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**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MEETING CONDUCTED REMOTELY
VIA GO-TO-MEETING**

JUNE 1, 2021

7:00 P.M.

17 Present at the 7:00 P.M. Meeting:

18
19 **Chairman:** Willard Hurd, AIA

20
21 **Commissioners Present:**

22 Karl Kadar
23 Alan Silverman
24 Allison Stine
25 Jennifer Wallace
26 Tom Wampler
27

28 **Commissioners Absent At-Large (vacant):**

29 Stacy McNatt, PE
30

31 **Staff Present:**

32 Paul Bilodeau, City Solicitor
33 Mary Ellen Gray, Planning and Development Director
34 Thomas Fruehstorfer, Planner
35 Mike Fortner, Planner
36 Katie Dinsmore, Administrative Professional
37

38 Chair Will Hurd called the Planning Commission Meeting to order at 7:00PM.
39

40 Chair Hurd: Good Evening Everyone, and welcome to the June 1st, 2021, City of Newark
41 Planning Commission Meeting. This is Will Hurd, Chair of the Planning Commission we are
42 following the state and council directives on remote meeting and holding this meeting through
43 the GoTo Meeting Platform. Our goal is to support the participation of everyone in this meeting.
44 Katie Dinsmore the department's Administrative Professional will be managing the chat and
45 general meeting logistics. In accordance with the governor's declaration on remote meetings,
46 everyone needs to identify themselves prior to speaking. At the beginning of each agenda item, I
47 will call on the related staff member or applicant to present first, once the presentation is
48 complete, I will call on each commissioner in rotating alphabetical order for questions for the
49 presenters. If a commissioner has additional questions, they would like to add afterword's they
50 can unmute themselves and I will call on them to make it clear who is speaking next. Otherwise
51 please keep yourself muted to prevent background noise and echo. Please also try to avoid
52 talking over other people so that everyone listening in can hear clearly and also so that the
53 minutes can be done easily. For items open for public comment we will then read into the record
54 comments received prior to the meeting followed by open public comment. If members of the
55 public would like to comment on an agenda item tonight, they should send a message through
56 the chat function to Ms. Dinsmore with their name, district, or address and which agenda item
57 they wish to comment on. The chat window is accessed by clicking on the speech bubble icon on

58 the top bar. For those attendees connected to the meeting only through their phone, I will call on
59 you separately and you can press *6 to unmute yourself. I will follow public comment with
60 further questions and discussion from the commissioners and then the motions and voting by roll
61 call. The commissioners will need to articulate the reasons for their vote. If there are any issues
62 during the meeting, we may adjust these guidelines if necessary. Beginning with item 1, Chair's
63 remarks.

64

65 **1. Chair's remarks (Information) (3 minutes)**

66 Chair Hurd: Just a reminder that item 3, the annexation of the parcel at Otts Chapel and Elkton
67 Road has been withdrawn by the applicant, is that correct? (inaudible) Also the supporting
68 documents for item 5, or the correct documents for item 5 were posted today and linked to the
69 agenda. Alright, going to item 2, minutes.

70 **2. The minutes of the October 20th, 2020, Planning Commission meeting and May 4th,
71 2021, Planning Commission meeting. (Action) (2 minutes)**

72 Chair Hurd: We have the minutes from the October 20th, 2020, CIP meeting and the May 4th
73 meeting from last month. Commissioner Silverman and I have submitted corrections to the
74 department. Are there any comments or corrections to the minutes from other commissioners?
75 Alright, seeing none, the minutes are approved as ammendedc by acclimation. I keep forgetting
76 the gavel, don't know how I can forget that. Alright, that takes us to Item 4.

77 ~~**3. Review and consideration of Otts Chapel Road and Elkton Road Annexation (Parcel
78 #11-004.00-013) (Action) (45 minutes) (Withdrawn)**~~

79 **4. Review and consideration of a Special Use Permit for a Cell Tower/Antenna at the
80 property located at 200 Whitechapel Drive (City of Newark owned parcel # 18-027.00-017)
81 (Action) (15 minutes)**

82 Chair Hurd: Review and consideration of a Special Use Permit for a Cell Tower/Antenna at the
83 property located at 200 Whitechapel Drive.

84 Mr. Forter: Hello, this is Michael Fortner, Planner. I'm here to present a special use permit for an
85 accessory use with impact. Excuse me for a tower broadcasting telecommunications tower at 200
86 White Chapel Drive. As you know, some (inaudible) we have an accessory use as divided into
87 two categories. Accessory use with no impact like a shed, something that's very common that
88 doesn't cause any type of disturbance, and then we have an accessory use with impact; one of the
89 criteria for accessory use with impact is that it's taller than the primary structure. And this also
90 being a telecommunication tower it fell under the category of accessory use with impact. A cell
91 tower wouldn't normally, as a standalone, would not be allowed in RR zoning this is an
92 accessory use to the 200 Whitechapel which is the Newark Senior Center, so it's on their
93 property, so it's an accessory use to the senior center. It's a 43-foot-high pole, it's also acts as a
94 light pole, but it will also have a coffee can sized structure at the top that will help with
95 telecommunications, 5G telecommunications signal. For a special use permit the criteria is on
96 page two of your report for special use permit it can't adversely affect persons residing in the
97 city, can't be detrimental to public welfare, injurious to property or improvements within the city
98 and it can't be in conflict with the Comprehensive Development Plan. On page 3 of the
99 departmental reports, which are just standard for this type of use, the applicant has already
100 complied with all or will comply with all of these and it is a recommendation of the Planning
101 Department because the proposed special use permit will not conflict with the purposes of the
102 Comprehensive Development Plan 5 because the proposed use with departmental comments will
103 not be injurious to property or improvements in the surrounding area, and because the use will
104 meet all special use and zoning requirements, the Planning and Development department suggest
105 that the Planning Commission recommend the approval of 200 White Chapel Drive special use
106 permit for an accessory use with impact to install a small cell telecommunications facility at the
107 city owned property (audible) at 200 White Chapel Drive with departmental conditions in the
108 Planning and Development report dated May 25, 2021. It's one thing, the property is owned by
109 the City of Newark, and it's leased to the Newark Senior Center for that use. As you can see on
110 your screen the image of the location. If you go to Item B, the last page in your reports, you'll
111 see a rendering of, ah there it is right there; that's what's there now. If you go and flip to the next

112 image, you see what that's what it'll look like, so it's a lamppost with some extra height for the
113 telecommunications tower. And the representative from the Cell tower is here, Jonathan and I'll
114 turn this over to him and he can answer any of your questions. But Jonathan, go ahead.

115 Jonathan: Good Evening, that was a great summary, that actually stole a lot of the thunder of
116 what I was planning to say. With me tonight are three witnesses, I don't have any prepared
117 testimony from them so much as they're just here to answer any questions that the Planning
118 Commission may have. With me is Andrew Peterson, who is a radio frequency engineer, Ali
119 Shahid who is a civil engineer, and Bob Altenbach, who is a site acquisitions consultant for
120 AT&T. So, I just want to very quickly summarize the main points and then open the floor to
121 questions. As Mr. Fortner said, we're required to obtain a special use permit and we're proposing
122 to take an existing 25-foot light pole and replace it with a virtually identical pole that will be 43
123 feet tall with a 3-foot-tall canister antenna on top to improve the cell service in the area. As I'm
124 sure that everyone is aware, the demands on the cellular networks have been exploding at 50
125 percent compounding annual rates for the last 10 – 15 years. And at this point more than half of
126 households do not have a landline so those households rely on their cell coverage. Also, nearly
127 80 percent of all 911 calls are made from cell phones so again the necessity for reliable service
128 just can't be overstated and we should know that the altruistic way of improving the way of
129 service the area. Basically, these small cells help to offload traffic from the larger cells when
130 they get overloaded which allows them to continue to do their job and we can sort of fill in
131 certain areas with these smaller poles that have less of a visual impact on the surrounding areas.
132 And there are a number of small cell sites around Newark and other parts of New Castle County.
133 These poles will comply with all applicable FCC and FFA and other Federal Requirements.
134 There's a report in the record, it's exhibit A7 from Andrew Peterson, who is here tonight; where
135 he talks about the emissions, the electromagnetic emissions from the antenna and he says that
136 using the upper (audible) assumptions, the cumulative radio frequency exposure levels would be
137 less than 2.3 percent of the applicable FCC standard at all locations of ground level public
138 access. So that's important; you saw the photo simulations, they do not have a visual impact on
139 the community, and they do not generate noise, traffic, odor, or any demand on public services
140 such as sewer, water, and schools. So basically, we are here tonight saying that the proposed
141 facility doesn't have an adverse impact on the community, in fact it has a positive benefit
142 because of the safety issues related to cell tower, cell service and coverage. And you know with
143 that I can turn the floor over to any questions that the Planning Commission might have.

144 Chair Hurd: Alright, thank you so much. We will begin with Commissioner Kadar.

145 Commissioner Kadar: Yeah, I must say that this is a very straightforward request. Extremely
146 localized in nature and doesn't seem to infringe on anybody outside the local community. And
147 since the local community is the one that has requested this tower to begin with, I have no
148 serious issues with it, and I intend to vote for it.

149 Chair Hurd: Alright thank you. Is Commissioner McNatt attending? I thought she was the caller.
150 No? Ok, Commissioner Silverman?

151 Commissioner Silverman: I echo the previous remarks also I support this proposal for all the
152 reasons stated in the department's report issued May 25th, and just one minor adjustment. With
153 respect to the drawing packet, we have sheet 01 of 16, there's a reference to site information on
154 the right-hand side in the data column, and it refers to a proposed light pole. The structure that is
155 being erected here is a little more than just a light pole and perhaps the wording "proposed light
156 pole" could be deleted and the wording "small cell communication facility" be inserted there.
157 Just to make sure that all the ideas are consistent throughout the documents. And that's all of my
158 comments.

159 Chair Hurd: Alright, thank you. Commissioner Stine? Oh dear, you can try calling in. Ok, we
160 will skip and come back if you need us to. Commissioner Wallace?

161 Commissioner Wallace: I think, I unmuted on my phone, but I didn't unmute on the computer, so
162 you didn't hear me until now?

163 Chair Hurd: We're hearing you now, yes.

164 Commissioner Wallace: Ok, alright. Sorry I'm hopefully Allison is feeling better, she's not the
165 only one experiencing technical difficulties. So, my only question is from the memo under the
166 electric department comments item C it says that we should "ensure that the senior center and the
167 applicant understands future maintenance such as painting the pole, it's the owner's
168 responsibility, the city will not be responsible for any maintenance" And looking at the letter
169 from the senior center there's no discussion about maintenance and you know agreement there.
170 So, I wondered is there someone that who could speak to whether the senior center understands
171 their responsibility with this change in pole?

172 Jonathan: This is John speaking, I'm sure that's going to be covered in the lease that we
173 negotiate with them, and I, Bob is here, I understand that typically the owner of the tower or it's
174 nor really in this case a tower, it's a pole but, typically the owner of the pole is responsible for
175 the maintenance of it, and that would be my assumption. Bob, do you know any different than I
176 do?

177 Mr. Altenbach: You're correct John, this is Bob Altenbach. I'm with the real estate component
178 of AT&T and I actually negotiated the lease with the senior center and yes, in the lease it states
179 that AT&T takes all responsibility for maintenance of that pole.

180 Commissioner Wallace: Ok, that answers my question, thank you.

181 Mr. Altenbach: You're welcome.

182 Chair Hurd: Ok, Commissioner Wampler?

183 Commissioner Wampler: Yeah, I just have one question, I was looking at the diagrams provided,
184 and I might have missed it, but I didn't see a dimension for the diameter of the pole. Can
185 anybody tell me what the diameter is?

186 Chair Hurd: Bob, you need to unmute.

187 Mr. Altenbach: Yes, I can't say specifically what the diameter is, I'm not the engineer that
188 prepared the drawing, but generally speaking-

189 Mr. Shahid: Yeah, I think I can get that. It's not a round, it's not a sphere it's actually it's not a
190 circular section it's a tube. It's an 8 by 8 tube section and at the top of that is another (audible)
191 which is a 3.5-inch diameter pipe. So, if that answers your question.

192 Chair Hurd: Alright, and Mr. Shahid could you identify yourself and spell your last name for the
193 record please?

194 Mr. Shahid: My name is Ali, first name A-L-I last name Shahid, S-H-A-H-I-D and I'm a
195 professional engineer.

196 Chair Hurd: Alright, thank you very much. Does that help Commissioner Wampler?

197 Commissioner Wampler: I think so, I'm trying to get an idea in my head of how thick the pole is.
198 I know it's supposed to be the same as the existing pole but relative to a standard telephone pole,
199 is this bigger? Smaller?

200 Mr. Shahid: If you want to get more of an idea, it would be more like an 8-inch round pole.

201 Commissioner Wampler: Ok, that's what I was looking for.

202 Mr. Shahid: Yeah.

203 Commissioner Wampler: My point is, I live on Park Place we have telephone poles and I'm
204 guessing they're 30 feet or so and if someone put another 10 feet on top of it with any type of, I
205 don't think anyone would even notice. I think this is fine, I'm in favor of it. I think the fact that
206 it's taller I think most people walking or driving up and down the street won't even notice the
207 additional height, so I think it's a good solution.

208 Jonathan: And just to add onto that, we do have an exhibit in the exhibit binder, exhibit A8 which
209 is a structural engineering report, and we designed the foundation to hold the pole, and we
210 designed the pole to withstand any kind of wind it's probably designed much better than what's
211 already there.

212 Commissioner Wampler: Ok, that's my only question, thank you.

213 Chair Hurd: Alright, Commissioner Stine, did you have anything you wanted to add?

214 Commissioner Stine: I do thank you, sorry my computer froze. So, a couple of things, the
215 electric department made a couple of comments about this pole, they had some issues. One of
216 them being the future maintenance of the pole which I think you've addressed. For whatever
217 reason they're recommending that the that this new pole be separate from the existing light pole.
218 And then in the March 31st memo from Allison (audible) the attorney for the applicant, it says
219 that no signs or lights will be mounted on the pole. But this is replacing a light post is it not?

220 Jonatan: Yeah, that letter is referring to the type of lights that they put on top of a cell tower for
221 airplanes and that's what she was referring to. I acknowledge to you that it was confusing and so
222 just clear up the record. We have the lights shown on the plan, but we would not be putting the
223 red light on the top of the tower because it's not tall enough to affect any type of aircraft.

224 Commissioner Stine: Ok so it will have a light post at approximately the same height as what it's
225 replacing?

226 Jonathan: Yes, and that's typical, we do that thousands of times over trying to replace structures
227 that are already there it has less of an impact on everybody.

228 Commissioner Stine: Yeah, I'm aware, I've been dealing with this issue with another group for a
229 long time. I'm become quite the expert in this. The Raycap pole that (inaudible) recommends,
230 what's the issue with that? Why can't you take that recommendation?

231 Jonathan: I don't know that they won't take that recommendation. Bob are you aware or Ali?

232 Mr. Shahid: No, I'm not aware of that.

233 Mr. Altenbach: Yeah, I do know that if the city recommends if it's a specific pole then AT&T
234 (inaudible) will use that pole. Raycap is a manufacture that AT&T typically uses. In fact,
235 they're using that manufacturer in some of the city metal poles that are being replaced on East
236 Main Street. So, what we did there.

237 Commissioner Stine: Is it a better-looking pole than what you're proposing here, is that why they
238 like that?

239 Mr. Altenbach: I'm sorry what's your question Mrs. Stine?

240 Commissioner Stine: Is it a better-looking pole? The Raycap pole?

241 Mr. Altenbach: I mean everyone has their own idea of what looks good and what doesn't look
242 good. I mean the Raycap pole is a standard type of light pole in the industry and again the pole
243 we're replacing at the senior center is an existing metal light pole and we're replacing it in the
244 same spot, so it looks pretty similar to what's already there. I can't imagine that a resident would
245 drive by and say, "ugh that looks like a different type of metal there" So I would say yes, Raycap
246 is a standard type of pole for this installation.

247 Commissioner Stine: The specific comment from the electric department was that it ensures all
248 the equipment is concealed in a Raycap pole, is that where the equipment is on the inside of the
249 pole versus in that box mounted on the inside?

250 Mr. Altenbach: I can say generally speaking yes, but Mr. Shahid can speak more to the (audible)
251 but yes generally speaking typically in light pole installations, we tend to conceal the electronics
252 inside of the pole itself and not need to place a separate equipment shroud outside of the pole.

253 Mr. Shahid: That is correct, yes.

254 Mr. Altenbach: Again, in my dealings with the city, in the 8 recent locations we did utilizing the
255 city electric department's wood pole and metal poles. All the wood pole locations the city
256 approved, allowing us to attach our boxes outside of the wood poles and on the two metal
257 locations along East Main Street we are concealing the equipment inside the pole using a Raycap
258 design similar to the design we intend to use here at the senior center.

259 Commissioner Stine: Yeah, I guess, would you share this space with other telecommunication
260 companies? Are they going to come along and attach the pole next to it? I mean one is great but
261 when you have three, four, five on the same corner it starts to look yucky.

262 Mr. Altenbach: Yeah, well generally speaking in my experience, we're increasing the pole with a
263 pole that will be structurally suitable for just AT&T equipment. Would a competitor or another
264 future wireless provider want to be in this general area, they would more likely approach the
265 senior center and ask if they could swap another light pole to place their equipment at. We do
266 not have an exclusive license with the senior center for their whole property, just this one
267 particular light pole.

268 Commissioner Stine: Are you familiar with the telecommunications tower on Cleveland
269 Avenue? I think between the (inaudible) and the Chevy dealership, it's really big. Is that what's
270 going to happen, when all of the companies come along, just getting bigger and bigger?

271 Mr. Altenbach: Well, that's what they call a macro site and those type of sites are usually
272 designed to hold one or more carriers just for the purpose is not (inaudible) antenna sites
273 throughout a municipality again this AT&T application is for just for what we call a small cell
274 antenna application and it's already designed to one antenna, one carrier solution.

275 Commissioner Stine: Ok, I was afraid it was going to turn into something like that because it is
276 still a residential area.

277 Mr. Altenbach: Yeah, and as I said this pole would not be available for colocation.

278 Commissioner Stine: Alright thank you.

279 Chair Hurd: Alright, I think that's everyone. Katie or Director Gray, do we have any public
280 comments submitted prior to the meeting? I'm not hearing you Director Gray. You're
281 microphones lit up but I'm not hearing you. Ok, thank you. I will open the floor to public
282 comment. Ms. Dinsmore, have we received any chat requests for comment?

283 Ms. Dinsmore: At this time, no.

284 Chair Hurd: Ok, so the floor is open to anyone that would like to comment on this agenda item.
285 Alright, seeing none, closing public comment and bringing it back to the dais. I think we seemed
286 to cover everything. So, if there's any commissioners who have anything, final comments or
287 items, please you can unmute yourself, I'm not going to go through the whole list again.
288 Otherwise, I will ask Secretary Wampler to form the motion.

289 Commissioner Wampler: Thank you. **I move that the Planning Commission recommend
290 approval for the 200 Whitechapel Drive Special use permit for an accessory use with
291 impact to install a small cell telecommunications facility at the city owned portion of the
292 property at 200 Whitechapel drive with the departmental conditions stated in the Planning
293 and Development report dated May 25th, 2021.**

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

295 Commissioner Kadar: I'll second it, this is Commissioner Kadar

296 Chair Hurd: Thank you Commissioner Kadar. Any discussion on the motion.

297 Solicitor Bilodeau: This is the solicitor, just for clarification, the departmental conditions that are
298 referred to in the motion, those would be number 1 and 2 on page 3 of the report?

299 Chair Hurd: Yes

300 Solicitor Bilodeau: I just want to make sure that we're referring to the to 1 and 2, that's all, just
301 wanted to make sure that was clear.

302 Chair Hurd: Thank you, any discussion on the motion? Alright please keep in mind that for a
303 special use permit we do need to articulate our reasons for a vote and the criteria that we're using
304 are articulated on page 2, they're the standard ones for special use permits and we can use those.
305 Or we can use the recommendation from the report which does summarize those conditions.

306 Alright, is Commissioner McNatt with us yet? Doesn't seem to be, alright Commissioner
307 Silverman?

308 Commissioner Silverman: I vote for this proposal for the reasons that's stated in the department's
309 report of May 25th.

310 Chair Hurd: Thank you, Commissioner Stine?

311 Commissioner Stine: I vote aye based on the May 25th report from the Director of Planning and
312 Development Department.

313 Chair Hurd: Thank you, Commissioner Wallace?

314 Commissioner Wallace: I vote aye for reasons previously stated.

315 Chair Hurd: Thank you. Commissioner Wampler?

316 Commissioner Wampler: I vote yes for the previously stated reasons and also the fact that I think
317 it would be almost unintrusive and provide a service that people are asking for.

318 Chair Hurd: Thank you. Commissioner Kadar? Commissioner Kadar?

319 Commissioner Kadar: I vote aye for the reasons specified in the May 25th, 2021, Planning
320 Commission note and because the original request for the special use permit was requested by
321 the local community and does not infringe on the surrounding area, it is a highly localized
322 project.

323 Chair Hurd: Alright, and I vote yes as well for all the reasons stated previously. Alright, motion
324 carries. Thank you, gentleman.

325 Mr. Shahid: Thank you.

326 Mr. Altenbach: Thank you.

327 Jonathan: Thank you.

328 Chair Hurd: Alright that takes us, flipping over the page, to item 5. Review and consideration of
329 amendments to Chapter 32 Section 32-45 (b) BB central business district off-street parking
330 option, subsections 5,6, and 8.

331 **5. Review and consideration of amendments to Chapter 32 Section 32-45 (b) BB central**
332 **business district off-street parking option, subsections 5,6, and 8. (Action) (20 minutes)**

333 Chair Hurd: Director Gray, who is leading up on this?

334 Director Gray: That would be me. Can you hear me now?

335 Chair Hurd: Ok.

336 Director Gray: Good Evening everyone, so this is for the motion of the May 4th, 2021, Planning
337 Commission Meeting the proposed revisions to Chapter 32 Section 32-45 off street parking
338 requirements section B for BB Central business district off street parking subsections 5,6, and 8
339 be returned to staff for rewording based on the discussion at the May 4th Planning Commission
340 meeting. Staff worked with Solicitor Bilodeau to revise the proposed language and make the
341 language less ambiguous and clearer. So, Katie if you could pull up Exhibit A, title revision
342 May 25th, 2021? Fabulous, thank you. So, per review staff is proposing these revisions as
343 indicated in underline it's a little messy but I wanted to include the language that was proposed
344 at the May meetings so we could kind of have a touch point there, what was discussed there and
345 the proposed language. So that concludes my brief presentation. Thank you, Chairman Hurd.

346 Chair Hurd: Ok, so I will just note I think from discussion with Solicitor Bilodeau and Planner
347 Fruehstorfer, line 40 should read "council shall include as part of the reconsideration motion" as
348 opposed to saying "a". Oh, and I think another thing that you had sent a note about Director
349 Gray was line 30, that conditions should be struck out as well, correct?

350 Director Gray: Correct.

351 Chair Hurd: Yeah, ok. So those are the two just catching things up. Alright, Commissioner
352 Silverman?

353 Commissioner Silverman: I have no additional comments with respect to this item and support it
354 as rewritten and presented tonight with the corrections that you just commented on.

355 Chair Hurd: Alright, thank you, Commissioner Stine?

356 Commissioner Stine: I think they've done a great job in clarifying the intention especially in
357 paragraph 8, so thank you for that I have no further questions.

358 Chair Hurd: Ok. Commissioner Wallace?

359 Commissioner Wallace: I have no additional questions, I agree, I think this is much clearer
360 language, I still do retain some discomfort with starting on line 47, making this language
361 retroactive. And that's all I have thank you.

362 Chair Hurd: Ok, thank you. Commissioner Wampler?

363 Commissioner Wampler: I'm fine with, I think the language is an improvement, I'm pleased with
364 that. The motion that I made, says "as described in the April 26th memo" but this, (inaudible) is
365 as presented on June 1st, is that correct? So, we should strike the April 26th reference?

366 Chair Hurd: Which?

367 Commissioner Wampler: So, in our original packet we were going to be voting on these as
368 described in Exhibit A as described in the April 26th memo, but it's changed now. So, we want
369 to strike that, and we want to see as "presented to the Planning Commission June 1".

370 Chair Hurd: So, the memo and exhibit that came in the packet were last months. Director Gray
371 had emailed the memo for this month, which is dated May 25th, 2021, and the revised exhibit
372 which is also dated May 25th, 2021. Did you get that file?

373 Commissioner Wampler: I did not get that file, that's why I'm asking. But the one that's on the
374 screen now, the language we're talking about, the date on that is May 25?

375 Chair Hurd: Yes.

376 Commissioner Wampler: Ok.

377 Chair Hurd: Katie, if you could bring up the memo when it comes time for the motion and show
378 the bottom of it so Secretary Wampler can read it, that would be awesome. Did you have any
379 comments?

380 Commissioner Wampler: No, just other than that, I didn't want to move that we approve the
381 wrong wording.

382 Chair Hurd: Right. No, I agree.

383 Commissioner Wampler: I still can't see the...

384 Chair Hurd: There's a there's a if you hover on the right side of your screen there's a plus minus
385 zoom option.

386 Commissioner Kadar: Tom, if it's cut off for you left click on the screen and drag it upward.

387 Chair Hurd; Oh! Oh, my goodness, I didn't know you could do that!

388 Commissioner Wampler: I still can't see the actual heading of it.

389 Commissioner Kadar: Yeah, the heading is cut off by the top, there we go.

390 Commissioner Wampler: There we go thank you, now I've got it ok. And the wording that we
391 have now is not described as Exhibit A but just as a revision, right?

392 Chair Hurd: It's described as Exhibit A revised 2021

393 Commissioner Wampler: Ok, good I've got it. Thanks.

394 Chair Hurd: Ok, Commissioner Kadar?

395 Commissioner Kadar: Yeah, like Tom I didn't get this memo, so I haven't seen this new rewrite
396 yet so I'm just dealing with the old one. And there were several questions that I had on the old
397 one, but they appear to be all addressed in this new edition. Can I see the bottom of this? Can
398 we go down a little further? I'm trying to left click and there we go. Yeah, it's very much
399 cleaned up. I have no questions and it looks fine.

400 Chair Hurd: Ok. I don't believe that Commissioner McNatt has joined us? Ok, she has not. Ok,
401 sorry it's my turn. I will agree, I like the revisions I think that the language is much clearer, and
402 I like that it's kind of laid out the path that the applicant would go through in section 8 there. I
403 guess my question about the 2-year lookback, was that because the original code imposed the 2-
404 year moratorium and you're trying to capture theoretically anyone that is caught in that 2-year
405 window? Solicitor Bilodeau?

406 Solicitor Bilodeau: That is correct. Since I've been here, we hadn't really had parking waivers
407 even voted upon in a long time. And so, when we had this one come up, the facts were it seemed
408 that it should just capture this particular instance, the one that was denied.

409 Chair Hurd: Well certainly we can capture that, I'm just saying that it seemed to me being in
410 picked as the lookback time lines up with the two years you'd be barred from reapplying. Say if
411 someone actually had been voted down on appeal 2 years ago. So that, ok. Alright, that takes us
412 to public comment. Director Gray or Ms. Dinsmore have we received any public comment on
413 this item?

414 Director Gray: This is Director Gray; we have not received any public comments on this item
415 other than the comment from Dr. Morgan regarding the typo on the previous (audible)

416 Chair Hurd: Yeah, I caught that as well, I looked back and realized oh wait, he was looking at the
417 old one. We had caught that one. Is there anyone from the public that would like to speak? And
418 Caller 3 if you are a public person, you can press *6 to unmute. Alright public comment is
419 closed. Bringing it back. I think again we've covered this, there's not too much to talk about.
420 So, barring any commissioner's need to say anything last minute, Commissioner Silverman did
421 you want to comment or were you just unmuted.

422 Commissioner Silverman: I'm just unmuted.

423 Chair Hurd: Ok, that's fine. That's just my cue. Secretary Wampler can we have the motion
424 please?

425 Commissioner Wampler: Sure, **I move that the Planning Commission recommend that City**
426 **Council approve the revision to Chapter 32 Section 32-45 off street parking requirements**
427 **Section (b) BB central business district off-street parking option, subsections 5,6, and 8 as**
428 **described in Exhibit A revised in the May 25th, 2021, memo to the Planning Commission.**

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

430 Commissioner Silverman: Question, before we do a second, it's not revised in the May 25th it's
431 revised as of I believe the June 1st memorandum? Didn't we just discuss that, what we just saw
432 on the screen?

433 Chair Hurd: So that, Exhibit A is dated May 25th, 2021. Oh, do you mean with the additional
434 corrections made tonight?

435 Commissioner Silverman: Yes, that's what we're referring back to a now obsolete revision.

436 Chair Hurd: Good point.

437 Commissioner Silverman: Substitute the date of whatever the most current on-screen memo is
438 for May 25th, 2021.

439 Chair Hurd: Did you understand that Secretary Wampler?

440 Commissioner Wampler: Yeah, I think well, why don't we add "as revised June 1st, 2021"?

441 Chair Hurd: Yes. Do I have a second on that?

442 Commissioner Silverman: I'll second.

443 Chair Hurd: Thank you Commissioner Silverman. Any discussion on the motion. Alright, seeing
444 none, we'll move to the vote. I don't know if this is one that actually have to articulate our
445 reasoning on, is that correct Solicitor Bilodeau?

446 Solicitor Bilodeau: That's correct, just a yes or no vote will be fine.

447 Chair Hurd: Thank you. Alright, Commissioner Stine?

448 Commissioner Stine: Aye

449 Chair Hurd: Thank you, Commissioner Silverman?

450 Commissioner Silverman: Aye

451 Chair Hurd: Commissioner Wallace?

452 Commissioner Wallace: Aye

453 Chair Hurd: Commissioner Wampler?

454 Commissioner Wampler: Aye

455 Chair Hurd: Commissioner Kadar?

456 Commissioner Kadar: Aye

457 Chair Hurd: And I vote aye as well, motion carries, six nothing. Excellent job everyone, thank
458 you. Alright, that takes us to item 6 informational items.

459 **6. Informational Items. (These items are for informational purposes only) (Information)**

460 **a. Comprehensive Plan V Review Update (5 minutes)**

461 Mr. Fortner: Good Evening Chair Hurd and Commissioners, on the Comprehensive
462 Development Plan review the committee did not meet in May, they are meeting this week on
463 Thursday June 3rd, they'll be reviewing the housing and transportation chapters, revisions to the
464 chapters. That means that we're open to the public and that's all I have.

465 Chair Hurd: Did you want to talk at all about your presentation to the Conservation Advisory
466 Commission? Anything you want to come out of that?

467 Mr. Fortner: Yes, thanks Will, I did I presented to just kind of an outreach to the Conservation
468 Advisory Commission and I'm going to come back next to or not today obviously, but they'll be
469 meeting next week and I'll be doing another kind of like a coffee break with them (inaudible)
470 just a chance for them to really discuss about sustainability components of the Comp plan and
471 that will lead into the next month's meeting where the steering committee will be reviewing
472 some of the environmental chapters of the Comprehensive Development Plan.

473 Chair Hurd: Excellent, thank you. Director Gray?

474 **b. Planning Director's Report (5 minutes)**

475 Director Gray: Good Evening Chairman Hurd and Commissioners let me pull up my
476 presentation here. (inaudible) Ok so the project, I will start with the projects that have went and
477 are going to Council. On May 10th, at the May 10th Council meeting the project located at 141
478 East Main Street was, I believe you all heard, was denied. However, they are coming back to the
479 Council for, according to Solicitor Bilodeau, the term is for a "revote" or a reconsideration
480 forum. Mr. Bilodeau? You were on mute.

481 Solicitor Bilodeau: Ok I'm sorry, you were saying?

482 Director Gray: So, the 141 East Main is coming back to Council on June 14th, so the term is
483 they're coming back for reconsideration of the revote or they're revoting, correct?

484 Solicitor Bilodeau: Yes, there is a motion, first we'll have to have a motion to reopen the hearing
485 and on the advice of legal counsel. And if they reopen the hearing, at that point the Council will
486 have the opportunity to ask any other questions they have of the developer; public comment is
487 closed. They'll have an opportunity to ask questions of the developer and I'll once again explain

488 the site plan review criteria to Council that their votes for site plan review are to be based upon.
489 And then after that, assuming that the motion to reopen is granted then there will be a vote on
490 site plan review. And then if that vote passes then they will vote on the special use permit which
491 they never got to at the last hearing.

492 Director Gray: Thank you, I just wanted to make sure that I got that right. Thank you, sir. Ok, so
493 on May 24th, there was a Council meeting College Square (inaudible) there was a renaming of
494 the streets and the name of the subdivision, and it's now called The Grove at Newark. And the
495 streets got renamed as well as the sign package got revised as well. And that was a (inaudible).
496 Upcoming meetings, I mentioned June 14th, also on June 14th is the second reading for the
497 proposed revisions on the setback ordinance in BB zone. Two projects that you all heard and
498 made recommendations on that have been scheduled for Council. The first one is 268 East Main
499 Street, but it's scheduled for a first reading on June 28th and a second reading on August 9th.
500 1501 Casho Mill is scheduled for a first reading on June 14th and a second reading on July 12th.
501 As you all know Planning Commission Training is coming up, this month. And that's June 22nd
502 at 7:00pm and that will be a virtual meeting and that will be lead by Max Walton and the subject
503 matter will be land use zoning and the Planning Commission. And it will also be recorded so
504 just in case someone can't make it, they'll have the opportunity to review it later. But I
505 understand that everyone except for Stacy can make it. Certainly, there'll be time for interaction
506 and discussion. We're also inviting the Council too just in case anyone from the Council would
507 like to attend.

508 Chair Hurd: Director Gray, a quick thought I just had. That would be a useful thing to save and
509 have for onboarding new commissioners.

510 Director Gray: Yes, I thought of that as well chairman.

511 Chair Hurd: Oh good, thank you.

512 Director Gray: You're welcome. So, some other meetings that have occurred since we met last,
513 the TID Steering Committee met actually twice they've been very busy. They had a meeting on
514 May 12th and then a follow up meeting on May 26th, and they have made a list of
515 recommendations on a list of roads and bikes and pedestrian improvements, and that list is
516 scheduled for the next Planning Commission meeting on July 6th that'll be coming to you all to
517 review and make recommendations to Council on. Other news and this are internal meetings that
518 we've been having getting ready, we're utilizing our planning services contract, and we have
519 awarded a scope of work to AECOM to assist with building permit reviews. Currently we are
520 waiting to hear back from IT for them to do their IT thing to allow a contractor to have outside
521 access into a certain part of our system, data management system so they can review building
522 permits. And once that occurs, they'll come on site for a couple of days for some training. Mike
523 mentioned the Steering Committee Meeting schedule for this Thursday, June 3rd. Couple land
524 use projects: we've received revised plans for the Mill at White Clay (inaudible) 500-700 Creek
525 View Road we had issued a SAC letter and that had a number of changes that the applicant
526 needed to make on it. And we just received those revisions so that is out for review. Projects
527 tentatively scheduled for July, (inaudible) plans that are under revision we recently sent out SAC
528 comments on 10 and 16 Benny Street project we'll be sending out the SAC letter for the sketch
529 plan for the Chick fil A, proposed Chik-fil-A on Ogletown Road and the projects in house that
530 we're working on. The SAC letters sketch plan for University Commons, I just mentioned the
531 Mill at White Clay and a Cell tower proposed off Cooches Bridge Road. So, what we're looking
532 for at July and the July agenda tentatively, this is tentative, the Otts Chapel Road and Elkton
533 Road annexation, which was lined up for tonight's meeting, which is why this meeting is so
534 short. It's never a bad thing to have a short meeting. The applicant it was did not publicly notify
535 but otherwise it's ready to go. So that's why I had to (inaudible) tentative agenda. So, that will be
536 on next month's agenda, we're looking to have a cell tower for Cooches Bridge Road, and the
537 TID packet list. We're also going into activities (inaudible) planning review and we're going
538 into budget season. So, yay. On the Planning Department end, as you all know the University of
539 Delaware students are moving out, so our property maintenance team are busy some of the
540 projects that are going on out in the field that you all have reviewed. 321 Hillside they are
541 moving along with the townhouses and apartments actually I was just on a field visit today; they
542 have a long way to go but they are progressing. The Fulton Bank project the plumbing has been

543 completed for the apartment units, so they are moving along. Also, I'm sure you all have noticed,
544 it's been interesting to see the difference in building construction type the senior living project
545 on Barksdale Road, they are utilizing steel construction and they are they're units are kind of
546 prefab, so that building is going up very quickly. So, that's just.... the Lehigh Flats buildings the
547 renovation continues. Those are. We were actually talking about this today, which is interesting,
548 the Lehigh Flats apartments when they first started renovations, it was my impression that these
549 apartments were student apartments, so now they have turned over so now they are barely any
550 students and mostly nonstudent apartments. So, it's just kind of interesting how that
551 neighborhood has changed over. Some (inaudible) projects you might be interested in, the 62
552 North Chapel project, that's the 4-story project on North Chapel we have received applications
553 for plans on that project, so they are getting ready to move forward on that. So that pretty much
554 is the end of my report. I'll be happy to answer any questions you might have. Thank you.

555 Chair Hurd: Thank you Director Gray. Any questions for the Director? Alright, moving on to
556 item 7, new business.

557 **7. New Business. (Introduction of new items for discussion by City Staff or Planning**
558 **Commissioners. New items requiring public notice will be added to a future agenda.)**
559 **(Information) (5 minutes)**

560 Chair Hurd: Is there any things on the minds of the Commissioners that they wish to share? That
561 could possibly become later agenda items. No? Ok moving on, Item 8, general public comment.

562 **8. General public comment. (Regarding items not on the agenda but related to the work of**
563 **the Planning Commission) (Information) (5 minutes)**

564 Chair Hurd: I haven't seen anything in the chat, but we will open the floor to anyone from the
565 public who wishes to comment on any items not on the agenda, general planning questions,
566 concerns?

567 Commissioner Silverman: Will, I'd like to make a comment under this heading. What's the
568 status or effort on our focus areas? It seems our mixed-use concentrating students, different
569 living (inaudible) is this taking a back seat to the Comp plan?

570 Chair Hurd: Well, no. Maybe Planner Fortner can speak to this. My thinking or my assumption
571 was that that was something that was going to come in front of the Steering Committee. We just
572 haven't gotten to those chapters yet, where we'd be addressing the proposed focus areas.

573 Mr. Fortner: Yeah, that's correct, I have those in the tentative drafts. I plan on in the version that
574 the Steering Committee review they would view those focus areas and as a proposal to insert into
575 the Comp plan for it's being called the review, 2.0 version.

576 Commissioner Silverman: Thank you.

577 Chair Hurd: Ok, anyone else? Alright, closing public comment which brings us to the end of our
578 agenda. And so, we close this meeting by acclamation, thank you all.

579

580 **Commissioner Hurd Adjourned the meeting at 8:05 PM**