**

986 Chair Hurd: All right. And I'll just clarify for everyone, so what we are doing is we're voting
 987 on approving the relief in the report through the site plan approval process first, before we
 988 do the approval of the minor or the major subdivision, so do I have a second?

989 Commissioner Silverman: I'll be second.

990 Chair Hurd: Thank you. Any discussion about the motion? Ok, Commissioner Bradley.

991 Commissioner Bradley: I vote aye.

992 Chair Hurd: Commissioner Kadar.

993 Commissioner Kadar: I vote aye.

994 Chair Hurd: Commissioner Silverman.

995 Commissioner Silverman: I vote aye.

996 Chair Hurd: Commissioner Williamson.

997 Commissioner Williamson: I vote nay.

998 Chair Hurd: Commissioner Cloonan.

999 Commissioner Cloonan: Because I don't see evidence of distinctiveness of design, of site
 1000 arrangement and design, I vote nay.

1001 Chair Hurd: Thank you, Commissioner Tauginas.

1002 Commissioner Tauginas: Nay

1003 Chair Hurd: And I am nay as well because of the concerns around the arrangement of the
 1004 site plan of the building. Motion fails, three to four.

1005 **Aye – Bradley, Kadar, Silverman**
 1006 **Nay – Williamson, Cloonan, Tauginas, Hurd**
 1007 **MOTION FAILED**

1008 Mr. Tracey: So, we're done.

1009 Chair Hurd: We're done.

1010 Commissioner Silverman: We're done.

1011 Chair Hurd: Thank you, gentlemen.

1012 Commissioner Silverman: Was the big, was your big concern, the enclosed party area in
 1013 the back? What would happen if they just pushed the buildings back and had we agreed to
 1014 an eight-foot set back, enough to get the fire access I would have brought that up had I
 1015 known, we could have even discussed it.

1016 Chair Hurd: (inaudible) If they changed the setback, they have to show us something we
 1017 can't just say (inaudible).

1018 Commissioner Silverman: Well, we could have discussed it and that's the reason they
 1019 came back, a very clear link between what they did and what they turn into Council. If they
 1020 had split the site plan, front face to front face, side into the backyard. If they moved
 1021 everything back to eliminate the party area behind.

1022 **4. Review and consideration of amending Chapter 32, Zoning, to add regulations**
 1023 **for electronic variable messaging signs and create sign regulations for the**
 1024 **Parkland zoning district**

1025 Chair Hurd: Here we go. Thank you all. We'll move on to item four review in consideration of
1026 amending Chapter 32, Zoning to add regulations for electronic variable messaging signs
1027 and to create sign regulations for the Parkland zoning district. Who's taking this one? All
1028 right, thank you.

1029 Deputy Director Ramos-Velazquez: Good evening. For the record, Deputy Director Jessica
1030 Velazquez. So, in front of you, I have a report prepared by the Planning Department
1031 regarding the zoning amendment to Chapter 32, Article VXII for the signs creating a sign
1032 regulation for Parkland zoned properties. Currently we have no regulations for signage in
1033 Parkland districts. Prior to 2009, City parks held a residential zoning district designed
1034 similar to the property surrounding them. When Comp Plan IV was adopted in 2008, it
1035 included a provision creating a Parkland category for the City publicly owned open space in
1036 parks. To effectuate this change, on January 6th of 2009, the Planning Commission heard
1037 and discussed with them some recommended changes. City Council approved Bill 09-05
1038 amending Chapter 32 and establishing a new article for Parkland. The first reading was
1039 January 26th of 2009 and the second reading and approval was for February 23rd of 2009.
1040 While implementing the Parkland zoning district, they did provide a separate zoning
1041 designation for the properties. It created a new category in the zoning district, but did not
1042 assign a sign ordinance for it.

1043 Recently, when the City was looking to upgrade the signage at the George Wilson Center
1044 with a new illuminated billboard sign similar to what we had installed in front of the City
1045 Hall, concerns were raised that there was no Parkland sign verbiage in code leading to the
1046 proposal in front of you today. You have the language that is being proposed in the report
1047 note from the staff is, one we did verify that all of the current signage and proposed signage
1048 do fit into this regulation, so we're not kicking anything that we currently have out. And then
1049 secondly, recently we did have an illuminated sign application near a single-family
1050 residential area, which had drawn significant concern from the residents around. However,
1051 limiting this to an illuminated sign only at the Community Center, the department believes
1052 that will mitigate that, we won't have an issue with that. The only Community Center
1053 owned by the City is the Wilson Center on New London. The department suggests that the
1054 Planning Commission recommends the City Council adopting the revision of Chapter 32
1055 Article XVII, signs that are outlined in the report for April 28th, thank you.

1056 Chair Hurd: All right, thank you, I'm going to start with Commissioner Cloonan.

1057 Commissioner Cloonan: I have a little bit of a problem with this because, well, first of all,
1058 I'm wondering what this sign needs to be said. And second of all, because I know this is our
1059 only Community Center in our only park, but to me the function of a Community Center is
1060 so similar to that of churches and swimming pools and other community-based facilities. I
1061 don't understand why the City thinks that they deserve this kind of special treatment.

1062 Director Bensley: So, for this particular ordinance, we're trying to fill a hole in the sign
1063 ordinance where there are no regulations. We did not look to edit any other sign regulations
1064 at this time. If it's the suggestion of the Planning Commission that we bring something back
1065 in the future we're happy to look at that.

1066 Commissioner Cloonan: No, I don't want illuminated signs in residential areas and I'm
1067 worried if you allow a lit sign here at a Community Center, why wouldn't Oaklands pool or
1068 Nottingham Green? Or the Country Club? Or, you know, the churches say, well, you can
1069 have it at your community building. Why can't I have it at my community building?

1070 Director Bensley: It's not permitted under code, and they would have to apply for the
1071 variance with the Board of Adjustment if they would like to change that.

1072 Commissioner Cloonan: So, there is no real good reason other than it's not in the code.

1073 Director Bensley: So, the City recently installed the exact same sign that they're looking to
1074 install at the Wilson Center here at City Hall. They are looking to install one at the Wilson
1075 Center as well, so that's what was brought forward. The original question, or I shouldn't
1076 say the original question...how I can word this.... originally it was thought by some folks on
1077 staff that it should fall under the public signs exception in code to where it would need to
1078 be in a specific zoning category. I was concerned about that, because that section of the
1079 code was adopted well before illuminated or variable messaging signs were invented. So, I
1080 was not comfortable in signing off on the code being stretched, to that that portion of the
1081 code being stretched for that. So, we looked to fill the hole that was in the code around
1082 Parkland signs. And this is what we have proposed that fits both what is existing in the
1083 parks as well as what is proposed for the Wilson Center and the, you know, in looking at the
1084 parameters we put around illuminated signs for this section. We limited it to community
1085 centers only because we have the only Community Center we have along a state road in
1086 the City. It's across the street from another illuminated sign with the Courtyard Marriott
1087 that's there. And we did not feel that it was out of character with the surrounding area. We
1088 specifically put that parameter on because we don't want these in neighborhood parks or,
1089 you know, I didn't want folks to be concerned that the pocket park in their neighborhood
1090 was then going to be, you know, have a, you know, forty square foot illuminated sign in it.
1091 That's not what we're looking to do. So that is how and why it was drafted the way it was. If
1092 someone else who is not zoned Parkland, who is zoned in another category would like a
1093 sign that is not allowed in their current district, they can petition the Board of Adjustment to
1094 give them a variance, which is what recently occurred with the First Presbyterian Church on
1095 West Main Street, and that variance was turned down. So, that is why this is drafted the
1096 way it is.

1097 Commissioner Cloonan: And then my only other question is, I'm just trying to understand
1098 it. So, say this George Wilson Center, you could have an advertising sign that's twenty
1099 square feet, a bulletin board that's lit and that's a maximum area of twenty-five square feet.
1100 An identification sign is twenty square feet and an instructional sign. Is that what we're
1101 saying here. That's what we're allowing at this Community Center?

1102 Director Bensley: So if you look at how we've interpreted these types of signs in the past, for
1103 example, the one out here in at City Hall, it's actually considered to be two signs according
1104 to our code, both the identification sign and the illuminated bulletin board sign so the areas
1105 are based on the different parts of the sign that are for that are for that.

1106 Instructional signs, there's already instructional signs at the George Wilson Center, there's
1107 instructional signs in the parking lot telling you where you can park there there's
1108 instructional signs by the pool telling you don't jump in if it's closed. And looking at the
1109 names of the identification signs, you're talking about typically the name of the park, so
1110 that's...

1111 Commissioner Cloonan: Ok, I don't want to hog the whole discussion, but my last question
1112 is I'm assuming something is happening at the George Wilson Center that you want to
1113 announce and that's why you want this light, this illuminated sign bulletin board? Is that the
1114 impetus for this or there's no nobody 's asked for this and it's just something you thought
1115 might come up in the near future?

1116 Director Bensley: There has been a request by our facilities group to install a sign there, the
1117 same sign that's outside of this building. So that would include, you know, it would be
1118 limited to City events, notices, things of that nature, the same type of things you see on the
1119 sign here.

1120 Chair Hurd: So, is it a secondary source of resident information basically?

1121 Director Bensley: Yes.

1122 Commissioner Cloonan: Thank you and thank you for your explanation.

1123 Director Bensley: And I will say in regards to advertising for City sponsored events and
 1124 activities that tends to be like, when you drive by parks and you see where we've put either
 1125 temporary banners or temporary signs up for a specific event that's coming up, or camp
 1126 registration or you know, we're hiring camp counselors, those kind of things that you see
 1127 when is what you would see in Parkland as an example of those.

1128 Commissioner Cloonan: I'm sorry I had one more question than this illuminated sign is
 1129 something that will change and could actually also be an advertising sign, sort of
 1130 advertising events, ok.

1131 Chair Hurd: Ok, thank you. All right, Commissioner Williamson.

1132 Commissioner Wiliamson: No questions, thank you.

1133 Chair Hurd: Commissioner Silverman.

1134 Commissioner Cloonan: I'm going to continue along the line of Commissioner Cloonan. Is
 1135 there a maximum number of square feet total signage that can be on any one, associated
 1136 with any one parcel? Since this is a really crazy arrangement, using the zoning district,
 1137 which may follow a stream valley for a quarter of a mile associated with one structure, one
 1138 noticing.

1139 Director Bensley: We have not placed limits on the number of signs in this ordinance if or in
 1140 the proposed ordinance, if there's a suggestion...

1141 Commissioner Silverman: Ok, the number of signs or the total square feet? Theoretically, I
 1142 could have one of each one, two, three, four times whatever the maximum square feet are.
 1143 All contained in one structure on a footer at no height limit.

1144 Director Bensley: So, there are height limits.

1145 Commissioner Silverman: I'm sorry, but within the height limits that are shown on here?

1146 Director Bensley: So I will say one of one of the reasons we didn't put number limits on the
 1147 signs is because our parks are different sizes, they have different numbers of parking lots,
 1148 they have different features to them, so we did not feel like there was a kind of one-size-fits-
 1149 all number that we could apply for the maximum for a lot of these types of signage. If you
 1150 wanted to say, you know in particular, you know only one illuminated sign or something like
 1151 that, that's not an issue. When we're talking about instruction or identification or even
 1152 advertising to a certain extent we have not, we don't know that there's necessarily a one-
 1153 size-fits-all number for all of our different types of parks.

1154 Commissioner Silverman: Let's see if I can hone in on that and then I want to move to
 1155 another area. I would like to see a limit on the number of signs associated with physical
 1156 structure or square footage associated with physical structure

1157 Chair Hurd: In the general sign code or in this particular.

1158 Commissioner Silverman: This sign code deals with parks.

1159 Director Bensley: So?

1160 Commissioner Silverman: If I'm at the Wilson Center I get, let's say a number, I get 100
 1161 square feet if it's advertising a baseball game with a portable sign, a ribbon sign. I have a

1162 choice of a permanent or temporary sign, which is my other question. How many
1163 temporary trailer type billboards can I have versus permanent structures? And I'm going to
1164 just use the word location.

1165 Director Bensley: So, anything that would be placed in a park would be required to be
1166 approved by the City. I don't know if we've ever had a trailer sign allowed in any of our
1167 parks, so I don't know that that's something we necessarily considered as part of this.

1168 Commissioner Silverman: Would it be permitted under this?

1169 Director Bensley: If it was advertising City sponsored events and activities, yes. But it
1170 would also be considered, it would also have to abide by the limits of, I would say likely, a
1171 bulletin board sign with a maximum area of twenty-five square feet.

1172 Commissioner Silverman: Illuminated, not illuminated?

1173 Director Bensley: That would be illuminated. But that would be only permitted in
1174 conjunction with the Community Center use and would only be placed and can only be
1175 placed along the roadway. So, there's not. If you've been to, if you look at the George
1176 Wilson Center, the parking lots aren't along the roadway, they're set back so I don't know
1177 that there's a place on, unless you're parking on the sidewalk or the grass. I don't know if
1178 there's a place where you could put a truck with an illuminated billboard on the site along
1179 the roadway.

1180 Commissioner Silverman: Stepping back into a ten thousand square foot view, I have a
1181 problem with Parkland being zoned period. I don't know how the city ever arrived at that
1182 conclusion in 2009 and 2010. There's always been the underlying zoning in the area
1183 represented in the Parkland.

1184 Director Bensley: And that's where this hole kind of came up was because previously they
1185 were residentially zoned for the most part. So, they followed the residential sign provisions,
1186 but that is they're no longer residentially zoned and park land has its own article under the
1187 zoning code, so it doesn't fit in any of the other zoning categories that are currently in our
1188 sign ordinance.

1189 Commissioner Silverman: One of the unintended consequences like utility crossings and
1190 property management. I'm not going to oppose it, I just, I think it's going to create some
1191 very, very, very interesting problems particularly if I'm a co-vendor with the City and I want
1192 to put up my banner for my beer tent and this says, well, you can't because it's bigger than
1193 twenty square feet and it's an informational this and that. Or does the signage across the
1194 front of my tent advertising XYZ 5K run count against this. Do I have to get special
1195 permission? Because now I'm putting up my canopy that's covering my rest area for my
1196 runners.

1197 Director Bensley: So, there are regulations for permanent signage, there are separate
1198 regulations in the code for temporary signage.

1199 Commissioner Silverman: Ok so that was my next question. So that would be considered
1200 temporary.

1201 Director Bensley: Yes.

1202 Commissioner Silverman: That's it.

1203 Chair Hurd: Ok, Commissioner Kadar.

1204 Commissioner Kadar: I don't have any comments on this, and I thought that what we were
1205 talking about is for properties that were specifically labeled as Parkland, and my

1206 understanding is that the only building that we're talking about is generally what the George
1207 Read Center, correct?

1208 Director Bensley: The George Wilson Center.

1209 Commissioner Kadar: And the rest of it is just open space Parkland. And I don't see any
1210 issue with putting signs on open space park land. There are no walls, there's no roof. I
1211 think I'm ok with what you're recommending.

1212 Chair Hurd: Ok, Commissioner Bradley.

1213 Commissioner Bradley: Would this only be for community centers, the illuminated sign,
1214 like what's out front here?

1215 Chair Hurd: Yeah. The illuminated signs would only be for community centers.

1216 Commissioner Bradley: And the only Community Center we have is George Wilson?

1217 Director Bensley: Yes.

1218 Commissioner Bradley: That's all, I'm done, I'm good.

1219 Chair Hurd: Ok, Commissioner Tauginas.

1220 Commissioner Tauginas: I'm good at it. I got no beef with signage.

1221 Chair Hurd: Ok, And I am also, yeah, I don't have any comments. Sign code has been a
1222 mess, I think it's still a mess and it's gonna stay a mess, all right. Do we have any public
1223 comments submitted prior to the meeting?

1224 Ms. Dinsmore: No, Mr. Chairman.

1225 Chair Hurd: Ok, and there's no one here to give public comment. Is there anyone online
1226 who wishes to give public comment on this item? Is there anything.... ok no. Seeing none
1227 I'm going to close public comment and bring it back for any possible last questions or
1228 comments before we move to the motion. All good. We're all good. Secretary Kadar.

1229 Commissioner Kadar: Ok, I move that **the Planning Commission recommend that City**
1230 **Council adopt the revision to Chapter 32, Zoning, Article XVII, signs, as outlined in the**
1231 **April 28th, 2025, Planning and Development Report.**

1232 Chair Hurd: Thank you. Do I have a second?

1233 Commissioner Silverman: Second.

1234 Chair Hurd: All right, any discussion to the motion? Alright, seeing none, I move to the vote.
1235 I'm going to go right to left again, so Commissioner Cloonan.

1236 Commissioner Cloonan: Aye, aye, sorry.

1237 Chair Hurd: It's ok. Commissioner Williamson.

1238 Commissioner Williamson: Aye.

1239 Chair Hurd: Commissioner Silverman.

1240 Commissioner Silverman: Aye.

1241 Chair Hurd: Commissioner Kadar.

1242 Commissioner Kadar: Aye.

1243 Chair Hurd: Commissioner Bradley.

1244 Commissioner Bradley: Aye.

1245 Chair Hurd: Commissioner Tauginas.

1246 Commissioner Tauginas: Aye.

1247 Chair Hurd: And I am aye as well. Motion carries. They can put up their sign.

1248 **Aye – Cloonan, Williamson, Silverman, Kadar, Bradley, Tauginas, Hurd**

1249 **Nay – None**

1250 **MOTION PASSED**

1251 Chair Hurd: All right, that takes us to, oh yeah, let's close that item...

1252 **5. Informational Items**

1253 Chair Hurd: That takes us to item 5, informational items, and we'll begin with the Director's

1254 report.

1255 Director Bensley: Well since our last meeting, Council was on a break for part of it due to

1256 the election in early April. So, they came back on April 21st and the first meeting we had on

1257 the agenda was April 28th. We got the free weekends summer parking pilot approved for the

1258 second reading of that ordinance. We also are, as I mentioned at the last meeting are

1259 running subdivision agreement amendments through for several different projects – there

1260 were five on that agenda – regarding Public Works has change in policy regarding having to

1261 individually meter residential units for water. So those were all approved at that meeting.

1262 Fast forward to Monday night, this upcoming Monday night May 12th Council will be

1263 considering a parking fee waiver request from the Newark Housing Authority for their

1264 George Read Village project. Basically, they have to close two city parking spots or City on

1265 street parking spots for the duration of construction. There's usually a cost associated with

1266 that, so they have requested the Council waive that and just as a note, we have several

1267 items that have come through Planning Commission that we are holding to take to Council

1268 right now. One is the affordable housing item we recently had the affordable housing

1269 production task force report that was released in April. We are waiting to see what

1270 legislation comes out of that from the State legislature, at least what's being introduced

1271 before we bring that to Council so we can see what the state is interested in moving

1272 forward with and then frame the discussion on what the City will have to take additional

1273 action on if the state decides not to.

1274 The other item we're holding for right now is the discussion around special use permit

1275 reform that we had with you all in March. Right now, with there not being a full council due

1276 to the vacancy in District 6 with the election of Mayor McDermott, the special election is

1277 scheduled for July 15th. Considering where some of the divisions in Council are right now,

1278 we would like to have a full Council so we can get a clear majority one way or the other by

1279 looking for direction on how to move things forward.

1280 Other items, looking toward the upcoming Planning Commission meetings for June third,

1281 we have our first special use permit application for a marijuana cultivation facility that will

1282 be coming to you all because it is on more than one acre of property, unfortunately, the

1283 plans that we were potentially looking at for that agenda, the resubmissions are not ready

1284 for primetime yet. So, we will likely not have a development plan on that, it is my hope that

1285 we will have a vendor selected for the Comp Plan at that point in time, and that we can

1286 include an update at that meeting for you all for that. And then July, we are still to be

1287 determined based on the current state of resubmissions.

1288 The Parking Advisory Committee has set their permanent meeting schedule for the third
1289 Tuesday of each month at 7:00 p.m.. If anybody 's interested in tuning in, it is here in the
1290 Council Chamber with online access available. At their next meeting they will be talking
1291 about, or Mike will be doing a presentation on the history of the various parking plans that
1292 we have adopted and what has been accomplished in those, and they also intend to have a
1293 brainstorming session regarding parking issues, or parking ideas for improvement that they
1294 would like us to look into.

1295 The Conservation Advisory Committee at the last meeting I mentioned, they were
1296 considering a recommendation to request Planning staff to work with them on sustainable
1297 development items. They did approve that recommendation at their last meeting, that will
1298 depend on action from Council, adding it to our prioritization list, and that is something
1299 that, that's a discussion that is also likely going to wait until after the election.

1300 SB 87 which would allow accessory dwelling units on the state level is scheduled in the
1301 Senate Housing and Land Use Committee tomorrow at 1:00 p.m., a link to stream the
1302 hearing online can be found on the state legislature's website at legis.delaware.gov. I know
1303 that's been a topic of interest for this group and thanks to everyone who forwarded their
1304 questions and provided any topics that they had in advance so we could be prepared to
1305 respond. That's it.

1306 Chair Hurd: All right, Deputy Director Velazquez.

1307 Deputy Director Ramos-Velazquez: We have as a new project that's been resubmitted, it
1308 was a previous project for 0 Milford Run. Originally, there were eight units proposed single
1309 family-

1310 Director Bensley: It was ten originally.

1311 Deputy Director Ramos-Velazquez: Originally ten? Now we have some multi units in front
1312 of the property that are being proposed, that was just recently submitted on the 23rd of
1313 April. Resubmissions, we've had 136-160 South Main prior to Council submission. The
1314 Lovett, which was heard here tonight. We have received a resubmission for 1050 South
1315 College as well as 87 South Chapel.

1316 Subdivision amendments which Renee spoke about regarding the water metering that have
1317 all been heard are 532 Old Barksdale, 500 Creek View, 30 South Chapel and 25 North
1318 Chapel, SAC letters that have gone out are 124 East Main, which was heard at our last
1319 Planning Commission meeting and that was a SAC letter prior to Council. And that's all I
1320 have.

1321 Chair Hurd: All right. We also have in our packet our quarterly work plan update. My only
1322 comment is that item seven that says continue quarterly reporting in the work plan that
1323 says no update at this time except this is the update. But I don't know how to say see
1324 document that you're holding. But that's kind of what it is. So, we have that, the article in
1325 Sacramento, which is, I mean obviously, a different sized city but they're making some
1326 progress by being clear about what kind of development they want to be approving easily.
1327 And making that easier to approve and that's certainly a piece of the discussion that we
1328 were bringing to Council when I presented our work plan to them, we kind of reiterated to
1329 them and kind of made them more aware that at times the excessive cost of projects going
1330 through all this, all the process is a barrier to some of the projects that we do want to see
1331 and that's something we need to be thinking about. And then, of course, the Affordable
1332 Housing Production Task Force Final report, which honestly, no surprises to me. It's all the
1333 stuff that everyone 's been talking about forever and ever. It's just we're not doing it. So
1334 yeah, I will be interested to see what the state starts to do, and I will be interested to see

1335 how the City responds from the Council level. But you know good reading for the afternoon
1336 when you got nothing else going on.

1337 Commissioner Williamson: Chair Hurd.

1338 Chair Hurd: Yes?

1339 Commissioner Williamson: I read the report too and I have the same opinion, but I always
1340 find it amazing how these reports never acknowledge that some households have wealth,
1341 they always base it on income. And that's based on a survey to start with big margins of
1342 error. But nobody accounts for, you know, I just sold my house for five hundred and I've got
1343 three hundred thousand dollars cash, even though I'm a waiter somewhere, you know? Or I
1344 inherited money and that's a big part of the market demand and yet it just kind of never
1345 mentioned.

1346 Chair Hurd: Right. Well, and they also don't usually get into the emotional aspects of
1347 housing and people 's attachment to neighborhoods. And I think at times assume that all
1348 we need to do is build more and smaller housing and everything 's fixed and not always
1349 acknowledge the resistance that that is out there to change things and sometimes that's
1350 going back to people going I don't want to lose my wealth, and they don't always present
1351 approaches for handling that. They just sort of, I think, say all we need to do is get everyone
1352 to say yes to things and we're going. It's like, yeah, but I was going to say yes. All right,
1353 thanks you for the information, we'll close that one.

1354 **6. New Business**

1355 Chair Hurd: Items of new business, anything for discussion that we might want to bring up
1356 as a later agenda item.

1357 Commissioner Williamson: Chair Hurd, not necessarily new business. I just want to thank
1358 staff, I think you all got my letter to the wrong mayor, my apologies to our new mayor.
1359 Anyway, just wanted to point out that letter.

1360 Chair Hurd: Ok thank you. So, nothing there, so we'll close that.

1361 **7. General Public Comment**

1362 Chair Hurd: Now it takes us to general public comment for items on the agenda, but related
1363 to the work of the Planning Commission, is there anything submitted online regarding
1364 general public comment?

1365 Ms. Dinsmore: No Mr. Chairman.

1366 Chair Hurd: Ok, does anyone present wish to give general public comments? No, ok,
1367 anyone online wishing to give general public comment? I'm not seeing anything...ok,
1368 seeing none I'm closing item seven and reaching the end of the end of the agenda we are
1369 adjourned.

1370 **The meeting was adjourned at 8:59 P.M.**

1371 Respectfully submitted,

1372

1373 Karl Kadar, Secretary

1374 As transcribed by Katelyn M. Dinsmore

1375 Planning and Development Department Administrative Professional I