

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

November 3, 2015

7:00 p.m.

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

Chairman: Alan Silverman

Commissioners Present: Bob Cronin
Jeremy Firestone
Willard Hurd
Edgar Johnson
Frank McIntosh
Robert Stozek

Commissioners Absent: None

Staff Present: Maureen Feeney Roser, Planning and Development Director
Michael Fortner, Development Manager

Mr. Silverman called the Planning Commission meeting to order at 7:04 p.m.

Mr. Alan Silverman: The City of Newark, Delaware Planning Commission for Tuesday, November 3, 2015 will come to order. Some comments from the Chair. I'd like to ask who the young people are in our audience tonight.

Unidentified Speaker: Hi, we're students at the University of Delaware. I'm an undergrad studying [inaudible] public policy and we're all in the same class [inaudible].

Mr. Silverman: Okay. That sounds good. I think...

Ms. Maureen Feeney Roser: You've picked a good one.

Mr. Silverman: Yeah. You've picked a good one. Unfortunately, it's not one tonight that reflects our usual business. We're not going to be dealing with land use. That's the next thing I'm going to bring up. The agenda for tonight's meeting has been revised. The Millcroft Retirement Nursing Home application for a 48 bed memory care facility, next to the existing Millcroft facility, has been withdrawn by the applicant to a future date. So we will not be discussing that. Any of those people in the audience who are here to listen to that, we will not be doing that tonight.

1. THE MINUTES OF THE OCTOBER 6, 2015 AND OCTOBER 20, 2015 PLANNING COMMISSION MEETINGS.

Mr. Silverman: Okay, moving on. As was discussed informally prior to convening, a lot has happened with respect to communication and information sharing since our last meeting. There are two past sets of minutes that need to be worked on. Maureen will be taking an active role in tonight's discussion, mainly keeping me straight on exactly where we are. In approval of the minutes, I'm going to take these in the order of the September 2015 minutes. Jump right in.

Ms. Roser: The minutes from September 1, 2015 were approved as amended at your last meeting. After that meeting Dr. Morgan submitted a list of edits, which he would like us to consider. The issue is that FOIA says that once the minutes are approved in a public meeting, they are not to be revised. Having said that, I consulted with Renee Bensley, who is the City's FOIA expert, who says that there are some changes that can be made as long as they're not

substantive. For example, you can find in your packet at your table, Dr. Morgan's suggested edits. One of the things is that because we used a transcription service, we didn't normally put the headings in, so he suggested that we do that. That's not a substantive change. Also, you'll see on the second page, where it says "Add Planning and Development Department report", that was an instruction that I gave the person who was filling in for secretary at the time. She apparently didn't understand what that meant. We always include the report so the full record is there. That is not a substantive change, because the Commission would have expected that.

In addition, the unidentified person, you'll remember last time we had Joe Charma listed as being here, and he wasn't here and we put unidentified person. The unidentified person has been identified through re-listening to the transcripts and verifying it with Mr. Tracey, who is the person who the words are now attributed to.

Those changes have been made to the official document post-your approval because they're not considered substantive changes. We did not make any of the other edits. For the most part, they are grammatical edits, so it's really up to the Commission what you'd like to do. We can put this on for a future agenda or we can accept them as they have been altered, as I've just described to you, and leave in whatever other edits that Dr. Morgan were to suggest.

I think that we can move ahead because we've already approved them and still not be in violation of any FOIA for minutes. The reason why I didn't just put it on another agenda for you to look at is not only because I told that you can't because of FOIA, but also because Council is going to consider the Astra Plaza development, which is the one that was discussed during this meeting, on the 23rd. They're going to consider it, and they would be at a disadvantage if they didn't have your minutes. We'd like to move ahead doing that, so if the Commission agrees, we don't really have to do anything with those minutes unless someone wants to put them on another agenda for re-discussion.

Mr. Silverman: So if there is no objection, the September 1st minutes, as revised as just discussed by the Director, will stand as our minutes. Okay. Hearing no objections, those September 1st minutes stand.

Ms. Feeney Roser: Thank you.

Mr. Edgar Johnson: My only question is 13.8 feet. I understood it to be 13 feet 8 inches.

Ms. Roser: Yeah, I did too. It really is, when you do the math on it, there is not much difference.

Mr. Johnson: Well, 9.6. Thirteen, 9.6.

Mr. Will Hurd: I mean if it was the architect speaking and he said 13 8, its 13 feet, 8 inches. We don't use decimals.

Ms. Feeney Roser: Okay. That would be on [inaudible]

Mr. Hurd: Yeah, we're not engineers.

Mr. Silverman: Do we need an Attorney General's opinion on the use of decimals or inches?

Ms. Feeney Roser: No.

Mr. Silverman: Never mind.

Ms. Feeney Roser: No.

Mr. Silverman: Okay.

Ms. Feeney Roser: So now you're on to your regular minutes.

Mr. Silverman: Okay. We have the minutes of October 6, 2015. You have paper copies, you have electronic copies. These draft minutes have been posted on the internet from what I understand.

Ms. Michelle Vispi: No, they are not.

Mr. Silverman: Oh, they are not. Okay.

Ms. Feeney Roser: There's been a conversation about not putting draft minutes on the web because until they're approved they're not official, and as we've just noticed, there could be problems with minutes until they're approved.

Mr. Silverman: Okay.

Ms. Feeney Roser: The audio is up, I think.

Ms. Vispi: It is.

Mr. Silverman: Okay, so there is an audio version of these minutes that is on the web. That audio is available here for those who don't have access to computer equipment for them to review. As Commissioners, we've had a paper draft submitted to us. We have a revised paper draft in front of us. I understand that some of us have submitted corrections that are now included in the paper draft that is in front of us. So if I hear no objections...

Ms. Vispi: The only correction I would have is that the corrections are not...

Ms. Feeney Roser: Excuse me, Michelle, you have to talk into the microphone.

Ms. Vispi: This is Michelle. The only correction I would have is that the changes that were emailed to me or communicated to me after these were sent, are not reflected in this paper version yet. They are online, but they have been made and saved to our electronic copy and they will be what's published if they are approved.

Mr. Silverman: Thank you. Everybody hear and understand that? So we appear to be ready to go on this. This final document that we approve will represent the final draft...

Ms. Feeney Roser: May I ask a question? Can you tell us who made those corrections? Were they corrections from Commissioners?

Ms. Vispi: Yeah, there were two changes from Mr. Silverman and one from Mr. Hurd.

Ms. Feeney Roser: That's fine.

Mr. Silverman: If I hear no objections to the October 6, 2015 minutes, they will stand as printed. Moving on to the October 20th minutes. This was the minutes of our special meeting. Again, the Commissioners have had paper copies distributed. I take it with, in keeping with the policy of not putting draft minutes on the City's internet site, there are not draft minutes on that site, but the audio recording are available and have been available ever since the conclusion of the meeting. Okay. Have we received any corrections to these minutes?

Ms. Vispi: I apologize. The corrections I was talking about are for the October 20th. The October 6th I did not receive any corrections on.

Mr. Silverman: Okay.

Ms. Vispi: So the two corrections from you and the one from Mr. Hurd were for October 20th.

Mr. Silverman: Thank you. So the October 20, 2015 minutes we have received corrections on and they will be represented in the draft. The secretary has those corrections. If they are no objections...

Mr. Bob Cronin: Mr. Chairman?

Mr. Silverman: Yes.

Mr. Cronin: It seems to me that if we're going to approve the minutes and we have some corrections that were made that are not in the printed copy, we want to take a minute or two for somebody to identify those corrections on the page, a sentence or something. We'd all be aware what the correction was...

Mr. Silverman: Okay.

Mr. Cronin: And then when we vote on it, we'd know what we're voting on, not like some of the votes they take in Congress where they don't know what they're voting on.

Mr. Silverman: Wise recommendation.

Mr. Hurd: I'll begin. For the October 20 minutes, on page 10 in the middle, in my statement about the Sewer System Masterplan, in that last sentence, the word that came out in the printing was "part of the renew packet" and what I meant to say and I think I said was "review packet". That was my only correction.

Mr. Silverman: I contacted the Department and on page 2, the first capitalized paragraph motioned by Stozek, that should read "person" not "peson". And my statement below that there is a position for Vice President and method of "polling that immediately at the meeting" rather than "pulling". Those are the only two sets of corrections we received. Thank you for that, Bob.

Mr. Cronin: No problem.

Mr. Silverman: Everyone on board with those corrections? You can make corrections on your paper copies. Is there any other discussion? Okay. Hearing none, the minutes will stand approved, as we have discussed and corrected our own copies.

2. REVIEW AND CONSIDERATION OF THE MAJOR SUBDIVISION AND SPECIAL USE PERMIT FOR 3.3 ACRES LOCATED ON POSSUM PARK ROAD JUST NORTH OF THE MILLCROFT RETIREMENT AND NURSING HOME IN ORDER TO ADD A 48 BED MEMORY CARE UNIT TO THE EXISTING MILLCROFT FACILITY. WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.

Mr. Silverman: Moving on in our agenda. As I said, the Millcroft Retirement proposal has been withdrawn, and we will move into agenda item 3. Do you ladies and gentlemen have a copy of the agenda? Okay. We'll move into agenda item 3.

3. COMMISSION DISCUSSION REGARDING 2015 ANNUAL REPORT AND 2016 WORK PLAN.

Mr. Silverman: Under the City Code, the Planning Commission is required to report out officially the work of the Planning and Land Use Department, as well as any proposals that it has for additional work for that Department in the matter of the work program. This is a collaborative effort. I've worked with the Director on what's already in the pipeline, and this is our opportunity to bring up topics that we believe should be pursued that have evolved out of our discussions with the public and the interaction among the applicants. For example, one of the issues that seems to come up on a regular basis - and I'm going to use a holistic term here - parking, whether it's structures, spaces, designs, waivers, that whole basket of dealing with parking.

In addition, we struggled with the contents of the Code, particularly the text and the definitions, and we saw this this year with the effort we went through with accessory uses. Some of the discussions revealed that there were other parts of the Code that were not as clear or

definitions and wording may be obsolete. This came out when we were doing the Comprehensive Plan update. So we might look at an ongoing effort there.

The issue of student parking has been discussed many times by the public, the applicants, and among the members. These are the kinds of things that we should probably bring up to be put into a work program. We have to keep in mind that we're dealing with a professional staff of how many people total now? You're fully staffed?

Ms. Feeney Roser: Fully staffed, and there are two and a half planners.

Mr. Silverman: Okay. There are two and a half planners. And we know from our experience with them appearing before us, that they have many lines of endeavor, responsible for comprehensive plans, responsible for City activity, responsible for parking. So those two and a half people are stretched fairly thin. We need to keep that in mind as we're discussing some topics. I've worked on some things that have come to mind, and I'd like to use those to lead us wherever this group is going to go in our recommendation. At least get some people thinking. A work program is something I'm used to. It's used in bureaucratic organizations. You might call it business planning if it was on the business side. What resources do we have? How are we going to get there? What do we want to do?

Some of the things that I've given some thought to, I've written down and I'd like to touch on. One is revising the agenda content by adding a standing item, a report from the Chair. So if I have things to report out, it's a published item, it's on the agenda. It may not necessarily be a topic. It may be simply housekeeping. But people know that that's going to be the first item on the agenda.

Something that I saw on the City Council agenda site, which I'd like to bring in to our group, are statements and reports and items from any of the Commissioners. We have two Commissioners who are representing us on the Housing Study. They have attended meetings, they have dealt with individuals. We've found that a means of communication I thought was open and available to us, has been blunted by FOIA, and I'd like to have a place in our agenda for the individuals who have attended those meetings can then bring back information to us, their observations, their opinions, and we can have an open discussion among the Commissioners. This way we can ask questions. Nothing is going back and forth which may be on the internet and could possibly be questioned under FOIA. Then if we have a special circumstance where we know we're going to go into executive session for whatever reason, that we're allowed to go into executive session, that we also post that on our agenda.

So if we're dealing with a contract, for example, if the Director brings a contract to us for information or our review, and it's not public information yet, they're looking at vendors. If the City Council considers it an item which should be privileged, we would also be able to do that and discuss it. So I'd like to add those three areas as a revision to our agenda, as either standing or agenda items that are necessary. In dealing with our Code, for example, Will brought this up, I believe, and we discussed it, the zoning Code is undergoing review now. It's already a work item with the Director and her department. Some of the things that we've looked at, sometimes a picture's worth a thousand words. So rather than trying to describe what's a buildable area on a lot, we may want to bring information to the forefront and take it to the public, coming up with drawings that represents some of the zoning setbacks and categories, and illustrate some of those words. That's the kind of thing that we may want to recommend and then edit for consistency so definitions are common throughout. Will, do you have some questions?

Mr. Hurd: No, I think that wasn't quite what I was trying to get at in my note to you. I was looking at the actual submission standards for the drawings that we get.

Mr. Silverman: That's my next group.

Mr. Hurd: Yeah. Unless you're talking about form-based coding, form-based code.

Mr. Silverman: No. That's way out in the future.

Mr. Hurd: Right. Then that wasn't me, talking about illustrated setbacks.

Mr. Silverman: Okay, but when we're...

Ms. Feeney Roser: Could I just understand? What you're looking at is amending the sub-division regulations so we can change how plans look that are coming to you, or what those submittals are. Is that what you're thinking, Will?

Mr. Hurd: It came out of last month's when they had that rendered site plan that had the grass and the roads, and there was a very clear picture of what was going on in the site. It wasn't the civil plan. It sort of said to me that perhaps we should be asking for essentially a separate drawing, not the civil property front line, which is a mess to look at because there's so much going on because it's got storm water and it's got everything else. But a more concise drawing that illustrates the issues that are important to us. So setbacks, lot coverage, permeable versus impermeable buildings and their associated heights, traffic flow...

Mr. Silverman: Parking areas, sidewalks...

Mr. Hurd: Parking areas, all that kind of stuff in a single drawing that we can look at and go, "Oh, okay, I can see all that stuff." I don't care where the sewer line comes in. That, which is...

Ms. Feeney Roser: But we do.

Mr. Hurd: Well, I know you do, but trying to get all that information out of that one big drawing is often difficult. Sometimes there's stuff that's missing or it's not clear. So as an example, the Cleveland Avenue, they were asking variances, but those variances weren't, you couldn't see on the plan where those variances were occurring. And that would be the kind of thing I would want to see, to say, "This zone here, that's where we're getting the variance on our setback." So it's a single picture you can look at and go, "Oh, I see what we're working with here."

Mr. Silverman: And I've got the same kind of notes down here. Essentially clarification, formatting content and clarification for essentially the laymen.

Mr. Hurd: Yeah.

Mr. Silverman: By the time we overlay old topography lines on new topography lines and run a curve across it, unless you've got a good eye for that, and the information column is complete, you don't have a clear picture of what all that means.

Mr. Hurd: Right.

Mr. Silverman: The other thing that I want to bring to that, New Castle County, DNREC and DelDOT all have gone over to requiring electronic media.

Ms. Feeney Roser: We do too. We get PDFs of the plans. That's how they get on the web.

Mr. Silverman: Are you ladies and gentlemen with us? Right now, if Michelle with hold up the packet of paper there, can you show us one of those sub-division plans? This is what we have to deal with, and that's 18th century technology. The irony is, it's drawn by computers. So what we may want to look at is instead of getting a piece of paper like that in my packet, I get a PDF drawing that I can bring up on my computer at home. I can make notes on the PDF, print it out in 8.5" by 11", bring it here, and I've got my notes on it. So that may make your job easier.

Mr. Hurd: I will say that paper's still a very good mechanism for rapidness.

Mr. Silverman: I agree.

Mr. Bob Stozek: Sometimes it's convenient to have it sized rather than 8 ½ by 11.

Mr. Edgar Johnson: Yeah.

Ms. Feeney Roser: But I mean we could email the PDF to you. That's just a matter of when the packet goes out you'll also get a PDF. That's fine.

Mr. Stozek: My I ask a related question?

Mr. Silverman: Yeah.

Mr. Stozek: Before something comes here to the meeting to be presented, is there a deadline that they're supposed to have drawings to you? I've only been on the Commission a few months and we've already had two projects come forward where the drawings we received in the packet were not up-to-date. There were changes made, especially about building height. That was one thing I remember that happened twice.

Ms. Feeney Roser: I'm not sure I'm familiar with what you're talking about, but they submit plans, and the plan that you should get is the latest plan. I don't know which ones you...

Mr. Stozek: I remember there was an issue because I was asking questions about building height and how it was referenced on the drawing and the architect then said, "Well, no, that's not the right number. It's three feet taller," or something like that.

Mr. Hurd: We have gotten revised elevations and renderings at the meeting.

Ms. Feeney Roser: But not plans?

Mr. Hurd: Right.

Ms. Feeney Roser: Right?

Mr. Hurd: Yeah, but the elevations and renderings are...

Ms. Feeney Roser: Let me just tell you how it works. It takes about four to six months to get to you, to get through the whole process. They'll come in, depending on whether it's a minor or major sub-division or what they're applying for, there is a time frame, which is on the web, that'll tell you, if you get it in by Thursday the 28th, you'll be on the 1st of January Planning Commission. And there are requirements in the Code that say how quickly the staff has to review those plan. So I have about two weeks to get them distributed, get them out to all the operating departments and collect their comments. If it's a complicated project, we also do a Subdivision Advisory Committee meeting, so that we can all sit down and talk about that. Then I have another X number of days to get those comments back to the applicant's engineer. They then resubmit plans. We send them around again. We get those comments back, and only when I have heard from each department that they are satisfied that it's ready for your review, does it get to you. So some projects could get to you in about three months. Others have been a couple years before they've gotten to you. It depends on how complicated the project is and, quite frankly, how savvy their engineer is. So we get those things.

Now that does not mean that the applicant would not continue to work on elevations or something like that, but we are supposed to have the latest when it comes to you. If they've changed it, it's because they've changed it between the day that I've distributed it to you and the night of the meeting. That can be something that you can say, if you would want to, that you're not prepared to look at a new drawing, you had a previous one, and postpone the discussion to the next month. That's within your purview to do. But it does take quite some time to get to you, and when you get it, you should be getting the latest plans and the latest elevations.

Mr. Stozek: I guess the problem I have is, until we get into the discussion here at the meeting, sometime these issues don't come out. Because I was referencing building elevations on the drawings we were given, questioning, I don't remember the issues at that time, and they said, well those aren't the right numbers, it's changed.

Ms. Feeney Roser: You can cut it off there and send it back to them if you like. That's up to the Commission. If you believe you don't have enough information, then you should tell them you're not prepared to move ahead.

Mr. Hurd: And this is Will Hurd, I can say from previous experience, usually between the submission to the Planning Department and our review, they go in front of the Downtown Design Review Committee.

Ms. Feeney Roser: If it's within the Downtown district.

Mr. Hurd: Within the district or adjacent enough that they feel it's appropriate or whatever. And sometimes out of that conversation will come some changes to the architectural elements that may cause a change to the elevations being brought here. I think there have been one or two, probably, that have shifted because of that happens in between when they submit and we see it.

Ms. Feeney Roser: If they'd been to the Design Committee, those comments are in the report for you. The Design Committee approves it, but made suggests for X, Y and Z. That's in your report.

Mr. Stozek: Maybe I'm making too big a deal about this. It's just that if things don't come forward until we ask questions about them, how do we know there are changes that have been made?

Mr. Hurd: Yeah.

Mr. Silverman: Maybe that needs to be an item on the Director's report or we ask the applicant have any changes been made to this drawing. I think that's part of our responsibility.

Mr. Stozek: Yeah. That would go along with looking at changes in minutes. Before we start the discussion, the presentation, we ask them, have any changes been made to what we have been given. Then they can detail those and then we're informed. That would be fine.

Mr. Silverman: Something else I found and I don't remember which submittal it was, and Will is probably much more aware of this than any of us. There are a number of people who are outside the City's purview that the applicant has to work with. Each of those, like a college professor, you've got my class, I don't care what other homework you have. DelDOT wants their drawings and typicals, DNREC wants their drawings and typicals, the people who do landscape architecture work, they have their typicals. And we end up with a drawing that we're most interested in, the miniature, in the middle of all this other information. The list of property owners that have been contacted. One of these we looked at must have had 30 or 40 property owners on it. I would like to see those either on a separate sheet, that we can have next to the main sheet, so that we can look at the details we're looking for.

Ms. Feeney Roser: May I jump in again.

Mr. Silverman: Yes.

Ms. Feeney Roser: I apologize for jumping in, but what we're talking about is amending the subdivision regulations for submittal requirements. That's what we're talking about doing.

Mr. Silverman: Okay

Mr. Hurd: Yeah.

Ms. Feeney Roser: So if that's something that the Board wants on their 2016 Work Plan, we can certainly look at that. I think that Mike and I probably have a list of things that we'd like to change there as well. It's just sort of a, my issue is really how much time do we have with the staff that we have to work with you, so I'm trying to get out of you what you think are our priorities. If that helps you do your job better, then, yes, that is a priority for us and that's what we should be doing as opposed to something else.

Mr. Hurd: I think I want to clarify that I'm not looking so much to change the requirements as they are now. Basically, I want to add a drawing.

Ms. Feeney Roser: Right. That's changing the requirement.

Mr. Hurd: Okay. But I'm not going to take away the drawing that we currently get. That civil plan is a very useful plan for a lot of people, I understand.

Ms. Feeney Roser: Right. And we need it to make sure we can service the development and how it's going to work. But that would be changing it in that you're adding another sheet to what's being submitted.

Mr. Hurd: Okay, yeah.

Mr. Silverman: And in deference to Edgar, maybe that plan we looked at the other day was the exception, with that extensive list of property owners.

Mr. Johnson: I sort of like that. There's 41, I don't know, I remember counting it. Forty-one sticks in my mind. Forty-one property owners' names. I found it very helpful, so I'd like to keep it on the drawing rather than a separate sheet of paper where I have to keep looking back and forth. It's right there in front of me.

Mr. Silverman: Okay.

Mr. Johnson: Can I say something about the agenda?

Mr. Silverman: Sure.

Mr. Johnson: I am not an expert on Robert's Rules. I am an expert of Edgar's Rules, but not on Robert's Rules. But I do believe that the Chairman can set the agenda at any time. So you can put on the agenda whatever you want. I don't think we should formalize what has to be on the agenda so that the next Chairman has to then un-formalize it to meet their will or how they want to run the meeting. So as Chairman, you have the right to put on the agenda what you want in any order in consultation with Maureen. I believe that's Robert's Rules, so you can do whatever you want.

Mr. Silverman: Okay. If that's the consensus of the group, that'll just drop out as a work item and Maureen and I will work on that formatting.

Ms. Feeney Roser: That sounds good.

Mr. Silverman: That just crosses one more thing off. Now let's talk about the elephant in the middle of the meeting room, and that's parking.

Mr. Frank McIntosh: Alan, excuse me.

Mr. Silverman: Yes.

Mr. McIntosh: Before you get to the elephant, could we deal with the chimpanzee?

Mr. Silverman: Yes.

Mr. McIntosh: If I heard you correctly, you were talking about getting the electronic drawings that you can look at on your computer screen.

Mr. Silverman: Correct.

Mr. McIntosh: Now I may have missed one in the past, but I've never seen one like this before, that large.

Mr. Silverman: That is a, that's ironic. I like that. You can see it, you can read it. The clutter has been moved to other sheets. In my mind, that is a standard that I would look toward for submittals. Not trying to get everything on one sheet of paper.

Mr. McIntosh: Okay. Well, all I'm trying to say here is that I would be against us dealing with what would essentially be this, coming off a computer screen. I have enough trouble looking at this, let alone trying to deal with something that's that small.

Ms. Feeney Roser: The scale...

Mr. McIntosh: I'm just saying this was great. I put it out on the kitchen table.

Mr. Silverman: That's what I did.

Mr. McIntosh: Boy I tell you, it was great, because the kitchen table had just come back from the furniture repairman, put a new shine on it, and then I had this stuff on it. It was just great. Everybody in the house was wanting to look at it. It was just me and my wife, but nevertheless.

Mr. Silverman: Well, there's no reason why we need to discontinue one. I'd like the option of both.

Ms. Feeney Roser: What we might do, though, is standardize submittals. Every time you get one from a different engineering firm, they look differently, and you have to look in a different place to find the data column or whatever. Some do an existing conditions plan. Some put it on top of it. That's the kind of thing you could specify in subdivision reg amendments to say, "Well, we'd like to see the property owners and the existing conditions on one sheet. And we would like all the engineering things on another. And we would like something that shows variances." We would have to work on the words...

Mr. Silverman: That, and can we come up with a template? For example, I'd like to see the purpose statement of the plan right over the information that appears in the lower right-hand corner that gives the title and the tracking number and the owner and the engineer and all that. So it's very easy to see what I'm looking at and what they think is going on, and whether it matches the purpose statement in the letter. I know that sounds weird, but sometimes you get out of sync.

Okay. Shall we move to the elephant in the room? Parking. I've heard at this table and I've heard from the public, parking ranging, and I'm going to call it, from A to Z, in the alphabet and away from the zoological references. What's the existing parking? How much private parking is there? How much public parking is there? Where's the location of that parking? The idea of a parking building. Just that whole idea, from what I can determine in talking to people and doing some very basic research, was generated with the whole idea of the Downtown business district almost 15 years ago. I got the impression that it was an insurance policy, because at that time nobody had an idea of how the Downtown business district was going to evolve. Somebody had the notion that we better have parking spaces, and that whole idea has been carried forward.

One thing I've noticed, and I confirmed this with staff today that, because of the parking waivers and the fee system involved, choices were made by the private development community to provide additional on-site parking. They provided that with not only the residual that was already there, but by putting parking under buildings, so we end up with slightly taller buildings with parking underneath that building, and cooperative arrangements and cross access agreements with the Public Parking Authority. So I came to one man's conclusion, my conclusion, that maybe that parking building, that whole notion of a parking structure is something that's obsolete. It was put back in there 15 years ago when no one knew what the picture of Downtown was going to be, and, through various development mechanisms, the need for it may have been diminished greatly. So maybe we need to ask the staff to start looking at some of those issue, if some of my notion is true, and at least lay it out for the City Council and the complaint review effort as to whether they want to carry that notion forward. I know the

parking waivers have come up as issues here at the table, and we've had discussions individually about them. Whether the monies that were determined as an offset were a contribution to the Downtown parking effort was really enough. Was it an underpayment? So what do you guys think about this looking at the whole notion of parking?

The other thing I'd like to see, and this is kind of another element, is, I took a look at the parking that's in the City Code. Maureen and staff have said they're revising the City Code. They're looking at the subdivision [inaudible] regulations.

Ms. Feeney Roser: Excuse me, Alan.

Mr. Silverman: Yeah.

Ms. Feeney Roser: What I told you was the City is re-codifying.

Mr. Silverman: Re-codifying, okay.

Ms. Feeney Roser: Right, because we were talking about the zoning Code, and it was like let's get the re-codified version and talk about how we might improve upon that after we have it. Because there are changes that are being made but they not substantive changes.

Ms. Silverman: Right. I took a look at the code and the City of Newark, for lots that were laid out in the 18th, 19th and 20th century, that were built on, that are being rebuilt on, the City is using a suburban shopping center style Code for establishing the design of parking lots. You notice there's 90 degree parking that requires 24 feet of back out? It's not a very economical way to use land. Or to flip that over, to maximize the number of automobiles you can get in a parking area, particularly with a redeveloped site. The City has no provisions for compact cars. If you want to see an example of what I'm talking about, go down to the redesigned parking lot in Newark Shopping Center. You'll see that the cars that are parked up against the curbs and the bumper blocks, with the front vendor overhang, which is part of the design, have 4, 5 or 6 feet parking space left behind it, and then 24 feet to back out behind that parking space.

So maybe we need to recommend that the standards for physical parking spaces and parking lots be looked at. Right now it's a popular notion to soften a parking lot. Instead of having a sea of asphalt, we take the old Newark Shopping Center parking lot and we put the modern suburban planting on there now, and you lose a significant number of parking spaces. Well they had enough room to do the islands, protect the pedestrian walks, the treed areas and all that. Somebody who is developing on Main Street, where the back of the lot used to have a horse barn, it was 200 feet deep only because they had septic tank, so that's where the outhouse was. That modern design may not apply to a redevelopment area in the Downtown. So maybe we're looking at two types of parking standards. One for a generally open area, one that has a lot of flexibility, and then another parking standard for an area that's already been developed and is tight. Edgar?

Mr. Johnson: I'm a little puzzled here.

Mr. Silverman: Yeah.

Mr. Johnson: Because a compact car fits in a regular parking space.

Mr. Silverman: Right?

Mr. Johnson: But my SUV doesn't fit in a compact space. I would hate to pull into a parking lot with my SUV and the only space available is for compact cars and I have an SUV. So I would think it would be in everyone's best interest to have parking consistent, the size of the parking space consistent.

Mr. Silverman: Well that's where you and I are going to come down on opposite sides.

Mr. Johnson: We can arm wrestle over that one Alan, that's not a problem.

Mr. Silverman: Yeah. But at least a percentage for compact.

Mr. Johnson: I don't want any percentage. I want all the spaces the same so I can park my SUV where the hell I want. Excuse me. Where I want. It just doesn't make sense to me. I hate it in those parking garages in downtown Wilmington, compact car, compact car, compact car. I have to go up to the fifth level to find out, oh SUVs can park on the roof now, because every open space was a compact car and I couldn't park there.

Mr. Silverman: But that's a decision that's going to have to be made by somebody beyond this Commission.

Mr. Johnson: And then what are you going to do to police it? I pull my non-compact car into a compact space. Am I going to get a ticket?

Mr. Silverman: If you do it in a City lot, you will.

Mr. Johnson: We're going to hire police officers or parking attendants to go walk through the parking lot to see if there's a non-compact car in a compact parking space? Doesn't make sense.

Mr. Stozek: I'd make a citizen's arrest, Edgar.

Mr. Silverman: Let's put it the other way. If we have a choice between building a multimillion dollar bond issued parking building so everybody gets, I'm going to call it, a 10 by 20 space, or we limit the number of, wait no, limit is the wrong word. We design a parking space to accommodate different size vehicles and we can take the existing, say, public parking and instead of having 300 spaces available, we have 300 plus 10 percent. We have another 30 spaces available. We're maximizing the area we have for the cost of putting paint down.

Mr. Stozek: This may end up being somewhat of a moot point, because in last night's City Council meeting, there was a discussion about going ahead and, apparently they have two inquiries on some sort of partnership of constructing a garage, that's being pursued.

Mr. Johnson: Did they talk about compact spaces?

Mr. Stozek: No, they talked about a comedy club.

Ms. Feeney Roser: Councilman Ruckle talked about the comedy club. I think we've gotten into the weeds. I think we need to talk about what the task at-hand is, and that is to determine what your 2016 Work Plan will be. We, the staff, has already gotten clear direction from Council that they would like to look at parking, so that's going to come to you. I know that Council was mostly interested in the parking waiver and it's one of the things that we looked at. If you look at your Annual Report, you only really saw one parking waiver come through in this last year. That was for the Newark Newsstand building which you rejected, although they are going to Council and ask Council to overrule you on that one, with a revised plan, they want a two space parking waiver and another apartment. It is true that developers, generally the savvy developers, are building taller buildings so they don't have to come in for waivers. There's debate as to whether or not that's a good thing.

So I think a holistic look at parking, our parking requirements, our parking waiver system, the parking waiver fee that business are paying, I think that it is timely. And I think that's something that is high on Council's agenda for us to do. I'm hoping that we can put that on a Work Plan for the Commission, and staff can start to work on it. And much like we worked with the accessory use and neighborhood, I think we're going to have a lot of conversations about it. Where we can talk about compact spaces or not, and we talk about comedy clubs or not. There are lots of issues that we are going to need to talk about before we can come to a consensus to recommend amendments. I realize that you want to talk about the garage and how this may impact it, and I think that's an important part of the discussion, but at this point I just want to get our Work Plan together so we can start figuring out how best to get you the information you need for your discussions.

Mr. Jeremy Firestone: Do we have data on usage and how full the lots are, and how long it takes people to find a spot? How far they had to go? Do we actually know what the problem is?

Mr. Hurd: There was a, oh, go ahead, Maureen.

Ms. Feeney Roser: There have been several studies. All of them were done like on a one day kind of thing, so I'm not sure that they're the best statistically reliable. But we do have, there are two things that have changed since the last study, and that is we went with credit card enabled meters with scanners on the bottom, so we know which spaces are occupied and which are not. The meters clear out when you leave after a certain amount of time. We also are installing new parking fee collection equipment, gates and that kind of thing, that Council just approved, by the end of the year. So we should be able to have our own data on usage rather than hire a consultant to come in and count on one day and then tell us what our usage is.

Mr. Firestone: Yeah but even counting usage won't tell you whether people are having problems with the existing system and how often they're having problems [inaudible].

Ms. Feeney Roser: Meaning having problems with the meter function?

Mr. Firestone: No, not the meter function. Are they unable to find parking? Are they driving around for 3 or 4 minutes to find parking? Are they parking two blocks away from where they'd rather be? In doing a survey of how many spots are full at any one moment doesn't really answer. The question is, we know what the supply is but the demand is not just what's full but what's the impact [inaudible] capacity?

Ms. Feeney Roser: We have...

Mr. Stozek: The most recent study developed some of that data that basically said from like 6pm to 10pm was the most congested time. But there were a lot of questions about study.

Ms. Feeney Roser: About the counts.

Mr. Stozek: It was one day in April.

Mr. Silverman: And anecdotally, the merchants who appear before us talk about Thursday through Saturday night and Sunday morning. During those peak evening time periods, there are no spaces in some lots. They are full.

Ms. Feeney Roser: To get back to what Jeremy was saying, none of the studies that have been done recently have done it, but Mike Fortner, as a grad student here, actually did interview parkers for a survey, that could be part of what we do. You know, to say, "Where did you park, how long did it take you?" That kind of thing. I think we gave them a half hour of free parking if they talked to you, Mike, because nobody really wants to talk to you.

Mr. Stozek: That was last [inaudible], wasn't it?

Ms. Feeney Roser: You know that kind of the thing, if this becomes part of the Work Program, we would come back with a scope of what we thought we would be doing and then talk with the Commission about how you wanted to see that go. I don't know whether we would do workshops or that would be part of your normal meeting, but we're going to need a lot of input on this. It's a much more complicated project than it may appear at first. It's going to take some time to do it right.

Ms. Silverman: Will, you had a question?

Mr. Hurd: Just sort of general comment to Jeremy's point. I think similar to the apartment issue and the vacancy rate, I think there is probably a parking vacancy number percentage that when it's below that, it means we're pretty full and people are trying to find spots. Over a certain percentage means people feel comfortable finding a spot close to where they want to. I'm sure

parking people have a better handle on that but I would imagine that what you would see in your data is that, especially if it's time wise, you'd start to see certain lots fill up and then further lots filling up, and then staying, kind of, in that nearly full state, hopefully for a while. That says we're at our capacity here because people have filled all the spots and they're not turning over or they're not changing. If we had a percentage in mind that might also help us with a goal for what our spaces would be.

Ms. Feeney Roser: There are standards for that. I can't remember the actual term for it, but if the parking lot is 90 percent full, it's perceived as full.

Mr. Hurd: Right.

Ms. Feeney Roser: So we can pull that kind of information.

Mr. Hurd: Right, so if we had a better understanding about demand and a better understanding about when are we over that percentage, then we could say we need, you know, like the apartments, we need 50 parking spaces to get us into that comfortable zone, or something.

Mr. Silverman: Along with that scope of work, I've romanticized the college student and since I a victim, excuse me, a participant in this kind of thing, there's a lot of people power that would swap the effort for, it used to be called university 666 courses, independent study, where you would work with a sponsor, come up with a program like doing a miniature master's thesis. Here's your scope of work, here's what you think needs to be done, you meet with the sponsor, and you come up with a grade of credit hours, kind of thing. There's a gentleman who I've been referred to at the University by the name of Rusty Lee, who is a civil engineer in transportation. If we've reached the point where we're going to move forward with this, I'd like to see our group consider approaching him to come up with some of these alternative parking lot designs, even if he has a group of students take an existing City parking lot and the charge is maximize the number of parking spaces, still meeting standards for trash trucks and fire engines and SUVs, kind of thing, and see what comes out of that. There is a lot of good brain power there.

Ms. Feeney Roser: To that end, in the packet that you have, I did a memo on your 2016 Work Plan, potentially. At the top of page four, I have a list of projects that the department thought, well either we've got direction from Council to do, or we're in the process of already doing, like the Comp Plan and the Newark Resident Survey. But I did list amendments to the fee structures. That also came from Council and I think it's important for us to be looking at them, particularly since costs continue to rise to record plans and things of that sort.

Mr. Silverman: Let me interrupt you. That's fee structure with respect to all the City submittal fees, correct? Because we were talking parking.

Ms. Feeney Roser: Yes, I'm sorry. Yes, the parking wavier fee is in number 5. So I would suggest, and not that I want to cut off the conversation, but I was thinking if we looked at that and you could tell me how you would like that wordsmithed, if it is a priority project for the group, then is there something that you want to add to what's in there so that when we prepare this for Council, they know what your wishes are.

Mr. Hurd: I think specifically for item 5, I want to see language in there about an evaluation of capacity, and use or demand, or whatever the word or term is, to try and get a handle on how many cars come into the city? How many are looking for spaces? I don't know, even with a survey, how many people leave? I know this is starting to get more into development than planning, but how many people give up, basically, and turn around and head out? I think capacity, demand, requirements, and sort of that sense about the thing.

Ms. Feeney Roser: Would you add that after the word review, reviewing parking capacity and demand, parking requirements, and just continue on with that?

Mr. Hurd: Yeah, probably review parking capacity requirements. I think we're looking at, sort of, two different things here.

Ms. Feeney Roser: There are bunch of different things.

Mr. Hurd: A bunch of things. Of course. There's the parking zoning code requirements that are on the plans that we see and the lot layouts, which is what Alan was talking about.

Mr. Silverman: Right, the physical site requirements.

Mr. Hurd: The physical/actual parking lots that come to us to be approved, that we can look at and review, and maybe we can have better guidance about, or provide to the developers with better guidance about how to do that effectively. I think there's also the overall issue, within the City, of the issue of parking and the capacity and the demand and requirements, and whether we already have enough. And that, I think, could start to influence our reviews of projects to say, especially if they're going to ask for a waiver, if we know that we're already at maximum capacity, that way we should be much more expensive, or sort of through a sliding scale or should it be not granted. It's hard to know if you should grant the waiver or not when you don't know what the impact is going to be.

Mr. Silverman: And whether that waiver is for the convenience of the property developer or the convenience of the traveling public.

Mr. Hurd: It's usually for the convenience of the property, but I would need to know, okay those two spaces that they want to give up, how many cars a day is that and where are they going because we're waiving the parking. They're not parking there, they have to park somewhere because, by Code, those people are going to show up in the world of the zoning Code. So where are they going? If we say they can't go anywhere because, based on our study, all the lots are at capacity, then that waiver means basically you've sent someone away. Or you caused a bigger problem. It's data, for me, at least. I don't have the data to look at this and say is that a good idea or a bad idea because I just don't know.

Ms. Feeney Roser: So that's another thing to put into what you would require to be submitted with a request for parking waiver? So there are a whole bunch of different things going on here and different sections of code.

Mr. Hurd: Or if we had the report from the Department, or something, that said, after you've done this analysis, here's our capacity, here's our demand, here's our average vacancies, and we can look at that and go, wow, we're very full, and maybe a waiver is not the best idea. Maybe they need to come back with us with a different project that doesn't require...

Ms. Feeney Roser: And they'll say to you, but they don't need to drive, because they live in Downtown. I'm just kidding.

Mr. Hurd: I know, I know.

Ms. Feeney Roser: But that would be up to them to make that call.

Mr. Hurd: But it gives us a little more authority to have the conversation about the parking waivers, as an example.

Ms. Feeney Roser: Okay.

Mr. Silverman: And it also gives the developer the incentive to look into shared parking arrangements.

Mr. Hurd: Right, because if they can see the data, they can know what's...

Mr. Silverman: An example of that would be a church that's most active on a weekend with weddings and the religious activities using the shopping center parking lot next door. On Sunday morning, it may be a load for that parking lot.

You just queued another thing. Maureen, would this also go under item 5? Trying to crystal ball parking demand by use is very difficult, particularly in a downtown area like Newark, where there's turnover in the actual use. If I have a newsstand, I may only need two parking spaces. Well, my newsstand goes out of business and now a high demand active gym kinds of things, the Pilates groups, they come in. All of a sudden they've got 40 people who want to park where, before with my newsstand, there was virtually no parking. Can we come up with kind of a composite of parking, for a general use?

Ms. Feeney Roser: Yes. That's the parking requirement, right? In that case, just in that example, that would be considered a change of use because it's going from, I don't know what you were first, retail maybe, then you're going to an assembly type use. So that's a change of use from the building Code perspective and also from the zoning Code. So when that happens, then they do have to meet the parking requirements. It's when food goes to food, it doesn't come up. If you have restaurant and another restaurant comes in, unless they're changing the number of seats or whatever, it just stays in there. If there were no parking requirements, and you'll find that in a lot of places along Main Street when there was a business in there and it was before the parking requirements, if they're continuing the same use, you can't require them to meet current parking Code because it's non-conforming, right? I think we're going to spend a lot of time talking about it, so let me see if I can't come up with changes to number 5 to see if we're close to where we want to be. I have review parking capacity and demand, parking requirements, waiver legislation and practice, conduct nationwide research on design standards and best practices, and make recommendations for amendments, including parking space by use and fees. Parking space requirements by use and fees. Use and demand, where did I have that? Use and demand of spaces in existing parking.

Mr. Cronin: [inaudible] capacity. You have capacity and demand.

Ms. Feeney Roser: So that covered it. Is that something that the...

Mr. Hurd: Yeah, I was trying to understand Alan's point. Were you looking for some sort of aggregate average number for all of downtown to say, if we looked at all of the square footage in downtown and we know that a certain percentage is restaurant, a certain percentage is retail, and, basically, what are we looking for it terms of how many parking spaces that lump needs?

Mr. Silverman: Yes.

Mr. Hurd: Okay.

Mr. Silverman: And if that aggregate turns out to be 6 spaces, and the guy has 5, then he needs to put in two compact spaces, or somehow manipulate that to come up with the minimum parking requirements.

Mr. Hurd: But that's different that the...

Mr. Silverman: I understand.

Mr. Hurd: They're specific by the occupancy and then there's, sort of, aggregate for the City as a whole, or the downtown as a whole.

Mr. Silverman: I'm leaning toward the aggregate. I just can't put it in words right now.

Ms. Feeney Roser: But that's covered in the parking requirements.

Mr. Hurd: So maybe that's...

Ms. Feeney Roser: Right? I mean we're looking at each one...

Mr. Hurd: It seems like it's, sort of, either a big or a not big thing depending on what kind of data you have to sort of say, we've got this many square feet on Main Street, as an example, and we know that so many feet are zoned, or used, this way and calculate and say, based on the uses

on the street, we need 450 spaces. That's our baseline. If everyone was built to code, that's the number. What do we actually have? That might give us some real data that way too.

Ms. Feeney Roser: We actually did that at one point, too. Do you remember Jonathan did that? We had a graduate intern that actually went and paced off how many square feet.

Mr. Hurd: Yeah, that's a good intern job.

Ms. Feeney Roser: Yeah, but it's something we could revisit. I think once we get into this, we're going to find there's all kinds of changes we can make.

Mr. Johnson: Maureen, I wanted to say that on page 4, all the topics that you have, future projects and so forth, all make sense to me. I don't know why we're beating ourselves up over the work product. It looks like we have a lot ahead of us to do and to discuss.

Mr. Silverman: Well, one of my thoughts was to help prioritize this because we're back to the professor again. Here's the poor student. We've got our class requirements, Council has their class requirements, and they really have a limitation on people power and hours in the week.

Mr. Johnson: We work for Council. They set the priorities.

Mr. Silverman: No, by law, we do. By Code, we do. We have to make recommendations.

Mr. Johnson: Really? Really?

Mr. Hurd: I think within the Planning Department.

Mr. Silverman: Yes, within the Planning Department.

Mr. Hurd: I had one just small further question. What are we trying to get out of tonight? Is that a priority list of topics, or a short list of goals, or I don't...

Ms. Feeney Roser: My goal is to come up with a Work Plan so that we can send our Annual Report saying what we did in 2015 and what we anticipate doing in 2016 to Council, so that they can consider that. And if they have suggestions for us on what they think is a priority, then they let us know.

Mr. Hurd: Okay.

Ms. Feeney Roser: That's really what I'm trying to get out is just, what are we going to be doing in the next year in addition to your regular development proposals which, honestly, don't seem to be slowing down.

Mr. Hurd: No, so I think in my opinion, at least, we shouldn't go over probably more than 10 to 12 items, depending on the scale. So if we've got 5 already in the future projects, you know, we're looking at 5 to 7 more from this second list.

Ms. Feeney Roser: Well, the other thing that came up, this is not on the list, was to look at the subdivision regulations to see if we can't get product out of the developer that would be easier for us to review and more meaningful. The other thing that came up, and I don't know how it came up, but we talked about training. I think it was Bob who mentioned that, when you first came on board, that there was Planning Commission member training for you. Although I think you said Max did it, and Max did the Board of Adjustment. Roy Lopata did the Planning Commission.

Mr. Cronin: Okay, maybe I made, I think I attended the Board of Adjustment as a visitor for that section.

Ms. Feeney Roser: Yes, you did do that as well, and that was very well done. But is that something that you'd like to put on your agenda because that's going to take some of your time too. It was a suggestion just for regular Planning Commission training. There was also a discussion

about FOIA training and there was something else. Do you remember, Alan? It was FOIA training...

Mr. Silverman: I don't.

Ms. Feeney Roser: Robert's Rules of Order training, which would be part of a broader, citywide training kind of thing. It's pretty dry, it's true. But we sat through it before. We can do it again. So that should be on your agenda too, if you think that's something you'd like us to arrange. That doesn't have to be done at a regular meeting. We can have a special time for that. So that's something else on top of these that's come up.

Mr. Stozek: Maureen, can you spend just a couple minutes talking about your thoughts about number 16. What you're looking for there.

Ms. Feeney Roser: Actually that's something that Mike and Alan have been talking about. Form based Code is really, the sort of trendy way to do your zoning Code and you do a lot with pictures. It's more of, and Alan you can jump in at any time, but it's more of, is this something that we want, as opposed to does it meet the setbacks. It's a different way to do zoning entirely. It's something that probably is going to take a couple of years' worth of work for the Commission to accomplish. Alan do you want to add to that?

Mr. Silverman: Will and I have discussed this individually and that was before I was properly educated. It puts more work on the applicant. It's no longer kit built. You used to be able to buy a house from Sears & Roebuck. Everything was pre-cut, it all went together in one way. A house on the East coast looked like a house on the West coast. It puts more work back on the architect and site developer to say, "You know what, I want my building to project out, or I want my building further back than the average setback," and this is the reason why. And the mass of my building isn't based on the number of stories, it's how it fits into the two buildings on either side. And how I get from front to back, no I don't want an open alley. I want to build a bridge over that and use the air rights. But let's just say the Code says you can't build anything over an access alley and the developer says, "Look I want to go with a European style model or an old city model, and I want the covered way of getting into the back." It allows the developer to argue that, and then it's argued in front of the public. It almost heads towards architectural design review.

Ms. Feeney Roser: It's sort of like site plan approval, sort of.

Mr. Hurd: Yeah, I would just add that I think, from my earlier experience with form based planning, what it allows you to do is sort of describe the building types and shapes that you want for the different zones. The higher density, lower density, residence, whatever, which then allows mixed use to come in and work better because it doesn't look different. So you could have an office building with retail on the bottom next to an apartment building, and they look very similar because you've defined heights and shapes...

Mr. Silverman: The physical façade and the mass of the building.

Mr. Hurd: The physical facades so that you kind of say, on this road we want to have this kind of appearance, and on these roads we want to have this kind of appearance and setback and porches and such. If someone is going to choose to do a duplex as opposed to single, they can do that because the shape is the same and it doesn't stand out as being different, sort of. It fits the tone and it allows you to, kind of, with enough work you can sort of manage the density to some extent because you define the box that you can build inside.

Mr. McIntosh: Yes. Wouldn't that be boring?

Mr. Hurd: Not necessarily.

Mr. McIntosh: Well, I mean it is to me, listening to it.

Mr. Hurd: It's challenging, I will say.

Mr. McIntosh: No it's not challenging. It's boring. It's all the same. You know, it's like...

Mr. Silverman: That could be downside. If everybody decides they like University of Delaware columns and red brick and 9 over 9 windows looking at you, that's what the street looks like.

Mr. Hurd: I will say that, I'm blanking on the name now, the city in Florida that first did this, the big new urbanist development, Seaside. The first round of buildings kind of all looked the same, which was partly their goal. They wanted sort of a beach cottage look. It took a couple of rounds later before architects kind of go, "Here's how I can play with that. You've got a form based code which is very simple but there's ways that I can work within it to get some interesting buildings." But, yes, a lot of people just put up the same thing.

Mr. McIntosh: It just, to me, for us to mandate something like that, takes away from the character of the...

Mr. Hurd: It's a trade-off. It absolutely is. My initial thought in terms of the Work Plan was that the first thing to do really is to have some kind of work shop at the very minimum just to see if this makes sense for us. You know, will it improve the development and approval process? Is it actually going to make it an easier, better process, or is it going to make it more difficult or more challenging or blander, although you can't always predict that.

Mr. Stozek: Well in looking at this list, I hesitate to even say this because this is probably your 20 or 25, but I would like to see us somehow work on some sort of plan for developing the City. I mean right now, basically, someone buys a piece of property, they come in and they want to build a business a building or a rental building or whatever, an apartment building, but the whole City is being done piecemeal. I would like to see some sort of plan where we'd say we want residential areas. We want to reserve areas for parkland. We want to, and I know it's a massive undertaking, and I don't know when we would get to something like that. But I just really am concerned about how the City is going now. It's just one piece of property at a time.

Ms. Feeney Roser: It's always been that way.

Mr. Stozek: Well, I know, but that's what I'm saying.

Ms. Feeney Roser: That's not saying it's right. I'm just saying it's always been that way. Property owners...

Mr. Stozek: That's what I'm saying. I would like to see that change.

Ms. Feeney Roser: But we do have the Comprehensive Plan that is supposed to be the document that helps us plan for things. I mean, it does get amended from time to time, but we've been working on that Plan since 2012 and it's still not done.

Mr. Hurd: The Comp Plan fits some of that but doesn't, I think, fit all the things. That was actually one additional thought I had. One drawback of the Comp Plan is that when you lay like, we saw this with the Cleveland Avenue one, the boundaries of the areas of, sort of, say we want residential development, followed the zoning boundaries. So if there's a commercial property in the middle of a zone of residential, that boundary goes around and we have to amend the Comp Plan to bring that commercial property into the group of residential that wants to be there. But if there were a way to have, basically, an overlay, not a zoning overlay but essentially a planning overlay, that said this whole block, this whole area, should be low density residential or it should be medium density or mixed use or something, despite what the actual parcels are zoned, so that we can look at that and say, "Oh, you're trying to bring it into compliance with the overlay, I can get behind that." If you're trying to take stuff out of the overlay, then that's a question you want to consider more carefully. That was my sort of thing. I've got like three things that I want to add to the list that we're trying to make smaller.

Ms. Feeney Roser: Well, it's not that we're trying to make it smaller. We're just trying to make it manageable for the upcoming year. Now, we can say we're going to do X, Y, and Z, and then A's going to come up.

Mr. Hurd: Right.

Ms. Feeney Roser: And it's going to be important and we're going to say, the accessory use thing. I don't think a year before we were working on that we knew, maybe we did in that case, but that that's what was going to happen. It has to be a dynamic Plan but I'm just trying to get a work plan that's manageable.

Mr. Hurd: Right. I guess I have another question on this. Does all this work have to be done through the Planning Department? And I ask that because, for example, the revised submission standard drawing is, theoretically, and okay, I'm volunteering here, but it is something that I could put together a draft of with my experience in architecture to basically then bring through the Department and back to the Commission. But I didn't know if that would violate any rules.

Ms. Feeney Roser: No, certainly we welcome anyone who wants to help us. But we are staff to the Commission, so anything that actually comes here is going to come through staff, unless we hire a consultant to come and bring us something.

Mr. Hurd: I would say here's the thing and then I would give it to you, and you can work it further and figure out if it's, you know, but I think that could be...

Ms. Feeney Roser: We would welcome any help on any of the Work Plan items that come along.

Mr. Silverman: So here's a real world problem that I bump up against when I think in that direction. I learned a lot about students and their housing choices and their transportation choices and some of their service demands in listening to the applicants that came in. Granted, that's one population talking to us from their point of view. But in today's community, I don't know whether we would catch nothing but lightning strikes if we had a workshop of the engineering firms that do business in Newark to come in and say, "Okay let's have a fashion show. How do you lay things out? How do you lay things out? This is what we're looking for. What are your recommendations? What can we realistically do? Well highways wants this and DNREC wants that, and you guys are going to need to go another page. Okay that's good information." There must be a common template. I know the counties say this is the format. This is everything that has to be on the first page. This is everything that has to be shown. Now where they cut and paste it, I don't know.

Mr. Hurd: Yeah.

Mr. Silverman: Can we get away with that? And from your point of view, I see no problem with you coming up with a sketch. You're a citizen first and a Commissioner second, and a skilled contributor.

Mr. Hurd: Okay.

Mr. McIntosh: Mr. Chairman?

Mr. Silverman: Yes.

Mr. McIntosh: In my career I dealt a lot with work plans and things of that sort, you know. And one of the things that I always said to my staff was, you know, it needs to be realistic.

Mr. Silverman: Yes.

Mr. McIntosh: Okay. I would rather you come here with 5 things that you're going to actually get done than 25 things that we're going to be crying about that didn't get done. And the more you have on there, the more you take away from the real priorities of the group. If I had one of my

staff come to me with this, one of my part-time staff, because that's what we're talking about here, come to me with this, I would question his or her sanity. I don't know how you would get this done, and so therefore, you are setting yourself up for failure. I don't like to be involved in setting myself up for failure. We have to figure out what it is that we can do, realistically, without having fifteen extra meetings, and even that I don't think would do this, personally.

Mr. Silverman: No.

Mr. McIntosh: It is unrealistic to expect a group of volunteers to come together and produce a work product that I wouldn't take from a full time employee, or a set of full time employees. This is what is here, and we have talked about maybe five or ten others. I don't know, I've lost track of that tonight. All of that sounds good, but one of them has to be more important than the next. And long range goals, this is a long range goal. We could get this done by 2030, or something. You know? I don't think that is something we should be doing. I think we should be doing things that we can do. What should be on this paper is what can we do in the next, when is the fiscal year end, is it June 30th?

Mr. Silverman: No, January to December.

Ms. Feeney Roser: We are on a calendar year.

Mr. McIntosh: Calendar year, so this is starting January 1, essentially? What can we do between January 1 and December 31, 2016?

Mr. Hurd: Right.

Mr. McIntosh: That is what we should be concentrating on. Because you know as well as I do, the City Council is going to say, "By the way, we are going to amend that plan of yours, because we got thus and so, right? It is going to come up. And then some other thing is going to come up, and Maureen is going to come to us, and say something similar, you know, "I know we said this, but now we really have to do that, and this is the reason why." We would probably just go ahead and do that. It becomes very difficult then, to start looking, going like this, you know. We should not be doing this. We should not be saying, "Can I do this, or do that?" You are making decisions about things that just are not going to get done. That is all I have to say.

Mr. Silverman: Frank, I think your point is well taken. Quick and dirty, right off the top of your head, what is the top issue, among this, let's just stick with the 1 to 5 list, that we feel would benefit the public, and benefit our decision making?

Ms. Feeney Roser: May I just add something? I maybe have been remiss. This is the Division's Work Plan. These are things that my Land Use and Planning Division has to work on it at some point. If not this year, it is coming. It is not necessarily the Commission's Work Plan. For example, the resident survey, we are going to do. Because, we have to do it. The Commission really doesn't have to do anything about it, except maybe react to the results, or help with the reporting to Council. We are going to give you that. I probably should have pulled out those things, so that they weren't confusing. There are things that we are going to do, because we have to do it, that don't involve the Commission. For example, you're definitely are going to be involved in 1, 2, 4 and 5 out of those top three. But updating the Fiscal Impact Model is probably something that the staff would do and then just show to you for your review and consideration. Do you know what I mean? It is not necessarily things that you are going to have to do. If you have suggestions for us on the webpage, that is fine. We will take them, and we will get that done ourselves. What we are trying to focus in, is what is does the Commission think is most important to accomplish in the next 12 months?

Mr. Silverman: I vote on the discussion on parking.

Mr. Hurd: I think that I will use Edgar's wonderful guidelines of what is the problem? What is the problem that we are trying to solve? I think parking and traffic, because that often comes up when we are talking about a project. It never meets DelDOT's levels, but we all know that every project adds more cars to the roads, and trying to get an understanding of what is the cumulative

impact of those developments, over time. Each one looked at by itself, you would go, "That is just 5 cars. That is just 30 cars." But it is the 30, on top of the 30, on top of the 30. When does it hit a number that we should be concerned about? I think that, and having some mechanism to facilitate those Comp Plan amendments, because we've been doing a lot of those. I think finding a way to make it so it doesn't feel like we're constantly tweaking that, but working within that framework. We're working within that framework, rather than tweaking it. I think those are my three.

Mr. Silverman: I mean, other Commissioners' comments? Frank, does that get toward what you're talking about?

Mr. McIntosh: Yeah, I think it does, and thanks for the clarification, Maureen. But, again, I don't think, frankly, more than 5 would be a lot to me. A lot, a lot. I did like, that isn't even on here, the discussion earlier about what are the material we have to sift through each month, what does it look like? And the more that it looks like the same, so we can get that little block plan there going for the people submitting things, so that we can more readily look at what's there and know what it is. Some of us are not architects and engineers. I had two electives in high school. You could take Chemistry or Latin III, and you could take Physics or Latin IV. I took Latin III and IV. So these other things that you're talking about here are a bit of a mystery to me.

Mr. Silverman: Well, carpe diem to you too.

Mr. McIntosh: I said that once. So all I'm saying is, I like the idea that we could get better submission of material that we can look at and understand and talk about, from one month to the next. To me, everything we should do, we have to think about who it is that we're doing it for. I don't think we're doing it for the Council, personally. I mean, they expect the work product from us of some sort, but we're doing this for the people that pay taxes in this town. That's what we're here for. We're here to safeguard this community's well-being in terms of what it looks like, who can be here, who can do business here, how they do the business here and so on. That's what we should be focusing our efforts on. That's just my opinion. Does that make sense?

Mr. Silverman: Yes, it makes a lot of sense.

Mr. McIntosh: Well, I've said my piece then. Thank you.

Mr. Silverman: Bob, you've been very pensive down there.

Mr. Cronin: Well, thank you, Mr. Chairman. Just two questions from Maureen, either refreshing my memory or educating me, that on your list of 17 items here. In number 11 at the end, the CMO, what does that stand for? In number 13, the CED.

Ms. Feeney Roser: City Manager's Office is 11, and CED is Code Enforcement Division.

Mr. Cronin: Thank you.

Ms. Feeney Roser: I apologize for my use of acronyms.

Mr. McIntosh: It's all right. They provide a bit of mystery.

Mr. Silverman: Maureen, how do we close this discussion out? Do you have enough to work on, to come back with some thoughts for us on the 3 major things or 4 major things that we've talked about?

Ms. Feeney Roser: What I have are 1 and 2, because they have to be on your Work Plan.

Mr. Silverman: Right.

Ms. Feeney Roser: I have 5, as revised previously. And I think what we're talking about is revising the subdivision regulations as far as required submittals and formatting of that material.

What's required to be submitted, and how does it look when it gets to you, and are there additions that would make your job easier to do.

Mr. Silverman: You got it, and to be very selfish, I'd like to see that ahead of redefining and streamlining and knocking out obsolete words and that kind of thing. We need that physical product to work with.

Ms. Feeney Roser: That can be done. Now, it may be that we can also, at the same time, talk about the fees.

Mr. Silverman: Okay.

Ms. Feeney Roser: The fee structure in that. But I would say that, on top of the other work that you have to come through, the land development and waivers and whatever else that comes through here, that's probably a pretty energetic Work Plan.

Mr. Silverman: It is. It will take up a few evenings.

Ms. Feeney Roser: So, knowing that it's dynamic, I kind of would like that direction so I can finish this work product for Council because it has to go to them as well. Unless you want to come back and talk about it in December.

Mr. McIntosh: No.

Mr. Silverman: Can you do a write up of just what we've discussed, particularly on the review of the submittal documents, and we can just endorse that in December? Does that work for the Commissioners?

Mr. Hurd: I think so. Might help to see it, yeah.

Ms. Feeney Roser: Okay.

Mr. Silverman: We'd like to, at least, be able to communicate through that document to Council where we see necessary priorities for us to do our job properly.

Ms. Feeney Roser: Okay. I'll have that for you, it will come in your next packet, and then we can talk about it in December.

Mr. Silverman: Okay, what's on the tentative agenda for December with respect to...

Ms. Feeney Roser: Millcroft...

Mr. Silverman: Millcroft, okay.

Ms. Feeney Roser: And, Michael. We have the Comprehensive Development Plan.

Mr. Johnson: No.

Ms. Feeney Roser: That is being remanded back to you by Council, because there were some significant changes made to it. Mike worked very hard to try to get the document ready for you tonight to take, so that we're not hitting you up a week before the next meeting, saying here's your packet. I don't know whether, it's not on our agenda, so whether or not you want to talk about what changes...

Mr. Silverman: Just give us your CliffsNotes report.

Mr. Mike Fortner: Well there are significant changes. The thing is, [inaudible 09:40:52]. There have been some changes in land use designation but I'm going to give the report. Chapter 10 still needs a little tweaking on the maps so we'll send that to you in a few days. But I have the rest of it. I don't think there's been substantial changes, in general, from what you approved.

There have been a lot of tweaks in the language but your basic idea about the Comprehensive Plan are still there. So I think you'll find the document still very familiar. I don't know, the next Planning Commission meeting you do have a few items on the agenda already. I don't know if you want to skip. It can go to January, there's no real hurry. If you go to January, you could do a whole long meeting with just this, or a regular Planning Commission meeting.

Mr. Silverman: I'm just going to make this statement. I agree with Edgar. I'm not going to sit down and read that document from cover to cover, word to word again. I need a matrix that says, "Page 5, this shall be to this may be." I want to be able to go through the document that way, flip through, say that I agree or disagree, that's looks good, that doesn't make any difference.

Mr. Fortner: That's going to be way too fragmented to give you anything quite like that. I can give you the notes I get from Council, from their revisions. Even that's pretty convoluted, and then they made changes out of that. I mean, it was very, kind of, pepperoni.

Ms. Feeney Roser: There were several Council workshops where edits were made and then remade and changed again. It will be very difficult to do it that way. I think we could do an overview of what substantial changes have been made. And then, if you don't, I mean, I think we could do that but you're not going to get a...

Mr. Fortner: Maybe a report, maybe a 20 minute report on it.

Mr. Silverman: Okay, and my other feeling is, and I don't know where this sits from a legal point of view, but we made our recommendation. Council adopts whatever form, format, and wording they want. That's their document. Why do they want to bring it back to us?

Ms. Feeney Roser: They want to bring it back to you because they worked on it for a year and a half since you've seen it, and they want to make sure it's still the document that you want to recommend to them.

Mr. Fortner: Yeah, there's nothing outlandish.

Mr. Cronin: I guess they want to get the benefit of our wisdom.

Ms. Feeney Roser: Yes, that's a good way to put it.

Mr. Silverman: Edgar?

Mr. Johnson: I was going to say, we already approved a document and sent it to Council. Now they want our approval on their changes, and they're Council. We're advisory. I'm not going to read it again, you know.

Ms. Feeney Roser: That's certainly your prerogative, but Council asked that it be sent back to you, and that's what we're doing, right? I mean...

Mr. Fortner: It's just, we're not going to do a whole big review, going through each chapter by chapter. It's just like, "Okay, it's still fine." Or if there was something they changed you thought was really bad, this is our chance to...

Mr. Silverman: If they drop out the Downtown business district, that's important. If they extend the line back to the rear property lines in defining an area, that makes no difference to me, whether it's the front curb or back property line.

Mr. Fortner: And keep in mind, this will be our new Comprehensive Development Plan, and you should read it just to know what it says. We're going to be referring to it, you're going to want to at least...

Mr. Johnson: I read it 3 times. Do I have to read it a 4th time?

Mr. Fortner: This is the final, kind of...

Mr. Cronin: Perhaps the Council recognizes there have been substantial change among the membership of the Planning Commission and they want to have us revisit it at least once to speak to their changes.

Mr. Silverman: Okay, that's reasonable.

Mr. Cronin: Perhaps we're even wiser now than we were before, or perhaps not. Time will tell.

Mr. Johnson: Bob, I'll buy you lunch. You can read it to me during lunch.

Mr. Silverman: Just so it's only two of you.

Mr. McIntosh: That would be a long lunch.

Ms. Feeney Roser: My next question is, Mike said that chapter 10 is not quite finished. Do you want us to do that and then deliver the whole Plan to you? Or do you want to take them with you tonight, knowing Michael is going to send you changes?

Mr. Fortner: Just so you understand, I was just going to send you chapter 10 to put in, rather than the whole thing.

Mr. Silverman: Jeremy has never reviewed the whole thing, so he needs...

Mr. Firestone: Yeah, I've never seen it.

Mr. Fortner: So what I'm understanding is, in December, I might give a 20 minute report on, just sort of an overview of the thing, maybe some of the more substantial changes. Maybe give a refresher on Comprehensive Plan and what it's for.

Mr. Silverman: Do you have the Council's revised draft in the form where those Commissioners who have not seen it, can sit down and read it?

Ms. Feeney Roser: Yes, it's been revised per Council.

Mr. Silverman: Would you prefer it electronically or in paper?

Mr. Firestone: I prefer, how long is it?

Mr. Fortner: About 200 pages.

Mr. Firestone: Two hundred pages? I would prefer it both electronically and in print.

Mr. Fortner: Oh, that's fine. The PDF is going to be online.

Ms. Feeney Roser: It's online anyway.

Mr. Silverman: Commissioner Stozek?

Mr. Stozek: I've been reviewing it piecemeal, but I haven't sat down and gone through the whole since I joined the Commission so I would like to see the printed document.

Mr. Firestone: And I think the idea at the next meeting explaining it, a presentation and we can have a full discussion on it in January.

Mr. Silverman: Let's do that.

Mr. Firestone: Would that work for you all?

Mr. Silverman: Consensus?

Mr. Firestone: He'll give us a presentation in December and we'll vote on it in January.

Mr. Silverman: The overview presentation in December, vote in January.

Ms. Feeney Roser: So if you want, we can just hold onto those documents then, and give it to you in your regular packet if we're not going to vote on it that night. It's really a 20 minute thing. You're talking about coming back in January anyway.

Mr. Firestone: Yeah, I would still like it as soon as you have it. I don't want to wait until, you know...

Mr. Fortner: I'll give you everything now, and get you chapter 10 in a few days.

Mr. Silverman: Okay.

Mr. Fortner: For those who want to take it and get chapter 10 later, or if you just want to wait until the packet?

Mr. Stozek: I'd rather get it sooner, rather than later.

Mr. McIntosh: How many chapters are there?

Ms. Feeney Roser: Twelve.

Mr. McIntosh: Twelve. I don't think I'd get to chapter 10. Just a guess.

Mr. Silverman: Okay, any comments from any of the Commissioners, in general?

Mr. McIntosh: Can I get a green one?

Mr. Fortner: Does anyone have a favorite color?

Mr. Cronin: I'll take the other green.

Mr. Fortner: There's only one red.

Mr. McIntosh: What color did you want?

Mr. Cronin: I'll take the white one.

Mr. McIntosh: Bob wants the white one.

Ms. Feeney Roser: Bob wants the white one. That means, you got a white one? Bob wants a white one.

Mr. Cronin: That's all right, the other Bob got it. That's fine.

Ms. Feeney Roser: The other Bob wants a white one.

Mr. Silverman: And to just make sure I heard you...

Mr. Stozek: It's not white, it's clear.

Mr. Firestone: It's only 172.

Mr. Cronin: Thank you.

Ms. Feeney Roser: Well, that's because 10 is not in there.

Mr. McIntosh: You don't know what chapter 10 is. It's the long and winding road.

Ms. Feeney Roser: That 10 is the Land Use chapter.

Mr. Silverman: Yeah, 10 is the Land Use, and that's the important one. Okay, any other administrative discussion items to bring up? Hearing no objections, we stand adjourned.

There being no further business, the Planning Commission adjourned at 8:49 p.m.

Respectfully submitted,

Michelle Vispi
Planning Commission Secretary

/mv