

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

March 6, 2018

7:00 p.m.

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

Chairman: Jeremy Firestone

Commissioners Present: Bob Cronin
Will Hurd
Stacy McNatt
Alan Silverman
Bob Stozek

Commissioners Absent: Frank McIntosh

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Tom Fruehstorfer, Planner
Paul Bilodeau, City Solicitor

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

1. CHAIR’S REMARKS.

Mr. Firestone: Good evening. The Planning Commission meeting for March 6, 2018 is called to order. I just have some very brief remarks just to let people know that the order of play, we’re going to . . . after we do the minutes, we’re going to start with the Subdivision Regulations requiring the submission of floor plans. We’re then going to go to Item 8 and do the amendments to the Zoning Code related to special flood hazard areas. We’ll then come back to the Parking Subcommittee update, and then Benny Street. We’re expecting, perhaps, one or two late arrivals and so we’re adjusting our schedule accordingly. Other than that, I think we should be able to proceed and conclude rather swiftly this evening, with any bit of luck.

2. THE MINUTES OF THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING.

Mr. Firestone: With that, I’ll turn it to Commissioner Hurd regarding the minutes of the February 6 Planning Commission meeting.

Mr. Will Hurd: Thank you. Michelle, have we received any comments?

Ms. Michelle Vispi: No comments.

Mr. Hurd: Alright. Then the minutes stand as submitted.

Mr. Firestone: All in favor of approving the minutes, signify by saying Aye. Opposed, say Nay. The minutes are approved.

VOTE BY ACCLAMATION THAT THE MINUTES OF THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

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

MOTION PASSED

3. DELDOT INFORMATIONAL SESSION. (WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.)

[Secretary's note: Agenda Item 3, DelDOT Informational Session was withdrawn from the agenda until a future Planning Commission meeting.]

5. REVIEW AND CONSIDERATION OF AN AMENDMENT TO SUBDIVISION REGULATIONS REQUIRING THE SUBMISSION OF FLOOR PLANS DURING THE SUBDIVISION PROCESS FOR HOTELS AND MULTI-FAMILY STRUCTURES.

Mr. Firestone: That takes us, then, to listed Item 5, review and consideration of an amendment to Subdivision Regulations requiring the submission of floor plans during the subdivision process for hotels and multi-family structures. And I understand we've got a slight modification that all the Commissioners should have in their side packet.

Ms. Mary Ellen Gray: Are we . . . that was for the . . .

Mr. Hurd: That was flood plain.

Ms. Gray: Yes.

Mr. Firestone: My error.

Ms. Gray: No worries.

Ms. McNatt: There is an additional . . .

Mr. Mike Fortner: Excuse me, Mr. Chair, there is an extra page in the presentation.

Ms. Stacy McNatt: There is.

[Secretary's note: During his presentation, Mr. Fortner referred to a PowerPoint presentation being displayed for the Commission, Planning Director, and public. Mr. Fortner summarized the Planning and Development Department report for the proposed amendment to Subdivision Regulations inserting the requirement for floor plans for hotels and multi-family structures. A link to the Planning and Development Department report and presentation for the proposed amendment to subdivision regulations can be found at the end of this document.]

Mr. Fortner: There it is, and it will be up here. I'll explain that in a second. Good evening. I'm here to briefly go through the ordinance for subdivisions that would require floor plans for hotels and multi-family dwellings. You have our report in front of you that gives you the background of why we decided to go forward with this ordinance. I'm going to go straight to the ordinance and just kind of describe its structure. And then you will have . . . we had some meetings today with the development community, and they had some suggestions and comments and some concerns. And, so, we tried to listen to them and make some recommended adjustments that you could consider, as well, and then they can speak during public comment regarding some of our changes.

The floor plan ordinance is straightforward. First of all, we come with a definition and I can talk later about how I came to that definition, but it's a scale diagram showing a view from above, displaying the shape, size and arrangement of the rooms in the building. And then we add in

Section 20 for minor subdivisions, and Section 21 for major subdivisions, we add the requirement for multi-family dwellings and motels and hotels, all new proposed construction shall include a floor plan for each floor level. And, so, we just make that a requirement.

For the ordinance, we didn't intend for this to be a burdensome or expensive thing for developers. We understand that during the subdivision process a lot of engineering hasn't gone into the building yet, and they can't come up with exact arrangements of how the floor plan is going to look. And, so, what we wanted to get to address the issues of, for example, it came about because of the hotel and having different type of rooms that we thought they were going to have, we just thought it would be a general description or general rendering of what the floor plan would look like. And it would show the thought of how the building was supposed to work but not be something like the stairwell was on one side, but then once the engineering was done, it had to be on the other side. These weren't going to be substantial changes. Nor would it be appropriate for Planning Commission or Council to look at these and have discussion about where the bathrooms should be in relation to the bedroom and the kitchen and, essentially, design the building. It wasn't meant for that purpose, either. It was to try to make sure that certain codes were being followed so it wouldn't have to come back to Council after it was far into the development phase and then realize there's a problem now that we see the floor plan, and then have to bring it back to Planning Commission and Council. It was to try to avoid that. It was not to create an engineering design up front.

So, we had some discussion with some people in the development community. One of the things we think they had a problem with was our definition. It said that it had a scale diagram showing the view from above. And when I was coming up with this definition, I reviewed a lot of definitions from dictionaries about what their definition was. And the Merriam Webster Dictionary had a floor plan is a scale drawing or scale diagram from above, but then it says for the arrangement of furniture, so that wasn't good. So, we came up with the Cambridge Dictionary one where it was just called a drawing that shows the shape, size and arrangement of rooms in a building from a view from above. And, so, keeping with that, maybe we don't need to have the word scale in there. It could just be a diagram showing the view from above and how the shapes, sizes, and arrangements of the rooms. And that's really more important. The scale is not necessary, that this has to be exactly to scale. That wasn't the intent of this. It was more to just kind of understand the arrangement of rooms and making sure there isn't something that could trigger another review that we would have to come back. If we knew where the rooms were, or a general idea, it would avoid a situation like we had with the Ogletown Road hotel. And then nothing else would change under that scenario.

Another approach is that we keep the definition the way it is and we just change the requirement for both the minor and major subdivision. We just say for multi-family dwellings, motels, and hotels, all new proposed construction should include a floor plan that depicts the general layout of the rooms. And we're just specifying more the floor plan is that we just want to see how the rooms are arranged. That's really the intent of the legislation, and not to do hard engineering at this phase in the development process.

And that concludes my presentation. I can give it back to you, sir.

Mr. Firestone: Thank you. Commissioner Hurd?

Mr. Hurd: No, I was clearing my throat. Oh, I'll step in, sure, since this is my business. In your opinion, do you think the alternative #2 would have caught the hotel's issue at the earlier stages?

Mr. Fortner: Oh, okay. Alternative 2?

Mr. Hurd: That one.

Mr. Fortner: Yes, I think as long as they turned in something in general that depicts the rooms, I think something like that would have. And at least it would have shown the rooms and we could have said, I think they wouldn't turned in something that was more adjoining rooms, and I think we would have seen something like that. So, both of these, I think would have addressed it. That one, here, I think, is a little more clear. If we just say they have to do a floor plan, and a floor plan is a diagram showing that, and we can make clear it's not a hard engineering floor plan.

Mr. Hurd: I guess a couple thoughts. One, there's no value in taking the word scale out because everything, really, is done on CAD [Computer-Aided Design], so it can't be out of scale. You've got a building outline being developed, so I think at the point that they come to us, they know the layout of the building. I mean, they're putting windows in, they know where the stair towers are, and they've got the garages. From my experience, at this level of development, they know a rough layout. So, I think keeping scale plan and then saying we want a general layout, understanding that, okay, a bathroom might grow in size or something. But something that's reasonable for us to go in and actually count the bedrooms. Because that's really what this is about. It's counting the bedrooms and counting the arrangements to be sure there aren't, you know, in the case of the hotel, ones that are being counted as one that are really two. In the case of some apartments, make sure that there aren't, I don't know, large bedrooms that are being counted as one that can really be broken into two later. You know, so that we're understanding when they say it's a 4-bedroom apartment, what kind of four bedrooms are we looking at, to be sure that it's not going to become a six-person apartment because they can break a big room into smaller ones or something. Because I have heard that as a concern. That the floor plans that come are these big rooms and then suddenly it's like, that's a big room that can really become two rooms. So, I don't want that kind of stuff, especially when we're talking about limiting, you know, people to bedroom, and bedroom counts, and having car parking attached to that.

I did have one thought on the phrasing in the amendment for the recommendation. You say multi-family dwellings, but we don't use that phrase in the Zoning Code. We talk about dwellings, garden apartments, duplex, high-rise, group living for, like, RM zoned as the multi-resident housing. So, I'm, I guess, suggesting that we should pull the Zoning Code definition into this so that they're connected.

Mr. Fortner: I'm sorry, you're saying we don't use . . .

Mr. Hurd: We don't use multi-family.

Mr. Fortner: I thought I was using . . . multi-family dwelling?

Mr. Hurd: Well, the thing is that multi-family is one thing. The Benny one is really that multi-unit development. It's townhomes, really, stacked next to each other.

Mr. Fortner: In our Zoning Code, that's multi-family.

Mr. Hurd: Right, but we don't use that word.

Mr. Fortner: I'm sorry . . . go ahead.

Mr. Silverman: Yeah, I'd like to build on that. They're using the U.S. Census definition. There are two types of dwelling units, residential dwelling units. There are single family occupied units and there are multi-family units. A multi-family unit has living units that share a common hallway and usually a single entrance. A single-family unit, every living unit has its own exit to the outside. So, you can have two houses together, a duplex. You can have a row of townhouses. You can have over and under with four front doors. So, when you talk about multi-family, you're talking about a very specific structure.

Mr. Fortner: Well, I'm talking about multi-family, and I should be . . . and Mary Ellen can look it up, but I'm talking about what the Zoning Code defines it as. And the Zoning Code has a multi-family dwelling. Dwelling, multi-family and dwelling, single family. That's what it is. So, even though there are different ways that can be structured, as you described, they're all the same under our Zoning Code when we talk about multi-family. So, the townhouses on Benny Street, those are multi-family according to our Zoning Code. And then . . .

Mr. Hurd: Because when I looked at the RM zoning, multi-family is not listed as a use.

Mr. Silverman: It's not a use.

Mr. Fortner: Multi-family is not listed as a use?

Mr. Firestone: Well, actually, under residential dwellings, it is defined within the term residential dwellings.

Mr. Fortner: Yeah.

Ms. Gray: Yes.

Mr. Hurd: Okay, because it lists, in RM, at least . . . sorry.

Mr. Firestone: Let me just go through it. It says residential dwellings shall be non-transient, single-family, two-family (two residential apartment units), and multi-family dwelling places (three residential apartment units or more).

Mr. Fortner: That's the definition. And then when you go to the RM . . .

Mr. Firestone: Anyway, it's not a separately defined term but it does have it.

Mr. Hurd: Okay, so if we say multi-family, anything that we get sort of in these subdivision agreements is going to fall under that?

Mr. Silverman: Then it should be changed to other than single-family units. Everything else falls under this. Residential units, that's what you're saying.

Mr. Fortner: Well, no, I'm specifically talking about multi-family. Three units or more.

Mr. Silverman: That's . . .

Mr. Fortner: It's in our Zoning Code.

Mr. Firestone: Yes.

Mr. Hurd: Okay, so more than duplexes.

Mr. Firestone: Yeah, and actually . . .

Mr. Fortner: Yeah, not duplexes.

Mr. Firestone: Later in rental licenses, it says every multi-family dwelling, defined as a structure containing three or more dwelling units, including condominiums.

Mr. Hurd: Okay.

Mr. Firestone: So it is used in the Code throughout.

Mr. Hurd: Okay.

Mr. Silverman: Why, if the issue was a confusion over suites versus a room usually occupied by a single person or leased out as a single room, why is multi-family even in here?

Mr. Fortner: Well, that's a valid question. There are situations where . . . even though they do have to tell us the number of rooms, there are situations, I think we discussed, where townhouse developments are having five bedrooms. And then they have three stories, but then they have an attic which they use as one of the bedrooms. And that counts as a half-story. So, then you have a scenario where you have a building that wasn't . . . that's 3 ½, when it was limited to three. So, there could be a thing where they have a bedroom . . . sometimes they're faux. There is a window in kind of the ceiling area and that's just decorative. But other times they actually might have a bedroom up there.

Mr. Silverman: So I can expect to see a Christianstead-style house that has the den, which could be converted to a bedroom, come in for this kind of review because there are five bedrooms in the house?

Mr. Fortner: Well, you would see there should be a rendering of each floor.

Mr. Silverman: I don't need that to make a land use decision. I think it's inappropriate to be an item that's considered by this body.

Mr. Hurd: Well, am I right in that the number of bedrooms, basically for the hotel and for multi-family, drives the number of [parking] spaces that are required? Correct?

Mr. Silverman: Right.

Mr. Fortner: After three, it doesn't matter. And they have to state the number of bedrooms . . .

Mr. Silverman: So that gets picked up in the statement. I don't need to see a floor plan. That's just another piece of paper.

Mr. Firestone: Why don't we take public comment at this time.

Ms. McNatt: I had a question.

Mr. Firestone: Okay, go ahead, and then we'll go back.

Ms. McNatt: Can you explain to me for either alternative 1 or alternative 2, whichever one happens, when that would be submitted in the process? Versus a scale drawing?

Mr. Fortner: Okay, the floor plan we're proposing with this ordinance would come at the very beginning when they submitted everything. And, so, you would get it with your packet. We would have it when they submitted their site plan and their . . .

Ms. McNatt: Their very first submission?

Mr. Fortner: All the stuff that they're supposed to submit. Yeah, in the beginning.

Ms. Gray: Well, that would be a minor or major subdivision, correct.

Mr. Fortner: Minor or major. That's correct.

Ms. Gray: Not a sketch plan.

Mr. Silverman: A further point on this. Then this would be reviewed by SAC, correct?

Mr. Fortner: That's correct.

Ms. Gray: Yes.

Mr. Silverman: To prevent the hotel kind of issue from even coming to a public question.

Mr. Fortner: To try to prevent it from having to come back to Council and Planning Commission because we misinterpreted something.

Ms. McNatt: And my second question is, if there was a substantial . . . who would determine if there was a substantial change that would have to send it back?

Mr. Fortner: That would be the Planning Director. And I think the intent of it is not to worry about whether they had the stairwell here and then it had to be moved because the engineer wasn't done. It would have to be something like the Ogletown project. The hotel, where it's like, you showed us something and you said the big rooms were suites, and now you're putting connecting things there and making, actually, more rooms. That would be . . . I think that's the interpretation. It wouldn't be to critique the kitchen size or whatever.

Ms. McNatt: Okay. Thank you.

Mr. Silverman: And for me to finish up on this, with respect to what is proposed and what finally ends up in the engineering drawings and architectural drawings, if we go with your sheet #2, I believe, Section 22 proposal, I'd like to see the word, for multi-family units, motel, hotels, all new proposed construction shall include a proposed floor plan for each level. And that makes it very clear that what is seen at this point is a proposal.

Mr. Fortner: I'm sorry, you're talking about changing that . . .

Mr. Silverman: If this definition, if this proposal is used and not the other one that was the result of later information coming in, that a word proposed floor plan for each level be used. Depending on what we end up with.

Mr. Fortner: Okay. So, it would say a proposed floor plan. So, on the original definition say construction shall include a proposed floor plan for each floor level.

Mr. Silverman: Yes.

Mr. Fortner: Okay.

Mr. Hurd: That actually could cover that sort of, you know, general layout issue.

Mr. Silverman: That takes care of it.

Mr. Hurd: Because it's like it's a proposed layout, we evaluate it, and it's allowed to become final later.

Mr. Silverman: And our thoughts are memorialized in writing. Five years from now, somebody is going to look at submit a floor plan and somebody is going to make an interpretation, I want to see your architecturals. This clears it up because it shows it's preliminary.

Mr. Fortner: Okay.

Mr. Firestone: Okay. Does anyone from the public wish to be heard on this? Yes? And you have three minutes.

Mr. Kevin Mayhew: Sure. Kevin Mayhew, 103 Elma Drive. I, first, want to start by thanking City staff for listening to some of our comments yesterday. We had a nice meeting. But I'm not sure . . . I would start out saying I'm not sure if any of you Commissioners were on this board in 2011, but I presented a beautiful 5-story building to this Commission in 2011 and came away

with a favorable vote, thinking we're going to go to Council with this. But then we met with some concerned citizens at the Washington House who really didn't like that project. And, after hearing the feedback, we decided to crumple up the plans, throw them in the trash, and start over. That cost us \$80,000 of architectural and engineering, and we didn't have floor plans on that 5-story building. So, if we had done floor plans, that would've been another \$10,000 wasted and thrown in the trash can. So, I'm opposed to the requirement for floor plans, sketch plans to be included with multi-family subdivision plans. Commissioner Hurd is right. At this point, no one is going to . . . an architect is not going to take pencil out and just do some sketches of a floor plan. They're going to do it on CAD and they're going to charge us the going rate for these engineers to do these floor plans. So, changing the wording isn't going to save us the money.

The Planning Department already receives information on the occupancy of each multi-family dwelling. The developers state how many bedrooms they are building and, usually, the expected occupancy. There is no need, at this point, to spend the money to produce floor plans or sketches for projects that have not been approved. Many versions of the project might be in order after comments from the Subdivision Advisory Committee or even the Planning Commission. To ask developers to spend the money to produce these plans is a waste of resources. In many instances, these plans will continue to be changed even during the building permit phase. I know the main catalyst for suggesting this ordinance is to prevent projects from having to come back in front of this board and Council for changes of room counts. But this ordinance might actually do the opposite and create more return trips because of floor plan changes that occur in every project having to be re-approved. At the least, I would ask that you remove multi-family dwellings from the proposed ordinance. Thank you.

Mr. Firestone: Thank you. Would anyone else like to be heard? Mrs. White.

Ms. Jean White: Jean White, District 1. I can't speak to the thoughts that have been presented from the audience and by the Commission, but as it was presented and as I read it, I support it because not only did the hotel applicants have to come again to the Planning Commission to change the special use permit and again to City Council, but also they had to go again to the Board of Adjustment. So, there were three different meetings because of that issue not detected that the suite could really be rented as two separate rooms. And so that, and I have the dates of that, actually, the three different dates that it happened, which were, let me see, the Board of Adjustment came first on May 18, 2017. This is the second time around because of the change. Then they came to the Planning Commission on July 5, 2017. And then it came to Newark City Council, again, on August 28. So that took valuable time and effort, not only by the applicant, but that was his problem, but by those who had to review it. So, however you change this, I think something is important to have it in, and without going through the considerations that have just been presented of the two definitions, I personally like the first definition that was there, and not the second one that's on the other side of the page there. So, somehow or other, I think that also maybe it could have not happened if the applicant had carefully talked about the difference of the suites or whatever. But, otherwise, I think it's good. And I guess that's enough right now. But, for example, the townhouse apartments that are going in, I think adding on three separate, on every level, which a Commissioner has put in, I think that's a good idea. And it seems to me it should apply to the townhouse apartments or whatever over on Benny Street because how those are configured might have some consequence to [inaudible]. Thank you.

Mr. Firestone: Thank you. Anyone else? Yes, please step up.

Mr. Chris Locke: Hi, Chris Locke, District 1. First, again, I do want to thank staff for meeting with us yesterday in regard to this. Unfortunately, I think we just didn't have enough time to try to address all the issues that are facing this particular amendment. First, and I think Commissioner Silverman brought it out, the wording of the Code provision is somewhat discriminatory in the sense that it's only specific to hotels, motels and multi-family. Why is this not an issue for two units? Why is it not an issue for people who want to build single family

homes? Also, this is . . . we're trying to do an amendment for a specific problem which was the Danneman hotel, which had 125 units and it really came out to be 132. In the 20 years I've been in this business, I've only known three projects that have come back to address an issue of either bedrooms or number of people living in the building. So, this is not a problem that is constantly there. And usually this type of issue is resolved when the staff is reviewing the actual building plans. Floor plans, as Mr. Mayhew talked about, are extremely expensive to do. So, I appreciate Commissioner Hurd's proposal of making it a proposed plan. That does give some discretion. I would go one step further and say maybe conceptual plan, because we really don't know when we're coming to Planning, what issues we're going to face in the field once we start building the building and what room dimensions may be. I think Commissioner McNatt really hit it on the real issue here, which is what is a substantial change? Now it's great, we have Mary Ellen as a planning director now, but who know who the planning director is going to be in five years or six years, or what the climate is. I can tell you from personal experience, we had to come back to Council because there was an issue with the type of color we used on the exterior of one of our buildings. It was not as salmon as the picture that we showed during City Council, and we had to go back and explain why. This is ripe for that type of issue. So now say a bedroom, conceptually, was 11' x 10', and now it's 11' x 9.5'. Do I now have to go back to Council and let them know that? So, what I would propose is I don't think the way this is worded right now is ready for a full discussion. I would ask table it, let's get some more input, let's talk about enforcement of this, and how exactly is this going to be handled in the future. So, I would ask that you table it for now so we can continue discussions. Thank you for your time.

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

Mr. Howard Smith: Good evening. Howard Smith, District 4. As I look at this and the number of projects that I've watched over the last dozen years that I've been following some of these projects, my summary is that I don't think this gains you anything. I think the main criteria that you're looking for are the number of bedrooms. And as each project that I watched come through, even at this stage, maybe not at SAC stage, they tell you it's this many units and it's going to end up being about this many bedrooms, and that's the key criteria. So, let's say you see a project tonight and they say they're going to do 36 bedrooms, you negotiate whatever, you present it forward to Council at 36 bedrooms, Council does the same process, they agree to 36 bedrooms, and just as you have had to spend time reading and looking over plans, Council has to spend time looking over plans, and then when it gets to the building permit process, when Code Enforcement gets it, just as they did with the hotel, they say if this project has 36 bedrooms or less, keep on going. If it has more than 36, kick it back and it goes through the process, whether that's Mary Ellen saying you have two choices, you go back to Council or you reduce the number of bedrooms. I don't see you're gaining anything out of all this, so I think it's more . . . I'm not so worried about the developers . . . but your time and Council's time, everybody looking it over and counting bedrooms, and I don't think you gain anything. So, I see it as kind of a waste of time. Thank you.

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

Mr. Stozek: I guess I have one question. I mean this all came about because of the hotel, issues with the hotel. How did it grow from dealing with the issue of the hotel to adding in multi-family structures?

Mr. Fortner: It was because multi-family structures are the only other use where the number of bedrooms can determine other factors that we regulate. So, number of bedrooms might determine parking spaces. So, for a single-family house, it really doesn't matter how many bedrooms there are, because a single-family house is a single-family house and we don't regulate anything else with it. So that's really why. It's probably the lesser of the two.

Ms. McNatt: I have a follow-up question. So, we're asked to consider, right now, alternative 1 or alternative 2? Is that what we're being asked to consider right now?

Mr. Firestone: Or alternative 0. So, or nothing at . . . I mean our options are . . .

Mr. Fortner: Or zero, but also the original.

Mr. Firestone: We can vote to do nothing. We can vote the language as it came to us, and then Mike has proposed two different versions. Others have talked about other versions. So, whatever we want to put forward, we can.

Ms. McNatt: I just want to be clear. We still have to . . . there's still the potential we would need a definition of floor plan no matter what alternative we go with. Or the first suggestion, which is in our packet.

Mr. Firestone: That's correct.

Mr. Hurd: Yeah, I'd say these all depend on having a definition for floor plan.

Ms. McNatt: Because that's not how I read the additional pages. To me, it looks like alternative 2 does not recommend the definition of a floor plan as part of the change requirement. Is that correct?

Mr. Fortner: No, I just meant it wouldn't change. I would keep the original floor plan. So, they both could change, but floor plan . . .

Ms. McNatt: Okay, sorry.

Mr. Fortner: You could either not do anything and you wouldn't need a definition of floor plan. Or, if you did something, if you wanted to make it a requirement that they had to include a floor plan in the subdivision phase, we probably ought to have a definition there.

Mr. Hurd: I had a question that was inspired by reading this section of Code and I'm just going to . . . it's mostly to Mary Ellen. It's from the Benny Street project, being that it's so close to me. I noted that they want to show all property owners within 200 feet, which I don't believe I fell into. But I did receive a letter of notification that the project was coming up. So, is there a different distance for the letters of notification, and should the letters of notification line up with the distance for the owners? The property owners.

Ms. Gray: I lost you towards the end. So, the question is whether the rules for notification is within 200 feet of the property?

Mr. Hurd: What's the distance for receiving a notification letter of a project?

Ms. Gray: Two hundred feet.

Mr. Hurd: Okay. Because I got the letter but I don't think I'm listed on the site plan.

Mr. Fortner: It's 300 feet.

Ms. Gray: I'm sorry, it's 300 feet.

Mr. Hurd: Three hundred feet.

Ms. Gray: Oh, excuse me, 300 feet.

Mr. Hurd: So, the notification . . . so what's the 200 feet for on the site plan, and should they be the same?

Ms. Gray: Oh, I see. So, the 200 feet requirement to be shown on the site plan of all the surrounding properties within 200 feet?

Mr. Hurd: Right.

Ms. Gray: That is a thought.

Mr. Hurd: I don't know what drove the 200 feet originally and whether that was originally the notification distance, and the notification distance changed and didn't roll back. I don't know.

Ms. Gray: I could look into that if there's an interest in that.

Mr. Hurd: I'm pointing it out because it feels like a disconnect, and I know we've talked notification distance several times on several things.

Ms. Gray: Okay.

Mr. Firestone: Chair would entertain a motion.

Mr. Hurd: Okay, I will preface this by saying I think I'm being swayed by the idea that this is a larger solution for a small problem that got caught. So, it feels to me that we have a mechanism, and that the owners have a choice when they're caught as to which way to proceed. So, I'm going to make a motion that we not amend the subdivision regulations with a requirement for floor plans.

Mr. Cronin: Second.

Mr. Firestone: I'm going to support the motion, as well. I haven't been convinced that this is necessary. And I would say, though, that I don't feel it is discriminatory in the least. I think that's a really inappropriate use of discrimination. The government can attack any part of a problem that it chooses. And the fact that it chooses to attack part of the problem and go against certain businesses does not in any sense under the law constitute discrimination, unequal treatment, etc. So, that's just the nature of government and regulations. We already have different classes and . . . but I'm not convinced that it's needed. But I just wanted to say that.

Mr. Silverman: I'm also not convinced that it's needed. I think it unnecessarily solves a problem which, in my mind, was an administrative problem within the City government. The fact that somebody didn't pick this up, why change the Code? Change the policies and procedures for review. If the problem is, how is a suite determined, and I think the irony is I could have two separate rooms with one person in each. I could have a suite of rooms that would accommodate as many beds that that suite is designed for, but I'd only be required to have one level of parking for one suite, regardless of the number of people, or an additional parking standard if the adjoining door was locked. It doesn't make any sense.

Mr. Firestone: Does anyone else wish to be heard?

Ms. McNatt: I want to say that I'm kind of in the middle right now, however, I do like the idea of knowing, specifically seeing the number of bedrooms and knowing the number of bedrooms or the layout when it's specifically associated with a requirement of parking or other levels of information that we have to evaluate during the process. I understand, as you've described, this may be not the best place to put this. I do like the suggestion of maybe tabling it and talking about it more, so I'm not sure how I'm leaning either way, but those are my thoughts.

Mr. Cronin: Mr. Chairman, my thoughts are that I like the wisdom of Mr. Mayhew, his analysis of the extra cost factor that is needlessly put forward, with the suggestion, I think, Commissioner Silverman made of making it proposed floor plan. But then proposals, what do you have? You have a proposal. It's subject to change and everybody knows that, so I think that's less strong than what we have now. I like Mr. Smith's analysis that we've only had minimal instances where there's been an issue subject to a concern, the hotel being the most

recent, where it did play out with not only a little extra review by the City, but certainly extra cost for the developer, too, for their mistake originally. And I like what Mr. Locke said, everything except the part about tabling it. I don't think we should table it. I think we should just kill it tonight and go on.

Mr. Hurd: And I think even though we vote it down, the Planning Commission could, I mean the Planning Department could say we've got more thoughts on it or something, and we think we have a better understanding, and bring it back.

Mr. Firestone: Okay. All those in favor of the motion, signify by saying Aye. Opposed, say Nay. Motion carries.

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

THAT CITY COUNCIL NOT AMEND CHAPTER 27 SUBDIVISIONS REQUIRING FLOOR PLANS DURING THE SUBDIVISION PROCESS FOR ALL MULTI-FAMILY DWELLINGS AND MOTEL/HOTEL PROJECTS, AS DETAILED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED DECEMBER 22, 2017.

VOTE: 5-1

AYE: CRONIN, FIRESTONE, HURD, SILVERMAN, STOZEK

NAY: MCNATT

ABSENT: MCINTOSH

MOTION PASSED

Mr. Firestone: I do want to thank the Planning Department who worked on this item, nonetheless.

Mr. Hurd: Yes.

8. REVIEW AND CONSIDERATION OF AMENDMENTS TO THE ZONING CODE TO ALLOW MINOR STRUCTURES AND GRADING IN THE SPECIAL FLOOD HAZARD AREA BE APPROVED ADMINISTRATIVELY WITHOUT A SPECIAL USE PERMIT.

Mr. Firestone: That, then, gets us down to, skip down to Item 8, review and consideration of amendments to the Zoning Code to allow minor structures and grading in the Special Flood Hazard Area to be approved administratively without a special use permit. Please go ahead, Tom.

[Secretary's note: Mr. Fruehstorfer proceeded to summarize the Planning and Development Department report for the proposed amendments to Zoning Code to allow minor structures and grading in the Special Flood Hazard Area be approved administratively without a special use permit. A link to the Planning and Development Department report for this proposed Code amendment can be found at the end of this document.]

Mr. Tom Fruehstorfer: My name is Tom Fruehstorfer. I'm a planner with the City of Newark. You've all received updated documents for this proposal and the Chairman has found a typo that has been corrected and, for further clarification, the personnel has been added.

As background, Council asked staff to suggest amendments to the Zoning Code to allow staff to approve minor construction in the Special Flood Hazard Area. The intent was to save applicants time and money for minor projects with minimal impact to the Special Flood Hazard Area, and also to save Council time. What these proposed changes do is simple. They define what a minor structure or grading is, and they give staff the ability to approve the minor construction,

and allow staff to defer to Council for any reason. What these proposed changes do not do is also simple. They do not require staff to approve anything. Nothing is becoming by-right with this change. And they do not allow approval of anything that could not have been approved before by Council. The only real change is who can approve minor projects. Work must still meet all the current existing requirements.

I will add that the proposal and this wording has been reviewed by the Planning Department staff, City Solicitor, City Manager, Director of Public Works and Water Resources, Public Works and Water Resources Planning Engineer and a certified flood plain manager. I'd also like to add that today, City staff received a question about whether this would affect our CRS [Community Rating System] rating. For those who are not aware of what the Community Rating System is, it recognizes and encourages community floodplain management activities that exceed the minimum NFIP [National Flood Insurance Program] standards. Depending on a community's rating, which is based on documented flood prevention activities and practices, flood insurance premium rates for policyholders can be reduced by up to 45%. Newark has a very strong CRS rating and we don't want to change that. At the beginning of this process, I discussed the potential change with our CRS auditor and with DNREC [Delaware Department of Natural Resources and Environmental Control]. Both indicated that the change would not be a problem. Basically, our standards are not changing. FEMA [Federal Emergency Management Agency] does not require City Council approval, just a permit review and approval process to verify it meets FEMA standards. I might also add that this change even includes a provision that could encourage extraction of additional protections of riparian buffer from applicants. If appropriate, staff would be able to request replanting of some graded areas with appropriate riparian buffer plantings rather than grass in exchange for approval of a minor grading project. Are there any questions?

Mr. Hurd: I have one comment and one, I think, correction. I appreciate the 5,000 square feet, because I did look and that is below the requirement for an erosion and sediment control plan. So, I think that that's a logical stopping point for that. In item F, when you're talking about minor accessory structures, I would recommend that instead of saying surface area of less than 50 square feet, say floor area or footprint. Because that's, I believe, what the building code is going to use.

Mr. Fruehstorfer: Fences don't have floor areas.

Mr. Hurd: Fence is included? Okay.

Mr. Fruehstorfer: Yes.

Mr. Hurd: So how are you going to define that for a structure? Surface area . . .

Mr. Fruehstorfer: A fence is a structure according to the zoning definition.

Mr. Hurd: Right, but if I build a [inaudible] or I build a small shed, surface area now has a new definition.

Mr. Fruehstorfer: How do you figure?

Mr. Hurd: Well, you're saying, you're really saying surface area, total exterior surface area of the structure.

Mr. Fruehstorfer: Correct.

Mr. Hurd: Okay. So, all three sides [inaudible]. Okay. Because I read that and it looked like minor accessory structures could be sheds and things, right?

Mr. Fruehstorfer: It would be a very small shed.

Mr. Hurd: Gazebos, pavilions, benches, tables . . .

Mr. Fruehstorfer: 6 x 8 would get you under there. But . . .

Mr. Hurd: That's floor area. That's not surface area. If it's a gazebo . . .

Mr. Fruehstorfer: You're including walls?

Mr. Hurd: You're saying surface area . . .

Mr. Fruehstorfer: No. The ground surface. Ground surface area.

Mr. Hurd: You may want to say floor area for structures and surface area for . . . I mean, I'm reading this and I'm not knowing what surface area means related to like a gazebo or other outbuildings, in that sense. It's not a common term in the architectural world to say surface area. Surface area means the surface – the exterior shape and . . . that's why I was confused when I read it.

Ms. Gray: A thought would be minor accessory structures located in the floodway fringe with a surface or floor area of less than 50 feet.

Mr. Hurd: Because I agree a fence has some surface, and that would make sense because you don't want a fence that's too long and big. But, yeah, I think if you say something that's actually going to sit on the ground . . .

Mr. Fruehstorfer: Maybe just adding ground surface, then?

Mr. Hurd: Then that takes your fence out.

Mr. Fruehstorfer: A fencepost has a ground surface this big.

Mr. Hurd: Right.

Mr. Silverman: Right.

Mr. Hurd: But it sounds like you're saying surface area is like the face of the fence is the issue, right?

Mr. Fruehstorfer: No. We're talking about how much ground area it takes up.

Mr. Hurd: Okay, then, ground surface area is fine.

Ms. Gray: Okay. Ground surface area.

Mr. Hurd: The amount of it that touches the ground.

Mr. Fruehstorfer. Exactly.

Mr. Silverman: Okay.

Mr. Fruehstorfer: I mean, how big it looks when you look straight down at a plan view.

Mr. Hurd: That's why I said floor area, because that's what that is.

Mr. Silverman: And floor area is commonly referred to with, I believe, building permits and setbacks. If you have a shed that's one size, you don't need a building permit. If it's more than so many, the floor area is so many square feet, you do need a building permit. The distance from property lines . . . that's where I got confused the same way Will did. Thank you.

Ms. Gray: Okay.

Mr. Firestone: Any other comments?

Ms. McNatt: Yeah, I have a question. In proposed Item E, the word, it says the Director of Public Works and Water Resources or the designee may require finish specifications. I'm not sure that finish is the appropriate word. I suggest we just remove the word finish altogether and just say may require specifications to enhance the riparian buffer. I'm not sure finish is necessary. I just think it should be taken out altogether.

Mr. Hurd: Did that intend to mean materials?

Mr. Fruehstorfer: Plantings. We got that from a definition somewhere. That's where we're saying we could require a planting of the riparian buffer. A native bush rather than grass.

Mr. Hurd: Yeah, that would be finish.

Ms. McNatt: So I think it should be removed and stricken from that section. Also, do we know, or do you know, does inside the City boundary all have floodways? Does all the floodplain have floodways in the City?

Mr. Fruehstorfer: Excuse me?

Ms. McNatt: Because not all flood . . . not all water courses have a floodway, and I wonder if we could be missing some areas that may still have SFHAs [Special Flood Hazard Areas] but not have floodways. And I know I'm getting really technical and in the weeds for people . . .

Mr. Fruehstorfer: Floodway is not involved in this at all.

Ms. McNatt: Floodway fringe is . . .

Mr. Fruehstorfer: That's a floodway fringe, not a floodway.

Ms. McNatt: Right. You're on the fringe of a floodway. Specifically, these two sections are talking about a floodway fringe. My point is that, do some water courses inside the City not have floodways?

Mr. Fruehstorfer: A floodway is not required to have a floodway fringe.

Ms. McNatt: So, maybe . . .

Mr. Fruehstorfer: By definition, it's . . .

Mr. Firestone: This is just . . .

Mr. Fruehstorfer: I mean . . .

Mr. Firestone: An exemption from a normal requirement.

Mr. Fruehstorfer: Yeah, it's . . .

Mr. Firestone: It wouldn't exclude something from . . .

Mr. Fruehstorfer: I'm trying to think, I . . .

Ms. McNatt: Floodways are a specific location on a floodplain map, and I don't know if there are areas that do not have, all areas have floodways. I just don't want to limit it if your goal is to make sure a flood fringe, not a floodway fringe . . .

Mr. Fruehstorfer: We have two water ways that go through the City. Each definitely have floodways. All our floodplains are attached to water that has floodways. So, it would be . . . anything area that we're talking about here would be outside of the floodway.

Ms. McNatt: So, no other water courses that lead to those two main streams would have floodplains on them?

Mr. Fruehstorfer: Wouldn't have . . . right, exactly.

Ms. McNatt: Because there's no requirement in the City to have floodplain designation on other water courses?

Mr. Fruehstorfer: FEMA defines what the floodplain is.

Ms. McNatt: I'm asking if there are other City requirements beside the FEMA one, on other tribs that lead to those.

Mr. Fruehstorfer: The City does not make anything else a floodplain other than what FEMA puts on the maps.

Ms. McNatt: Or a floodplain?

Mr. Fruehstorfer: Right.

Ms. McNatt: Okay, thank you.

Mr. Fruehstorfer: It's the FEMA map that determines what our floodplain is. We adopt the FEMA maps for the City floodplain.

Ms. McNatt: So, there's no other level of floodplain designation on any other water courses in the City?

Mr. Fruehstorfer: No.

Ms. McNatt: Okay. Thank you.

Mr. Firestone: Anyone else? Anyone from the public like to be heard on this topic? Mrs. White.

Ms. Jean White: Jean White, District 1. This is a curiosity question. How many times in the last say five years has somebody who wanted to either do one of the two things, put some little building or do grading, had to come to City Council to get the permission? That's one question. And if, indeed, you pass this, I think it would be helpful if the Planning Department kept track for the next period of time of how many in the future came. That's the second thing. And in the cases where there have been applicants who have wanted to either do the grading that you're hoping, now, can be done administratively or some small shed or whatever, has this been mostly along our two different water courses? One is White Clay Creek and the other is Christina Creek. Has this been mostly for White Clay Creek or Christina Creek? So those are three different points I'm asking about. Thank you.

Mr. Firestone: Thank you. Any other comment from the public? Tom, can you answer, at least, the first question about roughly how often this occurs?

Mr. Fruehstorfer: I've been here three years, and right now I can only think of two times I've brought something . . . actually, there were three, because the first one I didn't bring. And I think all three of them would have been . . . Mike, do you remember how big the shed that you

did on Minquill that was . . . that probably wouldn't have been minor. So only two have been minor.

Mr. Firestone: We don't need to know specifics. We're just trying to get a ballpark sense.

Mr. Fruehstorfer: So two have been minor. The first one was a hot tub that, technically, was outside of the floodplain but they actually could have spent \$1,000 and got a letter of map adjustment to say it wasn't even in the floodplain. And the other one was a fence that was in the far reaches of the floodplain. It was in an area where it was just 6-8 inches of water that just inundated the area whenever there was a flood. But it wouldn't be a fast-flowing area. So, both of those . . . it was one of those, but I really don't remember which one. One of those is when Council asked that we consider coming up with code that jobs like that wouldn't have to go to Council. It's just an obvious yes. It put a delay in the applicant's timeline and cost him a lot of money, and cost Council time that were obvious yes's. One was, literally, outside of the floodplain but it just happened to be shown in the floodplain because the maps aren't really accurate, and the other was just a picket fence. Those are the only ones in the last three years.

Mr. Firestone: Thank you. Any other discussion by the Commissioners? Chair would entertain a motion.

Mr. Hurd: Sure:

Ms. McNatt: I was looking for the language.

Mr. Hurd: Please. Go ahead.

Ms. McNatt: If I can find it. It's in here. Hold on. My piles have changed.

Mr. Firestone: Here.

Mr. Silverman: Make sure you have the correct date.

Ms. McNatt: I know, right?

Mr. Silverman: This one is March 2.

Mr. Firestone: That is the correct one you have.

Ms. McNatt: It's right here. It's all of this.

Mr. Hurd: Do you want the ordinance?

Ms. McNatt: Yeah, that's the one I'm looking for. The top of the ordinance. So, I make a motion to modify the ordinance to Chapter 32, Zoning Code of the City of Newark by creating regulations . . . that's the wireless one. Is that really the wireless one?

Mr. Hurd: Oh my goodness, it is.

Ms. McNatt: It says wireless.

Mr. Hurd: Mary Ellen, it's got the title of the wireless ordinance.

Ms. McNatt: I'm not going to read that one.

Mr. Fruehstorfer: Is that just the draft? Does it say draft on it?

Mr. Hurd: Yeah, the bill number thing. The draft of the ordinance. And we thought we were done with wireless.

Mr. Stozek: That's right.

Ms. Gray: I don't see where they got that.

Mr. Fruehstorfer: You should be looking at what you got this week.

Ms. McNatt: Which is March 2.

Mr. Fruehstorfer: Is there something highlighted in red?

Ms. McNatt: Yes. Yes, I have all that.

Mr. Fruehstorfer: And the yellow attached to that would be current.

Ms. McNatt: With the modifications in red, correct? Yes.

Mr. Fruehstorfer: Yes.

Mr. Hurd: And then there's the clean copy behind it.

Ms. McNatt: Yes, I have all that. Okay.

Mr. Hurd: There isn't a language for adoption, like we have for . . .

Ms. McNatt: Right, that's what I was looking for. Okay, I'm going to do my best, then.

Mr. Hurd: Make it up.

Ms. McNatt: Here we go. So I make a motion to modify Section 32-96 for Use Regulations for Floodplain in the City Code with the proposed sections as provided in the March 2, 2018 memorandum that included the red modifications, as well as removing the word finish from the Section 32-96(a)(1)e., and additional definition modifications.

Mr. Firestone: So, the sentence would read, may require specifications?

Ms. McNatt: Yes. May require specifications.

Mr. Hurd: And ground surface.

Ms. McNatt: Ground surface?

Mr. Firestone: Yes.

Ms. McNatt: And also change Section 32-96(a)(1)f., to change the first sentence to say, located in the floodway fringe with a ground surface area of less than 50 square feet. Is that correct?

Mr. Hurd: That's correct.

Ms. McNatt: Did I get all that?

Mr. Hurd: And the two definitions.

Ms. McNatt: And the two definitions. Yeah, I said that one already.

Mr. Hurd: Okay. I'll second that.

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

MOTION BY MCNATT, 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 MARCH 2, 2018, WITH THE ADDED REVISIONS AS STATED BY THE COMMISSION AT THEIR MARCH 6, 2018 MEETING:

- A. REMOVE THE WORD “FINISH” FROM THE THIRD SENTENCE OF SECTION 32-96(a)(1)e
- B. MODIFY THE FIRST SENTENCE OF SECTION 32-96(a)(1)f TO READ “MINOR ACCESSORY STRUCTURES LOCATED IN THE FLOODWAY FINGE WITH A GROUND SURFACE AREA OF LESS THAN 50 SQUARE FEET...”

VOTE: 6-0

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

MOTION PASSED

4. PARKING SUBCOMMITTEE UPDATE

Mr. Firestone: That then takes us back to Item 4, Parking Subcommittee Update. Our leader on this, Frank McIntosh, is not here, so I'd ask either Commissioner Silverman or Commissioner Hurd to take us through this. I know Commissioner McIntosh prepared a short memo for us, and I would note, for the record, that in it he refers to you all as Parking Commissioners. So, I don't know whether you guys got elevated or demoted, but . . .

Mr. Hurd: That's new . . .

Mr. Silverman: It's honorary.

Mr. Firestone: Anyway, would one of you please just summarize what's . . . you don't have to summarize the memo, but just bring us up-to-date in a couple minutes on the Parking Subcommittee.

[Secretary's note: Commissioner Hurd proceeded to summarize the Parking Sub-Committee Update Report prepared by Commissioner McIntosh. A link to the Parking Sub-Committee Update Report can be found at the end of this document.]

Mr. Hurd: I would say that the memo really does that. It brings us pretty much to today, or to last week, which was hopefully our next-to-last meeting. And I would agree, I think, with his statement to not speculate on solutions at this point. We have some suggestions that are being developed and sort of formalized. And, so, what Commissioner Silverman and I have taken on is the job of drafting the narrative that will be the front-end piece for the report. Staff is doing a wonderful job pulling together kind of a matrix, because it's a complicated problem to look at when you've got seven issues and multiple solutions. And how do you kind of explain it in a way that makes sense, and how do you present that in a way that shows how the action should be taken. Because I think part of what we want to make sure happens is we don't just want to sort of say here's some things to do. We want to provide more of a guideline to say, here's the sequence that we think we need to be moving in that's going to get us to a better solution, a better situation. So that's our task for the next couple of weeks is to draft the front-end, which the whole packet is going to be reviewed at the next meeting. I can entertain any general questions, but I think Frank summed it up pretty well.

Mr. Firestone: Thank you. Would anyone like to be heard from the public? Any questions from any Commissioners?

Mr. Cronin: I have one question, Mr. Chairman. Will, on the back side, in the first paragraph below #7, in the third line it says a Parking Commissioner facilitated each breakout group, instead of Planning Commissioner.

Mr. Hurd: It probably should be. We were joking we've gotten honorary titles now.

Mr. Cronin: Thank you.

6. REVIEW AND CONSIDERATION OF A MAJOR SUBDIVISION WITH SITE PLAN APPROVAL FOR THE PROPERTIES LOCATED AT 24 AND 30 BENNY STREET AND 155 SOUTH CHAPEL STREET. THE PLAN PROPOSES THE DEMOLITION OF THE EXISTING BUILDINGS AT THE SITE AND CONSTRUCTION OF 11 TOWNHOUSE STYLE APARTMENTS. THE COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT AND REZONING NECESSARY FOR THIS PROJECT WERE DECIDED AT THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING.

Mr. Firestone: Okay. That then takes us back up to Item 6, to the Benny Street and South Chapel Street major subdivision and site plan approval, which has been here a couple of times before. And why don't we just start with the applicant updating us on the changes since the last meeting.

[Secretary's note: A link to the Planning and Development Department report on the Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval for 24 and 30 Benny Street and 155 South Chapel Street can be found at the end of this document.]

Mr. John Tracey: Thank you, Mr. Chairman and members of the Commission. I appreciate your indulgence in adjusting your schedule to ensure that I could be in two places at once, as opposed to one place in two. So, thank you very much.

You are correct, Mr. Chairman. We were before you last month on an application for a Comprehensive Plan amendment, rezoning, site plan approval, and subdivision. This Commission recommended in favor of the rezoning and the Comprehensive Plan amendment, however tabled consideration of the site plan because there were some questions with regard to the drawings and with regard to certain other aspects of the plan. We took those marching orders and went back and made some revisions to the plan, clarifications to the plan, and an additional review, for instance, of the LEED aspect, which is something that had been discussed here, and we resubmitted that information to the Commission a couple of weeks ago to the Planning Department.

I have with us Brant Hauser from CDG. He's the lead professional on the project, to answer any questions on that. Roger Brickley from Clifton Backsh is here, as well. I'll just highlight the changes that we made or the clarifications that we made in order to, hopefully, satisfy the concerns that were expressed.

We have added a note to the plan deed restricting the project to one occupant per bedroom. That was something that was on initial comment letters from the department and we had agreed to, it just dropped off through the additional comment letters. But it was always something, as I said last time, that we were going to do. So, the plan has been amended to make sure that that is clear.

We submitted revised drawings to clarify that the garages do, in fact, meet state requirements for the parking of two vehicles, plus the two vehicles in spots in front of the garage, similar to what the Commission considered and recommended in favor of for the Benny Street project. I

think what it was is kind of a miscommunication when you're looking at renderings, as well as the plans, that led to some uncertainty. We did end up moving, as I referenced in the letter that was submitted, one of the parking islands to ensure that the spaces were correctly measured. But we do have two 9' x 18' spots inside the garage and two similar spots outside.

The fencing has been revised to comply with the Code in terms of its relationship to the street. We are not going to seek any waivers or variances from that, so we have revised that. We will, obviously, as we committed at the last meeting, be working with our neighbor on the design that we're both happy with of that fence. But there will be no issues. We've already had these conversations.

We have taken another look at and revised our LEED submission. You will recall that our prior submission had, depending on how you looked at it, 40 or 41 points. We represented 40 here, which was at the certified level. There were concerns that we were just hitting the threshold requirement and not exceeding that requirement. In order to give us some cushion if things don't work out, we've gone back, we've looked at it, Mr. Hauser's group has looked at it, and we now are showing 51 LEED points on our submission, which qualifies as the silver level.

We have enhanced the architecture on the project. There were concerns with the rears of the building, which would be facing the rear of the neighboring buildings. We have clarified those architectural designs to show that those treatments that you see on the front will be carried around to the back. I think most importantly, we've carried the stone feature that was on the side of the building around through the first quadrant of the rear of the building. So, if you're coming down Benny Street in that particular direction for that limited space between Mr. Prettyman's building and our building, and on Chapel Street between the buildings he's constructing now and our building, that feature would carry around from not just the side, which had been a previous point of emphasis, but around to the first portion of the back, as well.

And, finally, I should also mention to confirm, with regard to the parking, we will be deed restricting the property so that the residents on Benny Street will not be able to get parking permits on Benny Street. What that does is actually reduce the number of cars that can park on Benny Street, because the current house now has the ability to get several of those permits, which the new owners would not.

We've also revised the stormwater management plans to clarify and confirm that the roof drainage that would be collected is being directed to the stormwater feature that's in the center of the property which, as Mr. Backsh had talked about the last time, had been overdesigned in order to account for events beyond those that you typically hear about in normal [inaudible].

So, I think those are the high points of the changes that we've made. Obviously, we have people here that can answer any questions. Again, thank you for indulging me.

Mr. Firestone: Commissioner Hurd?

Mr. Hurd: Thank you, and thank you for the efforts to address our issues. It is greatly appreciated because we had, I think, significant concerns and I think we're glad to be able to look at it again. I wanted to make two corrections . . .

Mr. Tracey: Thank you.

Mr. Hurd: The LEED for Homes 2008 certified level is 45. Silver is 60. So, you are meeting certified but you are not meeting silver.

Mr. Tracey: Okay, I was reading off the prior . . .

Mr. Hurd: I appreciate that you're pushing a little higher. I will reiterate that the checklist still doesn't show the required LEED points that the City requires, so that will bump you up a little bit. And I'll just put this in [inaudible] because I had a concern that I asked the Planning Director about, which is how does the City currently enforce LEED compliance in the Building Code, and I was told that in the building permit process, they look at either the standard list of points that are in the amendment or the LEED, basically, submission as part of the subdivision agreement, and that's part of the building permit, which means it's part of the certificate of occupancy, and that addresses my issue, which was about enforcement.

I will make one final comment just to the team on the LEED submission is that your HERS rating happens after the building is constructed. So, it's lovely to say that you're going to get a 54. That, in no way . . . that can be the design intent, but that is, in no way, a real number at this point.

Mr. Tracey: And that was kind of the concern that was expressed the last time when we were right at that threshold number of 40 and . . .

Mr. Hurd: Right. So, I think aiming where you are, it can be plus or minus a little, and I'm hoping the building department will be not saying you have to hit 51, but will maybe also be understanding for some of the items that have some range.

Mr. Tracey: I appreciate that. Thank you, Mr. Hurd.

Mr. Hurd: And, thank you, again, also for the renderings. To my mind, they kind of emphasize my concern about the setbacks on Benny Street. So, I'll just put that in the record but I think, at this point, it's not something that's going to change. I'm just still concerned that the street is too small for those size buildings being that close, but I see that's kind of what we got. Those were my, I think, issues that were brought up and addressed, so I'm sort of set.

Mr. Tracey: Thank you, Mr. Hurd.

Mr. Stozek: I guess I'll follow-up that I noticed, and I didn't expect it to, but there are no changes in your setbacks that you're requesting, which was one of my main concerns last time. And it's not just with your property. What I envision is, ten years from now, every lot on Benny Street is going to be built something like this structure here. And if you're asking for setbacks half of what's required, what's to keep the next guy coming up and asking for setbacks of one-third of what's required. And your renderings emphasize, to me, that concern. I just imagine what, potentially, this street is going to look like with 15 of these huge structures side-by-side, close together, and close to the street. It just, to me, breeds problems down the road.

The other question, and I know you tried to answer this last time, you're going to have how many tenants?

Mr. Tracey: Between the two buildings, 66.

Mr. Stozek: Sixty-six. Okay, they all have parking spots available, but those 66 people are going to have visitors. Where are the visitors going to park?

Mr. Tracey: Again, and this is the exact same parking rationale that was on the project that was next to us, we don't anticipate that all 66 spots will be filled but, again, that's more than what the Code requires, so there will be alternatives there. What's clear is the City doesn't permit them to park on Benny Street because that, as Mr. Hurd has explained, and Mr. Silverman, as well, is because of the residential restrictions there if you're not in one of those houses. Which, presumably, every house on Benny Street could potentially have this issue. That's why we designed additional parking on our property. Again, 44 spots for the 66 units. That, of course, by no means, means that everybody there will have cars, or even the majority will have cars. And, clearly, if there are spaces available on the property, those spaces can be used. But I

suspect, like a lot of what's going on in Newark, particularly if you're talking about the college crowd, it's more walking than it is driving from place to place, because people don't want to get into the added issues that can come about when you're driving. Or they take advantage, I've learned from seeing my son's credit card bills, of Lyft, Uber and the other things that get you from point A to point B without having to drive.

Mr. Stozek: Well, and a lot of those students, you know, they don't drive during the week. Hopefully this is close enough they're going to be walking to classes, although students do what they want to do. A lot of the students, you know, drive to get here. A lot of the students work. And I've heard the argument before that they need cars to be able to go to work. I just see this as a problem, especially since, now, there's not going to be any parking on Benny Street allowed.

Mr. Tracey: Right.

Mr. Stozek: To me, that just amplifies the problem. But, again, my main concern is just the density of this and future structures, and what this whole block is going to look like.

Mr. Tracey: Well, when we designed it, obviously, we designed it looking at what had been approved next door to us, which is actually a bigger project on the Benny Street side. It's seven units, as opposed to six. We, obviously, also wanted to have the stormwater management facilities in the middle of the property but what we did, from a planning perspective, is we looked at both Chapel Street and we looked at Benny Street, and what we did is hold the line with what had been approved next to us, so we weren't have a back and forth in there. But we were really not exceeding what had been approved in other instances. I would think that it would probably be a separate discussion had we asked to be closer to Benny Street or something of that nature. It would have enhanced the request. I will note that they are, actually, technically slightly further back than our neighbor, because our neighbor has an external staircase that's actually closer to Benny Street, as you can see in the setback example. But that's what we were looking at. We had a smaller project – six as opposed to seven – and we had the stormwater feature in the middle of the project, as well.

Mr. Stozek: And I appreciate that. I realize you're kind of a victim of your neighbor's success in getting his project approved. But, again, that goes back to my concern of what's going to happen incrementally on this block going forward. And I don't know if you're going to build any more projects or not, but I worry about that. What is the City going to look like and how is it going to function down the road?

Ms. McNatt: I do appreciate the plans and the efforts put into modifying the documents to be consistent and congruent. I think that's important in this planning process. And I think that showing the appropriate parking spaces and showing that you can fit the number that you're proposing is very important. I have the same concerns as Commissioner Stozek about, in the future, what's this whole area going to look like. So, from a planning perspective, I think we should look into that as a Comp Plan discussion in the future.

My other concern was the stormwater management and specific notes that said certain things, and not sure that they were going to be able to work out. I think the plans now show those . . . making sure those components can be done and can be complied with. So, I appreciate everyone's efforts addressing these concerns.

Mr. Tracey: Thank you.

Mr. Silverman: This area was identified in the Comprehensive Plan as needing further examination, and I think this is within the work program that the Commissioners are going to examine this area. With regard to the setback, given the nature of the area that is generally called for in the existing Comp Plan, I believe that this setback will help establish a setback line that, much like in the business district, as problems come . . . I'm sorry, as buildings come

forward, the problem of establishing the setback will begin to average itself out, as we do in the business district on Main Street properties, and allow the development to have a slightly varied setback rather than having every structure being smack on a 5' line or 10' line, or 15' line from the street.

Mr. Stozek: I agree with that setback from the street. But there are also setback issues on the sides of buildings, as well.

Mr. Silverman: That's not setback to me. That's side yard. But I understand. Thank you.

Mr. Firestone: I have just a comment, and this goes to the LEEDs and I've probably said some of these things before, but I think the developers in this city need to start developing not for 2010, but for 2020 and beyond. And by that, I mean it's nice to see that you've bumped up the LEEDs but we really need developers to start taking leadership. And by that, I mean with solar. And, indeed, as well, I think with these units where you're putting in garages, and as we discussed before, but I think we are going to rapidly move towards an EV [electric vehicle] future, and you ought to be thinking about putting 240V outlets in the garages. I understand it's a whole different issue putting them out on the parking lots, but if you build a garage and you're running 240V into other units, you know, not only that, you're going to have more attractive property later on. It's easier to do up front and I think developers should start thinking about that because prices are going to be dropping quite rapidly and people are going to start having EVs and they're going to want to be able to have the ability to go to plug into that rather than 110V. Thank you.

Mr. Tracey: Thank you.

Mr. Firestone: Would anyone from the public like to be heard? Mrs. White.

Ms. White: Jean White, District 1. I noted in the packet this project, or some form of it, came several different times to the Planning Department. And in August 25, 2016, then the Planning Director was Maureen Roser and she wrote something there in which she said I realize the property next, which then became the Ben Prettyman property, is . . . and she suggested that these developers reach out and perhaps work cooperatively to develop a more efficient subdivision plan. I realize that each developer wants to do their own thing and doesn't want to work with others, but you can see if this could have been done or could be done in the future, what I see happening is you're going to have a spine. The spine being Benny Street. And coming out perpendicularly are going to be all these 7 or 6 or 7 units going all up . . . well now there will be two . . . and others down the street. If there was some way to combine some of these properties, at least in the future, where you had just one entrance, a driveway, again, perpendicular to Benny Street, but then going around the back, where the parking would be in the back and have these units along Benny Street. And, so, I am concerned about what's going to happen in the future.

One thing, there are some sketch plans of layouts and they're really small and I could hardly read them, but I was trying to figure out two things. One is, the bedroom on the first floor that's behind the garage, how does that person get into their unit? And I see there's a door that looks like it comes out onto the garage, but I presume there's another way to get in, as well. And the other thing is, why are there 6 ½ bathrooms? It seems with six bedrooms, that six bathrooms should be more than enough, and it seems like it has a lot of bathrooms. So, where is that half-bathroom in the whole three levels? That's a question that I have.

And I did wonder if this combined development project has a name to it. You know, we have The Heights and Rupp Farm. Does this just go by the, what should we say, the addresses on Benny Street and South Chapel? So, my earlier questions that I asked, perhaps, could be answered.

Mr. Firestone: Thank you.

Mr. Tracey: It was interesting. After you made the comment about the EV, my client called me over and mentioned that he's actually putting a 240V in his garage right now. So, he'd be happy to add a 240V outlet in each of the garages that we're going to be putting here as part of that, as well. So, we'll be doing that.

There is a separate entrance to that bedroom. It's not straight from the garage into the room. And the reason that we've had the half-bath, I think it's on the main floor so people that are upstairs, if they're gathering watching tv, they don't have to go upstairs to go to the bathroom if there is a convenient half-bath on the floor to use. But I'm happy we can actually accommodate the request while I'm still here.

Mr. Firestone: Any further discussion? Chair would entertain a motion.

Mr. Hurd: I move that we recommend that City Council approve the 30 Benny Street and 155 South Chapel Street major subdivision and site plan approval plan as shown on the major subdivision and site plan approval plan dated January 25, 2017 and revised November 21, 2017 with the Subdivision Advisory Committee conditions. I didn't double-check . . . do the resubmitted plans that we got, did those dates change?

Ms. McNatt: I think it's February 6, isn't it? February 6, 2018.

Ms. Gray: Let me double-check.

Mr. Silverman: And this is revised for comments.

Mr. Hurd: Okay.

Mr. Silverman: February 6, 2018.

Mr. Hurd: And, then, as revised for comments on February 6, 2018.

Mr. Firestone: And, as stated that they're going to put 240V in the garages.

Mr. Hurd: Do you want that in the motion?

Mr. Silverman: Second.

Mr. Hurd: Okay, with the additional agreements made by the developer at the meeting.

Mr. Silverman: I'll second that.

Mr. Firestone: And just to clarify, just so we're clear on the record, too, we didn't have to do either the Comprehensive Development Plan or rezoning for this, items A and B in our packet, because we did them at the last meeting. Any discussion on the motion? All those in favor, signify by saying Aye. Opposed, say Nay. Motion carries.

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

THAT CITY COUNCIL APPROVE THE 30 BENNY STREET AND 155 SOUTH CHAPEL STREET MAJOR SUBDIVISION WITH SITE PLAN APPROVAL PLAN AS SHOWN ON THE MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN DATED JANUARY 25, 2017 AND REVISED FEBRUARY 6, 2018, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS, AND THE ADDED CONDITION THAT:

A. A 240V OUTLET BE ADDED TO EACH GARAGE.

VOTE: 6-0

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

MOTION PASSED

Mr. Tracey: Thank you very much. And, again, thank you for your indulgence.

9. NEW BUSINESS

Mr. Firestone: That, then, takes us to Item 9, new business. First, does any Commissioner have any item that they would like to bring forward that we may discuss at a future meeting, for a future agenda, separate from our work plan and other plans that are already scheduled out?

Mr. Stozek: I guess I would just like to bring up this Benny Street, South Chapel Street that we want to look at, and do that sometime fairly quickly.

Mr. Hurd: I will say that from the joint Council meeting that we had last week, there seemed to be a lot of receptiveness to the idea of master planning as a way to sort of interim between Comp Plan . . . legalities that are sort of baked into the Comp Plan and zoning and sort of as a way to kind of flesh out, I think, some of the . . . and I think these questions are going to come up as we start to consider the rental housing stuff. I mean some of those recommendations really do prompt master planning of areas that we think we want to look at. So, I will say that I've been sort of thinking about that, and Council went, yeah, that's a good idea, so I think we're going to get some movement on that.

I don't know if this falls under new business or what, but I sort of just want to put this out there, to look at, like is there a way that we can change how we sit at the dais on some sort of basis? Because I'm in the same chair I've been in since forever. It would be fun to move around a little.

Mr. Cronin: We can change the chairs.

Mr. Hurd: I don't know if that counts as new business but that's the only thing that's been on my mind.

Mr. Firestone: Any other Commissioner have any new business?

Ms. McNatt: From our meeting last week, I think that it's very important, and it was brought up during the discussion, that we, as a body, we start looking into . . . I think Councilman Wallace brought it up . . . the differences between City Code and New Castle County Code regarding annexations, and why developments want to annex in. Maybe we need to look at the resource protections or other sections of Code that may enhance the Code and not detriment it. So, I know that's a topic, and it could include flood plain and forest protection, etc., etc. So, I think that's an important topic to investigate.

I also think it's important that we look into, potentially, having . . . I think we're at a proper time that we can start thinking about, or maybe the City starts thinking about, how developers can look into conveyance and capacity and runoff as a utility since we have a stormwater utility, and how we can get issues associated with those capacity and infrastructure addressed during the development process.

Mr. Firestone: I think those are some good ideas. I know, at the moment, I think we're going to discuss it in a bit, we've got a very, probably overfull work plan for this year. But those, I think, are really some good ideas that we should consider folding in when we revisit the work plan for the coming year, both the master plan overlay and . . .

Mr. Silverman: The resource protection.

Mr. Firestone: Getting into some of the resource protection and the annexation. The annexation we may be able to discuss some in the context of our other discussions.

Mr. Hurd: Can I ask just a clarification question that sort of came up and maybe this is . . . when you're talking about the annexation, was there a sense that people are annexing into the City because our development rules are easier than New Castle County?

Ms. McNatt: Yes.

Mr. Silverman: If we can document some of that, because my recollection is, in my last almost five years of service, virtually all of the annexations have been for the need to establish either sewer to sites or public water to meet health standards, as opposed to a developer saying, well I got turned down three times by the county, I'm going to see what I can deal with, with the City. So, I think that's more of an exception.

Mr. Hurd: Yeah, I didn't know if that project we looked at, was it two years ago, it was on the west side of the City, and I can't remember, not village, but it was a north of the south one that's already there. I don't remember if that had an annexation.

Mr. Silverman: That was already in the City. We considered quite a number, and I think in our packet about future applications, people have failing septic systems.

Mr. Hurd: Agreed.

Mr. Firestone: Yeah, I don't want to get too deep in the weeds on any topic.

Mr. Hurd: No, I just wanted to sort of understand so that we know what we're looking . . . what's the problem we're looking at.

Mr. Silverman: Okay, Will brought it up and it's illustrated on our plan, I'm looking at the recent plan submittal for Benny Street. There's a summary of adjacent property owners within 200 feet shown on the record plan submittal. It's required in the Code that it be shown on this piece of paper. We had an application in the past where the property owner list covered more of the sheet than the illustration of what was going to be on the plan, and I'm wondering if we can consider an administrative Code amendment to take this information and make it part of the Director's report, or make it part of another written agreement, so it doesn't take up area on the plan.

Ms. Gray: Okay. I kind of lost you in the middle there.

Mr. Silverman: The report from the department has gotten very sophisticated and very comprehensive, and I believe that the information that has been traditionally represented on the data sheets, which give technical information, should be represented someplace else. Space is at a premium as we're asking for more and more technical specs to appear as part of the record plan. This is an administrative kind of public information piece that could exist someplace else.

Mr. Fruehstorfer: Public Works is looking at redoing the requirements for the different subdivisions, so we can suggest that to them, that they look at that. They're looking at redoing the entire list of requirements for the subdivision submission.

Mr. Silverman: Great.

Mr. Fruehstorfer: So we can definitely include that as something to look at.

Mr. Silverman: And my feeling is this is more administrative. It could be part of the SAC review or the Planning Department report. It doesn't necessarily belong on the technical document.

Mr. Firestone: Commissioner Cronin?

Mr. Cronin: I'm good. Thank you.

Mr. Firestone: Why don't we move, then, to informational items. Do you want to cover what you do under 10 or 9?

Ms. Gray: Can we do it under 9?

Mr. Firestone: We can do it under 9.

Ms. Gray: I'll be very brief because we are in danger of ending our meeting early. First of all, I want to thank everybody . . . when I first got here, things were a little slow development-wise, and they have picked up quite a bit. So, there's a lot of work in front of the Planning Commission, and planning issues have become more central to the overall discussion with the City of Newark, which I think is a great thing. But, as a result, it has put a lot of additional work on the Planning Commission. But I want to thank you all for your time and perseverance, and your dedication and the value that you add to the Planning Commission and to the City, as a whole. And thank you for also working with Planning staff, as well as me, since my one-year anniversary is coming up, believe it or not. I've been here almost a year. I know, can you believe it? So, and here again, I want to thank you for working with me and for your forbearance and patience.

When we worked on the 2018 Work Plan, things were, as I mentioned, a little slower development-wise. Now we have 14, give or take, because we have a couple that are ready to submit applications in-house, and there's a lot of land use development activity going on. So, if we could, I would like to put this on the agenda for next month, is to look at the Work Plan and prioritize it because, realistically, we're not going to get through all of the items that were listed on the Work Plan. So, I would like some input and thoughts as to what the Commissioners would like to see as priorities. Planning Commissioner Stozek indicated looking at Benny Street and that is currently in our Work Plan for five areas articulated as to areas to potentially revise the Comp Plan. The Benny Street area is in that Work Plan, so certainly that's a thought to move that up on the Work Plan. We've also mentioned the LEED provisions, as well. So that and then one other thing.

The Rental Housing Needs Assessment ordinance, the two ordinances that the Planning Commission had recommended that we move forward and put together, I was talking with Chairman Firestone regarding this. We feel that it's going to be its own, would most likely need to be its own meeting, given that I think we're going to have a lot of public input on that. So, we're looking to schedule that for May because in April we have the DeIDOT discussion and I think that that's going to go, potentially, a little long. The presentation won't be long, but I anticipate that discussion to be long. So, our target would be May but we might have some land use plans that are ready to go in May, so a thought, just to contemplate, would be to look at potentially scheduling a special meeting sometime in May around that time for the Rental Housing Needs Assessment ordinance consideration. And perhaps do that over two meetings. Chairman Firestone had a good thought on that to have the public hearing part at one meeting, and then the next meeting would have the decision or recommendation, to allow some discussion. But, certainly, that would be up to the Planning Commission at that time.

So, I believe those are all the comments I had. Yes. Thank you.

Mr. Silverman: Just a technical question. When do you need to make the decision on the special meeting with respect to advertising time?

Ms. Gray: That's a good thought. We . . .

Mr. Silverman: How do we back it up? If you've got a date, how would all that fall?

Ms. Gray: We would need to work that out because we would have somewhat of a heavy lift for public notification, notifying all the property owners. So, we . . . it's 15 days that we . . .

Ms. Vispi: It's advertised in the News Journal two weeks before.

Ms. Gray: Two weeks before. And the meeting notification goes out . . .

Ms. Vispi: To the public?

Ms. Gray: To the public.

Ms. Vispi: Ten days before.

Ms. Gray: Ten days before. So, we would have to, as far as internally, you know, identify everything. So next month we will be back with that timeframe.

Mr. Silverman: And you will be asking us to hold an additional meeting?

Ms. Gray: Potentially. Potentially, if we don't have any land use plans in May, then we would be looking to do that in May.

Mr. Silverman: I just want to make sure it gets on our agenda so we can consider it.

Ms. Gray: Yes.

Mr. Firestone: At the next meeting, let's set a tentative date when we're available and the room is available.

Mr. Silverman: Yes.

Mr. Firestone: So we'll work on scheduling this so that if we need it in May . . .

Ms. Gray: Perfect.

Mr. Firestone: We'll have a date set aside.

Mr. Silverman: Yes.

Ms. Gray: Okay. Thank you. That's all I have, Mr. Chair. Thank you.

10. INFORMATIONAL ITEMS

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. REVISED 2018 WORK PLAN SCHEDULE

Mr. Firestone: That, then, gets us to informational items, #10. You just mentioned we have a dozen to 14 projects. Is there anything else that we need to know and discuss, as well? We're going to tackle discussion of the revised Work Plan next month. Is there anything else, then, that comes under Item 10, informational items?

Ms. Gray: Not for me, sir.

7. DISCUSSION OF PROPOSED RENTAL HOUSING NEEDS ASSESSMENT STUDY ORDINANCES. (WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.)

[Secretary's note: Agenda Item 7, discussion of proposed Rental Housing Needs Assessment Study ordinances, was withdrawn from the agenda until a future Planning Commission meeting.]

Mr. Firestone: Okay. We do have, in our rules, the opportunity for members of the public to make general informational comment limited to three minutes. If any member of the public would like to on another topic that wasn't discussed tonight, they may. Seeing that there is no interest, the Chair would entertain a motion to adjourn.

Mr. Hurd: I so move.

Mr. Stozek: Second.

Mr. Firestone: All those in favor of adjourning, signify by saying Aye. Opposed, say Nay. We are adjourned.

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

VOTE: 6-0

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

NAY: NONE

ABSENT: MCINTOSH

MOTION PASSED

There being no further business, the Planning Commission meeting adjourned at 8:38 p.m.

Respectfully submitted,



Willard F. Hurd
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Planning and Development Department report and presentation \(Floor Plans\)](#)

Exhibit B: [Planning and Development Department report \(Flood Plain\)](#)

Exhibit C: [Parking Subcommittee report \(Parking Subcommittee Update\)](#)

Exhibit D: [Planning and Development Department report \(30 Benny Street\)](#)