

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
WORKSHOP**

**February 8, 2007**

**7:00 p.m.**

**City Manager's Conference Room**

**SUMMARY MINUTES**

Present at the 7:00 p.m. meeting were:

**Commissioners:** James Bowman (Vice Chairman)  
Angela Dressel  
Chris Hamilton  
Mary Lou McDowell  
Joseph Russell

**Absent:** James Soles (Chairman)  
Ralph Begleiter

**Guests Present:** Stu Markham, Council, District 6  
Jean White, Resident

**Staff Present:** Roy H. Lopata, Planning Director

**1. Introduction**

Mr. Lopata began the Planning Commission Workshop by explaining that Chairman James Soles suggested that a workshop be held for Planning Commissioners since there were several new members recently added to the Commission.

**2. The Development Review Process and Procedures**

Next, Mr. Lopata explained Planning Department and Commission development review procedures. He explained that the Municipal Code stipulates that the Planning Commission is requested to advise Council on a variety of matters concerning development of lands. All annexations, subdivisions, rezoning and special use permits are reviewed by the Planning Commission. He also stated that the Municipal Code

dictates that the Planning Director must make a recommendation to the Planning Commission for them to take under advisement.

Mr. Lopata then noted that annexations/subdivisions/rezoning plans are submitted to the Planning Department. The Planning Department forwards them to all City departments, and if necessary, DelDOT, the School District, DART, Division of Historic and Cultural Affairs, Water Resources Agency, the PLUS process (State of Delaware, if needed) and New Castle County. The Subdivision Advisory Committee discusses the project and revision comments are forwarded to the applicant. Once this is completed, the Planning Department prepares a report on the project which includes a recommendation to the Planning Commission. The Commission then conducts its public hearing.

Mr. Lopata also briefly noted that many plans that receive negative feedback from the Planning Department and /or City staff are often withdrawn rather than processed for Planning Commission review.

Mr. Lopata then emphasized that at their public hearing, the Planning Commissioner should strive to be impartial while reviewing projects. At the public hearing, the Commissioners should limit comments until everyone is finished speaking. In other words, it is important to not “tip one’s hand” concerning the Commissioner’s point of view while asking questions.

Next, Mr. Lopata explained that once the Planning Commission has made a recommendation on a project, it then goes to City Council for review. He also stated that, just as the Commission does not have to agree with the Planning Department, City Council does not have to agree with the Planning Commission recommendation. It is a recommendation to be taken under advisement by City Council.

Once a plan is on the City Council agenda there are two readings for rezonings and annexations, one hearing for subdivisions.

### **3. Do’s and Don’ts for Commissioners**

Mr. Lopata then reviewed some ethical and procedural guidelines for the Commissioners, based to a considerable extent on materials previously provided on the subject. He noted, for example, that the basic rule for anyone who comes before the Planning Commission is that they have a fair hearing and decision free from bias or favor. He stated that any Commissioner with a conflict of interest cannot participate in the public hearing review process for that project. Discussions with residents or Council members are discouraged outside of the Planning Commission hearing because the public has a right to hear discussions concerning a project. Mr. Lopata added that decisions on approval or disapproval should not be based on whether a Commissioner “likes” or dislikes” a project but, instead, on City Code requirements. He then suggested that the Commissioners should go on site visits by themselves. He concluded by noting that commissioners should refrain from lobbying Council or the community concerning projects under review.

#### **4. Discussion and Questions**

Next, there were some questions and discussion by Planning Commissioners and the guests present at the meeting. Among the topics discussed were; term of office for Planning Commissioners, applicants, press and residents contacting and/or trying to influence Planning Commissioners, obligations of developers towards local schools, residential zoning for the west Newark area, and examining developments after they are completed to see how they turn out.

The workshop adjourned at 8:30 p.m.

Respectfully Submitted,

Elizabeth Dowell  
Secretary, Planning Commission