

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

October 11, 2017

7:00 p.m.

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

Chairman: Jeremy Firestone

Commissioners Present: Will Hurd
Frank McIntosh
Stacy McNatt
Alan Silverman
Bob Stozek

Commissioners Absent: Bob Cronin

Staff Present: Paul Bilodeau, Deputy City Solicitor
Tom Coleman, Acting City Manager
David Del Grande, Finance Director
Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Tom Fruehstorfer, Planner

Mr. Jeremy Firestone called the Planning Commission meeting to order at 7:10 p.m.

1. CHAIR’S REMARKS.

Mr. Firestone: Good evening. The Planning Commission meeting for October 11, 2017 is called to order, and we welcome back, Frank McIntosh. As everyone can see, we have a very, very full agenda tonight. Mary Ellen and I have spoken about how to make it through. Just one thing to let you know that the review and consideration of the Planning Commission Rules of Procedure is going to be moved down to what’s listed as Item 9, after Item 9 Parking Subcommittee Update. I would ask that anyone presenting be to the point and although we don’t have specific rules in place, any public comment on any agenda item will be limited strictly to three minutes because, as I’ve said, we’ve got a long evening ahead of us.

2. ELECTION OF PLANNING COMMISSION OFFICERS.

Mr. Firestone: With that, the second item on the agenda is the election of Planning Commission officers, which we do each year. We have to elect a Chair, a Vice Chair, a Secretary, and we’ve also, in the past Michelle has assumed some of the secretary duties, as well.

So first I guess I’ll take any nominations that anyone has for Chair.

Mr. Frank McIntosh: Yes, I’d like to place Alan Silverman’s name in nomination for Chair.

Mr. Firestone: Okay, we’ve got one nomination. Do we have any other nominations for Chair?
Yes?

Mr. Bob Stozek: I’d like to put Jeremy Firestone’s name in for Chair?

Mr. Firestone: Okay. Do we have any other nominations for Chair? Alan, do you accept the nomination?

Mr. Alan Silverman: Yes.

Mr. Firestone: And I will, as well. I think in the past we've taken a couple of minutes for the candidates to have an opportunity to speak. Alan, I'll leave you the choice to go first or second.

Mr. Silverman: I don't care.

Mr. Firestone: Okay, I'll lead off. So I sort of was doing this somewhat reluctantly, but I think we've functioned pretty well in the past year. As I said, I think it's good that this, ultimately, rotate amongst individuals. Although I'm accepting the nomination this year, I'm putting on the record right now that I will not run and will not accept a nomination for a third year, should I be reappointed by the Commission and continue to serve on the Planning Commission. Because, again, this is a citizen's council and I think it's a good idea that we hear multiple voices. And I think we improve as a Commission when we have other different leaders who bring different ideas and different ways of moving us forward.

So I am hopeful that one of the things that I've tried to do on the agenda, one of the items on the agenda has to do with rules. We're not quite finished with that. I hope we may finish that tonight, but partially it will depend on the witching hour. But I think that we've operated efficiently and will continue to, and begin operating even more efficiently and fairly, as well, both being open, clear to the public, clear to developers of what the expectations are and what the opportunities are for public input. Thank you, and if the people decide otherwise, I'll wear my Commissioner's hat and go on. Thank you.

Mr. Silverman: The Commission, over the last several years, has developed some good working relationships with people in the community and particularly with the professional staff. We have programs that are continuing. Some of them started prior to last year and are moving forward. I bring a lot of background and experience to the Commission. I understand the needs of the public; the need for openness. I also understand the rights and responsibilities of the development community. And I would like the opportunity to serve an additional year. I agree with Jeremy that, from time to time, the Chair should be switched off from one person to another. I don't think we should get into the circumstance we were several years ago. I think it's healthy for the Commission to bring ideas, through its Chair, to the public and to Council.

Mr. Firestone: Okay. With that, I guess I'll call the vote. All those for Alan Silverman for Chair, please signify by saying Aye. All those for Jeremy Firestone for Chair, signify by saying Aye. Jeremy Firestone will continue as Chair for the coming year.

NOMINATIONS BY MCINTOSH AND STOZEK TO RECOMMEND ALAN SILVERMAN AND JEREMY FIRESTONE, RESPECTIVELY, AS CANDIDATES FOR THE POSITION OF PLANNING COMMISSION CHAIR.

VOTES FOR SILVERMAN:	MCINTOSH, SILVERMAN
VOTES FOR FIRESTONE:	FIRESTONE, HURD, MCNATT, STOZEK
ABSENT:	CRONIN

JEREMY FIRESTONE ELECTED AS PLANNING COMMISSION CHAIR

Mr. Firestone: The next position we have is Vice Chair. In the past, we have done it with whoever is the senior member, should the Chair not be there. It doesn't have to be that way. If there is someone who is interested in serving as Vice Chair, then I think that might not be a bad way to go either, but I'll leave it to the Commissioners to think this through.

Mr. McIntosh: I nominate Alan Silverman.

Mr. Firestone: Okay. Do you accept, Alan?

Mr. Silverman: Yes, I do.

Mr. Firestone: Are there any other nominations? Then I would say that we vote by acclamation in favor of Alan Silverman for Vice Chair. Signify by saying Aye. Okay.

NOMINATION BY MCINTOSH TO RECOMMEND ALAN SILVERMAN AS CANDIDATE FOR THE POSITION OF PLANNING COMMISSION VICE CHAIR. NO OTHER NOMINATIONS. VOTE BY ACCLAMATION THAT ALAN SILVERMAN BE ELECTED TO THE POSITION OF PLANNING COMMISSION VICE CHAIR.

VOTE: 6-0

AYE: FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

Mr. Firestone: The last position that we have is Secretary and we've had Michelle assist, as well, in doing the minutes. Michelle, will you continue on in that fashion as you've done the past year?

Ms. Michelle Vispi: Yes.

Mr. Firestone: Okay, terrific. Thank you. And so the position on the Commission is one of primarily bringing the minutes forward and dealing with anyone who, in the interim, between when the minutes were published and the meeting, checking for any errors in the minutes. Is there anyone who wishes to step forward as Secretary?

Mr. Will Hurd: I will volunteer.

Mr. Firestone: Okay. Thank you, Will. I nominate Will. If there aren't any objections, Will is approved as secretary. Thank you.

NOMINATION BY FIRESTONE TO RECOMMEND WILLARD HURD AS CANDIDATE FOR THE POSITION OF PLANNING COMMISSION SECRETARY. NO OTHER NOMINATIONS. VOTE BY ACCLAMATION THAT WILLARD HURD BE ELECTED TO THE POSITION OF PLANNING COMMISSION SECRETARY.

VOTE: 6-0

AYE: FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN

MOTION PASSED UNANIMOUSLY

3. THE MINUTES OF THE SEPTEMBER 5, 2017 PLANNING COMMISSION MEETING.

Mr. Firestone: Okay, that was reasonably quick. That gets us down to the approval of the minutes. I don't know if you want to sub-delegate that task to Alan just for . . .

Mr. Silverman: Let me continue in a former role.

Mr. Firestone: Tonight.

Mr. Hurd: Yes, he can complete his term there.

Mr. Firestone: Okay.

Mr. Silverman: Madam Secretary, the minutes of our previous meeting have been posted on the internet, the draft minutes. Written copies have been distributed to the Commission members. Do we have any additions or corrections to the minutes?

Ms. Vispi: We did receive an email from Dr. Morgan but, other than that, no.

Mr. Silverman: Okay, Dr. Morgan, in his very fine, detailed manner, has made some editorial corrections and syntax corrections to our minutes. If there are no additions or corrections other than those editorial syntax corrections, I move that we accept our minutes as posted and distributed.

Mr. Firestone: Is there a second?

Mr. Hurd: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. Minutes are approved.

MOTION BY SILVERMAN, SECONDED BY HURD, THAT THE MINUTES OF THE SEPTEMBER 5, 2017 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

AYE: FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

4. REVIEW AND CONSIDERATION OF 2018-2022 CAPITAL IMPROVEMENTS PROGRAM.

Mr. Firestone: Okay, that gets us to a rather large item, the review and consideration of the 2018-2022 Capital Improvements Program. We have a large number of members from the City, and we thank you for coming and helping work us and the public through these. Please take it away.

Mr. David Del Grande: Thank you, Mr. Chair. Good evening, Mr. Chair and members of the Planning Commission. I'm Dave Del Grande, Finance Director of the City of Newark. I'm here along with Tom Coleman, Acting City Manager. I want to thank you for your time this evening and for your flexibility on your schedule for us to come to you with the 2018-2022 budget. We're happy to be here this evening and to share our highlights for our recommended 2018-2022 Capital Improvements Program.

As you are aware, our departments have worked over the past several months to identify the needs of our community and pair these needs to what can be accomplished, keeping our financial objectives in mind along the way. Departments began the process back in April and provided preliminary CIP in May to Council as a starting point. From July through September, each individual department presented their requested budget to City Council in order to provide detail at an earlier point in the year compared to the past.

This evening, with us tonight are our IT Manager Josh Brechbuehl and Jay Hodny, our GIS guru, Parking Manager Marvin Howard, Mark Neimeister from Public Works, Parks and Recreation Director Joe Spadafino, Acting Electric Director Bhadresh Patel, Deputy Chiefs Farrall and

Feeney, Director Mary Ellen Gray, and Mike Fortner and Tom Fruehstorfer from Planning. And I would like to thank our Directors, their staff, and the members of the Finance team for all your work in assisting with this process.

[Secretary's note: During the course of his presentation, Director Del Grande and Acting City Manager Tom Coleman referred to a presentation being displayed for the benefit of the Commission and the public.]

Mr. Del Grande: Moving on to our slides, this slide represents the charge of the Planning Commission, with the pertinent sections being bolded. We're here to present to you the recommended Capital Improvements Program, and we seek the Commission's recommendation of the CIP to City Council.

The goals of the CIP are for our projects to advance Newark's vision elements, which include a community that's sustainable, inclusive, healthy and active, and lets us maintain our physical framework, which includes our utility infrastructure, streets, sidewalks, parks and parking facilities. The CIP needs to support the delivery of services to our residents and ensure that all of the above were accomplished through proper financial planning and prudent decision making. The Capital program is the backbone of the City's work as a local government. This year's CIP keeps us primarily focused on our infrastructure, maintaining our utilities, and ensuring that all those who reside or work in Newark are receiving the electric, water, stormwater and sewer service that they require on a daily basis.

This cycle is something that we face every year as part of our CIP program. Newark's infrastructure gets older on an annual basis. Our Department Directors propose projects accordingly, however we don't always have enough funding to support all the CIP proposals. To balance the budget, we push Capital projects into a future period, which in turn finishes the cycle and leads to infrastructure that is another year older. It's a cycle that gets repeated every year, unfortunately, and this year is not very different from the past.

This slide contains a snapshot of an enhancement on how information was presented this year to the Planning Commission. We're always looking for ways to provide Council and our commissions with more useful methods of reviewing information. Pages and pages of data does not always provide a clear understanding or easy way to review information. One new way that we introduced back in May was the CIP detail worksheet. This sheet includes all CIP projects proposed from 2018 to 2022. It can be sorted in any manner desired by the user and the total changed to reflect what goes along with the parsed information. This comprehensive worksheet is to be used in tandem with the CIP sheets themselves and we hope that you have found this tool useful in your CIP review.

The next three slides provide samples of the detail sheets that are provided with the CIP. The CIP detail sheets provide a great level of detail to help the reader understand how projects are prioritized. A few years ago, priority levels were introduced to help Council and the Planning Commission see what was considered a priority by staff. The five priority levels that we use begin with the highest priority level of 1 and that essentially is if the project is underway and must be completed. A level 2 project reflects the critical needs to remediate a failing service, prevent failure, or will generate a savings to the City. Level 3 projects are still a high priority but could be deferred with some understanding that there may be a risk in doing so. Levels 4 and 5 are Needs and not Wants, and do not carry a significant risk if deferred to a later date.

All CIPs are tied directly to the City's Comprehensive Plan and further broken down into three elements, which are Healthy and Active Community, Sustainable Community, and Inclusive Community.

On the CIP detail sheets, code references are provided for any information that is required. We also reflect the impact of our projects on our Operating Budget, as seen on the bottom of the page. Some projects that are approved today may have a future budgetary impact on the City

further down the road. Positive numbers on the CIP sheets indicate the project will result in an increase in operating expenses. Numbers in brackets indicate the project will result in savings. Blank, zeroes or N/A indicate that there will be a negligible or no impact on operating expenses going forward.

The next few slides represent the accomplishments of our departments. I won't go through every single one in detail, but just to let you know, in Electric, we have our electric transformer, circuit breaker and conductor upgrades that are underway, reconductoring our Main Street, our 12kv changeover, SCADA and 34.5kv fault detection and automatic switching system, and our CAD software.

In Parks and Recreation, we have the George Wilson Center kitchen rehabilitation, fence repair, Preston's Playground, the Charles Emerson bridge project, hard surface facility improvements, and Redd Park Trail improvements.

In Public Works, we have our annual street contract, ADA curb ramp contract, and our salt storage facility has been completed. We have Windy Hills to Red Mill Road water main extension, water main contracts for 2017 and our reservation aeration. Continuing on with Public Works, a very large department with a lot going on there, we have our water and sewer SCADA, sewer main lining, sewer point repairs, exposed sewer line abandonment, and Louviers water tank.

In Information Technology, we have the surveillance camera project, City-wide fiber network has been completed, water plant and reservoir cameras have also been completed, along with property management software.

One key element that we'd like to spend a little time on this evening is our GIS accomplishments. Here with us this evening is Jay Hodny from IT to go over our GIS accomplishments on a presentation.

[Secretary's note: During the course of his presentation, GIS Technician Jay Hodny referred to an online presentation being displayed for the benefit of the Commission and the public.]

Mr. Jay Hodny: Good evening everybody. My name is Jay Hodny. I'm here with the City of Newark IT Department. I've been here for one year and one day, as of today. Prior to that I commuted to Dover and worked in the Kent County Levy Court, in their Public Works Department, doing GIS work there. Prior to that I spent about 25 years in the private sector working with a sampling technology where I was doing all kinds of mapping of the results.

So I thought I'd take everybody through the use of GIS in the City of Newark tonight. Instead of using a PowerPoint presentation, I've adopted to some of the tools in the GIS package we have, to present the information that way instead of in a PowerPoint.

So just a little background. Traditionally, map making was doing a lot of hand-drawn maps to track assets and infrastructure in the City. In today's digital age, that's no longer very efficient or, for that matter, acceptable. As things are changing rapidly, we have the technology to look at this mapped information in dynamic or real-time form instead of on printed, static maps all the time.

So we decided that it was time for a change, going from hand-drawn sketches on the left to actually putting that information into a Geographic Information System on the right. And so on the right you can see all kinds of objects on the map. There are manholes. There are the boundaries of the property parcels. There are the blue lines that represent the gravity sewer lines and so on. And it's more than just objects on the map. Behind that is a series of geo-databases. So I can click on one of those blue lines and I can pull up information about that gravity line. We know the length of that line. We know the diameter of that pipe. We know what it's made out of. We might know when it was put in the ground. And so then you can

query that database in a Geographic Information System and you can ask it to show you all the steel-reinforced concrete pipes that are 6-inches in diameter that were put in the ground in 1970 and it will pop that up on the screen. And then if you're going through a pipe rehabilitation program, you now know where all these pipes are that you need to perhaps repair. So it's not only just the map stuff that you're seeing, but there is a huge database that sits in behind that.

So then in the IT side, prior to me being here, about four years ago, there was a decision made to expand the GIS platform City-wide. And to do that, we had to pull a lot of the support functions into IT. That would be managing licenses, software upgrades, building a server site, and setting up the geo-databases. All of that is kind of managed under IT and then that lets the users in the other departments focus on using GIS to address their issues. In some of our City departments we don't have GIS people on staff, so I do the map making for them. We also maintain the City Maps Gallery on the City's website. I don't know if you've looked at that but I can show you that later on. And then a lot of our software applications that we're bringing online, like our asset management system, those are bolted to or integrated with our GIS. So we can pull information out of the GIS, put it in this asset management system and then do the expert work in there.

In IT, we use GIS to map our IT infrastructure. Dave referred to some of that already, with cameras and the fiber optic plan, and so on, so I have built all that into our GIS. You can click on a camera location and you can pop up information about that camera or about that fiber optic cable, whatever it is that you're interested in doing. And as we expand our security camera network in town, I continue to add those cameras and that information to the database. It's all secure. Confidential information is not shared with the public, and so on.

And then, as I alluded to this just a moment ago, we have other software tools that are coming online. For example, our asset management system called MUNIS, that's replacing a program called CityView. In GIS, I update the various assets whether it's parks, park benches, what have you, in this case, and then MUNIS pulls that information out of GIS, brings it into its environment, where the expertise in the MUNIS system comes into play, like generating work orders that are assigned to the features linked on the map.

In the Planning and Development area, historically there was obviously reliance on paper maps and records prior to GIS to look at construction, building proposals, and to manage parcels. This kind of information lends itself very well to a GIS system's points and polygons. You can map that information. You can keep it fresh and green and dynamic. So what I did here is I pulled together our current parcel layers and zoning information and the address information, and created an interactive online web tool. So you can click on the parcel or an address point and bring up information about that location – the parcel ID, the size of the parcel, address and so on. And so instead of wallpapering your office with maps like this, you bring this up on a large screen television with a tablet and you can access all this information real-time.

Now one thing I did, as I understand this, New Castle County manages our parcel information. So as we make changes here in the City, we inform New Castle County, they integrate that information into their databases, and then I can pull it down from there. And there is quite of bit of manual steps that go on, and so I approached them and said can we come up with a way to automate this repetitive work. And so they developed what they call a clip and ship application. So I can then go into their database, choose what layers I want, like the new address layer, the parcel layer and so on, what format I want the information in, and then how do I want to clip it. So I'm using the boundary of the City of Newark to clip out this information. Otherwise, I'm getting all of New Castle County and then I have to do that clipping step manually here at this end. So just think of it as a cookie cutter. You lay out your parcel cookie dough and you cut out the City of Newark. Same thing for building footprints and so on. And then they package it in a downloadable file, I bring it down, and then I update our database here of changes to the parcel environment, the building footprints, address points and so on.

This is a very clever tool. I was very happy about it. It eliminated a lot of temporary steps and middle work that is prone to error.

And then another thing that I would like us to see is to create the City of Newark in three dimensions. A digital model of the City of Newark. This is an area in the ArcGIS world where there is a lot of energy being invested. Going to three dimensions. So we can create a layer of the topography, of the landscape of Newark. On that we can actually build a dataset of detailed buildings with the slopes of roofs and the look of the buildings, streets, trees and so on. And then below ground, we can also build, in 3-D, the sewer and stormwater network. Because we know where the manholes are located. We know where the pipes are going in and out of those manholes, the depth and diameter of the pipes, so you can actually build a 3-D model of what's going on underground. And then you can take that information and you can start doing some scenario work. So say somebody wants to plop a 15-story apartment complex downtown on Main Street somewhere. What would that look like? Well you can plug that right into your digital model and you can see how that's going to affect the landscape and the aesthetics. I can move the sun over the City and you can see shadows coming off of that building, things like that. You can use it to then model the motion of stormwater runoff and direction, or you can bolt, say, a hydrology model to the GIS and pull the bones of the City out of the GIS and put it into the hydrology model and do work that way. So this is a long-term project and it requires quite a bit of data, but I think this would be of great value to the City going forward.

In our Parks and Recreation group, we have a nice little solution on where to find a park. You can click on any of the icons and up pops a window that shows you information about the park, the hours the park is open, the activities that can go on there, and pictures that they may have taken of the park. If you don't know the location of the park but you know the park name, you can put that in the search tool and it will take you to the park.

Law Enforcement and GIS, all over the nation, are coming together quite a bit. There are a lot of GIS applications that can be geared toward crime prevention, public safety, community outreach and so on. This little example I have here, one of the captains in the Police Department came to me recently and he was holding a laminated map that we made in the 1990s that showed streets of Newark. He turned it over and it had the streets by grid cell. On the grid was references, just letters and numbers referenced down two margins of the map. And so that's, you know, 25 years ago or whatever, so I pulled up the latest street layer and built what's called a fishnet on top of that. Then using a geo-processing tool in ArcGIS, I melded the information together and that immediately put the streets by name in each of the grid cells, and then I exported that information out. So now every time the street map is updated, these map products are updated in real time.

I apologize for the picture of the character here, but that's who he is. We had a project about a year ago in August, and this is called a crowd-sourcing application. This is where the public can take out their phones, open a map and begin to send information back to us, in this case about non-emergency traffic concerns. This was just a pilot program to test the idea out. Say you're walking along and somebody speeds by you. You can put that point on the map, fill out some information, and submit it. Or maybe they're failing to stop at a particular stop sign or at a red light. So the owner of this company Esri, who makes our software, he and a team look through, no joke, about 100,000 projects a year. And they look for unique uses of their GIS product. And when this stuff started to make the local media and the online news outlets in Newark, their team picked this up, they liked it, and they selected this project for a special achievement in GIS award this past year. And that's kind of a big deal. Out of 100,000, they'll do 40 or 50 U.S. projects and maybe 30 or 40 international projects. So this was pretty neat.

And then, it's kind of related to that, there is a crime map application that we are restarting . . . sorry, it's a little cut off on the edge here . . . anyway, so what this does, it pulls in violent crime in the Newark Police Department and UD law enforcement agencies. So instead of looking at a table of information, you can now look at this with the geography in map form. And so you can

also adjust the times. So you can look at this information over a one week time period, a one year time period, or whatever the case may be. And so we maintain that application and they now have Officer Walker, he's a crime prevention officer, I've trained him to use this product, and he's picked it up right away.

Parking is always interesting in Newark, so we have a nice parking application here. It's fairly simple, but you can click on the meters and it will pop up information about the fees, how to pay for it and so on. The same thing with the municipal parking lots. We are looking at a phone application now where you can input your parking meter and time on the meter and, as you're getting closer to it expiring, maybe you can add more money right on your phone, and not have to leave the restaurant. The off-shoot of that is can we create a GIS map that shows which meters are unoccupied or which meters are occupied? So you get kind of a real time parking availability map.

We also work with our Community Affairs group and the Downtown Newark Partnership. I help Kelly and Megan with maps that are of the various DNP events like the Wine and Dine, and the food and beverage maps. Any of the businesses that participate in the DNP, it's a map of all those participating businesses and so on.

And then we have the actual map gallery. If you go to the home page of the City of Newark and scroll down, there's a City Maps button that opens up the map gallery, and in there is a series of maps that provide information about elections, polling places, parking, current events and so on.

Mr. Firestone: How are we doing?

Mr. Hodny: Good, we're almost there.

Mr. Firestone: Okay, thank you.

Mr. Hodny: Then we get into more of the heavy users of GIS in the City of Newark. The Electric Department has their electric utility grid on ArcGIS and AutoCAD. They are migrating that infrastructure into GIS and I'll share with you why on the next slide. So you can see here a lot of the electric things that go into the grid. They're bringing online a grid modeling software, and this is another application that will pull the infrastructure out of GIS and then once in the modeling software, they can begin to model things like changing the capacity needs to increasing demands in the City, or what happens if we have a weather-related outage, or catastrophic equipment failure. They can now model this stuff in real time and be prepared for it.

Probably the biggest heavyweight users of GIS in the City is our Public Works and Water Resources Department. They are clearly pushing the envelope as users of GIS. They are rapidly moving everything from paper and CAD into the GIS environment, and they're accelerating the use of field collection applications. And that is to basically remove the paper and clipboard data collection method in the City. They're no longer taking rolls of maps out to the City and clipboards of forms, writing on them, and bringing them back and putting them in the system. They're using the digital technology right on tablets, and updating the GIS layer in real time. So that whole paper and clipboard step disappears.

This is our signs layer. I didn't know we had that many signs in the City of Newark, but we are managing all of that in our ArcGIS. We had interns running around the City this summer, updating the sign layer with tablets, with that map on the tablets, so we could see those changes sitting back here at our desktops.

Curb ramp replacement. It's hard to see the little orange dots where all the curbs' handicap ramps are being replaced. You can click on them. You can get information about those ramps, pictures of the old ramp and new ramp, and so on. The same thing with street repair. It's set

up so you can click on the various locations around town where the streets are being repaired and see a picture of the work that's being done. And the last bullet here is just to point out you don't need to have individual maps for all this information. You can stack all this information together and look at it by clicking on any of the objects.

This is using GIS to inform residents of the stormwater utility fee. You can click on your house and you can see what that fee is going to be going forward.

This is a pollution tool. So on this tool you can mark where you see pollution and then it will automatically trace upstream and downstream where this pollution may have come from or where it's going. And you can help identify who may be responsible and so on.

And then again, this is the idea here of optimizing this technology, of getting rid of the paper and clipboard idea and doing everything on phones and tablets in real time.

This is going back to what I alluded to with the three-dimensional project. We are starting to map out or do watershed run-off in great detail as parcels and buildings in the City change.

So I'll move along here. We can make this presentation available. Probably the biggest things that's changing going forward is the use of real time GIS, and everything is going to be in a web GIS environment. And we're moving with our platform to support that going forward. There will be some changes in our server, our architecture, and the use of the applications going forward. And that's it.

Mr. Firestone: Okay. Thank you for the presentation. I just want to make one comment that the word GIS appeared once in 131 pages of the CIP document that you gave us, and no one had any knowledge that this kind of presentation was going to be made, not the Commission, not the public. This is a really interesting discussion about an idea and expansion of the City's capability but it seems that . . . I don't quite understand the direct relevance given that it only comes up once, and that it would be better to have a comprehensive discussion when the public had notice that we were going to be talking about GIS. So I would ask that the remainder of the City's presentation focus on the plan that we have to either say yes or no to.

Mr. Coleman: Okay. Yes. So we included this presentation this year because last year when we came to Planning Commission, we were directly asked to focus on the GIS effort next year. So that's why we did it.

Mr. Firestone: I appreciate that.

Mr. Stozek: I'd like to ask one question relative to this. Broad brush, how much is the City going to be spending on this whole system, say, over the next five years?

Mr. Joshua Brechbuehl: Josh Brechbuehl, IT Manager. So what I can tell you is that we pay an extremely low rate given that we are a government. So the software license itself is \$35,000 flat rate. That's it. So we pay that per year and then, obviously, beyond that is just staff time. So the only cost for the software is \$35,000.

Mr. Stozek: Okay. Well there was a lot of discussion about manual records no longer need to be kept, so what are you projecting as far as savings by going to this system?

Mr. Brechbuehl: Unquantifiable at this point, I would say. Realistically, it's changing the way that we operate as a whole, so I don't know that I can provide numbers, really, to savings and things like that, because it's changing everything that we do.

Mr. Stozek: That's fine. I would just think about that for future presentations. To say, you know, we're investing a lot of money doing this . . . and I'm not saying this is a huge amount of

money . . . but what are we getting out of it. I mean usually you invest in technology for savings of some sort. It would be nice to quantify those savings.

Mr. Brechbuehl: Understood.

Mr. Firestone: Does any other Commissioner have any comment or question regarding the GIS as it relates to City expenditures?

Mr. Silverman: I would like to see the Planning Commission have the GIS presentation as a separate agenda item. One of the things we've talked about in our meetings is just a lack of basic information, and it looks like the GIS system is a key to providing the information we're looking for. So we should put it on a future public meeting for discussion.

Mr. Firestone: I concur on that, where we can spend a good deal of time and wrap our heads around it, and think about it in advance.

Mr. Silverman: Yes.

Mr. Firestone: And have a good give-and-take with the City.

Mr. Silverman: For example, I'd be very interested in when the information on the New Castle County database will be migrated over to the City database. Natural resource protection areas, wellhead protection areas, flood plains, things that the average citizen or the Planning Commission would be interested in with respect to a specific project. And under the idea of real time, actual sewer flows and sewers, what they're designed for, what their peaks are, what capacity remains, and that kind of thing.

Mr. Coleman: I can say one of the benefits of GIS, from a Capital perspective, is through asset management and being able to better prioritize our asset replacement and rehabilitation. We weren't able to get him in here, but we've also built a water and sewer capacity model that are built-ons to the GIS, and those will do exactly what you're suggesting.

Mr. Silverman: Yes, although the GIS is not a capital item, it's not bricks and mortar, it's the tracking system and the planning system, and the history and the future of every capital project in the City.

Mr. Coleman: Correct.

Mr. Silverman: And that's why it's so important.

Mr. Coleman: Yes. So in Public Works, at least, we have the water system and sewer system master plan capital projects, which are what we use to fund development of our GIS system. So while Josh is correct, most of our GIS spending has been internal manpower and programs, in those two funds we have received almost a half-million dollars in grants to use contractors to build out our systems more quickly. So, yes.

Mr. Firestone: Let's return to the presentation.

Mr. Del Grande: Okay, getting back to the meat and potatoes here. For 2018 through 2022, the City is requesting a \$50.8 million Capital Improvement Plan. This includes \$14.7 million for 2018. Unlike past years, CIP funding in 2018 and beyond relies heavily on sources other than the City's use of reserves and current resources. Included in this figure is \$6.6 million for the Rodney project, which would require a referendum in order for the City to proceed with this project specifically. The gross 2018 CIP is \$3.6 million above 2017, which was \$11.1 million, and the five-year average of the CIP is just under \$10.2 million, including the Rodney project. Excluding Rodney, the 2018 CIP would be just \$11.4 million and the five-year average drops down to \$8.8 million.

Here you can see that the top five lines, which happen to be our utilities, make up 84.5% of the gross capital spending in 2018. Our utilities and streets remain our priority as they represent our core services that cannot be deferred as easily as our other priorities.

The total CIP for this year of \$14.7 million includes \$3.3 million, like I said, for Rodney, and after factoring in reserves, grants, equipment funding, other funding, and the bond authorization, the net CIP budget is just under \$1.4 million, which will come from current resources. For comparison, \$4.1 million was used from current resources in 2017. Capital reserves total \$1.9 million in 2018. In comparison, \$4.7 million was used in 2017. I will get into more detail on the bond and state revolving loan portion in the future slides.

\$1.4 million, or 9.5%, of the funding for the CIP comes from current revenues in 2018. Current revenues must also compete with the City's operating expenses and debt [inaudible]. Another \$1.9 million comes directly from our capital reserves for what we call pay-as-you-go capital spending, and does not rely on debt or borrowing. Other City resources of funds include equipment replacement reserves, and that accounts for another \$1 million, as a planned funding source for vehicle and equipment replacement. Current projects are funded via the depreciation expense Departments pay annually in their operating budget. These funds accumulate over the useful lives of the assets and are utilized for future equipment replacement. Grants, donations and other funding total \$2.6 million, and over half of our budget relies on the state revolving loan program or the bond market. Approximately \$7.8 million, or 53%, of our 2018 CIP requires debt funding to continue with our Capital program, and included in this figure is the Rodney project. Nevertheless, the funding necessary to keep our infrastructure stable requires stable flow level of funding.

Our City's credit rating is very high at AA+, so our cost of debt and our debt load are both very low. Borrowing rates continue to be favorable, and our rating agencies have stated in the past that increased debt obligations would not impact our bond rating. Recommendations have been made in the past that using long-term debt to fund our Capital program is a viable option for Newark. Doing such would accelerate our investment in infrastructure, pass along the expense of infrastructure to those who would be utilizing it, and to keep our tax and utility fees relatively level. Our 2018-2022 requires a need for long-term debt in order to alleviate CIP spending requirements on current revenue resources.

As part of the \$1.9 million requested to be utilized in capital reserves, \$785,000 are coming from projects that will be de-authorized at the end of 2017. Funding totaling \$673,000 for water projects, which are here, colored in blue, will be transferred to Project #W0002 in lieu of future bond state revolving loan funding. The W0002 project is the Curtis Water Treatment Plant Alternative Disinfection Equipment project. This funding will help to continue into 2018. In addition, the LPR project for \$47,850 was not moved forward in 2017, so we're proposing that \$14,000 of these funds will be repurposed for additional parking meters, and the remaining balance will go back to parking reserves.

The projects listed here on this table represent those that have been identified as Priority 1 projects. By definition, Priority 1 projects are currently underway. Those listed with an asterisk indicate if bond state revolving loan funds, private funding or equipment funds are earmarked for these projects. And as you can see, it's the majority of them. The individual CIP sheets provide further detail on the funding sources of each project, and we were limited for space on these slides for that reason. Funding for all Priority 1 projects totaled \$10.2 million in 2018, and \$37.6 million over the five-year period. Since ongoing equipment replacement projects are Priority 1, they carry over from year-to-year. We have many other projects that are Priority 1, and staff is available this evening to discuss any specific project.

Moving on to our Priority 2 projects, our highest priority level for projects that are new for 2018 or have not yet been started. Funding for all Priority 2 projects total \$4.1 million in 2018 and \$9.6 million over the five-year period. Included in this list is the Vehicle Radio Upgrade project for the Police Department, which will be utilizing the equipment replacement fund. A large

ticket item is \$1.7 million for the South Well Field Air Stripper Replacement, which is anticipated to be funded via state revolving loan. The Newark Transportation Plan includes \$704,000 from DelDOT.

The balance of the projects are Priority Levels 3, 4, and 5, which are still important and still Needs, but there is less risk moving them beyond 2018. The Surveillance Camera Refresh project was pushed out over four years and is earmarked to be funded through a bond authorization. The Fitness Stations in our Parks, which is K1502, is to be funded using donations. And last, but not least, are our Priority 4 and 5 projects. One project of note is N1603, which is the HVAC System Upgrades at the George Wilson Center. Staff recommends using the Green Energy Fund to upgrade the currently heating and air-conditioning system at the GWC. Utilizing the Green Energy Fund for this purpose would benefit Newark projects in both project costs and lower energy bills for the George Wilson Center.

Bonding financing – the list here represents the projects impacted via bond funding; \$4.3 million in projects over five years that need approximately \$2.5 million from a bond authorization in order to fund. IT projects such as the Surveillance Camera Refresh and Building Security Upgrades are critical to the safety and protection of our personnel, residents and infrastructure. Hard Surface Facility Improvements will require \$1.1 million over the next five years to fund maintenance required to our recreational areas throughout the City.

Lastly, this slide represents the projects impacted via the state revolving loan program. As we mentioned, Rodney is included in this number and will be funded almost exclusively through this program, all but \$50,000. In total, there are \$21.9 million in projects requiring \$16.7 million in funds from the state program between 2018 and 2022. Our sewer infrastructure requires ongoing repairs totaling \$4.7 million, which will extend its useful life. Future funding of \$3.9 million will be best served utilizing this program. The remaining \$761,000 will come from the City's capital reserves. Water Tank Maintenance and replacement of the City's Air Stripper, used to remove contaminants from the City's groundwater, are also earmarked to be fully funded by the state revolving loan. In addition, we have \$1.6 million budgeted in 2021 for the Laird Tract Well Field water treatment changes. W1703 requires \$2.1 million by 2022 in order to keep the City's drinking water safe.

In closing, I just want to thank you for your time and I'd be happy to answer any questions you may have, along with staff that's available here this evening.

Mr. Firestone: Do we want to turn the lights back up, please? Thank you. Thank you for the presentation. Do any Commissioners have any comments or questions?

Mr. Stozek: Yes, I have a couple of questions and a few comments, as well. I guess the first is, in looking out five years for the Electric project budget, it's showing a total of \$4.7 million. I thought a year or so ago it was stated that there was about \$8 million in infrastructure projects that had to be done on the STAR Campus alone. What happened to that?

Mr. Bhadresh Patel: I'm Bhadresh Patel from Electric. So the \$8 million for the STAR Campus, the majority of the funding was part of the substation project. So right now we are not talking about that. That's why we did not include that project into this five-year span. Right now we are planning to feed the STAR Campus, at least up to [inaudible] capacity, from our existing infrastructure. So that's why we have postponed that project for a few years.

Mr. Stozek: Granted, this was one or two years ago, but it was stated at that time we had to put all that money in so that STAR Campus could develop. It was a critical need at that time. So that whole scenario has changed?

Mr. Patel: Yes.

Mr. Stozek: Thank you. I guess, I don't want to get into a lot of individual projects because, as we know, beyond 2018, things are going to move around. This is really . . . and I'll say this again . . . people will hate me, but this is a one-year budget, not a five-year budget. I understand that. But I guess one of the things I struggle with, and this is . . . I'm trying not to be critical, I'm trying to be helpful in the City being able to convince people these things are needed. I have problems when I look at the project priority levels. For instance, when it says for the highest, the project is underway and must be completed, well what percentage of a project is underway when it's defined as being underway and must be completed? In other words, if it's a \$1 million project and we've only spent \$50,000 to-date, is that considered the highest priority, because the project is underway?

Mr. Del Grande: Generally speaking, once a project has been started and dollars been spent, we considered that as underway.

Mr. Firestone: But there are some things, like street paving repair, where you're repairing a whole bunch of streets. I mean, to say that the project was underway and must be completed, that you couldn't defer the paving of some streets to a year later just doesn't make any sense. I think part of the problem is the definitions that you assign to 1 to 5; that they don't necessarily match up with reality. I mean I think you would be better off just going . . . and I would change your scale somewhat so that it was balanced, so that it would be like, if you want to use words, high, medium-high, medium, medium-low, and low, then they have sort of equidistance from each other. But when you start giving these definitions, I think you run into some problems. I mean you've got the abandoned old wells as a Priority 3, and you say that there's possible contamination, and then you said it's okay because the City will be taking a calculated risk if it didn't do this. Well if it's contamination, I'm not sure why that's not even a higher priority. If there's a calculated risk that we're going to contaminate the aquifer, to me, that's a higher priority than resurfacing a road and delaying the resurfacing of a road one year. So, I mean, there's just some odd definitions which I think don't make a lot of sense.

Mr. Stozek: I'd like to give a couple of other examples, of that. Project A1502, Fitness Stations. You know, again, this isn't a lot of money, but it's getting back to the definitions and keeping credibility in your program here. You're saying that it's a medium-high priority, it's \$20,000 in 2018, and that the City would be taking a calculated risk in deferring this item. I mean, there might be something really unusual about these fitness stations, but I don't see where that's a calculated risk to the City, like contaminated wells. Do you see what I'm saying? It's just the consistency of your definitions.

Mr. Coleman: Yes, I can tell you that Dave and I, we didn't change the definitions from last year, but we have discussed changing them for next year already. Because you'll notice there isn't a priority level for a Want, there are no Wants, but there are items in there that are a Want. It's a nice to have, but it's not a Need necessarily.

Mr. Firestone: Yeah, we actually don't define anything as a Want. Everything is a Need. You might not get around to it for 5 or 6 or 7 years. I mean, to a certain extent, it's a Want. And, I mean if it was a Need, we'd be having to raise taxes and go out and get it done. There are some thing that, yeah, it would be nice to have, but we can defer them, and those are really sort of Wants in the present budget year. They're not Needs, as we all understand the English word.

Mr. Stozek: And I'd like to go back to my question about a project underway. In K1203, which is the Old Paper Mill Park Improvements, eventually it's going to be a total of \$1.3 million spent, with nothing spent until 2019, which is \$100,000. Yet it says the project is underway and must be completed. And if you read the description, it says a master plan was completed in 2011 but it has to be updated. So, again, it just gets to the credibility of what you're saying. I think there's a better way to word these things and a better way to prioritize them so the public knows where its money is going.

The last question I had was relative to the overall budget. This year it looks like we're spending \$9.7 million and next year it's up to \$14.7 million. Now I understand that about \$3.25 or \$3.5 million of that is for the Rodney project. I mean that is a project that has to go, I believe it still has to go through a referendum, which may or may not be approved. In any case, I guess I have a problem in not somehow separating that out and explaining that. Because if you just look at this one piece of paper, it looks like that's \$14 million we're going to be spending, regardless of what happens. And it may not be spent. And I'm kind of curious as to the other incremental increase over the \$9.7 million this year, so an additional \$5 million. It's \$3 million for the Rodney. What is the other . . . is there any one big category? It appears like the sewer fund is up \$800,000. Stormwater is up, we all know that. That's part of that Rodney, I guess. Parks and Rec go from \$425,000 to \$1 million. Can you just say real quickly what those big increases are for?

Mr. Coleman: I can say in Water, it's the two water treatment plant projects, one of which may be underway by the end of this year. In Sewer, I think that's carry-forward from this year. That's just sort of the number, so the project's the same but we haven't finished this year's projects, so that money is rolling forward from year-to-year. So it looks like it's new spending in 2018 but it's actually money that hasn't been fully spent out of the 2017 projects yet. So it sometimes makes it look like it's more than it actually is. That's mainly what's making it look so much higher, aside from the Rodney project. Now I should point out that anything that's shown as state revolving loan fund or bond financing also is going to be going through referendum. So anything that's not cash or reserves or grants is going to be referendum.

Mr. Stozek: Okay, this year's amended budget, and I'm not even sure what that means, is \$9.6 million. What was the budget that was passed last year?

Mr. Del Grande: I'm sorry, could you point me to the \$9.6 million you're looking at?

Mr. Stozek: Well that's on the . . . where it says amended budget 2017, \$9.688 million. That's then, two lines over, where it shows the 2018 proposed budget is \$14.7 million. I'm just curious. That was amended from what?

Mr. Del Grande: Let me approach the dais, if I could, to see the sheet.

Mr. Firestone: Why don't we see if we can go on while they're trying to sort that out.

Mr. Stozek: This was my last question.

Mr. Firestone: Okay. Well I'll sort of jump in so we're making progress. First let me start with the good. What? Countdown signs for the parking lots, on page 96, B1703. I think that's a good addition. I was pleased that the Electric Department actually looked at electric vehicles. It was not clear that anyone else who was doing vehicle replacement looked at the possibility of electric vehicles. I would say the police would really love them. They're . . . electric vehicles can't go forever but they're very, very fast off the line. They've got tremendous acceleration. Much better than a gasoline-powered car. And electric vehicles can do a lot in a short cycle. So, again, I'd like to ask the City to, next year, to think about these kinds of things.

I would think that it might be useful, in future years, to get us the draft in the dog days of summer and then we could maybe give some comment. I mean, because this, to a certain extent, this train has left the station when it comes to us. And if it came to us earlier, we may actually be able to have some input into your thinking, and you might have a chance to then amend some things. Just some thoughts.

And further, on this priority list, ultimately, the quintessential role of cities is the police powers. And I mean beyond the police, it means public health, safety and welfare. So, again, when you talk about the train station windows creating a safety issue, but we give it a Priority 4, and we give . . . you know, I like tennis and I like basketball, and I wish I knew how to play street

hockey, but that's a Priority 1. Again, we want to continue to improve our recreational amenities, but safety and public health and protection has got to be job 1. The priorities seem a little off.

I've got a few more but, Bob, did we get clarity on that issue?

Mr. Stozek: Dave is looking it up.

Mr. Firestone: Okay. There seemed to be a couple of things and it's not clear whether there's inconsistency with law but it's certainly the way it's worded. So this is on page 81, K1501 Iron Glen Master Plan, where, again, you're using this outdoor recreation area that you were supposed to keep as a public park, but you're using it as a compost site. And there's discussion of putting a bathroom here on the first floor, and you've got it as a Priority 4, but it also notes that this would also allow us to become ADA-compliant. So the question is, why isn't that a higher priority to become ADA-compliant with law?

Mr. Coleman: So technically we already are ADA-compliant. You just get in the elevator and go upstairs and use that bathroom.

Mr. Firestone: You should just clarify your wording in there so that when people read it, they don't say oh, we're deciding that we don't need to be ADA-compliant.

The tablet mount pricing I did not understand at all. There were 25 tablet mounts for police vehicles . . . it wasn't for the tablets themselves . . . and it came out to \$120,000, which is more than the price of 25 tablets.

Mr. Coleman: Yes. So that's an issue with the description, and Josh and I have had this discussion a lot. I'm going to hand it over to him because it's a lot more than just the mount. He had to explain that to me, as well.

Mr. Brechbuehl: IT Manager Josh Brechbuehl again. So the mounts are just part of the equation. It also includes all the harnesses for the wiring. It also includes new radio equipment to allow those mounts to connect to a cellular signal. It's also going to be dual cellular compatible with Verizon and AT&T in case one of those systems is down. So there's a lot more to it than just the physical mount itself in the vehicle. It's the entire solution for the vehicle.

Mr. Firestone: I think, again, it would be useful to have that a little clearer in the description. There were a couple of places where there were discussions of savings but they're not really described in any coherent way, or analyzed. This would be on page 48, S1602 Sewer SCADA, and page 101, I1804 Harris Automation Platform. There's just not . . . there doesn't seem to be any real back-up for it that's in the documents that we have, that you can really see whether what we're proposing makes sense.

Mr. Coleman: So is that a lack in the description?

Mr. Firestone: I think perhaps a lack of description. I don't know. It's either a lack of description or you didn't do the analysis in detail. I'm assuming it's probably more a lack of description, but I don't know.

Mr. Coleman: Alright.

Mr. Firestone: That's sort of my biggest comments. Anyone over here? Alan?

Mr. Silverman: I'm very pleased with the form and format of the presentation. On the improvement slope, this is a very definite, steep climb from presentations in the past. The breakouts of the categories allow me to very clearly identify those issues that have been brought forward to the Planning Commission by the public and by some of our working

committees, as the Chair discussed, the information signing with the parking lots. So somebody is listening out there. And I also understand how projects go together with respect to one man's priorities is another man's I really don't need that, and that's what Council is for. That's Council's business to hash out. And I also understand, with respect to capital programs, for example, the street repaving projects. There might be 50 or 100 street segments, but for economy of scale, that would get bid out to a single contractor and there will be a single bid award. That money needs to be sequestered because there's a contractual commitment, even though it may not be spent in the short-term. So I understand how those pieces go together.

Mr. Firestone: Any other Commissioner?

Ms. McNatt: I'm kind of waiting for one of those questions to be answered before my other question occurs. But I know we brought up the Rodney project and the referendum discussion will happen at some point, but I recently attended a meeting at DNREC for the Delaware Water Pollution Control and Drinking Water Strategy Fund, which is a loan, which is \$5.7 million that was the result of the City of Rehoboth. And I'd like to know what the City of Newark's position is on attempting to secure that loan to help fund the Rodney project, which clearly would fall into that category of the . . .

Mr. Coleman: I can say we're actively pursuing it.

Ms. McNatt: So you will apply for it?

Mr. Coleman: Yes, that is a high priority. That would be our preferred loan vehicle for that project, or at least for a portion of it.

Ms. McNatt: Right. It might not support all of the funds needed that maybe would still need a referendum, but if that could be supported in any way, I would suggest it. It's good to know that you're going for it.

Mr. Coleman: Yes. So that loan is 0%, so obviously pretty attractive. The interim rate is held at 2% through the end of the year and then it will default back to the normal rate, which I think is closer to 4%. So I can say with all our state revolving loan fund projects, at least the water treatment plant versions, our goal is to get under an irrevocable letter offer from DNREC by the end of the year. We can back out of it but they can't, and that guarantees us a 2% rate as the ceiling. And then we'll go after the 0% for Rodney, in the interim.

Ms. McNatt: And have you went out to the bond market yet?

Mr. Coleman: No.

Ms. McNatt: And what's the timeline for that?

Ms. Coleman: So our current thinking is that the referendum will probably be in June, so there was the one slide where we showed we were de-authorizing money from some Capital projects and moving it to others. This one. So all those water projects aren't necessarily going away, but they had cash sitting in them and they're not going to be acted on in 2017, or there wasn't enough cash to do the whole project in 2018. So instead of having, you know, ten projects that are half-cash half-bond financing or revolving loan financing, we're combining it all into the one highest priority project, which is the Curtis Water Treatment Plant project, with the goal of doing that with 100% cash and then doing revolving loan fund and the bond funding to do the remaining projects in their entirety.

Ms. McNatt: Where is that described?

Mr. Coleman: So we put . . .

Ms. McNatt: Besides that slide?

Mr. Coleman: Pretty much just that slide.

Ms. McNatt: Okay. That's doesn't say what you just described, so I would suggest that maybe there's a way . . . because what you described is favorable and positive, it just doesn't describe it here.

Mr. Coleman: We've done that in the last two weeks, so it hasn't been proposed to Council or anything yet, so that's a recent change. And it was a function of trying to figure out how do we guarantee that we get the highest priority projects done, even if the referendum doesn't go forward. So the referendum, right now, is planned for June. The thought process is it would be a two question referendum. One question being Rodney and the other question would be bond authorization for the rest of the Capital projects. And it would probably be a multi-year bond authorization, so it wouldn't just be 2018. It would probably be 2018 and 2019. Do it two years so we don't have to have a referendum every single year. Do it every other year.

Ms. McNatt: That leads into, then, my other question, which will piggyback once that answer gets resolved.

Mr. Firestone: Are you ready to answer the question?

Mr. Del Grande: Essentially the 2017 budget was \$11.1 million and this is \$9.4 million, so I'm going to get back with the revised number, on what the discrepancy is. I saw a couple of things that didn't make sense to me.

Ms. McNatt: That was the approved 2017 budget?

Mr. Del Grande: Yes.

Ms. McNatt: \$11.1 million?

Mr. Del Grande: \$11.1 million.

Mr. Stozek: I think I figured it out, maybe, while you were going through that. It's showing . . . I'm assuming where it says amended budget 2017, that's money that has been spent. Where under the next two columns where it says current funding, that's money that was approved in 2017 that hasn't been spent yet. Is that what that means? What I'm looking for is in 2018, what is the new money that we have to get? Because you said some of the money is left-over from the previous budget. It's still being spent. So of this \$14.7 million, minus \$2.3 million which is the Rodney project, is all the rest of that new money? So we're really down to about \$11 million.

Mr. Silverman: So you're looking for the carry-forward?

Mr. Stozek: Yes.

Mr. Del Grande: Okay, I'll get that for you.

Ms. McNatt: To follow-up, sort of, on that question, so even the . . . I don't know who mentioned it, but the discussion was, or someone mentioned that this is a one-year budget, even though it's a projected five-year budget. What is the City's position on making . . . because these extra years, 2019 through 2022 are projected. Projected cash forecast, we'll call it. What is the City's position on making you stick to those numbers? Because, you know, you're presenting this as what you think you'll need, or close to it, and how closely do you stick to it? What's the City's goal?

Mr. Coleman: I would say that we don't stick to it very closely at all. Because you'll notice, and this year is a little different, but most years it's like Year 2 or 3 has a huge number in it, and that's because that's where everything that we don't have money for this year gets pushed, and it's more of a placeholder. Like I said, the items that are in Year 5 are really just a placeholder to get it in the budget, and we haven't done the engineering work or the research to really fine tune the price. Things start getting a lot closer to accurate for what we actually anticipate the project cost to be maybe a year or two out, once we've had time to get into the weeds of what the project is going to take. So I think we kind of treat the furthest out-years of the budget more as a plan, and this is roughly where we think it's going to be. And then as we get closer, we'll fine tune that plan and things end up getting shuffled around as priorities come up. But we have not stuck to it very well in the past.

Mr. Firestone: Any other comments from Commissioners?

Ms. McNatt: I have one more.

Mr. Firestone: Go ahead.

Ms. McNatt: You go too fast. The GIS question about the budget on how much is spent on the GIS, I know it was mentioned that the majority of the GIS budget isn't on the product itself, but is the staff time to do it, which isn't funded, I am assuming, in the Capital budget. But just curious, what amount is that?

Mr. Coleman: So we have three GIS employees currently. What do you think the total is about? Okay, Andrew is going to get that for you.

Ms. McNatt: Okay. Thank you.

Mr. Hurd: I think just sort of to echo the Chair's comment about the earlier input into the Capital budget, because I think it's nice to have budget items tied to Comp Plan items, but what I don't see here really is a sense of what's the priority within the Comp Plan of those items and, therefore, what things do we want to push forward. And prioritizing the Comp Plan is something that we do, often in consultation with Council, and I don't necessarily see that that information or that sense of looking at things this year and going, this is what we really want to try to make sure we get happening, is getting into the budget, at least from our side. So, while it's nice to be tied to the Comp Plan, I can't look at it and go, oh good, they're implementing our plan about parking. It's sort of like, no, it's happening. It happens to be attached to the parking and traffic. But I'd like to see it earlier and more integrated.

Mr. Firestone: Any other comments from the Commission? Would anyone from the public like to give a comment? I guess we vote on this issue to pass this forward. The Chair would entertain a motion.

Mr. Hurd: I'll move that we approve the CIP budget as presented.

Mr. Silverman: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. Thank you very much.

MOTION BY HURD, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE 2018 - 2022 CAPITAL IMPROVEMENTS PROGRAM.

VOTE: 6-0

AYE: FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE
ABSENT: CRONIN

MOTION PASSED

Mr. Coleman: Thank you.

Mr. Firestone: We'll just take a two minute stretch and let the people from the City depart. Thank you.

[Secretary's Note: Mr. Firestone called the meeting to recess at 8:28 p.m. and reconvened the meeting at 8:37 p.m.]

5. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT AND REZONING OF 36 BENNY STREET FROM RD (ONE FAMILY SEMI-DETACHED RESIDENTIAL) TO RM (MULTI-FAMILY DWELLINGS/GARDEN APARTMENTS) AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL TO DEMOLISH THE EXISTING BUILDINGS AT THE SITE AND CONSTRUCT A SEVEN UNIT GARDEN APARTMENT.

Mr. Firestone: Okay, we're back in order. We're going to do Item 5 on the agenda, 36 Benny Street. Mary Ellen?

Ms. Mary Ellen Gray: Very good. Okay, I wanted to give a brief presentation of the application to put everybody on the same playing field, and certainly for those citizens here who have not heretofore seen this project or have the benefit of reviewing the report, if you did not avail yourself to that online.

[Secretary's Note: During the course of the presentation, Ms. Gray referred to a PowerPoint presentation being displayed for the benefit of the Commission and public.]

Ms. Gray: So this is a project for 36 Benny Street. This is an application for a rezoning to RM to construct seven townhouse-style apartments with six bedrooms in each unit. It's also an application for a Comprehensive Plan amendment from low density to high density, and a major subdivision and site plan approval.

So this property is currently zoned RD. It's in District 2. It is 0.448 acres, a little less than a half-acre, and the property is located on the east side of Benny Street and predominantly surrounded by rental properties, as you can see, which are zoned RD, RM and RA. The property fronts on Benny Street and it's approximately 450 feet south of the intersection of Benny Street and Lovett Avenue.

These are two aerial views – a close-up and little bit farther away – that puts the property in the context of the community.

These are a couple of street views. The one on the left is the front of the house, and this is a correction in the staff report. We had put in the staff report that it was our understanding that it was a single family residential. It is actually a duplex with two rental permits currently. In the picture on the left, my back . . . or the picture-taker's back, which would be me . . . is to the back of the property, looking forward towards the street.

The site is relatively flat, extending from Benny Street to the front of the property and it's serviced by Hootiecat Drive. The structure is currently served by City of Newark sewer and water, and the remainder the site is grass with several trees throughout, and it slopes from west to east.

This is a street view. The picture on the left is facing south on Benny Street, with the house, 36 Benny, to the left. And the picture on the right is a street view facing north, with 36 Benny on the right.

As I mentioned, this is site plan approval, and these are the provisions of the Code that are looking for a variance, if you will, under the site plan approval process, regarding minimum lot size, maximum lot coverage, building height, open area, and setbacks from rear and side yards.

As part of the site plan approval process, the process provides for alternatives for new development or redevelopment proposals to encourage variety and flexibility, and to provide the opportunity for energy efficient land use by permitting reasonable variations from the use and area regulations, as was on the previous slide.

Site plan approval shall be based upon distinctiveness and excellence of site arrangement and design and including, but not limited to, the items listed here: common open space, unique treatment of parking facilities, outstanding architectural design, association with natural environment, including landscaping, relationship to neighborhood and community, as well as energy conservation. The applicant, I'm sure, will go into this in more detail, and I just articulated the highlight of these provisions and how this application addresses those, and there are more details provided in the report.

This is the site plan as it was originally submitted. In your packet that was delivered to you last week, we had the original submittal was sent out, but then the applicant sent in a revision that was responsive to the Subdivision Advisory Committee's comments. So this is the revised slide. The applicant will go into more details of what those revisions are. But that's why you received two plans in the packet.

And so staff is recommending approval of this project, because the Comprehensive Plan amendment, rezoning, major subdivision and site plan approval plan, with the Subdivision Advisory Committee recommendations, should not have a negative impact on adjacent and nearby properties, and because the property use does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests the Planning Commission take the following actions, and these are the three recommendations. Staff recommends that City Council revise the Comprehensive Plan from low density to high density residential, and recommends that City Council approve the rezoning of the property from RD to RM, and that City Council approve the major subdivision and site plan approval as shown on the plan dated January 27, which is this plan here, with the revision through April 21, 2017.

[Secretary's Note: The Planning and Development Department report on the proposed Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval of 36 Benny Street reads as follows:]

On January 30, 2017, the Planning and Development Department received an application from H&J Properties for rezoning and major subdivision approval for the 0.448 acre property at 36 Benny Street. The applicant is requesting rezoning from RD (one-family semidetached residential) to RM (multifamily dwellings—garden apartments) and subdivision approval to construct seven townhouse-style apartments with associated parking on the property. A Comprehensive Development Plan amendment is also requested to accommodate the proposed development, as well as site plan approval.

Property Description and Related Data

1. Location:

The property is located on the east side of Benny Street and predominantly surrounded by rental properties zoned RD, RM, and RA. (See exhibit A.) The property fronts on Benny

Street and is approximately 450 feet south of the intersection of Benny Street and Lovett Avenue. (See exhibit B, Aerial #1 and Aerial #2.)

2. Size:

0.448+/- acres

3. Existing Land Use:

36 Benny Street is a residential property containing a single-family home with a 2-car detached garage and driveway. The property has a valid rental permit.

4. Physical Condition of the Site:

The site is relatively flat, extending from Benny Street in the front to the property serviced by Hootiecat Drive (previously Pike Way) off South Chapel Street. A single residential structure with a detached 2 car garage and associated driveway is contained on the single parcel. The structure is currently served by City of Newark sewer and water. The remainder of the site is grass with several trees throughout and slopes from west to east. The property is surrounded with a four-foot high chain link fence. (See exhibit C.)

Regarding soils, according to the USDA Soil Survey, the site consists of Elsinboro-Delanco_Urban Land Complex (ErB), 0 to 8 percent slopes. According to the National Resources Conservation Service there are no significant limitations for this soil. No known protected environmental resources exist on the property.

5. Planning and Zoning:

Currently, the site is zoned RD (one family semi-detached residential). RD permits the following:

- A. A one-family, semidetached dwelling.
- B. Accessory buildings or structures, no impact, and accessory uses, no impact, including a private garage as defined and limited [in] Article II and subject to the special regulations of Article XV of this chapter, excluding semi-trailers and similar vehicles for storage of property.
- C. Cluster or neo-traditional types of developments, including uses that may not be permitted in this district, as provided in Article XXVII, Site Plan Approval.
- D. A one-family detached dwelling.
- E. The taking of nontransient boarders or roomers in a one-family dwelling by an owner-occupant family resident of the premises, but not including student homes, provided there is no display or advertising on the premises in connection with such use and provided there are not more than three boarders or roomers in any one-family dwelling except that an owner occupant family resident shall mean that the individual taking in nontransient boarders or roomers has a minimum of 50% ownership by deed of the property; and further provided that if more than two boarders or roomers are taken in, rental permits are required to be applied for and issued as provided in Chapter 17, Housing and Property Maintenance, of this code. In those instances in which there is more than one individual owner of a property on the deed pertaining to that property, and in which those multiple owners are not spouses owning as tenants by the entirety, said multiple owners, upon proper request, may be required to provide affidavits through the rental permit process, as provided in Chapter 17, that establish to the satisfaction of the city that minority ownership has not been created to circumvent any provision of this code.
- F. The taking of nontransient boarders or roomers in a one-family dwelling by a nonowner-occupant family resident on the premises, but not including student homes, is not a use as a matter of right, but is a conditional use, provided there is no display or advertising

- on the premises in connection with such use, provided there are not more than two boarders or roomers in any one-family dwelling, and with special requirements.
- G. Church or other place of worship, seminary or convent, parish house, or Sunday school building, and provided, however, that no lot less than 12,500 square feet shall be used for such purposes.
- H. Public and private elementary, junior, and senior high schools.
- I. Municipal park, playground, athletic field, recreation building, and community center operated on a noncommercial basis for recreation purposes.
- J. Municipal tower, water storage tank, water reservoir, water pumping station, and water treatment plant.
- K. Municipal sewage pumping station, and sewers.
- L. Right-of-way, street.
- M. Swimming pool, private; swimming pool, public.
- N. Temporary building, temporary real estate or construction office, and temporary storage of materials provided that such use is located on the lot where construction is taking place or on a lot adjacent or part of the development site thereto, and that such temporary use is to be terminated upon completion of construction.
- O. Utility transmission and distribution lines.
- P. Public transportation bus or transit stops for the loading and unloading of passengers.
- Q. Student home, with special requirements.
- R. No impact home businesses in a residential dwelling shall be permitted subject to special provisions.

RD zoning also permits, with a Council-granted special use permit, the following:

- A. Nursing home, rest home, or home for the aged, subject to special requirements.
- B. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial".
- C. Police and fire station, library, museum, and art gallery.
- D. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- E. Professional office in a residential dwelling permitted subject to special provisions.
- F. Customary home occupations subject to special requirements in addition to all other applicable requirements.
- G. Substation, electric, and gas facilities, subject to special requirements.
- H. Day care centers, kindergartens, preschools, day nursery schools, and orphanages, subject to special requirements.
- I. Public transportation bus or transit shelters may be permitted subject to review by the planning department as to design and location.
- J. Public transportation bus or transit off-street parking facilities may be permitted for users of a public transportation service subject to review by the planning department.
- K. Swimming club, private (nonprofit).
- L. Accessory buildings or structures, with impact, and accessory uses, with impact, including a private garage as defined and limited in article II and subject to the special regulations of article XV of this chapter, excluding semi-trailers and similar vehicles for storage of property.

A summary of the area regulations in RD district is provided below. With some exceptions, area requirements are as follows:

- (1) *Minimum lot area.* 6,250 square feet
- (2) *Lot coverage.* 50%; 25% for building
- (3) *Minimum lot width.* 50 feet
- (4) *Height of buildings.* Max three stories or 35 feet
- (5) *Building setback lines.* 15 feet
- (6) *Rear yards.* 20 feet

(7) *Side yards.* 8 feet minimum/20 feet aggregate

The applicant is requesting RM (multi-family dwelling – garden apartments) for the site, which permits the following:

- A. Garden apartments, subject to special requirements.
- B. One family, semidetached dwelling.
- C. Boarding house, rooming house, lodging house, but excluding all forms of fraternities and/or sororities, provided that: The minimum lot area for each eight, or remainder over the multiple of eight residents, shall be the same as the minimum lot area requirements for each dwelling unit in this district.
- D. Nursing home, rest home or home for the aged; subject to special requirements.
- E. Accessory uses and accessory buildings customarily incidental to the uses permitted in this section and located on the same lot, including a private garage, excluding semi-trailers and similar vehicles for storage of property.
- F. Cluster or neo-traditional types of developments, included uses that many not be permitted in this district, as provided in Article XXVII, Site Plan Approval.
- G. One-family detached dwelling.
- H. The taking of nontransient boarders or roomers in a one-family dwelling by a family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than three boarders or roomers in any one-family dwelling.
- I. Church or other place of worship, seminary or convent, parish house, or Sunday school building, and provided, however, that no lot less than 12,500 square feet shall be used for such purposes.
- J. Public and private elementary, junior, and senior high schools.
- K. Municipal park, playground, athletic field, recreation building, and community center operated on a noncommercial basis for recreation purposes.
- L. Municipal utilities, street rights of way, treatment plant.
- M. Temporary building, temporary real estate or construction office.
- N. Utility transmission and distribution lines.
- O. Public transportation bus or transit stops for the loading and unloading of passengers.
- P. One-family town or row house subject to the requirements of Sections 32-13(a)(1) and 32-13(c)(1).
- Q. Student Homes, with special requirements.

RM zoning also permits, with a Council granted Special Use Permit, the following:

- A. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.
- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

Regarding area regulations, a summary of RM requirements for apartments is found below:

- A. *Dwelling units per gross acre.* 16.
- B. *Lot coverage.* 20%.
- C. *Number of dwelling units per building.* 12
- D. *Distance between buildings or groups of attached buildings.* No part of any building, or groups of attached buildings, shall be nearer than 25 feet to any other building, or groups of attached buildings, and no portion of the front or rear of any buildings, or groups of attached buildings, shall be nearer than 50 feet to the front and rear of another building or groups of attached buildings. No more than three buildings shall be attached to one another.
- E. *Street frontage.* 50 feet.
- F. *Minimum lot size.* One acre.
- G. *Open area.* 40%.
- H. *Parking and loading spaces.* All uncovered parking and loading spaces shall be located at least ten feet from all abutting perimeter streets and property lines.
- I. *Minimum lot area.* 2,725 square feet per family for garden apartments, unless certain density bonuses are granted, but in no case shall the minimum lot area be less than 2,350 square feet per family for a garden apartment.
- J. *Minimum lot width.* 50 feet.
- K. *Height of buildings.* Three stories or 35 feet.
- L. *Building setback lines.* 30 feet from the line of all perimeter streets; 25 feet from the line of all interior streets; and 25 feet from all exterior lot lines.
- M. *Rear yards.* 25 feet.
- N. *Side yards.* 20 feet. In case of a building more than two and one-half stories in height, each side yard shall be not less than one-third the height of the building.

Regarding area requirements, please note that the applicant is requesting Site Plan Approval for the 36 Benny Street development. Code Section 32-97 provides for “alternatives for new development and redevelopment proposals to encourage variety and flexibility, and to provide the opportunity for energy efficient land use by permitting reasonable variations from the use and area regulations. Site plan approval shall be based upon distinctiveness and excellence of site arrangement and design and including, but not limited to:

- (1)Common open space;
- (2)Unique treatment of parking facilities;
- (3)Outstanding architectural design;
- (4)Association with the natural environment including landscaping;
- (5)Relationship to neighborhood and community and/or;
- (6)Energy conservation defined as site and/or construction design that the building department has certified meets or exceeds the 'certified' level as stipulated in the LEED (Leadership in Energy and Environmental Design) United States Green Building Council Program or a comparable building department approved energy conservation program.”

In this case, the applicant is requesting Site Plan Approval for several area requirements. Specifically, the plan requests relief from the requirements for:

<u>Section</u>	<u>Code</u>	<u>Plan Shows</u>	<u>Difference</u>
32-11(c)(1) – Minimum lot size	1.0 acres	0.448 acres	- 0.552 acres
32-11(a)(1)d – Max lot coverage	20%	33%	+ 13%
32-11(a)(1)i – Open area	40%	22.6%	- 17.4%
32-11(c)(4) – Building Height	35’ and 3 stories	35’ and 3 ½ stories	½ story
32-11(c)(5)a – Min. Setback from street	30’	16’	- 14’

32-11(c)(5)c – Setback from ext. lot lines	25’	11’	- 14’
		18’	- 7’
32-11(c)(6) – Rear yard	25’	18’	- 7’
32-11(c)(7)b – Side yards	20’	11’	- 9’

As noted above, the plan is, therefore, non-compliant in terms of minimum lot size, maximum lot coverage, open area, building height, and varying measurements for setbacks from exterior lot lines. The Commission will need to consider these requested area regulation exceptions against the standards of distinctiveness and excellence of site design outlined in Section 32-97, and the developer’s site plan approval submission.

The applicant indicates they are providing distinctiveness and excellence of site arrangement with some of the following methods:

- a. **Common Open Space** – While the project is seeking a deviation from Minimum Open Area, it is providing 4,406 square feet of open area abutting the open area provided within the Pike Park subdivision, thus giving residents the feeling of a larger open space.
- b. **Unique Treatment of Parking Facilities** – 36 Benny Street proposes 7 units with 6 bedrooms each and therefore, by Code, requiring that 3 parking spaces be provided for each unit. The total required parking for this project is 21 spaces. The proposed design provides 2 garage spaces and 2 more off-street parking spaces per unit, thus totaling 28 spaces. Therefore, this project exceeds the required parking by 7 spaces.
- c. **Outstanding Architectural Design** – The architecture for this project will be Rick Longo’s interpretation of the classic farmhouse with steep roof pitches, siding, stone, and brick exterior finishes with muted grays and browns as dominant colors. Typical features will include cornices above the windows, frieze boards under the eaves with window and door overhangs with metal roofs. Each unit will have steps from the driveway or sidewalk up to the front door, providing a stoop/porch of an open design to reduce hiding places and increase natural surveillance of the area. All sides of the building will contain windows to facilitate natural surveillance of walkways and the surrounding area as well. Please refer to the included building elevation renderings.
- d. **Association with Natural Environment including Landscaping** – Some large shade trees will be provided along Benny Street to enhance the street scape. Small areas of open land for limited recreation will be provided along the perimeter of the site, as well as a solid privacy fence to provide screening from adjacent properties. The building facades will be landscaped with a mix of semi-evergreens and perennials to provide interest throughout the year. The bioretention planter box along the north side of the building will encompass plants that will help filter and mitigate storm water runoff from the proposed building. All landscaping will be drought tolerant, low water usage plants and will meet or exceed the landscaping and tree planting requirements as listed in Article XXVII.
- e. **Relationship to Neighborhood and Community** – As mentioned above, this property is surrounded predominantly by rental properties, thus keeping with the surrounding uses, this development is planned to be for student rental use as well. Including, but not limited to the Heights at South Chapel (previously Pike Park) subdivision located directly behind this parcel, in which we have designed our plan to coincide the open areas for the two projects giving the perspective of a large open space.
- f. **Energy Conservation** – The proposed building will meet or exceed the ‘certified’ level as stipulated in the LEED United States Green Building Council Program as required in Section 32-97.(a)(6). Please refer to the LEED Spreadsheet enclosed with the submission.

In terms of comprehensive planning, the Comprehensive Development Plan V calls for “low density (residential)” uses at the site, conforming to the existing RD zoning. Low density

(residential) uses are defined in the Plan as “Residential dwelling units that include single-family detached and semidetached row or town homes with densities of 11 or fewer dwelling units per acre.”

The requested Comp Plan amendment calls for “multi-family residential (high density)” uses for the site, which are defined as “Multifamily residential dwelling units with densities over 11 and up to 36 units per acre. Housing types include garden apartments, townhouse apartments, and condominiums but do not include dormitories, or mixed urban developments.” This plan calls for 16 dwelling units per acre.

This is a section of the community that the Planning and Development Department feels is appropriate to transition toward higher density student housing. The south and east sides of this block are currently zoned for residential high density and the Department feels it is appropriate for this high density land use to expand towards campus, and consequently recommend the Comp Plan be revised to multi-family residential (high density).

Regarding adjacent and nearby properties, of the 22 properties on Benny Street, including the corners with addresses on intersecting streets, one is owner occupied with no rental use, one is owner occupied and has rented out a room in the past (but it should be noted that this property may have been sold or may be in the process of being sold and may be likely to be converted to rental), and 20 are rental properties. Those to the east along the west side of Chapel Street are RM and RA zoned single family homes and an apartment building, all of which are rental units. And to the west, along Haines street, the east side of the street is residential properties zoned RD, while the west side of the street is the University of Delaware.

As noted above, regarding density, the 36 Benny Street site proposes 16 dwelling units per acre. This density mirrors the average density of 15 units per acre in nearby Rupp Farm development just 250 feet to the south. The Heights on South Chapel to the east of this parcel has a density of 18 units per acre.

Based on recent discussions at both Planning Commission and Council meetings, the following density calculations are also provided. In terms of bedrooms per acre, the 42 proposed bedrooms associated with the 36 Benny Street project calculates to about 94 bedrooms per acre. In comparison, Rupp Farm, located about 250 feet south of 36 Benny Street, with 46 bedrooms, has a bedroom density of 85 bedrooms per acre. The Heights on South Chapel to the east of this parcel, with 92 bedrooms, has a bedroom density of 76 bedrooms per acre.

While the proposed unit and bedroom densities for this development are slightly higher than the recent developments of Rupp Farms and The Heights on South Chapel, the Department feels the effect on the neighborhood should be minimal because it is being recommended that the applicant agree to deed restrict the property with agreement that neither residential parking permits or guest passes will be available for residents. This plan provides more than the required number of off-street parking spaces. Residents and visitors will not be allowed to park on the street.

Status of Site Design

Please note that at this stage in the Newark subdivision review process, applicants need only show the general site design and the architectural character of the project. For the site design, specific details taking into account topographic and other natural features must be included in the Construction Improvement Plan. For architectural character, the applicants must submit, at the subdivision plan stage of the process, color scale elevations of all proposed buildings, showing the kind, color and texture of materials to be used, proposed signs, lighting, related exterior features, and existing utility lines. If the Construction Improvement Plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site and architectural plan, the Construction Improvement Plan is referred back to City Council for its further review and approval. That is, initial Council subdivision plan approval means that the

general site concept and more specific architectural design has received City endorsement, with the developer left with some limited flexibility in working out the details of the plan – within Code determined and approved subdivision set parameters – to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

The 36 Benny Street Comprehensive Development Plan amendment, rezoning, major subdivision and site plan approval plan calls for the demolition of the existing structure and the construction of 7 townhouse-style apartments. The building is proposed to be 3½ stories in height and, according to the developer, will contain 6 bedrooms each. The plan shows 28 parking spaces to be provided, 14 in garages and 14 in open parking spaces in the lot, which exceeds the requirements for 7 townhome apartments with more than 3 bedrooms by 7 spaces.

Fiscal Impact Study

The Planning and Development Department has evaluated the 36 Benny Street development plan on Newark's finances. The estimates of net return are based on the Planning and Development Department's Fiscal Impact Model. The Model projects the 36 Benny Street fiscal impact; that is, total anticipated municipal revenues generated, less total cost of municipal services provided. The Planning and Development Department estimate of annual revenue for the project is \$3,915. Please note that there is no difference between the first and future years net revenue as the applicant already owns the property and, therefore, there will be no benefit of real estate transfer tax in the first year.

Traffic

Benny Street is not a State owned and maintained roadway. The proposed development, with 48 bedrooms, does not warrant a Traffic Impact Study (TIS) which is triggered by 500 trips per day and 50 trips per peak hour.

Subdivision Advisory Committee

The City's Subdivision Advisory Committee – consisting of the Management, Planning and Development and Operating Departments – has reviewed the proposed 36 Benny Street development plan and has the comments below. Where appropriate, the subdivision plan should be revised prior to its review by City Council. The Subdivision Advisory Committee comments are as follows:

Electric

1. The Electric Department had a series of comments, which have all been addressed with notes on Sheet 1 under General Notes.

Parks and Recreation

1. The Developer will be required to pay \$450 per unit (\$3,150) cash in lieu of land as per Chapter 27 Subdivisions, Appendix VI Playgrounds, Recreation Area Requirements of the Municipal Code.

Police Department

1. While the Newark Police Department has concerns with the potential to increase the existing problem with order maintenance, disorderly conduct violations, and neighborhood parking problems, the Department offers no new specific suggestions for change or additions to the current development plan.

Public Works and Water Resources

General Comments

1. The Applicant is proposing a 9' x 18' space in the garage of each unit for storage of bicycles and trash carts. While the intention may be to provide a designated area for bicycle and trash storage, it seems more likely that the additional space will likely be used for additional parking. In the event the resident decides to store a vehicle in the provided space, it is not likely that trash carts and bicycle could be stored in this location. It is our recommendation that the Developer provide a more conventional bicycle parking location somewhere on the subject site.
2. Additional spot grades need to be provided in the swale proposed behind the units to ensure the proposed fence will not create a drainage obstruction.
3. Note No.18 on the Cover Sheet should be split into two separate notes. The new note No.19 should state "The Developer will be responsible for the installation of additional transmission"
4. Separate ¼" ball valves will not be required with the installation of the water meter pits. Remove the last sentence of Note No. 19.

Water & Sewer

5. As previously requested, the existing utilities need to be shown on the Existing Conditions Plan (Dwg. 2).
6. The annotation regarding termination of unused services should not point to the gas service. Revise the Existing Conditions Plan (Dwg. 2) accordingly. The annotation can just be made a General Note and added to the Cover Sheet.
7. Show the proposed meter pits for each unit and add a feature symbol to the legend.

Stormwater

8. Additional infiltration testing and test pitting will be required to locate the ground water surface elevation prior to CIP approval.
9. A complete Preliminary Plan submittal with all items discussed.
10. Sediment and Stormwater Plan Sheets shall be submitted in accordance with the Project Application Meeting held January 12, 2017. At a minimum, the following sheets shall be submitted:
 - a. Schematic Pre-Construction Site SWM Plan
 - b. Schematic Construction Site SWM Plan
 - c. Schematic Post Construction SWM PlanThese plan sheets can be submitted as a separate plan set included with the SWM Report and should be named accordingly.
11. A wetlands report is required to be submitted for Major Subdivisions involving new and/or additional construction in accordance with Chapter 27, Section VIII of the City Code of Ordinances. If there are no wetlands, a certificate to that affect will be needed for this project.

Planning and Development

Code Enforcement

1. Demolition Permits required. Proper abatement and disposal of any hazardous materials by registered contractor.
2. Site and public protection required during demolition and construction.
3. Fire protection required for residential buildings. (Minimum 2" service per unit)
4. Separate curb stops for fire service and domestic service. Must be permanently marked.
5. All buildings and all uses to comply with the ANSI 117.1; Accessibility Standards.
6. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings required for review prior to permits.
7. Comments based on 2012 ICC Codes.
8. Building Height and Area will be determined by type of construction.
9. Compliance with LEED requirements as adopted by the City of Newark.

Land Use

1. The current plan shows the units addressed as 1 – 7. The police have requested that the units be renumbered as 101 – 107.
2. The Data Column on Dwg. No. 1 should be revised to show the required maximum building height is 35' and 3½ stories. The data column should also indicate the proposed number of stories.
3. The Planning and Development Department notes that the parking in this neighborhood is currently a significant problem. The Department requests that the applicant agree to deed restrict the property to prohibit residents from being able to request Residential Parking Permits or Guest Passes to park on the street in this Residential Parking District.

Recommendation

Because the Comprehensive Development Plan amendment, rezoning, major subdivision and site plan approval plan, with the Subdivision Advisory Committee recommended conditions, should not have a negative impact on adjacent and nearby properties, and because the proposed use does not conflict with the development pattern in the nearby area, **the Planning and Development Department suggests that the Planning Commission take the following actions:**

- A. **Recommend that City Council revise the Comprehensive Development Plan V Land Use Guidelines for this location from "low density (residential)" to "high density (residential);" and,**
- B. **Recommend that City Council approve the rezoning of 0.448 acres from the current RD (one-family semidetached residential) zoning to RM (residential multi-family/garden apartment) zoning as shown on the Planning and Development Department Exhibit A, dated October 10, 2017; and**
- C. **Recommend that City Council approve the 36 Benny Street major subdivision and site plan approval plan as shown on the Hillcrest Associates, Inc. plan dated January 27, 2017, with revisions through April 21, 2017, with the Subdivision Advisory Committee conditions.**

Ms. Gray: So if anybody has any questions, I'd be happy to answer them. If not, then the applicants can give their presentation.

Mr. Silverman: You say the residential use around the subject property is predominantly rental?

Ms. Gray: Yes, sir.

Mr. Silverman: Okay, and the building is a duplex?

Ms. Gray: Yes.

Mr. Silverman: I cannot tell from the aerial photograph, the ways the lots are laddered here, whether there's a shared driveway involved here with the property next door.

Ms. Gray: Let's go to the street view here. No, there is not a shared . . . it's my understanding that there is not a shared driveway. That it's separate from the . . . you're talking about the property to the south?

Mr. Silverman: Yes.

Ms. Gray: Correct. There is not.

Mr. Silverman: And the proposed subdivision plan is going to maintain about 10% open space, correct?

Ms. Gray: That I do not have.

Mr. Silverman: As with the site development that's proposed.

Ms. Gray: Let me look here. The maximum lot coverage?

Mr. Silverman: Yes.

Ms. Gray: The plan shows 33% maximum lot coverage and they're asking for a relief of 13%.

Mr. Silverman: Okay. Now do you know of any particular reason why when the Comprehensive Plan was being evaluated, this particular zoning was not, the area was not given a higher zoning category?

Ms. Gray: It's my understanding . . . I wasn't here for the Comprehensive Plan process, but it's my understanding that the future land use map largely reflects what was in the previous version of the Comprehensive Plan, and was not amended. It was not changed.

Mr. Silverman: Okay, so the fact that these units appear to be single family, even initially it was thought this was single family, even though it's a duplex . . .

Ms. Gray: Yes.

Mr. Silverman: That was not necessarily taken into account in the Plan update, correct?

Ms. Gray: In the Comprehensive Plan? Correct. That's my understanding. Yes, sir.

Mr. Silverman: Okay. Thank you.

Mr. Firestone: Do we have other buildings in the City that have apartment complexes with six bedrooms per unit?

Ms. Gray: I believe so. I'm looking at staff for that institutional knowledge. There are two heads nodding yes.

Mr. Firestone: Is that fairly atypical? Or is it fairly typical that we have six bedroom apartments in the City? I'm not talking about houses that were split up, but actual apartment units.

Mr. Tom Fruehstorfer: Tom Fruehstorfer, Planning Department. In RM zoning, six bedroom is very typical, and some of the recent stuff that's been approved has also been six bedrooms.

Mr. Firestone: Okay. Thank you.

Ms. Gray: And if I may, Mr. Chair, in the Work Plan, which is on the agenda, the previous plans from 2014 are all articulated there, so that might further describe what has been historically approved in this realm.

Mr. Firestone: Thank you. If the applicant could give us their presentation. Please try not to go over any of the same material that we've just heard, but elaborate and help us better understand your proposal. Thank you.

Mr. Ben Prettyman: Good evening, Commissioners. I'm Ben Prettyman, here on behalf of H & J Properties. With me today I have my team, Juliann Prettyman, Hal Prettyman, Ruthann Prettyman, Alan Hill from Hillcrest Associates, and Rick Longo from Hillcrest Associates. We are here this evening to share with you our new vision for Benny Street. This street is in need of a new image. For years our tenants have questioned the quality of housing on this street that is offered on Benny. They love the location but it is known for old, tired houses that throw large house parties and get beat up year after year through turnover. We want to change this image with 36 Benny Street. Currently the unit, as you see it here, is a top and bottom duplex grandfathered into the RD zoning and is non-conforming. Several other locations on the street, approximately six or seven, are also in the same category. We acquired the property in 2015 while condemned by the City of Newark. An underground fraternity home is what it was, and after party-after-party, the City eventually came in and condemned the unit as a public safety hazard to not only the occupants, but the public. We have since brought it back up to Code, and have it currently rented to college students.

This is a tax parcel map showing the location of this property. If you're not familiar, South Chapel Street is on the right and Haines Street is on the left. It is on Delaware's east end of campus. Again, this area is littered with approximately six or seven multi-family units that if rezoned again today, they would be RM zoned.

Again, as seen by tenants, this area is known as a party place and filled with tired, weathered units. Being this area is only one block from campus, and has low owner occupancy, it makes it ideal for students and their lifestyles. The development patterns in the area of recent, approved by Council, support this shift in density with this new development, which I will touch on later.

This is a zoning map of the neighborhood currently. A few things I'd like to point out here. RM zoning does exist on both ends of the street. It also exists on South Chapel, which adjoins several parcels along Benny Street. So the point here is that RM zoning is not unfamiliar in this location. It is actually on the street and adjacent to several parcels. Secondly, I'd like to make a note that this specific parcel is adjacent to RA zoning, which is a higher density than the RM that we are seeking this evening. The rezoning of this parcel was recent, in 2015, and was rezoned in the middle of the block, RA from RM. Thirdly, we would like to make a note that this RD block that's sandwiched between RM and RA, as well as the University of Delaware, has many non-conforming uses that, if we were to rezone today, would be littered with RM zoned parcels.

This is the development pattern in the neighborhood, in the immediate vicinity. Here is what recently was recommended by the Planning and Development Department, as well as approved by City Council. We have Rupp Farms at the corner of Chambers and Benny Street. It went from RD to RM. East Village on South Chapel Street went from MI, non-residential, to RA. The Heights on South Chapel Street, directly behind this project, RM rezoned to RA. Holly Woods Apartment, which was MI, again, non-residential, to BLR. 51-59 Chambers Street was rezoned from BC to BLR, again, commercial to residential. On top of these developments that are occurring in the immediate vicinity of 36 Benny Street, we have the new Redding dorm complex, which added 585 beds at the end of the street. Also, at the same time, they built a new Gilbert dorm wing which added an additional 182 beds at the end of the street.

So again, just to highlight some of these other developments in the area. Rupp Farm, a recent approval by Council, seeking similar relief in the Code as we are this evening, with lot size, setbacks, lot coverage, and open area. It is a very successful project that was approved and is fully rented. The second project is East Village. Again, very similar to what we're proposing here. And I'll show you here in a minute, similar relief requested – lot coverage, open area, side yard setbacks, and lot size. This is arguably one of the best looking buildings in town and I think it is very successful where it's at. Again, it's fully rented and received site plan approval.

We are seeking to continue this development pattern in the area, supported and approved by Council. We further have the support of 13 parcel owners on Benny Street who agree and are in no opposition of our redevelopment and rezoning here.

So this is what we're proposing for 36 Benny Street. This is the site plan. We are proposing seven, six-bedroom townhouses at this location. Four parking spaces will be provided per each unit on the first floor. The second floor will be an open kitchen, living room, and dining room concept. The third and attic floors will be the sleeping quarters.

We have a stormwater management agreement with Wooden Apple, which is a parcel at the rear that is zoned RA, to utilize some of their facility for our stormwater run-off. This should drastically improve the area, as this area was known as Frogtown in, I guess, old times here, because it consistently flooded and held water. We hope to drastically improve this with the stormwater management system we will be installing.

Advantages to the City for this project are added fees for stormwater management, building and permitting, increased infrastructure for stormwater management to help facilitate the flooding issue we have currently, added life safety for the residents or possible tenants who occupy these units – they will have sprinkler systems, hardwired smoke detectors, as well as burglar alarms – and the City will see an increase in tax and utility revenue. This amount right now is very hard to calculate, however it will go from hundreds to tens of thousands in totality, and some of which these revenue streams we are providing for the City will be perpetual with the utilities.

This is the front façade that will face 36 Benny Street. In listening to some of the minutes and comments from East Village, the Heights on South Chapel, and Continental Court townhomes, many comments were that if the side faces the street, then we want the side to look like the front and act like the front. So that was our main focus here with this design. We think we achieved that quite well with the help of Hillcrest. Our inspiration here for the architecture was classic period styling, which emphasizes the natural beauty of the materials that we will be using. For the front end, we wanted a material that was natural to the streetscape and the surrounding area. Brick was an obvious choice. Most of the buildings on Benny Street are brick, and you can see the University of Delaware dorms echoing over the trees, and they are also brick. We pulled other elements that you see in town into this project. We pulled the mansard roof that you see on Klondike Kate's and the giant yellow house on West Main Street. It is also on several historic buildings around campus, as well as on the new development behind this project on South Chapel, at the Heights. We also added some small details. Again, the two-tone shutters, which can be seen at Old College and on several old buildings that the

University of Delaware owns, as well as the faux brick inlays where we were not able to place windows, as would be typical of early modified buildings. The entrance onto Benny Street is fully functional and it is the only entrance into this end-unit to really show we designed this end-unit around the “side being the front.”

Down the side we have parking garages. We carried the simple, classic period styling, highlighting our high-end materials all the way down and around the project. We will be using real stone, real brick, Hardie Board board and batten, while the historic colors and the ornate dentil molding pull the entire project together. It should be noted that we did take this in front of the Design Committee, which votes on downtown development and what they think about how the design and architecture feels and looks like, and they did give us a very positive recommendation, stating we are exceeding the design for residential homes.

Looking over some of the exceptions we are seeking this evening, we did purposefully cover more of the lot than is required. We did this for one important reason. I sit on the Alcohol Coalition Board for the University of Delaware and in its last retreat, it was mentioned that complexes can drastically deter or limit the amount of people who can gather in an area promoting a drinking environment by their design. We took this seriously, and approached this project this way. The open space in the area is heavily misused with parties ranging from several hundred to thousands of people in these backyards. This area is severely prone to this open space being misused, which I will show you here in a second. We cannot take any chance and we covered the space, obviously with building coverage, to increase the public safety and not tempt the already tempted students in this area for these large gatherings. While we were able to cover, obviously, more of the lot, this gave us additional funds which allowed us to use higher-end materials such as brick, stone, Hardie Board, and things of that nature. It also allowed us to achieve higher LEED points when we will be developing this project, as far as recycled building materials, using higher-end energy-efficient appliances, as well as being eco-friendly, as well as an energy-efficient building for the end-user.

These are some of the parties that have been taken off of social media of recent in the area. At these parties, alcohol consumption is at an all-time high, which often leads to erratic behavior, disorderly conduct, destruction of property, and sometimes even sexual assault or death. This area is prone to this type of activity, as you can see here, when students are tempted with large yards fenced-in and hard-to-see areas that police cannot see into. We took no chance with this and having additional open space in the rear of the property, as we are already, I believe, about 45 feet off the lot line for the development in the back, which is the Heights on South Chapel Street, so we covered this area. We feel this is a better design and practice for this area, in that it needs to be noted that all properties that have been approved and mentioned in this presentation have not had any such issues like this and have sought the same exceptions in the Code for lot coverage and open area.

This is a house on Chambers Street. There is no railing on that roof. That’s just a handful of people standing there. They could fall at any moment and people could get very, very hurt.

This is particularly at 36 Benny Street before we bought it in 2015. So the slide that Mary Ellen showed of it being vacant, it’s not vacant anymore with these people.

This is the backyard, again, facing the back and facing the Heights on South Chapel Street.

This project does need a Comp Plan amendment with the rezoning from RD to RM. This is in line with the other development that goes on in the area. All of the recent development did need a Comp Plan amendment, as well as there are other areas in town that did receive a Comp Plan amendment. For example, 47 West Cleveland Avenue, Cleveland Station, as well as CampusWalk. It was identified early that the uses in the RD zone are, a handful of them, are RM uses, which if somebody on those parcels wanted to redevelop their parcel and maintain what they have, they would need to actually seek a Comp Plan amendment, because it doesn’t fit into the RD low density model that is there. It clearly states in our latest comp plan, Comp

Plan V, that the Comp Plan is not designed to prevent change but rather control and direct a community's evolution. This area is evolving as Planning supports and Council approves the redevelopment that goes on here with higher RM densities. This area has, in fact, some of the highest densities with the dormitories located at the end of the street. The proximity to campus and low owner occupancy make this ideal for students, and we have seen this by the approval of projects by Council.

This will pull students and tenants from areas like Kells Avenue, District 4 and District 1, which is what our goal is. Furthermore, we have the support, again, of the 13 parcel owners which I was able to contact who support this project's rezoning and amendment. All four sides of this project are part of those 13 parcels, and this further shows that the community is evolving and becoming more dense with the redevelopment as agreed by the current land owners and the Council, which justifies the amendment.

So, in summation, we feel as though this is a great project for the area, not only aesthetically, but from a public safety standpoint. It is not conflicting with the development pattern and does not have any negative impact on adjacent parcels, while it also increases tax revenue for the City of Newark, utility revenue and infrastructure for the City. For these reasons, we ask for your support towards Council for this project. Thank you. If you have any questions, I would be glad to answer them.

Mr. Firestone: Thank you very much. I'm going to suggest that unless someone's got a burning question, I'm going to take public comment first.

Mr. Hurd: Just, I needed clarification on the building elevation. Where is the 35 feet in height? Is that mid-point on the roof or is that to the peak?

Mr. Prettyman: It is the mid-point.

Mr. Hurd: Okay. Thank you.

Mr. Firestone: Any other clarifying questions? Anyone from the public like to be heard? Please step up and identify yourself for the record. And, as was noted, we're operating under the three minute comment rule.

Ms. Jean White: The only point of these pictures that I took this summer, is that the Google map, the Google picture that is in your packet, showed, I feel, a form of the street to the house much longer than it actually is when you drive by the house. Presumably all of you have driven by the house already. Okay, my name is Jean White and I live in District 1. I'm very familiar with this part of town because when my husband and I moved to Newark years ago, we first lived in a house on Chambers Street, which immediately abuts Benny at the one end of it. And so we walked always – Benny, Chambers, and Chapel – and we're familiar with that area.

I am opposed to this proposed plan, in spite of the developer before you, who is a very nice fellow. In fact, I'm strongly opposed to this development project for a number of different reasons. First, is it spot rezoning. It is bad policy, in my opinion, to spot rezone one single property from RD to RM when the others on the street are zoned RD. This policy applied here could be used to spot rezone elsewhere in the City of Newark, and I think that would be unfortunate. Secondly, this is also a type of spot changing the Comprehensive Plan. The Comprehensive Plan which, for this area, has recently changed to be up to 11 units per acre, and by changing the Comprehensive Plan for this particular property would put it in a category of over 11 to 36. This one would be 16 units per acre. This also type of spot changing the Comprehensive Plan, I think, is not the way to go.

In addition, even if these two spot rezoning and spot Comprehensive Plan was done, the project doesn't meet the area requirements for RM zoning, which has been covered, but I'll just say it quickly. The minimum lot size should be 1 acre and it's only 0.448 acres. The maximum lot

coverage should be 20%. This is 33%. The open area should be 40% and this is 22.6%. I'll go on to the minimum setback from the street, which should be 30 feet, and it's 16. The setback for external lot lines should be 25 feet and it's 11 and 18. And the rear yard should be 25 feet, and this is 18. And the side yards should be 20 feet and they're 11. All of these areas requirements . . . in order to resolve this, the developer . . .

Mr. Firestone: Your time is up. You can finish but just sum up now.

Ms. White: I have two more things. The developer is asking for site plan approval, which I feel is being used too much by developers in order to pack in more units. And then can I say one last thing, please?

Mr. Firestone: I'm sorry.

Ms. White: I want to talk about two of their six aspects. One is common open space and the other is association with natural environment.

Mr. Firestone: I appreciate that. But, as I said, we're only going to limit to three minutes of comment.

Ms. White: Okay. The CIP thing has taken time away from this.

Mr. Firestone: But I appreciated your comments.

Ms. White: Okay, I had things I felt were important to say.

Mr. Firestone: Thank you. Is there anyone else from the public that would like to comment? Okay. I've got one question. What consideration was given to putting solar panels on this property? It looks like you've got a south-facing roof, you're tall, and you already said that you may or may not have tree obstruction.

Mr. Prettyman: We consider that, honestly, on all of our projects. When we do our electric bids, one of the bid items is solar conduit that is run to the roof in the event we find it feasible and we find a supplier that makes it monetarily advantageous for us to put it on the roof and have that ability. We do have the infrastructure inside the buildings to handle that. So it is a thought in our mind as far as becoming viable or putting it on. We've been in contact with KW Solar. They've done proposals for us, specifically, on 47 West Cleveland, which is why we changed the roof pitches there, to make the entire back flat in the event we are able to convert. But the numbers that KW Solar had provided for us at that time were not feasible. But, again, when it's currently being built, and in that electric bid, we have conduit run and everything. So in the event it is attainable for us, we are open to doing that.

Mr. Firestone: And I would share some of the concerns that were expressed by Ms. White about this both being a spot zoning. I mean I don't know why your 13 neighbors approve of it, but they may be thinking that they're going to be next in line, and the City and the Planning Commission hasn't really thought through whether it makes sense to change the Comp Plan zoning classification for this area.

To a certain extent, you made an argument against six bedrooms when you showed us all these parties. I mean one of my concerns with having six-bedroom apartments is you're more likely to have parties with . . . I mean when you have six people who all know one another living in an apartment than if you have three, you obviously will have twice as many friends and more likely to have big parties. You also have a lot of impervious structure and it was clear on the application you want not just spot zoning, but you want to exceed the boundaries of that zoning and use more of the property and provide less space. So those are the kind of situations where we might expect that you're going to sort of maybe go and look at some of these other

things more seriously, like solar and some other design aspects above and beyond what you brought forward.

Mr. Prettyman: I mean, I see your concerns and there was a lot there to address altogether, but with regard to your six bedroom comment, the six-bedroom units in that specific area are all on the newly redeveloped ones and I think you can contact the Police Department to verify it, but they would justify that with these new developments that are going in that are five and six bedrooms, they are asking relief in the open area and lot coverage specifically for this reason, so we do not give those six people, or those twelve people, or however many people are part of the complex, an area to do that. That's specifically why we removed, on all of our new townhouse apartments, we removed the basements. Because the basements become an area where people congregate, where everyone floods to and they pack people in. So we are consistently, in our design, trying to limit the area that they can abuse for this specific privilege.

With regards to the spot zoning, I hear, you know, on Benny Street it's mostly RD, but there is RM on the street. I mean . . .

Mr. Firestone: Would you agree with me that, with all those things being equal, you're more likely to have a large party with a six-bedroom unit than you are with two three-bedroom units?

Mr. Prettyman: I, personally, cannot agree. As a landlord, we have plenty of six-bedroom and five-bedroom units right across the street in Chimney Ridge. We also have them on Cleveland Avenue, and if somebody is going to act up, it's going to be the person whether we rent to them or whether Jeff Lang rents to them in his apartments. That particular person that may start or organize that party is a one-off individual that could be in any one of the landlords' homes in the area or around the University.

Mr. Firestone: Thank you.

Mr. Stozek: Yeah, I will just say I am somewhat in agreement with Ms. White. I think this area is certainly an area in transition. And I think it's very much like the area we talked about before on North Cleveland Avenue, or north of Cleveland Avenue. And I think the Planning Department and this Commission needs to look at these transitioning areas and preemptively look at rezoning them so we don't have this spot zoning. It would simply control the lot size, the density, and whatever, going forward. Otherwise we're going to continue to have this spot zoning. I foresee that this whole area is going to be an area of transition in the future. It's already started. This is not the first project in this area.

Mr. Hurd: Hi. Commissioner Hurd. I do want to just state for the record that I am a neighbor of this project. I live on the corner of Lovett and Benny, so I am familiar, 1) with the large house parties, and 2) with the nature of the street and such. There are several concerns I have with this project. I think also when you say that there's RM on the street, there really isn't. RM is on Lovett. Lovett is an RM street. Benny is an RD street primarily, almost entirely. But I share the concerns with spot zoning. I share the concerns of rezoning to a zone that your property can't support. You can't support it. I'm really concerned about the height in the scale of that street. And I think, especially with the Comp Plan, the Comp Plan has looked at that space and said this is sort of a low density area. And until we have a better understanding of the Rental Needs Assessment and where we want to be pushing more density, which would then drive the Comp Plan and such, I think I'm loathe to support spot shifting things that we haven't really talked about in depth. I share Commissioner Stozek's concern on that. That this is an area that should be examined, understood, defined, you know, laid out in a process and then said, okay, here's how we're going to move this area to the next spot. This is, actually, I think, one of the places where I'm not quite willing to let the market lead us. I think we need to be taking the lead on that.

My other concern, really, is that I'm not seeing the excellence in design of the site plan, for the site plan relief, for the amount of relief that is being asked for. I'm really seeing a building that is much too large for its property and it's kind of pushing the edges of it. Thank you.

Mr. Firestone: Any other member wish to be heard?

Ms. McNatt: Okay, my turn. I have several questions, but I do support the comments from Commissioners Hurd and Stozek about evaluating the area on both sides of Benny from the zoning that it currently is to the RM zoning, if that's where this street is going. I think you mentioned that there are other homes or other units on the street that already have . . .

Mr. Prettyman: Yes, they're either duplexes or quadplexes, correct. Which is not a permitted use in the RD zoning. They are grandfathered in, however if you were going to say let's assess what's here and then we'll zone it accordingly, they would be zoned garden apartments.

Ms. McNatt: So I guess you're trying to . . . your argument is that this area, if it was zoned correctly, it would be RM, if it was zoned correctly.

Mr. Prettyman: There would be garden apartments on this street, correct. Which falls under the RM zoning.

Ms. McNatt: But they typically look like duplex homes right now.

Mr. Prettyman: Correct.

Ms. McNatt: Versus apartment townhouses, which is what you're proposing.

Mr. Prettyman: Correct, this RD zoning in this area, if I'm not mistaken, has been here for almost ever. Since these houses were built. And from my understanding of the Comp Plan V, you can't . . . I now every area is broken down and then they examine on what it's going to be, but it doesn't necessarily define future use. It defines what's currently there. So that's why we have the ability to make an amendment, which would be to say, hey, as a community, we are evolving, like in the definition, and we need to make this amendment to account for change. Because the Comp Plan, to my knowledge, again, only comes up for discussion every five years. So if we're going off the Comp Plan and the amendment, we're essentially putting everything on hold for five years, until we re-evaluate it at that time. And it's my understanding that the definition specifically said it's not to deter development, so if the community as well as the City felt that there was a need to change along the way, you could make these amendments.

Ms. McNatt: Is the need for the number of units to be a 4-story townhouse necessary? Or could this design be more accustomed to the . . . because I support Commissioner Hurd's thought that it's a really tall, super tall building in this area that has these homes that are short, more residential-looking. Is there a need for it to have that look?

Mr. Prettyman: The building is three stories high. The reason for the half-story variance is because when you place somebody in the attic space, or inside that attic truss, they define that as a floor. So it's not a full floor, but they count it has half of a floor. So our height will still remain 35, three stories, however since somebody will be occupying that upper level, we then have to add in that half-story.

Ms. McNatt: How many units are in the attic space?

Mr. Prettyman: There is, I believe right now we have one room.

Ms. McNatt: One proposed room?

Mr. Prettyman: One proposed.

Ms. McNatt: Bedroom?

Mr. Prettyman: Yes.

Ms. McNatt: Okay.

Mr. Firestone: Per unit?

Mr. Prettyman: Per unit.

Mr. Firestone: One proposed bedroom per unit?

Mr. Prettyman: Yes.

Ms. McNatt: Okay. I'm going to get into other nitty-gritty details. I think you mentioned that there was a stormwater agreement between your parcel and the rear parcel, which is the Heights?

Mr. Prettyman: Correct.

Ms. McNatt: Because your design ties your stormwater into their facility?

Mr. Prettyman: Correct.

Ms. McNatt: Does that agreement, do you have that already? Is it . . .

Mr. Prettyman: It will be required by Public Works before a building permit is issued, which has happened on other sites, as well. So we are in the beginning stages of that agreement, but it is not memorialized or finalized at this moment.

Ms. McNatt: Does that agreement need to be recorded before the plan gets recorded?

Mr. Prettyman: Yes.

Ms. McNatt: I'm sorry, Mary Ellen, this is towards . . .

Ms. Gray: I believe that would be part of the subdivision agreement. Or that requirement would be part of the subdivision agreement. And that would be recorded with it.

Ms. McNatt: As part of this plan getting recorded.

Ms. Gray: Yes.

Ms. McNatt: Just to clarify one of your comments, I think you actually mentioned that, can you not support all of your stormwater on your property? That's why you're tying into their system. Or . . .

Mr. Prettyman: I'm going to let Alan handle this one.

Mr. Alan Hill: Alan Hill with Hillcrest. The site does support the stormwater. We are just passing it through the system at the Heights. We're not adding to the system at the Heights in any way. So the stormwater is fully managed on the property.

And just, before I forget, the height discussion . . . the property that's directly behind it is RA and has a building that's 54 feet tall. So, as far as buildings around it that are tall, we have a building adjacent to our proposed building that is 54 feet tall. And also across the street on South Chapel, that has a building over 50 feet, as well. So we're not the only building that's 35 feet tall.

Ms. McNatt: And I have more technical questions. Is the parking lot, or the access road, I'm going to call it because it's not a parking lot, but the access road, is that curbed?

Mr. Hill: No, it is not curbed.

Ms. McNatt: Because you're doing the stone trench?

Mr. Hill: We have an exposed stone trench on the side away from the building just to collect the stormwater and pass it into an underground storage area underneath the driveway.

Ms. McNatt: Is that a southerly line, the access drive? Is it prohibited to park there, or what's the parking . . .

Mr. Hill: It's not considered a fire lane, but it would be prohibited to park there because it's an accessway for the parking spaces that are in front of the units. So that would be an area that would be policed and the Prettymans historically have given the police full access to all of their driveways to break up any gatherings or parking on those spaces, to keep them safe.

Ms. McNatt: So there will be no parking allowed on that southerly edge?

Mr. Hill: There will be no parking allowed on that 24 foot wide driveway.

Ms. McNatt: Okay. And I don't know if this is a correct question to ask but for your stormwater utility fee, what would your stormwater utility fee on this property be if you . . .

Mr. Prettyman: I haven't seen any of those . . .

Ms. McNatt: The proposed number.

Mr. Prettyman: Yet, so I don't know what it would be.

Ms. McNatt: You don't know. Okay.

Mr. Prettyman: Each tenant would be paying that stormwater fee that was passed the other night on each one of their water bills.

Ms. McNatt: I didn't know if you had computed it due to the circumstances of . . .

Mr. Prettyman: No, I mean the cost of a facility like that? For us to install it? Or that actual fee from the . . .

Ms. McNatt: The impervious area on your parcel. The stormwater utility fee is based upon the impervious area of your parcel. So I was just curious if you had computed what your potential stormwater utility fee, if that was to come forward.

Mr. Prettyman: No, I have not computed that yet.

Mr. Firestone: Frank?

Mr. McIntosh: Philosophically, I think that the City of Newark is changing. And when I look and I see the kinds of properties that are in this area – old, some of them not kept up very well, and the like – and then I look down and when I travel down Cleveland Avenue, for instance, I see a lot of those kinds of housing there. And then I see a lot of the new housing that has gone in, that strikes me as the kind of image that we want to promote for our City. And so when I look at this, the first time I looked at it, I said that's a lot of house there. That's really a lot. There's not much property left when it's done. So I don't like that. I really don't. But I also understand some of the things that you're saying about parties and the like, and although I think if people want to have a party, they're going to have a party. I don't care how much space you give

them, they'll find space for it. But perhaps that is an inhibitor, I don't know. But what I really like is that you are putting a standard into that area that others will replicate. We've seen that happen in other parts of the City. And that's a reality. And it's a good reality, from my point of view. It's something that we should be doing. And I think, as a Commission, we should be leading that. Again, my personal opinion.

So I have some concerns about what you're doing here but, by and large, I think it's a bold action for an area that needs, kind of, bold action. And I just think we need to think about that. We can't keep thinking about this is the 50s or the 70s or even the 90s. I can't believe I'm saying that. But, you know, we're in a new era and the kind of image that this City projects is very important. And when people see old, decrepit kinds of housing, which we've seen taken away and replaced with things that are, at least from our today world, is something that is nice. It's nice to look at. And when you have old properties that are not well-kept, people tend to abuse them. It's simple. But when you have something that is designed well and looks good and it looks like it should be respected, there's a tendency to respect it. And that isn't always true, but it's true more often than not. So that's all I have to say about it.

Except, one thing, as I told the Chairman, I have a 9:30 appointment.

Mr. Firestone: Yes, we're good. We're going to do what we can.

Mr. McIntosh: Well I might have to do what I can, which is to leave.

Mr. Firestone: Oh.

Mr. McIntosh: Commissioner Hurd, you can handle the parking?

Mr. Hurd: Yes, absolutely.

Mr. McIntosh: So unless you want to call for the question, I have to go.

Mr. Firestone: Well . . .

Mr. McIntosh: Okay. I didn't think you would.

[Secretary's Note: Commissioner McIntosh exited the Council Chamber and meeting at 9:29 p.m.]

Mr. Firestone: Commissioner Silverman?

Mr. Silverman: Okay. I'm supporting this program. I'm impressed by the amount of thinking that was put into the application. The detail and the research that was done. It supports our Comprehensive Plan, and I agree with the citation that the Comprehensive Plan is to lay out the future, not necessarily represent the past. The building is an obsolete building. We have the opportunity to bring public safety in here with respect to fire. With respect to use, I'm going to make an assumption that there will be exterior lighting on this building so those spaces will be well-lit, so as the police go down the block, they can sweep either side, particularly with no automobile parking in that 24 foot accessway. So that makes their job a lot easier. Based on my own house, even though it's a single family detached, I'm going to guess the City taxes on this site are several hundred dollars a year – \$500, \$600 or \$700.

Mr. Prettyman: Right.

Mr. Silverman: And I bet they will be ten times that, so this contributes to the tax base of the City. I agree with Frank that it will set a standard for that particular area. In our own work program, with respect to the Comprehensive Plan, we have recognized that there are pockets within the City that need to be looked at. And this should be one of those areas in our

Comprehensive Plan review that is being considered in the Commission's work program. The parcel is also consistent with our Comprehensive Plan, the proposal, in that it's within walking distance for those people who are likely to occupy the unit, reducing automobile trips and reducing dependency on public transportation. So it meets that aspect. With respect to site design, it is toward the end of the community that has already undergone significant change in parcels that surround it. As a matter of fact, as was pointed out by Mr. Hill, it's actually a step down. The buildings behind it are in excess of 50 feet. This building is going to be some 30+ feet, so visually and from an impact, it represents a transition into the existing area. As was pointed out, the zoning patterns in this area appear to have been simply overlaid and did not reflect the probably pre-planned lot sizes that are there. And a number of these lots, including this lot, would be very difficult to develop within existing lot lines.

I feel that this project substantially, not in every area, meets the site plan approval process, but particularly in exterior finishes, sensitivity to the public safety needs in the area, and the height, as I've said in other Commission hearings, the height of this building is dictated by Newark's parking requirement. If there is going to be parking under the building, that means the first floor is going to be dead space. So if the parking requirements were modified, this building would be substantially less massive in height. I look at development as an opportunity to solve problems. I also have heard that this area was referred to as a frog pond. If you go out there now, the drainage is very poor. Here is an opportunity to not only deal with the actual drainage off the site, but to collect it onsite and, working with the neighbor behind, conduct the drainage away from Benny Street. So it reduces any discharge into whatever storm sewer system may or may not even exist on Benny Street. So there is an opportunity to handle run-off.

Of site plan approval, the architectural style beauty is in the eye of the beholder. We have eclectic styles in Newark, but this does fit in with the eclectic architectural style that's found in Newark. The fact that the front façade of the structure and the theme is carried around the structure, I think contributes to it. The voluntary submission to the downtown Design Review Committee, I think, speaks highly of this applicant and their attempt to blend in with the architecture, again possibly eclectic, of the Newark community, that they sought endorsement of a design review group when it's not even required by Code.

Let's see, again, it's substantially meets the sign plan approval options where they're generally applicable. I agree with our Chairman that we need to look more toward dealing with solar application, and it sounds like there's at least the potential there in the future if that particular kind of power becomes economical. So I am in favor of this project and I will be voting accordingly.

Mr. Firestone: Thank you.

Mr. Stozek: Two quick questions. When talking about the driveway and parking, you specifically said parking is not allowed in the 24 foot wide driveway. You've got these bump-outs where the entrance doors are. Is there parking allowed in front of these garage doors?

Mr. Prettyman: Correct. There is parking in front of those garage doors.

Mr. Stozek: The other question is, you've got a fairly large open space. Are you going to allow the occupants of this building and their friends to have a party out on the driveway?

Mr. Prettyman: No. The driveway in our other complexes, as Alan has stated, the City of Newark can come in and ticket on that. And by ticketing, that's not just limited to parking. Open container laws do contribute to that, as well. So in the past I've seen people get tickets for open containers at Cider Mill and some of our other complexes because as soon as they step into that common area space . . .

Mr. Stozek: But as a policy, is your company going to say you're not allowed to party out there?

Mr. Prettyman: Yes.

Mr. Stozek: Okay.

Mr. Silverman: I do have one more comment. I look at the use of the property as a policing matter between the landlord and the Police Department, that the actions of the individuals can only be controlled to a certain extent. A phrase was talked about in this room, the reference to spot zoning. Sometimes phrases simply percolate to the top and they become the focus rather than the broad overview and the big picture. I'd like to ask the City's attorney whether, in his opinion, this action constitutes a spot zoning in the legal sense. In the City Code sense.

Mr. Paul Bilodeau: I saw the exhibit that you showed with all the properties on it. I know that, I'm looking at exhibit A here, which shows all the green, I guess, as RD, and it has your property there in yellow. There is an awful lot of RM zoned property in the vicinity around there and I'm not sure which ones of these that are RD are duplexes that really, I guess, would be RM if they were properly zoned. But . . .

Mr. Prettyman: Two of them are directly across the street.

Mr. Bilodeau: And if your property was properly zoned.

Mr. Prettyman: Right.

Mr. Bilodeau: So I don't see this as spot zoning. It appears that there's quite a bit of other alternative zoned property in the vicinity.

Mr. Firestone: Thank you. Are there any other comments from the Commission? Chair would entertain a motion.

Mr. Silverman: I move that we concur with the recommendation of the Planning Department as displayed on page 12 of the Planning Department report dated October 4, 2017. The Planning Department suggests the Planning Commission take the following actions. The recommendation that City Council revise Comprehensive Development Plan guidelines for this location from low density residential to high density residential. And I believe our procedure is that we vote on the Comp Plan amendment as a separate item.

Mr. Firestone: I think that's correct.

Mr. Silverman: Okay, so that will be my initial motion.

Mr. Firestone: Is on the Comp Plan amendment?

Mr. Silverman: Correct.

Mr. Hurd: Second.

Mr. Silverman: Paragraph A.

Mr. Hurd: I'll second that.

Mr. Firestone: Any discussion? All those in favor of the motion to amend the Comp Plan, signify by saying Aye. Opposed say Nay. It passes 3-2.

MOTION BY SILVERMAN, SECONDED BY HURD THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

A. THAT CITY COUNCIL REVISE COMPREHENSIVE DEVELOPMENT PLAN V LAND USE GUIDELINES FOR THIS LOCATION FROM “LOW DENSITY (RESIDENTIAL)” TO “HIGH DENSITY (RESIDENTIAL).”

VOTE: 3-2

AYE: MCNATT, SILVERMAN, STOZEK

NAY: FIRESTONE, HURD

ABSENT: CRONIN, MCINTOSH

MOTION PASSED

Mr. Silverman: I further move that we concur with the Planning Department’s above stated report, Paragraph B, recommend that City Council approve the rezoning of 0.448 acres from the current RD, one family semi-detached residential zoning, to RM residential multi-family/garden apartment zoning, as shown on the Planning and Development Department Exhibit A dated October 10, 2017, and recommend that City Council approve the 36 Benny Street major subdivision and site development plan, as shown on the Hillcrest Inc. plan dated January 27, 2017, with revisions through April 21, 2017, with the Subdivision Advisory Committee conditions.

Mr. Firestone: Is there a second?

Mr. Stozek: Second.

Mr. Firestone: Any discussion?

Ms. McNatt: I have a question about that. The plan that was provided, the 11x17, has a newer revision date than the April 21, 2017 date, which this date is October 3, 2017. Should this be the correct plan? Or which plan is the correct plan?

Mr. Silverman: I will correct the motion.

Ms. McNatt: I want to ask the question first before you correct the motion. Sorry. Which plan is the correct plan?

Ms. Gray: Tom?

Mr. Fruehstorfer: Typically the changes that you see in the new plan come after the fact. The plan gets submitted, we make recommendations and those changes happen before it gets recorded. In this case, when the change from 3 stories to 3 ½ stories came up, I was concerned. I wanted to make sure that you were seeing what was going to be approved in the long run. Right now we have wording in here saying that the Subdivision Advisory Committee recommendations are included. So that new drawing includes those SAC recommendations. So the April 12 date is correct, with the SAC recommendations. And that new drawing is starting to include some of those SAC recommendations. Staff has not fully reviewed that yet. I took a look at some of the things. Public Works hasn’t had time to look at it. So we don’t know yet that that drawing is actually correct. So we should be going by the April 12 and going with the SAC recommendations.

Ms. McNatt: With the Subdivision Advisory Committee conditions.

Mr. Fruehstorfer: Correct.

Ms. McNatt: Thank you.

Mr. Silverman: Mr. Chairman, the motion stands then. We don’t need to amend anything.

Ms. McNatt: Did we second it?

Mr. Firestone: There was a second. Is there any further discussion? Okay, all those in favor, signify by saying Aye. Opposed, say Nay. Motion carries 3-2.

MOTION BY SILVERMAN, SECONDED BY STOZEK THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

B. THAT CITY COUNCIL APPROVE THE REZONING OF 0.448 ACRES FROM THE CURRENT RD (ONE FAMILY SEMI-DETACHED RESIDENTIAL) ZONING TO RM (MULTI-FAMILY DWELLING/GARDEN APARTMENT) ZONING AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED OCTOBER 10, 2017; AND

C. THAT CITY COUNCIL APPROVE THE 36 BENNY STREET MAJOR SUBDIVISION WITH SITE PLAN APPROVAL PLAN AS SHOWN ON THE HILLCREST ASSOCIATES, INC. PLAN DATED JANUARY 27, 2017, WITH REVISIONS THROUGH APRIL 21, 2017, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

VOTE: 3-2

AYE: MCNATT, SILVERMAN, STOZEK

NAY: FIRESTONE, HURD

ABSENT: CRONIN, MCINTOSH

MOTION PASSED

Mr. Prettyman: Thank you.

Mr. Firestone: You're welcome. Thank you.

9. PARKING SUBCOMMITTEE UPDATE.

Mr. Firestone: Per some earlier plans, we're going to move up and do the Parking Subcommittee update now.

Mr. Hurd: Oh, okay.

Mr. Firestone: Okay.

Ms. McNatt: We're doing what now? The Parking Subcommittee update. Alright.

Mr. Firestone: Are you ready for that, Will?

Mr. Hurd: Sure. I'm going to be a little . . .

Ms. McNatt: Short?

Mr. Hurd: Vague . . . well short, yes . . . because I can't remember exactly what the date was that we met because the minutes are still in preparation. We had a good meeting a couple of weeks ago. We had almost all of our stakeholders there. We were missing the commuting student association member and the Main Street non-profit organization member. But we did two things, I think, that were good and I think showed a sense of how this committee is going to be working.

One, we really brought out all of the issues that everyone has, sort of, on the front of their mind regarding parking. And, as you would expect, each different sort of group has their own focus on what they feel is important. So there wasn't a whole lot of overlap, but certainly we got the

broad spectrum. And I would say that there were really no surprises from what we've seen in the workshops. But it was good to sort of have everyone whose engaged in Main Street, engaged in the downtown, come forward and say, this is what I see as the problem. And, sure, it's usually something that personally affects them, but if it affects the business owner, it affects most of the business owners. So it was good to kind of get that out and get people, I think, feeling that they were, that their opinion was being considered.

The other thing that we did that was, I thought, really good, was that Andrew Haines had brought out his proposal for peak pricing in the off-street lots and the meters, for discussion. Because part of the point of it was the City Manager can change the pricing for the off-street lots, but parking meters require Council approval. So we had sort of two, you can't shift everything at once, but we can shift the off-street lots and start to see if that has changes to occupancy and usage and peak loads and such. He put it out sort of on the table and everyone really got engaged in the process and was putting forth good opinions, good suggestions, good criticism, and he came out of there, I think, with a much stronger proposal, which I believe went to Council. Or maybe not. Maybe it's just internal. But he felt that he really came out of there with a much better proposal and better understanding of what's going on, and it's something he can take forward. And, to my mind, that's how I kind of see, that will give me a picture of how the committee is probably going to work. We're going to identify an area of concern. We're going to pull together some proposed solution, some sort of draft document. And then we're going to kind of get into it. And everyone is going to bring their perspectives and experience, but I think with everyone focused on what's the goal of improved parking, improved, you know, whatever, perceptions and such. We're going to come out of there with a much better solution than if one person sat down and said here's what I think we should do, and tried to either push that through or vote on it, or just let it kind of sit there by itself. So that was the essence of it. The takeaway from the meeting was that all of those issues that we identified have been put into a SurveyMonkey survey and the link has been emailed to all of the members of the committee, who should be ranking everything in their order, and we're going to try to identify the top five issues from that survey. And those are going to be the focus of our next 4-6 weeks. Four to six months, sorry.

And I did want to just mention at this point that the blurb about the Parking Subcommittee on the website says, in effect, we're going to go for six months and then we're going to put out a report or produce something. It seems to have a sort of finite end to it, and it does not have a finite end. That, I think, was based on a comment Frank said that sort of like in six months we're going to see where we are and where we need to go. But it was not intended to be this is our deadline and this is what we're shooting for. I just wanted to put that out there and be clear about that. Any questions.

Mr. Firestone: Let's start with, I know we have at least one member of the public who wanted to be heard on this issue. Dr. Morgan?

Dr. John Morgan: Yes. Thank you, Chairman Firestone. I attended the meeting that was held a couple of weeks ago and I thought, on the whole, it went very well. I would like to say that the more I think about it, the proposal made by the City staff to have a rate of \$2.00 an hour peak rate in the off-street lots, but raising the rate to park at the meters on the street to \$1.50, which is substantially less expensive, in my view is going to lead to a real problem. Because what will happen is that the students and others who are now parking in Lot 1 will simply start parking at the meters on the street. And if the goal is to try to encourage people from out of town to drive into Newark in the expectation that they can find parking, if they drive down Main Street and it looks like every spot is occupied, they'll get the impression that there's a parking problem. I think that it's essential that the rate to park at the meters in the downtown area be at least as high as the rate to park in the lots, and preferably higher. Thank you.

Mr. Firestone: I would concur with that comment.

Mr. Hurd: I'm in agreement with that. I think we discussed it briefly. I don't remember how that conversation had ended with Andrew. Whether there was further work they had to do about the rates for meters, or what his intention was on that.

Dr. Morgan: Well my understanding is that the plan is to raise the rate to park at the meters in the downtown area to \$1.50 an hour in ten minute increments, a quarter for ten minutes, year-round. Which is sort of like an average . . . but I mean that would certainly motivate people in the summer to use the lots, right?

Mr. Hurd: Right.

Dr. Morgan: But the other way is during the time you have the biggest problems. And I think it's really pretty urgent that the Parking Committee revisit this issue at its next meeting to avoid what I think is likely to be an impending disaster of a different kind.

Mr. Firestone: Thank you, Dr. Morgan.

Mr. Hurd: Okay. Thank you.

Mr. Firestone: Would anyone else like to be heard?

Mr. Silverman: Another key takeaway, with respect to Dr. Morgan, was none of this is set in concrete. These are computer programs. These are ordinances that can be rescinded and revised. It's a starting point, and if your fear does prove to be reality, then it's definitely time to revisit it. So rather than trying to solve all of the pieces at once, I commend the Parking Committee on getting something moving rather than studying it to death.

Mr. Firestone: Anyone else? Okay. Thank you.

6. REVIEW AND CONSIDERATION OF AMENDMENTS TO THE ZONING CODE AS THEY RELATE TO REGULATIONS FOR WIRELESS FACILITIES IN THE RIGHT OF WAY AND OUTSIDE THE RIGHT OF WAY.

Mr. Firestone: We're now going to move to what was listed on the agenda as Item 6, the wireless facilities. We're going to confine our discussion and debate solely to the amendment that we were asked to consider at the upcoming meeting, given the hour. And we will have, thanks to the foresight of the City Council in giving us plenty of time to consider the wireless amendments, we will begin to consider the fuller ordinance amendments at our next meeting in November. So do you want to just explain, Mary Ellen, the rationale behind the Amendment 1?

Ms. Gray: Yes, Mr. Chair. I would be happy to. It is my understanding that after the hearing at City Council on September 25 where they voted to extend the sunset period for a total of 300 days from the adoption date of June 12, there was a discussion that included the desire to move forward with the one amendment that would require proof that an applicant for a wireless facility has a contract with a wireless service provider before they can . . . in conjunction with their application. So that was the request from some City Councilmembers after the September 25 meeting to request that this particular amendment move forward while the Planning Commission is looking at the proposed amendments to the ordinance in its totality.

[Secretary's Note: The proposed ordinance amending Zoning Code regulations for wireless facilities in the right of way and outside the right of way reads as follows:]

That Chapter 32, Zoning, Code of the City of Newark, Delaware, be hereby amended in the following respects:

AMENDMENT 1: Create a new Section 32-56.7(1)(s) by inserting the underscored text as follows:

- (s) All proposed tower applications shall be accompanied by proof that the telecommunications applicant has a contract with a wireless service provider to install, construct, modify, maintain or operate wireless communications facilities in the right-of-way in which such installation, construction, modification, maintenance or operation is to begin within one year of approval.

Mr. Silverman: Point of information. Under the Planning Department's report dated October 3, 2017, under that cover, the proposal that you would like us to consider is pages 1 through 16?

Ms. Gray: No . . .

Mr. Firestone: Just page 1.

Mr. Silverman: Just page 1.

Ms. Gray: No, it's just the first page that says Amendment 1.

Mr. Silverman: Okay. Thank you.

Ms. Gray: You're welcome.

Mr. Firestone: Does anyone from the public wish to be heard on this item? Just on Amendment 1. Is there any discussion or questions from any of the Commissioners on Amendment 1?

Mr. Hurd: I have, I guess, a small one because that amendment only applies then to towers and facilities in the right of way. It does not apply, then, to towers and such located outside the public right of way. Is that the intention of that amendment, is to only amend the one piece and not both?

Ms. Gray: Yes.

Mr. Firestone: Any other questions or comments? Chair would entertain a motion.

Mr. Silverman: I move that we accept the proposed ordinance as found on page 1 of the October 3, 2017 memorandum from the Director of Planning to members of the Planning Commission, as written.

Mr. Firestone: Is there a second?

Mr. Hurd: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. The motion carries.

MOTION BY SILVERMAN, SECONDED BY HURD THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL AMEND CHAPTER 32 ZONING AS DETAILED IN THE PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM DATED OCTOBER 3, 2017 AND ASSOCIATED PROPOSED ORDINANCE THAT ALL PROPOSED TOWER APPLICATIONS SHALL BE ACCOMPANIED BY PROOF THAT THE TELECOMMUNICATIONS APPLICANT HAS A CONTRACT WITH A WIRELESS SERVICE PROVIDER TO INSTALL, CONSTRUCT, MODIFY, MAINTAIN OR OPERATE WIRELESS COMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY IN WHICH SUCH

INSTALLATION, CONSTRUCTION, MODIFICATION, MAINTENANCE OR OPERATION IS TO BEGIN WITHIN ONE YEAR OF APPROVAL.

VOTE: 5-0

AYE: FIRESTONE, HURD, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN, MCINTOSH

MOTION PASSED

8. REVIEW AND CONSIDERATION OF PLANNING COMMISSION 2017 ANNUAL REPORT AND 2018 WORK PLAN.

Mr. Firestone: Okay, that gets us then to the annual report and draft work plan. I'll turn it over to Mary Ellen, but the thinking was that we now have a sort of long list of potential items under Item 4 in the work plan and that we would, at a subsequent meeting, probably perhaps the next meeting, discuss as a Commission a sort of prioritization of which of several items, rather than about ten items, that we want to try to tackle in the coming year. Because the list is probably way too long for us to accomplish. Mary Ellen?

Ms. Gray: Yes. You are correct, Mr. Chair, this is an ambitious list. The thought process in putting this together for your review is that at the last Planning Commission meeting, there was a request to articulate some areas of potential rezoning and Comprehensive Plan amendments. So what we did is we went back and looked at and listed . . . and it is on one of the 11 x 17 charts, Exhibit B1 . . . we listed out all of the development projects that were proposed from January 2014 to present, and indicated whether there was a rezoning and/or a Comp Plan amendment. And then we mapped it on Exhibit B2, so you could see the area. We did the same exercise for the Comp Plan amendment on Exhibit C. So that way you could see it all visually, and then the following 8 ½ x 11 sheets articulate those areas described in Exhibit C. So that's for you to look at and one of the thoughts is that at the next meeting we can put the prioritization of the work plan on the agenda so we can take a deeper dive in this discussion and perhaps in tandem with the Rental Needs Assessment, because most of these areas are potentially student rental areas, and further there are some other items on the work plan regarding some rezonings and some Council projects, and the discussion of potentially getting in a consultant to do a couple of studies. So at the late hour I don't want to go into it right now unless there's any questions, but that was the thought process that perhaps when you had a chance to digest it, then we can take a deeper dive at the next meeting for prioritization, if this is the pleasure of the Commission to move forward with this work plan as drafted.

[Secretary's Note: The Planning Commission 2017 Annual Report and Work Plan reads as follows:]

About the Commission

The Planning Commission makes recommendations to City Council concerning:

- Annexation
- Rezoning of Property
- Subdivision
- Development Approval
- Zoning Code and Subdivision Regulations Amendments
- Adoption and Amendment of Comprehensive Plans
- Demolition of Historic Buildings
- Municipal Capital Expenditures

The Commission also makes determinations on requests for off-street parking requirements waivers in the BB zoning district. The Commission’s advice to the City Council, except in the case of parking waivers, is always in the form of a recommendation; City Council may also hear appeals of, review, modify or deny the Commission’s approval, disapproval, or approval with conditions of off-street parking waivers upon the recommendation of a member of Council, Planning and Development Director and/or the City Manager.

Membership

Six Commissioners are nominated by City Council members from the districts they represent and one at-large Commissioner is nominated by the Mayor, each for three-year terms. Nominations are subject to confirmation by majority vote of the Council.

Current Members:

- Jeremy M. Firestone, Chair, District 4
- Robert L. Stozek, District 1
- Willard F. Hurd, District 2
- Stacy McNatt, District 3
- Alan Silverman, District 5
- Frank McIntosh, District 6
- Bob Cronin, Member at Large

During this reporting period, the Planning Commission welcomed a new Commissioner. Stacy McNatt was appointed to the Commission by City Council on January 23, 2017 for a three-year term to expire on September 15, 2019. Stacy joined the Commission for her first meeting on April 4, 2017.

Executive Summary

From October 1, 2016 – September 30, 2017, the Newark Planning Commission considered the following:

Annexations	-	3
<u>Code</u> Amendments	-	9
<u>Comp Plan</u> Amendments	-	2
Rezoning	-	4
Major Subdivisions	-	1
Minor Subdivisions	-	1
Parking Waivers	-	0
Requests for Extension	-	0
Special Use Permits	-	4
Site Plan Approval Plans	-	1

The Planning Commission continued its review of zoning-mandated parking requirements during this time period, holding a public workshop on March 21, 2017, and discussing the subject at three separate Commission meetings (January 3, May 2, and June 6). At its May 2, 2017 meeting, the Commission recommended in favor of the formation of a Parking Requirements Subcommittee. The recommendation was concurred with by the City Manager on May 17, 2017. Two Parking Requirements Subcommittee meetings were held during this time period (August 17 and September 27) and continuation of the effort will be part of the coming year’s work plan.

The Commission spent considerable time during this period carefully developing Planning Commission Rules of Procedure. The goal is to establish clear and transparent procedures to foster public input and fair and efficient decision-making. The Commission began the effort at the February 7, 2017 meeting, and has discussed, received and considered public comment,

and made recommendations to the proposed procedural guidelines at three subsequent meetings (July 5, August 1, and September 5). Review and consideration of a 4th draft of the Rules of Procedure will occur at an upcoming Commission meeting.

In addition to the above, the Planning Commission reviewed the findings of Phase II of the Rental Housing Needs Assessment study at its June 6, 2017 and July 5, 2017 meetings. The Commission continues to work with Planning and Development staff with a focus on making recommendations to City Council regarding rental needs in the City of Newark. This work will continue in the coming year's work plan.

During this period, members of the Planning Commission participated in some informational and training sessions. Specifically, the Commission's newest member, Stacy McNatt, met with Interim Planning and Development Director Dave Culver on February 6, 2017 for Planning Commission orientation. On September 29, 2017, Commissioner Will Hurd attended training sponsored by the University of Delaware Institute for Public Administration on *The Housing Demographic Realignment: Solving the Millennial Puzzle in Delaware*. Lastly, a WILMAPCO information session was scheduled for the Commissioners, which occurred at their regularly scheduled meeting on August 1, 2017.

Finally, this past year has been a time of transition for the Planning and Development Department (and hence the Planning Commission) with the retirement of Maureen Feeney Roser, the appointment of Dave Culver as Interim Director, and ultimately, the appointment of Mary Ellen Gray as Director. The Planning Commission looks forward to the coming year working with Director Gray and continuing to build on the foundation we established during the past half-year.

Planning Commission Activities 10/1/16 – 9/30/17

A detailed description of the Commission's actions may be found below:

Development Approvals

On November 1, 2016, the Commission reviewed the annexation, rezoning, major subdivision and special use permit for 1364 Marrows Road and 701 Ogletown Road to demolish the existing buildings on the combined parcels to construct three new buildings for an auto repair and service centers for Martin Honda, Kia and Mazda dealerships. The Commission unanimously recommended the annexation of 0.628 +/- acres with BC (General Business) zoning and the major subdivision with special use permits for the development. Council subsequently approved the plan on December 12, 2016.

On December 6, 2016, the Commission reviewed a Comprehensive Development Plan amendment, rezoning and minor subdivision with site plan approval plan for 40 East Cleveland Avenue to demolish the existing single family rental dwelling at the site and construct a three story townhouse-style apartment building with first floor parking and three 5 bedroom apartments on two floors above. The Commission recommended approval of the plan with a 3-2 vote. Council subsequently rejected the Comp Plan amendment and rezoning on February 27, 2017, therefore no action was taken by Council on the minor subdivision with site plan approval.

On February 7, 2017, the Commission reviewed the annexation and rezoning for 139 East Chestnut Hill Road to make sanitary sewer service available to the existing business on the property. The Commission unanimously recommended annexation of the 0.837 acre parcel with BL (Business Limited) zoning. Council subsequently approved the annexation and rezoning at their April 24, 2017 meeting.

On June 6, 2017, the Commission reviewed a special use permit request for the property located at 83 East Main Street to allow AT&T to install a cell phone antenna tower and related

equipment on the roof of the University of Delaware bookstore. The Commission recommended approval of the special use permit 6-0, with Chairman Firestone abstaining from the vote. City Council unanimously approved the request on July 10, 2017.

On July 5, 2017, the Commission reviewed a special use permit request for the hotel at 400 Ogletown Road to allow the hotel owned by Danneman Hospitality LLC to increase the number of guest rooms of the hotel from 125 to 132, with departmental conditions and the conditions previously approved by City Council on May 9, 2016. The Commission recommended approval of the special use permit, with Commissioner Silverman abstaining from the vote. City Council approved the special use permit request on August 28, 2017.

On July 5, 2017, the Commission reviewed a special use permit request for the property located at 83 East Main Street to allow Verizon Wireless to install a Distributed Antenna System (DAS) Node on the roof of the University of Delaware bookstore. The Commission recommended approval of the special use permit 6-0, with Chairman Firestone abstaining from the vote. City Council unanimously approved the request on August 14, 2017.

On August 1, 2017, the Commission reviewed an annexation and rezoning of the 1.18+/- acre property at 4 Georgian Circle in Christine Manor East to make sanitary sewer and water service available to the existing home on the property. The Commission recommended approval of the annexation with RH (One Family Detached Residential) zoning. City Council unanimously approved the request on September 25, 2017.

Code Amendments

On October 4, 2016, the Commission reviewed staff proposed amendments to the Zoning Code to delete boarding, rooming and lodging houses as permitted uses. Ultimately, the Commission determined that more research would be needed before it could consider eliminating the use and staff will reconsider and continue research as time allows for future amendments.

On November 1, 2016, the Commission reviewed staff-proposed amendments to the Zoning Code to permit the small scale production of alcohol and related accessory uses and sales in the BC (General Business), MI (General Industrial) and MOR (Manufacturing, Office and Research) zoning districts. The Commission had several suggestions for improving and simplifying the proposed code amendments and the discussion was tabled until the December meeting to allow staff an opportunity to incorporate Commission comments and suggestions. On December 6, 2016, the Commission reviewed and recommended approval of the revised proposed amendments to Chapter 32 of the Zoning Code as they related to alcohol production, sales and accessory uses. Council subsequently approved the amendments on February 13, 2017.

Also on November 1, 2016, the Commission reviewed Comprehensive Development Plan V amendment regarding Map for Planning Area 4. Specifically, a Plan V mapping error had eliminated a parcel of annexable land from the adjacent areas map, which should have been included. The Commission voted unanimously to correct the map. As it turns out, the property was annexed while Comprehensive Development Plan IV was in effect, which correctly referenced the parcel, so the amendment was not necessary and therefore, not considered by Council.

On December 6, 2016, the Commission reviewed staff-proposed amendments to the Zoning Code and Subdivision Regulations of the City of Newark as they relate to development fees in an effort to better reflect the actual City costs associated with processing a land use application. The Commission unanimously recommended approval of the proposed fees, which were later approved by Council on February 13, 2017.

On January 3, 2017, the Commission reviewed staff proposed amendments to Chapters 27 Subdivisions and 32 Zoning as they relate to updating references to the former position of

Building Inspector and clarifying conditions for subdivision approval. The Commission had several wordsmithing changes to the amendments, which were reviewed with the City Solicitor and incorporated into the draft ordinance. The Commission unanimously recommended that Council approve the amendments to Chapters 27 Subdivisions and 32 Zoning relating to clarifying responsible parties as well as land use and development processes. Council unanimously approved the amendments at their March 13, 2017 meeting.

On February 7, 2017, the Commission reviewed staff proposed amendments to Chapter 32 Zoning as they relate to wireless infrastructure, specifically creating regulations for wireless facilities in the right-of-way and updating regulations for wireless facilities outside the right-of-way to conform to federal regulations. The Commission had several suggestions for improving the proposed code amendments, as well as wordsmithing changes. The Commission approved the amendments 4-1 with the wordsmithing changes only, and a recommendation to have the ordinance expire sixty (60) days after approval by Council, to be superseded by revised amendments incorporating their suggestions for improvement. City Council subsequently approved the amendments on June 12, 2017, with the provision they sunset in 120 days.

On April 4, 2017, the Commission reviewed staff proposed amendments to Chapters 27 Subdivisions and 32 Zoning to reflect that liens may be added to property tax billings, allowing the City to collect annually on outstanding obligations due to the City. The Commission unanimously recommended that Council approve the amendments to Chapters 27 and 32 relating to liens and property tax billings. Council subsequently approved the amendments 6-1 at their May 22, 2017 meeting.

On August 1, 2017, the Commission reviewed amendments to the Zoning Code as they relate to regulations for wireless facilities in the right of way and outside the right of way. The amendments under review were reflective of discussions at the June 12, 2017 City Council meeting, internal staff discussions, and discussions with industry representatives. The Planning Commission recommended that City Council extend the sunset period of the wireless telecommunications ordinance by 75 days. City Council, at their regularly scheduled meeting on September 25, 2017, voted to extend the sunset period of the wireless telecommunications ordinance by an additional 225 days for a total of 300 in order to give the Planning Commission more time to review the ordinance and make recommended changes.

2017 - 2021 Capital Improvements Program

On October 18, 2016, the Planning Commission reviewed and considered the 2017-2021 Capital Improvements Program (CIP). The Commission forwarded the CIP to City Council with a favorable recommendation, and Council subsequently approved the CIP on December 19, 2016.

Workshops

The Planning Commission hosted a workshop on Tuesday, March 21, 2017 to discuss Zoning Code Mandated Parking Requirements for Downtown Developments and Uses. The workshop was well attended. The information collected from the workshop was used to assist the Commission in its path forward in the study of potential changes to zoning-mandated parking requirements and the establishment of a Parking Requirements Subcommittee.

2018 Work Plan

The Commission looks forward to working on the following during the next reporting period given time and resources:

1. Continue the review and consideration of land development projects according to the Planning Commission Submission Deadline schedule to make recommendations to Council. A copy of the schedule is attached (exhibit A).

2. Finalize Commission Rules of Procedure. It is expected that this will be accomplished before the end of the 2017 calendar year.
3. The Planning Commission Parking Subcommittee will continue their work with staff. Subcommittee to review parking capacity and demand, parking space requirements by use, parking waiver legislation, fees and practice, conduct nationwide research on parking design standards and best practices and make recommendations to the full Planning Commission for Code amendments based on findings to recommend to the City Council. The Commission began this effort in 2016.
4. Consider amendments to the Zoning and Subdivision Code regulations as they pertain to development plan submittal requirements. Consider other Code amendments to these chapters as necessary. Code amendments identified as priorities for the coming year (without regard to ranking among them) are noted below. Given other business, the Department and Commission may not address them all in the coming year.
 - a. Rezoning as described in the enclosed Rezoning and Comprehensive Development Plan Amendments document (exhibit B-1) and further described in the enclosed map (exhibit B-2)
 - b. Revise the Wireless facilities ordinance
 - c. Revise Chapter 32 Zoning, Section 32-51 Nonconforming uses, structures and buildings
 - d. Reorganize the Zoning Code Chapter 32 (consultant)
 - e. Review LEED certification standards
 - f. Review minor changes to Chapter 27 and 32 including but not limited to:
 - i. Zoning map (paper to electronic)
 - ii. Review section and Sec. 32-56.4. - Facilities selling alcoholic beverages for consumption on premises and restaurant patios and related provisions
 - g. Council projects:
 - i. Develop ordinance to limit the number of cars allowed per household in residentially zoned areas
 - ii. Review planning process and recommend ordinance changes to ensure better coordination with DelDOT on land use applications for developments
 - iii. Require floor plans for proposed land use applications for developments
 - iv. Review solar panel use and property rights regarding impact of adjoining structures and landscaping on solar panels
5. Work with Planning and Development Department and DelDOT to set boundaries and begin process to create a Transportation Improvement District(s) (TID) as called for in Comprehensive Development Plan V.
6. Provide an informational session with DelDOT to discuss the transportation planning processes and components as it relates to the City of Newark. For DelDOT, an overview of their review process and criteria, including level of service criteria, when making recommendations on land use applications under consideration by the City; and once a land use application is approved by the City, the application and approval processes for DelDOT permits.
7. Review Rental Needs Assessment Study and make recommendations to Council on rental housing needs and issues.
8. Provide an annual review of Comp Plan V to determine the need for updated information and/or amendments necessary to ensure the Plan remains a dynamic and useful document.
 - a. Review and consider amending the Comp Plan V in areas described in the

- enclosed maps titled Comprehensive Development Plan Amendments (exhibit C)
- b. Review land use and density designations as described in the Comp Plan V focusing on the downtown/University/Newark Core area by undertaking a study to analyze the relationship between land use, urban design, and economic development and tax production (consultant)

9. Continue quarterly reporting on Work Plan.

10. Participate in training sessions as applicable and available.

Mr. Firestone: I just have one point of clarification. The reference, it's on page 8, to 4.g.iv, the reference to review of the solar panels use and property rights, didn't come from me. But I did do some homework and found out what the intent was. And the intent of this is to look at the issues related to someone puts solar panels on their roof and then someone wants to build a 35 foot tall building next to it, and the potential for shading of the solar panels.

Mr. Hurd: Or you know, a tree starts growing but it's on adjacent property, and what do you do?

Mr. Firestone: That's what that is referring to.

Ms. Gray: And if I may, Mr. Chair, add one more in the thing in the prioritization. A follow-up thought on this is that, because I think Mr. Chair is correct that this is an ambitious work plan, but my hope is that we can map out not only prioritization of the projects based on available time and resources, but that we can map out the agendas for the next year so we can see what projects we are going to work on and have that expectation that, here again, should resources and time allow, that we can tackle it. Let's say next November we are going to do X, and that way we can put some more meat on the work plan.

Mr. Hurd: I just wanted to say I love reading the report for the last year because it's like, wow, we did a lot of work.

Ms. Gray: You guys were very busy.

Mr. Hurd: And I think that that's a great idea about kind of blocking out in the next year to say okay, we're going to need three months probably to get some understanding of this, but we'll schedule it . . .

Ms. Gray: Right.

Mr. Hurd: We're going to schedule an item for the Comp Plan things in this area or something. And then we know it's there and we can . . . because if it's not scheduled, it's not going to happen.

Ms. Gray: Right.

Mr. Hurd: We can sit around and say maybe we'll get it on the next month. And then it's next month.

Mr. Silverman: It also gives the public advance notice.

Mr. Hurd: True.

Mr. Silverman: And it also gives an applicant an idea of oops, it doesn't look like I can do it in October, I need to get this into September, kind of thing. Because our schedule will be laid out. I'd like to comment the department for their format and the visuals. They say more than could

ever be written out. This notion of we're changing the Comprehensive Plan every time we're turning around. You look at the map and it lays out the facts.

Mr. Firestone: Other comments?

Mr. Silverman: And also the additional report that I know Will was looking for, just the current projects and activity, gives us an idea of what's coming up and what happened with things that we've approved and they've trailed off to building. That's very valuable.

Mr. Hurd: Yes.

Ms. Gray: And Mr. Chair, if I could add onto that. What we would like to do for next month is to add on to the current projects and then report on the projects that have been approved per this exhibit B1. So we could have a similar list to say where things are in the process and that way you're better informed as to what's going on in the community. I could include pictures, too, if you want.

Mr. Silverman: And that will all be posted on the website for public view, also?

Ms. Gray: Yes.

Mr. Firestone: Would anyone from the public like to be heard? Any other comments from any Commissioners? Do we approve it now and then subsequently amend and prioritize? Would that be the way to go?

Ms. Gray: I think so.

Mr. Firestone: Okay.

Mr. Silverman: Let's do it that way.

Mr. Firestone: So the Chair would then entertain a motion.

Mr. Hurd: I move that we accept the Newark Planning Commission 2017 Annual Report and the proposed 2018 Work Plan, with the understanding that we will be focusing on prioritization and scheduling of those items within the 2018 Work Plan at a later date.

Mr. Firestone: Is there a second?

Ms. McNatt: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. Motion carries.

MOTION BY HURD, SECONDED BY MCNATT, THAT THE PLANNING COMMISSION APPROVE AND SUBMIT TO CITY COUNCIL THE 2017 ANNUAL REPORT AND 2018 WORK PLAN.

VOTE: 5-0

AYE: FIRESTONE, HURD, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN, MCINTOSH

MOTION PASSED

7. REVIEW AND CONSIDERATION OF PLANNING COMMISSION RULES OF PROCEDURE

Mr. Firestone: Okay. Well we can . . .

Mr. Hurd: We can do it.

Mr. Firestone: Quickly get through the Commission Rules of Procedure. And I saw that we got handed out a red-lined version so you can see the changes. All the changes, I believe, are pretty much consistent with the discussion and the changes that we agreed to on the record that are embodied in the meeting minutes. And I don't believe there are any additions other than that.

Ms. Gray: I did not change anything.

Mr. Firestone: So that's what we have.

[Secretary's Note: The fourth draft of the proposed Planning Commission Rules of Procedure reads as follows:]

Purpose

Public Hearings of the City of Newark Planning Commission are conducted for the purpose of obtaining public input and comment on issues before the City of Newark Planning Commission.

Quorum

A quorum is required for the Planning Commission meeting. A quorum for the meeting is a minimum of four (4) Commissioners present.

Legal Authority

Newark City Code, Chapter 2, Sections 78 through 90; Newark City Charter, Section 901; Delaware State Code, Title 22, Chapter 7.

For public hearing items before the Commission:

1. The Planning Director will provide an overview of the agenda item unless the Chair decides otherwise.
2. The proponent will be allotted 15 minutes. The proponent includes development applicants as well staff and representatives of other invited organizations to present zoning and rules changes, informational items and other matters.
3. The Commission may ask questions of the proponent or staff.
4. The Commission will then receive public comment.
5. When everyone has had an opportunity to speak, the hearing on the item will be closed.
6. Commissioners may continue to ask questions of applicant, staff or a member of the public who has made a public comment.
7. Chair shall call for deliberation.
8. The Planning Commission shall make a recommendation on the application to the City Council. In the case of a parking waiver request, the Planning Commission will grant or reject the request. The Planning Commission may also continue the hearing should they feel they require additional information, or more time to review information and/or comments that was offered at the hearing.
9. Planning Commissioners shall include the reason(s) for vote on each application.

Public Comment

1. Each person providing oral comments shall be allotted 3 minutes unless a longer time limit is permitted by the Chair.
2. Public comment must be germane to the application and directed to the Planning Commission.
3. A person providing public comment may only orally comment once per agenda item.
4. The Chair may discourage duplicative comment and may ask for members of the public to caucus to determine a spokesperson.
5. All those providing oral comment shall publicly state their name and address or City Council District for the record. Professionals testifying on behalf of an applicant or in support or opposition shall state the name of their company or employer and business address.
6. Copies of any written statements or exhibits used during the hearing should be presented for identification and inclusion in the record.
7. All parties to hearings, their counsel, and members of the public shall conduct themselves in a civil manner. There shall be no audience demonstration, applause, cheering, displaying of signs or placards, or other conduct disruptive to the hearing. Disruptive conduct may be cause for appropriate action as determined by the Chair or City Solicitor, including removal of disorderly or disruptive persons by an officer of the Newark Police Department.
8. Written comments from the public must be received at the Planning Department by the close of business on the last business day before the hearing in order to be included in the pre-hearing record. At the time of public comment on an agenda item, any member of the public in attendance may file written comments in lieu of oral comment or may elaborate on their oral comment by filing a written comment.
9. The applicant has to the close of the business day one week prior to the hearing to submit additional information to the Planning Director in order for it to be considered by the Planning Commission at the hearing, unless the Chair allows for a late filing for good cause shown.
10. The Chair may modify a rule or rules for that particular agenda item to facilitate more orderly presentation on a case-by-case basis should the complexity or public interest in a matter so warrant.

Planning Commission

1. Planning Commission hearings shall conclude no later than 9:00 p.m. The Chair may extend the meeting to 9:30. Any further extensions shall take a majority of the Planning Commission members present.

Additional Items

1. The Chair may add Public Comment specific to the work of the Planning Commission to the end of the agenda. Public comment is limited to three minutes.
2. The Chair may add Commissioners comments to the end of the agenda.

Mr. Firestone: First, before we have our discussion, we'll take any public comment. Again, comment will be limited to three minutes. Dr. Morgan submitted that he was interested in commenting on this item, so please go ahead.

Dr. Morgan: Thank you, Chairman Firestone. And I will just try to be as brief as I can. First of all, there are some fairly minor things that I noted on the second and third pages of the rules, under Public Comment. Under Item 2, I believe application should be agenda item, because you sometimes get public comments on things other than applications, like right now. There also were a couple of little typographical things. On the last page for the concluding of the meeting, I think it probably should say that the hearing shall normally conclude no later than 9:00 p.m. And in the next sentence, I think it should probably say any further extensions shall require a majority vote of the Planning Commission members present. And in the very last line, there is an apostrophe missing from Commissioners. And I believe there should always be a possibility for public comment at your meetings.

And I would like to just add briefly that I also think that you would do well for the Commission to adopt the same rule as the City Council, which says that the Commissioners may or may not answer questions. And, in particular, I think the questions that were asked by Ms. White and myself at the last meeting were appropriate. Because Ms. White asked who are the members of the Parking Committee, which was not widely known to the public. And then I asked about how they were appointed. And, normally, the members of a public body are appointed by a public process, which actually did not happen in the case of the Parking Committee. So I think the questions were appropriate.

I would also very quickly like to distribute to you . . . if you could pass these down in either direction . . . I'd like to return to the issue of whether the Commission should require sworn testimony. And I know Mr. Herron said that he couldn't find any example of it in Delaware. I did a Google search, as you can see, for two phrases – Planning Commission and sworn testimony. And it resulted in about 11,500 results from all different states all over the U.S.A, including Maryland, which is not very far away. And I would urge you to seriously consider having applicants for projects, the people who testify in favor of them, and the people who testify against them, not just making unenforceable public comments, but giving sworn testimony. And I would point out that you may be dealing with situations where there is some LLC which wants to have a project, and then they don't do what they say they will, and they sell it to another company based in the Cayman Islands, and it's unenforceable. However, in such cases, they were likely represented by a Delaware attorney. And if a Delaware attorney has participated in committing fraud, the attorney can be disbarred. So I think there is an incentive not to do that.

Mr. Firestone: Thank you very much.

Ms. White: Jean White, District 1. On the second page, I presume this is to be written not only so you up at the table can understand it, but so the public, if they ever see this, could. And where it says . . . this is something that I suggested before . . . the Planning Commission may, and you have continue the hearing should they feel. And I had put before, and I still think this is a good idea, may also grant a continuance of the hearing to a following meeting. And I actually looked up the word continuance in the dictionary and there are several definitions but one is under law. And continuance under law is adjournment of a step in a proceeding to a future day. So I really feel if the public is to understand this, it should say the Planning Commission may also grant a continuance of the hearing to a following meeting.

Mr. Firestone: Which item are you on?

Ms. White: This is, okay, this is the second page and it's a continuance of #8. Number 8 starts on the first page but it's wrapped around to the second page. And it's the second sentence. The first sentence on the second page is in the case of. The next sentence goes the Planning Commission may also, and I'm changing it to the Planning Commission may also grant a

continuance of the hearing to a following meeting should they feel they require additional information or more time to review information or comments. I can read it again if you didn't grasp it.

Mr. Firestone: I found it. Thank you.

Ms. White: And under #9 on the second page, I think it should say the Planning Commission shall each include their reasons, so it's not collectively since it's each, for their vote on the application. And let me just see here, on #10 on the third page, this is actually almost inconsequential, it says the Chair may modify a rule or rules for a particular agenda item. It says that, but it seems to me that it should be for a particular agenda item, instead of that. And I think John Morgan already did this, but under Planning Commission #1 on the third page, he had it slightly different but we probably agree, any further extensions shall need approval of the majority of the Planning Commission members present, rather than take a majority. And I guess that's it.

And then I had, I was wondering if the Planning Commission could allow, as it happens at City Council meetings, a second person can give three minutes to a first person. They can sign up separately but the second person can give three minutes to the first person. This happens at City Council meetings. And I . . .

Mr. Firestone: We do have the opportunity to suspend the rules and so if the situation warrants, that might occur. But I think on a regular basis, no. But if we're in a complex case, we have the ability to suspend the rules.

Ms. White: Okay. And you're just saying this right now. For example, if there were somebody else tonight, I could have gotten three more minutes to . . .

Mr. Firestone: No . . .

Ms. White: Finish my sentence.

Mr. Firestone: No, I'm saying that if you brought someone with you so that you could have six minutes rather than three minutes, you would still only get three minutes. But if we have a complex case that suggests that we may want to deviate from these rules, then we would deviate from these rules.

Ms. White: I'm confused by your answer. You're saying that can't be done. I'm not talking about complex cases like the Newark Country Club or something like that. I'm thinking about . .

Mr. Firestone: I'm saying that's not the way it is now, and I . . . you know, I don't know how the other Commissioners feel about it, but I wouldn't support that. But thank you.

Mr. Silverman: I agree with you.

Ms. White: Okay. I'm thinking back to Planning Commission meetings that I attended many times, and even at City Council meetings, where it was five minutes. And here there was not a limit at all. And I don't think it was taken advantage of until this . . .

Mr. Firestone: Okay, well thank you for . . .

Ms. White: Other thing happened. Okay. And then the sworn testimony, I do agree with John Morgan. And it seems to me that it could be just the developers, because basically they're the ones who are asserting what they're going to do. And the public that are speaking are people like, I don't know, me or somebody else, who aren't being held to what we're saying. And so I think that would be useful. Thank you.

Mr. Firestone: Thank you.

Mr. Stozek: Mr. Chair, may I ask the Counsel a question about the sworn testimony?

Mr. Firestone: Yes.

Mr. Stozek: Would we be creating an issue if we required sworn testimony but the City Council did not?

Mr. Bilodeau: Good question. Let me talk into my microphone. Number one, I believe Mr. Herron, at a recent Council meeting, was directed to do some more research into this. He has done some memos on this already, but the question that you're posing is the Planning Commission, for the most part, and especially with rezonings, is an advisory board, as opposed to a decision-making body. So I would only consider requiring sworn testimony here if the Council hearing would. At that point, you might want to consider it. But before an advisory board, if Council is not requiring it, I think it would be not necessary.

Mr. Firestone: I do want to thank the members of the public who commented. I think they caught a few little typos and improvements in language that we should incorporate in the draft.

Mr. Hurd: Mr. Chair, while we're talking about language, I did have one comment. Item 9 on page 2 . . .

Mr. Firestone: In which Item 9? There are two Item 9s on page 2.

Mr. Hurd: Oh, good point. The last one. The one on public comment. That first . . . well the whole thing is one sentence . . . but it's a little, the language isn't entirely clear in words what the intention is. Because we know it's you have until the close of business one week prior to the meeting to submit. But I would say my first thought was the applicant has until the close of business, so drop the the there, one week prior to the hearing to submit additional information. I think that flows better in that wording. And then the other thing I wanted to add, just under the Additional Items for public comment, we should expand that last sentence to say public comment would be limited to three minutes per person. Because the way it's written now, the whole public comment period is three minutes. That's not a lot of time.

Mr. Firestone: Where are you? Because on Item 1 it's pretty clear.

Ms. Gray: Each person.

Mr. Firestone: On page 2, #1, that each person gets three minutes.

Mr. Hurd: So you're saying that this public comment is then, goes back to the previous thing on public comment?

Mr. Firestone: It says each person providing oral comment shall be allocated three minutes.

Mr. Hurd: Okay.

Mr. Firestone: I'm not sure where you're referring to.

Mr. Hurd: When I read it to the second time, the language didn't seem as clear as that. So if you want to point it back or just expand this to say it's three minutes per person in that public comment period. I think . . .

Mr. Firestone: You don't think line 1 is clear, where it says each person?

Mr. Hurd: Yes, but I'm looking on page 3.

Mr. Firestone: Okay. That's what I'm asking you? We're now going to page 3, item which?

Mr. Hurd: One. Under Additional Items, Item 1, the Chair may add public comment. But it says public comment is limited to three minutes.

Mr. Firestone: Okay.

Mr. Hurd: Because you're saying I'm adding an agenda item called public comment . . .

Mr. Firestone: Got it. Got it.

Mr. Hurd: And it's only three minutes long.

Ms. McNatt: Wordsmithing. Good job.

Ms. Gray: Yes. Got it.

Mr. Firestone: Yes, each public . . . what if we say each public comment?

Mr. Hurd: Or just would be . . . public comment would be limited, or is limited to three minutes per person.

Ms. Gray: Per person.

Mr. Firestone: Each public commentor . . . they only get . . . they don't get to comment on multiple items for three minutes each.

Mr. Hurd: Right. A person gets three minutes.

Mr. Firestone: Yes.

Mr. Hurd: So however you want to put that out there.

Ms. Gray: Got it.

Mr. Firestone: Okay, that's a good catch.

Mr. Silverman: I have two global questions, not that I want to . . . I don't want to stop this moving forward. When we say a quorum is a meeting of Commissioners present, it's very common in legislation today to allow someone to be present by telecommunication. I've been to meetings where I've been on the telephone and, as long as I'm there from the beginning of the meeting to the conclusion, and I can hear all of the discussion that goes on, I can participate. Now that goes . . . that's very common. And I don't know whether we want to think about that. We're a relatively small Commission. We try to be publicly oriented. I would hate to be an applicant or the public and suddenly find that we can't get a quorum and it's 24 hours before. And that person who we need for a quorum says I'm in the hospital room with my significant other, I'm on the phone, and I can participate from here. Would we be allowed to do that?

Mr. Bilodeau: There are some guidelines if you're going to participate telephonically in a public meeting. And, yes, you have to be able to hear everything everybody says . . .

Mr. Silverman: From gavel to gavel.

Mr. Bilodeau: Right, and everyone in the room would have to hear what you said.

Mr. Silverman: So you would be on speaker phone.

Mr. Bilodeau: So, I mean, there are some rules along that, but it's . . .

Mr. Stozek: The negative, to me, is a lot of what we do is visual. There are presentations. There are documents. There are documents that are handed out during the meeting.

Mr. Silverman: We've already said everything has to be in seven days before. And the slides cannot substantially change from what was submitted when our packets go out, so I think that's covered.

Ms. Gray: Mr. Chair . . .

Mr. Silverman: What we see is what we act on.

Ms. Gray: There is a logistical challenge because we looked into the issue of having the lawyer for the wireless ordinance participate via conference call. There is no phone capability in this room.

Mr. Silverman: Never mind.

Ms. Gray: Unless you do it by cell phone, and I think that's a little bit of a challenge.

Mr. Firestone: I think we can think about that kind of thing for the future. These rules can be amended.

Ms. Gray: Sure. Absolutely.

Mr. Silverman: And then the other global thing, these rules are rules that are internal to this committee. Is that the understanding?

Mr. Firestone: Commission.

Mr. Silverman: Commission. I'm sorry.

Mr. Firestone: Yes, they only apply to us.

Mr. Silverman: Correct. I just want that clear, because if they're adopted as part of City Code, then there's a whole other can of worms on discovery and amendments, and the rest of it. So this is internal to this Commission?

Mr. Firestone: Internal to this Commission, yes.

Mr. Silverman: Thank you.

Mr. Firestone: Okay, so changes, then, I've got none down for the first page.

Mr. Hurd: Yes.

Mr. Firestone: The second page, Item 2, public comment must be germane to the agenda item. So we delete the word application and insert agenda item.

Ms. McNatt: But there's one before that.

Mr. Hurd: Back it up slightly. At the tail end of Item 8, I realized since we're doing this, I'd like to change was offered to were offered, for comments that were offered at the hearing. And I would like to pick up Ms. White's suggestion, Planning Commissioners shall each include the reasons for the vote on each application.

Ms. McNatt: Or you could say each Planning Commission shall . . .

Mr. Hurd: Include the reasons for . . .

Ms. McNatt: Put the word each in the beginning of the sentence.

Mr. Hurd: Yes, somewhere.

Mr. Silverman: And that was recommended by the class with Mr. Walton that we had. That each Commissioner state their reasons.

Mr. Hurd: Oh yeah, I agree with the vote. It's just I think we need to make this phrase clearer that each Commissioner needs to . . . unless you think it's clear from the . . .

Mr. Firestone: Each Planning Commissioner shall include the reasons for the vote.

Mr. Hurd: Should we say their vote in there? Include the reasons for their vote on each application? I don't want to keep adding words, but . . .

Mr. Firestone: It could be his or her.

Mr. Hurd: That's why I said their vote. Or the vote?

Ms. Gray: Okay, how do you want that to read?

Mr. Firestone: Each Planning Commissioner shall include the reasons for, I mean it's technically his or her, but . . .

Mr. Hurd: Their.

Ms. Gray: For their vote.

Mr. Hurd: I hate the slash.

Mr. Firestone: Okay.

Mr. Hurd: Alright, then, yes, I'm in agreement about changing application to agenda item. Now we're back where you were.

Mr. Firestone: Then the next item up for discussion is the second item 9. Will suggested taking out the word day. I think we should keep the word day.

Mr. Hurd: So here's the sentence as I would see it. The applicant has until the close of business one week prior to the hearing to submit additional information to the Planning Director blah, blah, blah, blah, blah, blah. That's how I would see it.

Mr. Firestone: And I'm saying I think it should stay as-is, because business day is a clearer enunciation that's it is only days on which the City is, in fact, open for business. It's the end of the business day. It also makes it . . .

Mr. Hurd: I said until the close of . . .

Mr. Firestone: The business day ends when business in the City . . . I mean it's . . .

Mr. Silverman: The close of business day.

Mr. Firestone: I think it's something that sort of you see typically . . .

Mr. Hurd: Yeah, the close of the business day. That the in there bugs me. I don't know. So is the intention that if the meeting is on a Tuesday, they have until the Tuesday of the week before.

Ms. Gray: Yes.

Mr. Firestone: Yes, whenever the City closes down. At 4:30 or 5:00, whatever the end of the business day is.

Mr. Silverman: And if it happens to be a holiday, they need to get it in early.

Mr. Firestone: It just . . . there's no . . . a business day is the sort of a term of art.

Mr. Hurd: Oh, I know that.

Mr. Firestone: I'd like to keep the word day in.

Mr. Hurd: I can go either way if you feel that strongly about it.

Mr. Firestone: Well let's, then, keep it. Item 10 on page 3, the Chair may modify a rule or rules for, I think, a particular agenda item is good.

Mr. Hurd: Yes.

Mr. Firestone: Changing that to a. Thank you. Then in Item 1, any further extension shall take, let's say require . . .

Mr. Hurd: Require a majority vote.

Mr. Firestone: Requite a majority vote.

Ms. Gray: I'm sorry. Say that again?

Mr. Firestone: Any further extension shall require, instead of take.

Ms. White: Approval. You have to have approval in there.

Ms. McNatt: What number are you on? Sorry.

Mr. Firestone: Item 1 under Planning Commission on page 3.

Ms. McNatt: Can we do the sentence before that?

Mr. Firestone: Sure.

Ms. McNatt: The recommendation that Planning Commission hearings shall normally conclude. Did we like the word normally conclude?

Mr. Hurd: I actually did. I like normally . . .

Ms. McNatt: No later than 9:00 p.m.

Mr. Hurd: Conclude by 9:00 p.m. I think the way it's written, it sounds more like the door closes at 9:00, and then we talk about how we extend it. So if we say we normally close by, we're done by 9:00, the Chair can push it to 9:30, and we can vote to go longer.

Mr. Firestone: It actually creates more wiggle room because if it . . . so on an abnormal night, it may go to 10:00 p.m. . . .

Mr. Hurd: I hear you.

Mr. Firestone: And then there's . . . so I think it's clearer the way it is.

Mr. Hurd: So you want it to be a stronger statement.

Mr. Firestone: That it concludes, we can extend to 9:30, and it requires a majority for any further extensions.

Mr. Hurd: Okay.

Ms. McNatt: That's fine. It was just a recommendation. I just wanted to make sure we were hitting on that one.

Ms. Gray: Can you say that again? So we're only changing the word require?

Mr. Firestone: We're only going to change require.

Ms. Gray: Alright.

Mr. Firestone: We're not going to add normally.

Ms. McNatt: Alright, shall require a majority. Got it.

Mr. Hurd: A majority vote?

Mr. Firestone: A majority.

Mr. Hurd: Or approval of the majority? Which do you like?

Ms. White: You need the word approval in there.

Mr. Firestone: I mean I think it's implied, but if you want to add it . . .

Mr. Silverman: It doesn't make any difference. We either have to vote it up or vote it down.

Mr. Hurd: Right. I know.

Mr. Silverman: We can't abstain.

Mr. Firestone: So do we want to add majority approval? Delete the a and put in approval? I can go either way.

Mr. Silverman: I can too. If you guys want to put in approval . . .

Mr. Hurd: Let's say shall require approval of a majority of the Planning Commission members present.

Ms. Gray: Alright.

Mr. Firestone: Shall require approval of a majority.

Ms. Gray: Okay, got it.

Mr. Silverman: And then let's not forget possessive.

Mr. Firestone: Yes, and then the apostrophe on Number 2. The Chair may add Commissioners', an apostrophe after the s.

Ms. McNatt: And what about the per person in Number 1?

Mr. Hurd: Yes.

Ms. McNatt: Three minutes per person. We agreed that . . .

Mr. Firestone: The Chair may add public comment . . . yes, and we need to get it so that public comment is limited to three minutes per person. Okay, are there any other change that anyone would like – any additions, subtractions, modifications, corrections?

Mr. Silverman: Let's do it.

Mr. Firestone: Okay. With the changes that we've now noted, Chair would entertain a motion.

Mr. Silverman: So moved.

Ms. McNatt: I'll make a motion . . .

Mr. Firestone: Is there a second?

Mr. Hurd: Second.

Mr. Firestone: Is there any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. We've got rules.

MOTION BY SILVERMAN, SECONDED BY HURD THAT THE PLANNING COMMISSION ADOPT THE PLANNING COMMISSION RULES OF PROCEDURE DATED OCTOBER 3, 2017, AND REVISED BY THE COMMISSION AT THE OCTOBER 11, 2017 MEETING.

VOTE: 5-0

AYE: FIRESTONE, HURD, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN, MCINTOSH

MOTION PASSED

Ms. Gray: Alright.

Mr. Silverman: And we also have discussion . . . we have on the record that we discussed the notion of swearing in and the reasons why we're not leaning in that direction. For the benefit of the . . .

Mr. Firestone: Yes.

Mr. Silverman: For the benefit of Council.

Mr. Firestone: For the benefit of Council, although the rules don't apply, presumably, until next time, but I would concur with Counsel, and I'm concerned . . . I don't think we should only have the applicant swear. If we're going to swear, that means every member of the public has to be sworn in. I think it's an unnecessary burden and would stifle some and discourage some citizens from speaking up if they had to be sworn in before a more formal procedure. And so I support not swearing in anyone.

Mr. Silverman: Yes, I feel it's an equivalent to putting a recording device in front of somebody.

Mr. Hurd: And I think, as was brought up, if someone says I want a rezoning because this is what I want to do on the property, we can't hold them to that, because if we rezone them, they

can do anything in that zone on that property. We can't legally say this is the only thing you can do. I will reiterate, though, that I would like to explore a mechanism for enforcement of site plan approval conditions.

Ms. McNatt: I would agree with that.

Mr. Hurd: Because those are, in fact, things that they've said this is what we're going to do.

Ms. McNatt: And subdivision agreements.

Mr. Silverman: And I'd like to offer . . .

Mr. Hurd: Understanding that we don't want to get into the contract world of contract zoning, as concerned by . . .

Mr. Silverman: I'd like to offer that the words site plan approval are very confusing. I find them very confusing.

Mr. Hurd: We might need to find a better word for that. Because, right, we're approving a site plan.

Mr. Silverman: A site plan of a site plan. A site plan is a particular item. This is an overlay and it needs new wording.

10. NEW BUSINESS AND INFORMATION ITEMS.

Mr. Firestone: Okay. Item 10, new business and informational items, and I think we're just going to go with the one, given the lateness of the hour, and hopefully it will be quick. Number 10, do we have anything that we need to do on that? The Planning and Development Current Projects.

Ms. Gray: That's the last . . .

Mr. Firestone: It's just an informational item?

Ms. Gray: Yes. And, as I mentioned before, we're planning to, for future meetings, we will keep that list revised and updated . . . that's redundant . . . and then have another list of the projects that have already been approved that are being implemented, and the status of those.

Mr. Silverman: And that information will appear on the website.

Ms. Gray: Yes, by nature of posting it here.

Mr. Firestone: Chair would entertain a motion to adjourn.

Mr. Hurd: So moved.

Ms. McNatt: Second.

Mr. Firestone: We have a motion and a second. All those in favor, signify by saying Aye. Opposed, say Nay. We are adjourned.

MOTION BY HURD, SECONDED BY MCNATT, THAT THE PLANNING COMMISSION MEETING BE ADJOURNED.

VOTE: 5-0

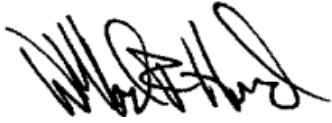
AYE: FIRESTONE, HURD, MCNATT, SILVERMAN, STOZEK

NAY: NONE
ABSENT: CRONIN, MCINTOSH

MOTION PASSED

There being no further business, the Planning Commission meeting adjourned at 10:33 p.m.

Respectfully submitted,



Willard F. Hurd
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

[Exhibit A: Finance Department presentation](#) (2018-2022 CIP)

[Exhibit B: CIP Detail Worksheet](#) (2018-2022 CIP)

[Exhibit C: Planning and Development Department presentation](#) (36 Benny Street)

[Exhibit D: Applicant presentation](#) (36 Benny Street)

[Exhibit E: Hand-out from Ms. Jean White](#) (36 Benny Street)

[Exhibit F: Hand-out from Dr. John Morgan](#) (Rules of Procedure)