

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

August 7, 2018

7:00 p.m.

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

Acting Chairman: Alan Silverman

Commissioners Present: Bob Cronin
Will Hurd
Frank McIntosh
Stacy McNatt
Bob Stozek

Commissioners Absent: Jeremy Firestone

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Tom Fruehstorfer, Planner
Geena George, Deputy City Solicitor

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

1. CHAIR'S REMARKS.

Mr. Silverman: I'd like to call the City of Newark Planning Commission meeting for August 7, 2018 to order.

Mr. Hurd: Alan, you're going to need to get closer to the microphone.

Ms. Silverman: I'd like to call to order the City of Newark Planning Commission meeting for Tuesday, August 7, 2018. We have an agenda tonight that's primarily administrative and is 100% catch-up work that had been pushed to the back by time limitations and other demands on the Planning Commission. We're going to have a very busy active evening this evening. Madam Director, do you have a report for us?

Ms. Mary Ellen Gray: Yes, Mr. Chair. The Chair had asked me to put together some brief comments regarding activities of the Planning Department as it relates to the Planning Commission and . . .

Ms. Marilyn Gleber: Could you speak a little bit louder please?

Ms. Gray: How's that? Okay. Very good. So, the Chair has asked me to put together some comments regarding the Planning Department's activities, and I'm going to kind of characterize them in a couple of buckets here. The first is agency contact work. We regularly reach out and are on a number of boards and committees with other agencies such as WILMAPCO. For myself, I'm on the Delaware Population Consortium, Mike Fortner is on the Technical Advisory Committee for WILMAPCO, and Tom Fruehstorfer is on the Public Advisory Committee for WILMAPCO, as well. So, they regularly attend those meetings. Regarding the Delaware Population Consortium, those meetings are starting up this month to look at population projections for the State of Delaware, and myself and others contribute to that effort. I've been reaching out to members of the community and other agencies to get a better sense of

Newark and what's going on on the ground. So, I've been reaching out to representatives of the University, as well as other members of the community.

Some projects underway in the City of Newark that the Planning Department has been involved with include the Main Street Bump Out Project. I'm sure you're all aware that that project is going on. The current projections for starting on that is March, and there have been some ongoing meetings with the business community and others to update them on the project schedule as well as the particulars of the project as it's moving forward.

Some projects that we are working on per the Planning Commission activities is the parking strategy work plan. Mike Fortner has been heading up that effort and that's a somewhat involved activity. So, we hope to bring that to the Planning Commission for their review in September. That is a hope, depending upon our resources and other projects going on. And, certainly, if we don't make it in September, then October will be . . . before we bring that forward, we'll also be presenting that to the Parking Subcommittee for their review.

Another project we're working on is Sustainable Newark. We got a grant from DNREC about a year ago to put together a strategy for sustainability, building off the Comp Plan, and Mike Fortner is heading up that effort. A steering committee has been established and a consultant has been selected, and we are meeting internally this week and then a public meeting will be had on the 22nd of August with the consultant to start that, kick off that process.

Another activity we've been working on is the census, the 2010 . . . the 2020 census. We have been involved with the on-the-ground process of verifying addresses and working with state and federal agencies to make sure that the data that we provide to the census is accurate and up-to-date.

The Community Development Block Grant Program, we have been busy closing out the previous year on the CDBG program and we are in the process of planning for next year. We're processing a number of home improvement loans in-house on that.

Tom Fruehstorfer and I participated in a meeting with WILMAPCO regarding an effort to coordinate the four public transit operators in the City of Newark. That would be Unicity, Cecil Transit, DART, and the University of Delaware. And that effort is to gather data and other information to help coordinate these four public transit to try to encourage additional transit opportunities and to try to make those four systems work better together and be more efficient.

And I think that about covers our day-to-day . . . oh, wait, one more thing. One more planning activity. We are working with a consultant to start the effort to, and this is on the work plan for the Planning Commission, to not change the zoning ordinance but to look at developing matrices and tables and better organize the zoning ordinance so it can be more readable for the Planning Commission members, the public, as well as staff. So, we are kicking off that effort here shortly.

Mr. Silverman: And off the top of your head, how many active projects are under review? Ballpark.

Ms. Gray: Ballpark? Twenty-three. And we have probably at least 2-3 meetings that are looking to be scheduled for additional projects to come in.

Mr. Silverman: Thank you very much, Madam Director.

Ms. Gray: You're welcome.

2. THE MINUTES OF THE JULY 3, 2018 PLANNING COMMISSION MEETING AND JULY 17, 2018 CITY COUNCIL AND PLANNING COMMISSION JOINT TRAINING SESSION.

Mr. Silverman: The minutes have been posted on the internet. They've been distributed to the Commissioners. Mr. Secretary, do we have any additions or corrections?

Mr. Will Hurd: None beyond what I had given to Michelle prior to the meeting.

Mr. Silverman: The Chair will entertain a motion to approve the minutes as amended.

Ms. Stacy McNatt: I make a motion to approve the minutes as amended.

Mr. Silverman: Is there a second?

Mr. Hurd: Second.

Mr. Silverman: All those in favor, signify by saying Aye. Opposed, Nay. The minutes are accepted.

MOTION BY MCNATT, SECONDED BY HURD THAT THE MINUTES OF THE JULY 3, 2018 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 5-0

AYE: HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: CRONIN, FIRESTONE

MOTION PASSED

[Secretary's Note: The minutes of the July 17, 2018 City Council and Planning Commission Joint Training Session were approved at the end of the meeting, at 9:22 p.m.]

3. CONTINUED DISCUSSION OF LEED CERTIFICATION STANDARDS.

Mr. Silverman: Moving on to Item 3, the continued discussion of LEED certification standards.

[Secretary's Note: Mr. Bob Cronin entered Council Chamber and joined the meeting at 7:09 p.m.]

[Secretary's Note: A link to the Planning and Development Department memorandum and supporting document regarding LEED certification standards can be found at the end of this document.]

Ms. Gray: Thank you, Mr. Chair. This has been an effort that we started I guess two meetings ago and, in talking with some Planning Commissioners and other staff, I would like to recommend that given that the LEED . . . I didn't realize until I started getting into it that LEED is somewhat complex and has a couple of layers to it. So, I thought it would be helpful to recommend that we put together a small work group to do a deeper dive into LEED to better understand it and then to make recommendations back to the Planning Commission on some potential changes.

Mr. Silverman: And that would be the work group making the recommendations, correct?

Ms. Gray: Yes, sir.

Mr. Silverman: Okay. Will, you had a question that you raised with respect to the data that was presented on LEED. Do you want to make that part of the record?

Mr. Hurd: Well it was . . . I made a previous comment that the pre-requisites for the credits in LEED 2009 weren't in the spreadsheets that we were looking at, but Tom and I have had a short

conversation around it. Partly it wasn't in our packet because of time constraints and I think it will certainly be in there for consideration for the work group. And I think for me, and maybe the work group would do some more research on this with talking to Code Enforcement, there's a couple of items there that I'm not sure that those pre-requisites aren't already Code standards. There's things about refrigerant chemicals and so I don't know if, at this point, there is no other way to get the equipment than with the acceptable refrigerants, so therefore it's covered.

Mr. Silverman: Okay, just so you're satisfied that we're moving forward.

Mr. Hurd: Yes.

Mr. Silverman: Okay, is there any other general discussion before we move to a motion? Okay, hearing none, the Chair entertains a motion that the Planning Commission establish a work group to further review and discuss the LEED issue and the work group come back to the Commission with a list of recommended revisions to the LEED ordinance, and also suggest that this work group meet monthly for a period of no longer than six months, and that the work group consist of the following representatives: 2-3 Planning Commission members, 1-2 Conservation Advisory Committee members, 1-2 representatives from the [Downtown] Newark Design Committee, representatives from the City Planning and Code Enforcement staff to provide background knowledge and technical services, and other citizens with an interest or expertise in the Green Building or LEED programs.

Mr. Hurd: Mr. Chair, a question on the agenda item. Is this motion going to close the agenda item, or do we still have an opportunity to discuss our opinions and thoughts about LEED?

Mr. Silverman: No, you can continue to discuss.

Mr. Hurd: Okay, because I had thoughts that I . . . I know that part of the reason we're bringing it back this month was to have everyone have a chance to kind of weigh in on the various credits and the various . . .

Mr. Silverman: Okay, I didn't know whether you wanted to leave that to the technical working committee.

Mr. Hurd: That's part of my question. I didn't know if we wanted to still have the whole Commission weigh in on their opinion and then take that to the work group.

Mr. Silverman: Commissioners, what's the consensus? Do we want to get into the nuts and bolts at this point? Or do we want to refer to a working committee and have them come back with recommendations to us?

Mr. Bob Cronin: Mr. Chairman, I think the working committee is the better course of action at this point in time . . .

Mr. Bob Stozek: Agreed.

Mr. Cronin: Since it's seems to me . . .

Ms. McNatt: As long as they're willing to accept, you know, comments or questions after the work group has made its recommendation.

Mr. Hurd: Oh, yeah.

Ms. McNatt: As long as that's still open at that time, I would feel comfortable with just the work group and not getting into the nuts and bolts here.

Mr. Frank McIntosh: Mr. Chairman, I think that's the correct way to do it.

Mr. Hurd: Okay.

Mr. Silverman: Okay.

Mr. McIntosh: Just weighing in, so to speak.

Mr. Hurd: In that case, I will make the motion as outlined by Commissioner Silverman.

Mr. Silverman: Is there a second?

Ms. McNatt: I'll second.

Mr. McIntosh: Second.

Mr. Silverman: It's been moved and seconded and I will not repeat the text again. Everyone should have the basics of it in front of them as part of the recommendation from the professional staff of Planning. Is there any discussion? Okay, hearing none, we'll move directly to the motion. All those in favor, signify by saying Aye. All those opposed, signify by saying Nay. The motion carries.

MOTION BY HURD, SECONDED BY MCNATT THAT THE PLANNING COMMISSION ESTABLISH A WORK GROUP, AS OUTLINED IN THE PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM DATED JULY 31, 2018, TO REVIEW AND DISCUSS LEED CERTIFICATION STANDARDS TO IDENTIFY AND RECOMMEND REVISIONS TO THE LEED ORDINANCE, WITH THE CONDITIONS THAT THE WORK GROUP:

- A. REPORT TO THE PLANNING COMMISSION
- B. MEET MONTHLY FOR NO LONGER THAN SIX MONTHS
- C. CONSIST OF THE FOLLOWING REPRESENTATIVES:
 - 2-3 PLANNING COMMISSIONERS
 - 1-2 CONSERVATION ADVISORY COMMITTEE MEMBERS
 - 1-2 REPRESENTATIVES FROM THE DOWNTOWN NEWARK DESIGN COMMITTEE
 - REPRESENTATIVES FROM CITY OF NEWARK PLANNING AND DEVELOPMENT AND CODE ENFORCEMENT STAFF
 - OTHER CITIZENS WITH AN INTEREST OR EXPERTISE IN GREEN BUILDING AND/OR LEED

VOTE: 6-0

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

NAY: NONE

ABSENT: FIRESTONE

MOTION PASSED

Mr. Silverman: And just for clarification, the record is still open on the LEED discussion with respect to Commission participation and we expect the working group to come back to us with recommendations. And with the knowledge provided in the recommendations, the Commissioners will continue their deliberations.

Mr. Hurd: Okay, in that spirit, I will volunteer to chair and join this work group.

Mr. Silverman: Are there any other Commissioners who are interested in working with the LEED work group? I am going to make an assumption that Jeremy [Firestone] will also be interested in participating since he's very much interested . . .

Mr. Hurd: I think you would be correct on that.

Ms. McNatt: I'm interested, but I'm limited to my schedule concerns. So, if somebody else has a stronger choice to be chosen, that that would be . . .

Mr. Silverman: Well I have no problem with . . .

Ms. McNatt: That's fine.

Mr. Silverman: A Commissioner participating, or any of the work group people, participating as they are able. Everyone is a contributor. So, tentatively, the Commissioners who would be associated with the LEED work group are Commissioner Hurd, Commissioner Firestone, and Commissioner McNatt.

Mr. Hurd: Sounds right.

Mr. Silverman: Madam Director, would you be following up on behalf of the staff with the other recommended individuals?

Ms. Gray: Yes, I would be happy to. I will work with Commissioner Hurd on that. And in addition, I'm on the agenda for the Conservation Advisory Committee meeting next week to ask them for volunteers to participate.

Mr. Hurd: Okay.

Mr. Silverman: Okay. Is there any other discussion with respect to Agenda Item 3, LEED? Okay, hearing none, let's move to Item 4 on the agenda, discussion of framework for new multi-family zoning district.

4. DISCUSSION OF FRAMEWORK FOR NEW MULTI-FAMILY ZONING DISTRICT.

Mr. Silverman: Madam Director?

[Secretary's note: A link to the Planning and Development Department memorandum and supporting document regarding the framework for the potential new multi-family zoning district can be found at the end of this document.]

Ms. Gray: Thank you, Mr. Chair. I had put together for some thoughtful discussion a framework, if you will, for a potential new zoning district. I don't know what the name of it is going to be, so certainly thoughts on that. The intent or the purpose is to promote higher density, predominantly multi-family residential uses, that would try to encourage 1-2 bedroom or smaller units with distinctive and exceptional architecture and design on smaller lots. The intent is to encourage the redevelopment of existing neighborhoods currently containing predominantly single-family rental properties on lots of varying size and any non-residential uses should either support the neighborhood or have minimal impact on the immediate surrounding area.

So, in putting this together, I just wanted to, here again, have some broad strokes on some elements to include in this zoning district and a start was looking at our current zoning districts because there are some elements in all of our zoning districts in RA, which is the multi-family, to RM, which is up to 16 units per acre, BB, which is the downtown mixed-use, and BLR zoning, and the site plan approval process, and I was just trying to pull elements that would come to this outcome of promoting mixed-use higher-density development that has more flexibility

than our current zoning districts. So, I just wanted to kind of start off on that in broad strokes. Mr. Chair, do you want me to go through the provisions or I'm assuming everyone has looked at those. I included elements of uses, density, design, parking, LEED, and some area requirements, as well as access on the site.

Mr. Silverman: Have the Commissioners had a chance to review and study the material from the packets?

Mr. Hurd: Yes.

Ms. McNatt: Yes.

Mr. Silverman: Okay, let's move into the discussion, then, directly from the Commissioners.

Ms. Gray: Sure, that would be great.

Mr. Hurd: So, I guess my first question that's not, I think, as clear as it could be, this is a new zoning district that something could be rezoned to.

Ms. Gray: Yes.

Mr. Hurd: So, it's not an overlay.

Ms. Gray: Correct.

Ms. McNatt: Why not, why could it not be an overlay?

Ms. Gray: That's a good question . . .

Mr. Silverman: Counsel, why . . .

Ms. McNatt: Is that a [inaudible] question?

Mr. Silverman: Why are we unable to have overlay districts in Delaware?

Ms. Geena George: I would need to look into that. I'm sorry, I'm not . . . but I can get back to you.

Mr. Silverman: Okay, I believe there's a recent court decision . . .

Mr. Hurd: There was.

Mr. Silverman: That says you cannot have overlay districts. I don't know the details on it, but Counsel will get back to us.

Ms. George: I'll let you know.

Ms. McNatt: So, this would need to be a Comp Plan change?

Ms. Gray: Well it would be a new, should this move forward or some . . .

Ms. McNatt: Some version of something.

Ms. Gray: Version of it, yes, it would be a new zoning district that would be included in our zoning ordinance. That's a good question whether it would be a Comp Plan change because the intent is to stay within the current high-density residential use designation in the Comp Plan. So, that would have to be added . . . in thinking through that . . . that would have to be added into the Comp Plan in the definitions section.

Ms. McNatt: Sorry to . . .

Ms. Gray: No, that's a great question.

Mr. Hurd: No, that's fine. So, I guess my assumption is that part of this new zoning was to apply possibly to the focus areas that we've been looking at as areas that are having higher density, but we want to have a little more control over what's going in there, which makes some sense.

Ms. McNatt: I'm sorry, to clarify that, so that's where I was confused. This is a zoning district just for those focus areas? It doesn't go across the board to . . .

Mr. Hurd: No, no, it would be across the board.

Ms. Gray: Yes.

Ms. McNatt: Oh.

Mr. Hurd: But my assumption, based on when this appeared and the other things, is that the current zoning in those focus areas may not, is open. You know, it's like here's an RM zoning. But some like, for instance, Benny, a lot of lots are RM-zoned or nearly RM-zoned but the lot itself isn't compliant with the RM zoning. So, I think this is one way to rectify that, to say here's a higher-density zoning district that has a smaller lot size, not a larger lot size.

Ms. McNatt: Right, okay.

Mr. Hurd: So, it's sort of like a . . .

Ms. McNatt: I'm just not in favor of it across the board because I don't think it applies to across the board in all locations of the City.

Mr. Hurd: Well, the problem is it's in Zoning Code.

Mr. Silverman: Well then . . .

Ms. McNatt: Well then, again, I don't know what it should be. But I don't know that it should . . . anyway.

Mr. Silverman: Then it would be an inappropriate recommendation.

Ms. McNatt: Right, so, yeah, I don't know how to focus it in areas where it needs to be addressed or applied versus in areas where it shouldn't be applied.

Mr. Silverman: Well what this has the potential to do is, continuing in the focus area discussion, the City of Newark does not have a history of proactive zoning. New Castle County does and the other counties do. This would actually cause a zone to be overlaid . . .

Ms. Gray: Don't use that word.

Mr. Silverman: You like that? This would actually cause zoning to be placed on properties with the initiative being the City Council as opposed to the property owner.

Mr. Hurd: And I think since we're in discussion mode, I think one way to address Stacy's issues, that I see, and this is not even looking at the zoning maps yet, but, and maybe this is a question also to us to say, this zoning could only be applied to say lots that are adjacent to an RM, RA, BB or BLR zoning existing so that it can only go into areas that already have this zoning in it. So, you can't drop this in the middle of an RH, for instance. Because I can see someone going, hey maybe I can rezone my little 1,500 to an RH and put a seven-story, you know . . .

Ms. McNatt: Right, you could go all the way out to where I'm located in Newark and there's an RM right there that could put a seven-story building. That's kind of not, I don't think, the appropriate use of applying it . . .

Mr. Hurd: Yeah, and I have some questions about the heights and how we can make that make sense. But I think that this is an early discussion.

Ms. McNatt: Right.

Mr. Silverman: The thought process here is to come up with key components. Ask the department to work with the City Secretary to draw up an ordinance. Have the ordinance come back to the Commission and then refine those details.

Ms. McNatt: But aren't we at the discussion point of what they're looking from us to discuss and bring to the table?

Mr. Hurd: Yes.

Ms. Gray: Absolutely.

Ms. McNatt: Right. Okay, I just wanted to make sure.

Mr. Hurd: So, what I'm seeing here is intention. It's like this is the intentions around parking. This is the intentions around design. So, this zoning might not be appropriate to some people because it potentially has higher design criteria and such. I would be hesitant to put a LEED and/or green design item in as a requirement.

Ms. Gray: Okay.

Mr. Hurd: I think the Code that we currently have, this kind of building would fall under the City's LEED standards. If we're pushing . . . and this is something from the work [inaudible] for me . . . one of the things that I think we should be doing about the LEED points in the Building Code is to say here's the base number that we want you to do, and then here's the expanded number that we want you to do if you're doing site plan approval. So, there might be a way to work that back into this, to say if you're doing this zoning, you're doing the higher level and I think that addresses the issue without having to call it out.

Yeah, the height up to seven stories does concern me a little and I think we'll need to work on a better mechanism to find an appropriate height, whether that's based on street widths or some other contextual element.

Ms. Gray: Okay.

Mr. Silverman: For example, in the foot of Haines Street, I could see a 3-5 story building fitting right in with the visual impact that the University dormitories have.

Mr. Hurd: In fact, there's one proposed for there.

Mr. Silverman: Right, but this may not be appropriate for an area on New London Road.

Mr. Hurd: Right.

Ms. Gray: Right. Okay.

Mr. Stozek: What is the tallest building in Newark right now? Is it Washington House?

Mr. Hurd: That or Main Towers.

Ms. McNatt: What's the one back behind . . .

Mr. Silverman: I believe it's Main Towers.

Ms. Gray: It's either Washington or One Easton.

Mr. Stozek: Yeah, but that's coming down.

Mr. Silverman: Not Main Towers. Not University Towers. The . . .

Mr. Hurd: Oh, yeah, the Newark Shopping Center one is probably . . .

Ms. McNatt: Yeah, the one behind Newark Shopping Center. How big is that one? That one's eight or seven . . . I don't know. I counted them once.

Ms. Gray: I wasn't here for the approval. I'm looking in the back.

Mr. Cronin: I think it's seven.

Ms. Gray: Seven?

Mr. Cronin: That's Easton Place?

Mr. Hurd: Yeah.

Mr. Cronin: But now on STAR Campus there's one much taller down there.

Ms. Gray: It's ten stories.

Mr. Cronin: Ten stories on STAR Campus.

Ms. McNatt: Do you have . . .

Mr. Stozek: Yeah, just my initial visceral reaction is seven is too high.

Ms. Gray: Seven is too high? Okay.

Mr. Stozek: But there's a lot of factors involved, so . . .

Ms. Gray: Okay.

Ms. McNatt: My concern, I think that this is a good broad brush, as you suggested. I think that the way this is written promotes a walkable type of community, which means it's kind of trying to centralize the housing area to be somewhere that doesn't need parking because of the intense density. So, I think I'm concerned with where this could be applied. I don't know . . . like someone suggested, I don't think New London Road. I don't think down where I'm located a seven-story building is appropriate because we don't have direct access to the downtown walkable type of area. We definitely have to drive to the City if we want to get there, at least most people do. So, I think that it's important to find the location that this would be applicable and maybe not as an overall, and I don't know how to do that. And I'm not suggesting not to do it, but maybe there's a way to focus where this type of use and zoning is most appropriate.

Mr. Silverman: Well with respect to proactive rezoning, this Commission could make those recommendations that for this focus area, this focus area, and this focus area, the type of zoning district that we're talking about is appropriate, but it's not appropriate for the balance of the City. Something like that.

Mr. Hurd: Right. I think the concern I'm hearing is that if it's not constrained in the Zoning Code itself, it is a valid zoning district . . .

Ms. Gray: Right.

Ms. McNatt: Across the board.

Mr. Hurd: That could go . . .

Ms. McNatt: Anywhere.

Mr. Hurd: On any property in the City of Newark.

Ms. Gray: Yes, it could.

Ms. McNatt: And I'm not comfortable with that.

Ms. Gray: Okay.

Ms. McNatt: From my perspective.

Ms. Gray: Sure.

Mr. Silverman: Frank?

Mr. McIntosh: I agree with that. I think that opens a Pandora's box that we don't want to see. But I don't, and I'm trying to understand this overlay business, vis a vis the overlay that we're talking about.

Mr. Silverman: We'll just call it the [inaudible].

Mr. McIntosh: But I mean I don't understand what the different is. Now maybe that's just because I'm dense, but you've got zoning codes and now you're saying we can apply them one place or another and we're not saying what that is. I think we need a lot more specificity here and I also think you're going to confuse the public in an extraordinary way unless you come up with an answer to this overlay thing.

Mr. Silverman: Bob?

Mr. Cronin: My first thought is possibly comprising it of 1-2 bedroom smaller units? I think I'd kind of like to see it maybe be three bedrooms. I'm not quite sure why the purpose should be constrained to 1-2. I mean if you have a young family or a young couple, or even a single person and they get married, you know that's just the way life goes. You may have two children that you don't want to have in the same room and you may not want to move because you love the area, you love the locale. So, unless there's some compelling purpose to have it limited to two bedrooms, I think there ought to be at least a smattering of three bedrooms.

Mr. Silverman: It was a starting point. Point for discussion.

Mr. Cronin: Okay, well that's my starting comment. Thank you.

Mr. Silverman: Now the other thing to keep in mind with this is there can be a component of non-residential use within these structures. So, we're getting into mixed-use. The intent is those non-residential uses service the immediate neighborhood. They aren't destinations people would drive to or travel to necessarily. And they may change from time to time. So, this is not like the BB district, if I have the right district, where there's a requirement that commercial be on the first floor, where non-residential uses are excluded from the first floor. This is an entirely different animal.

Mr. Cronin: With that thought expressed in the paper and your comments, you know, a commercial use say on the first floor, just by the economics of the matter, might need to draw people from outside the neighborhood to be economically viable. I mean I can see if your neighborhood is considered to be 3-4 blocks around where you are, that might not be enough patronage or economic presence to sustain any commercial entity. You know, if you're trying to control the market to that extent, you might be not able to do that.

Ms. McNatt: Do we currently have a standard mixed-use zoning in the City?

Ms. Gray: No, the only mixed-use zoning we have is BB.

Ms. McNatt: BB. And that's restricted to the downtown?

Mr. Hurd: No . . .

Ms. Gray: It is like College Square.

Ms. McNatt: It's like a certain location.

Ms. Gray: A certain area.

Ms. McNatt: Yes. A specific location.

Mr. Mike Fortner: It's not restricted to downtown. BB is our mixed-use zoning. So, it allows commercial on the first floor and apartments above. And they can go anywhere. And they are anywhere.

Mr. Silverman: But the key is there's no residential on the first floor.

Mr. Fortner: That's true, yeah. So, they could go anywhere. So, just like any zoning district, when we're talking about this one, if you create a new zoning district, this zoning will not exist anywhere in the City. And, so, a developer will have to ask for this zoning, or you can do proactive zoning and place it.

Ms. McNatt: As part of the Comp Plan, correct?

Mr. Fortner: Well it might not be as part of the Comp Plan. If it's high-density residential, then they wouldn't need a Comp Plan amendment if it's already high density. Because this would be considered high-density residential.

Ms. McNatt: No, but my question is that we could change the Comp Plan and say specifically we want whatever we're going to call this in this area. We're okay with this zoning being in this area, this area, this area, and this area. Can you do that?

Mr. Fortner: Well, you wouldn't have to do that. No. Because . . .

Mr. Silverman: We could do that though.

Mr. Fortner: Well that's really unconventional in a Comprehensive Plan. You're just designating . . .

Mr. Silverman: I know it's unconventional.

Mr. Fortner: You're just designating where you want high density.

Ms. McNatt: Right.

Mr. Fortner: So, you'd designate it high density. You designate it in your high-density areas and any high density could be appropriate there. But you don't have to give it that. You could give it an RM or what-have-you. So, if you want this zoning focused around campus, you just wouldn't approve it around anywhere else. Just like BB. We normally don't approve that outside of the downtown district, but we can, and we have. So, anyway, it doesn't exist, so Council and Planning Commission decide where these zoning districts will go. And you don't have to put it on Code because future Planning Commissions . . . maybe it will be appropriate somewhere else one day and so it's up to future Planning Commissions and Councils to decide where they want this thing. And, so, you just create the zoning and then let developers come and say we would like to change the zoning to this zoning district, and you decide if it's appropriate or not. Rather than putting . . .

Ms. McNatt: But doesn't my decision have to be based upon the Comp Plan? So, if there's nothing in . . . so, that's where I think it's appropriate to put it in the Comp Plan so that my decision, when I go to vote on something like this, I could say this is consistent to the Comp Plan or this is not consistent with the Comp Plan, and I can support it appropriately either way versus saying I don't like, you know, I can't say I don't like this in the RM down on Elkton Road because it's not appropriate.

Mr. Fortner: You do make your decision based on the Comp Plan. If the Comp Plan has it designated as high-density residential, it doesn't mean you have to approve this higher zoning if it's has a zoning of RM. You can say, I think appropriately, I think this is appropriate because this is an RM zoning and it should stay that way and it shouldn't get the higher zoning.

Ms. McNatt: But isn't that why we're trying to have the conversations of the focus groups? Isn't that why we're here?

Mr. Silverman: That's correct.

Ms. Gray: Yes.

Mr. Hurd: It's part of it.

Ms. McNatt: So, I don't understand . . .

Mr. Fortner: Well . . .

Ms. McNatt: I understand your point, I just don't necessarily agree with it.

Mr. Fortner: Well with the Comp Plan we designate where we want high-density residential and low-density residential. At least in our Comp Plan that's what we do. A lot of Comp Plans are just residential, and they don't . . .

Mr. Silverman: I think the Comp Plan is a separate issue. Let's get back to this proposal.

Mr. Fortner: It is. This is zoning, so what I'm just trying to say is you create this zoning district and then developers will request this zoning district or you can spot zone, not spot zone, but you can decide where to proactively rezone things yourself.

Mr. Silverman: Now with respect to Item, on page 2, Design, there's a reference to selected site plan approval options. Right now, that's a bucket to put things into. The recommendations here are not comprehensive. For example, I've got this notion that site plan approval options would get whatever bonuses are going to be applied to this if they exceed the DNREC-required stormwater requirements. Right now, it's no more than 30%. If the proposed developer says, look, with water gardens, etc., I can detain 50%. That kind of thing.

Mr. Hurd: And I would say some of those items could be in the list of LEED credits that we support.

Mr. Silverman: Right.

Mr. Hurd: Some of those are in there. I did want to just . . . I mean, I know you want to sort of get off the Comp Plan, but I think there's a key piece to that. Well, there's two pieces. One is, as we've been told many times, if we were to put this on the Comp Plan map, then the underlying zoning has to come into compliance within 18 months.

Mr. Silverman: That's correct.

Mr. Hurd: So, we wouldn't want to just say this is the new RX zone, because then it has to become RX-zoned. My internal challenge is how do we structure this in a way that it is enticing to ask for this zoning? Because, right now, it's a fairly busy and expensive, in some ways, zoning. Because there's a lot of additional site design. There's some land you're giving up. I think we need to make sure as we're considering this, that this is a, this will allow better use of existing lots that would normally be non-compliant, that they would have to, and I'll just use Haines as an example, to make that building work, they'd have to buy five lots to put that together.

Mr. Silverman: Correct.

Ms. Gray: Right.

Mr. Hurd: So, this is really, I think, got to be focused on people who have one or two small, and turn it over. So, I think that's something to think about as we're structuring this.

Mr. Silverman: Any other discussion? Mr. Stozek?

Mr. Stozek: I just have one question. I'm having a hard time visualizing this. We're talking about potentially something that could be between 16 and 32 units per acre.

Mr. Silverman: That's correct.

Mr. Stozek: And then we're saying . . . maybe I can understand saying no minimum parking requirements. But why would we say the amount of parking will be determined by the developer without any input from the City at all? So, what's required, depending on location and [inaudible]?

Mr. Hurd: I'll just, because this came up in parking . . . that's kind of what you're saying. You're saying there's no minimum and that . . . well, there's three ways you can do it. You can say there's no minimum number, so they can do up to that number or beyond. You can set a maximum number, which means they can't exceed it. Or, you can leave it completely on them. That's, in general, when people say that they've taken out the minimum parking requirements, they're saying to the developer, you figure out how many spaces you're going to sell with your units and how many you're going to need for the storefront.

Mr. Silverman: Remember, realistically, when getting financing, a bank is very conservative, and investors are very conservative. So, they're going to be making certain demands that are probably not going to be deviating that much from the kind of thing we see already. I don't think we're going to see a project with zero parking.

Mr. Hurd: Right.

Mr. Silverman: Who's going to lend money on that in the City of Newark?

Mr. Stozek: I guess if we believe that's true, then why wouldn't we write that into this. I realize this is preliminary but, to me, that just opens a can of worms.

Mr. Silverman: When we get to the public discussion stage, when this comes back to us for hearings, we can really get into the nitty gritty.

Mr. McIntosh: I think what would help me with this whole discussion is why did this come about in the first place? So what problem are we trying to solve?

Mr. Silverman: I think I can anticipate your question. This is . . . I've been around you for a while.

Mr. McIntosh: My wife says that sometimes.

Mr. Silverman: We're going to be discussing the focus areas, and the focus areas, one of the things that caused us to focus on the focus areas was the proximity to University properties and the number of development requests . . . your 28-ish . . . with a lot of those in close proximity to the focus areas we're going to be looking at in later agenda items. This may be an implementation tool for those focus areas. It's being handled separately as a zoning ordinance in parallel with the discussion of the focus areas. The focus areas may indeed use the existing zoning if it's determined the focus areas are going to continue to develop in the same kind of patterns that they are now. This will be an opportunity to put a . . . I can't call it an overlay . . . a blanket zoning over an area to allow flexibility instead of rezoning lot-by-lot and changing the Comp Plan lot-by-lot. Now there are also provisions for excluding, there's some discussion of excluding certain kinds of property. The University property, for example. The focus area may include University lands but, by Code, there's no City development control over those University lands. There may be existing zoning uses within a focus area that the group and the public will deem should be left in place and not made non-conforming. So, there's kind of a parallel track running here.

Mr. McIntosh: Well, all that's fine and good . . .

Mr. Silverman: Except?

Mr. McIntosh: But what bothers me is when the discussion first stated, we talked about overlay. Somebody mentioned the word and then others said no, and so we stopped saying it, but then we kept saying it. And then we found out that Counsel doesn't know what it is necessarily and will have to look it up. And then other people knew something about it. Why did that come into play? If that's a problem, when you said blanket and over, that sounds like an overlay to me, you know, without using the two words together. And, so, I don't have any problem with us being proactive about looking at the future and putting things together, but if we have a law or a restriction that's recently been put into place, then we should really fully understand that in the context of what this paper is trying to do.

Mr. Silverman: This is a new zoning district. It's not an overlay.

Mr. McIntosh: Well, I heard you say that, but I also heard you say the other thing, too. And not just you. All I'm saying is we need to be clear about what this overlay business is, and then how does that intersect with this new zoning so that we are clear that we're not bumping up against something that's not going to be able to be done?

Mr. Stozek: I agree. We need to be clear about what it is. We also need to be clear about why it was denied.

Mr. Silverman: Which? Overlay districts?

Mr. Stozek: Overlays. Because time and things change. This might have been something from 1950 . . .

Mr. Hurd: No, it was recent.

Ms. Gray: If I could, just a thumbnail sketch. I was working for Kent County at the time and that was a case in Kent County. It was the Coastal Zone Overlay versus the Farmers for Fairness, or maybe Farmers for Fairness versus Coastal Zone Overlay. One or the other. There was an area in Kent County that is environmentally sensitive . . . it has a lot of wetlands . . . and there was a district that said in this area, these things will prevail. These certain zoning attributes will prevail. This method is utilized frequently in planning, and the ruling . . . I'm not a lawyer, but the ruling indicated that you can't designate a zoning district just in one area of your jurisdiction, which that was. It was saying only in this area. And if you create a zoning district, it has to be available to your entire governmental entity. Your entire district. So that's a thumbnail sketch. If it would be helpful, I would be happy to work with Paul Bilodeau and/or Geena and get a write-up on that.

Mr. Silverman: The most common overlays are historic district overlays. Somebody declares that this is Old New Castle and then one of the things that applies in that district in Old New Castle is you can only use Williamsburg colors on the exterior of your houses. If you're across the street, outside of that historic district, you can use Sherwin Williams whatever. But in the district, you have to use the Williamsburg color palette. And that kind of thing, it has been declared you can't do that. It either applies to all or none. That's why this is not an overlay. It's a separate zoning district.

Mr. Hurd: Which does bring us back to that question of how do we, I don't want to say control, but how do we keep it to the areas of its appropriate usage?

Mr. Silverman: Proactive zoning.

Mr. Hurd: Except we can't quite do that.

Mr. Silverman: Why can't we quite do that?

Mr. Hurd: You mean rezoning . . .

Mr. Silverman: That's right. The City initiates the rezoning.

Mr. Hurd: Okay. But it's still going to be an available zoning district that can be put down anywhere.

Ms. Gray: Right.

Mr. Silverman: That's correct.

Mr. Hurd: And that's what I think is Ms. McNatt's issue and I think some others. But it sounds like we have to write it very carefully if we're going to write it, so that it doesn't lock itself to a geographic area necessarily. I don't know.

Mr. Silverman: Any other discussion by the Commissioners?

Mr. Cronin: Mr. Chairman, the question I have is the timing of this effort or concept for a new multi-family zoning district at all in any way with an eye toward any development projects that we're aware of already in the pipeline?

Mr. Silverman: Madam Director?

Ms. Gray: No.

Mr. Cronin: Okay.

Ms. Gray: It came up in the context of looking at these focus areas and realizing that when I was looking at the focus areas and saying, okay, is it more appropriate to be RM district or RA, which are our highest density zoning districts, and looking at the attributes in those zoning districts, and realizing that either/or, there are elements in the RM zoning district and elements in the RA zoning district which I think would promote the type of development that we would like to see in Newark and in dealing with smaller lots, because these focus areas are comprised of smaller lots. And, for example, the RM zoning district requires an acre, and we've seen a couple of developments come through that are asking for a variance from that. And some . . . I'm just using this as an example . . . some Commissioners at the time have articulated that they don't want to see as many variances coming through. And, so, in thinking this through, maybe we should look at enabling redevelopment of smaller lots. So, an RA zone requires two acres. So, that was the genesis of that and trying to promote the redevelopment of these areas at a higher density.

Mr. Cronin: Thank you.

Mr. Silverman: Are there any members of the public who would like to comment?

Ms. Gleber: I want to know about traffic. What's Cleveland Avenue going to do? How are they going to improve traffic on Cleveland Avenue?

Mr. Silverman: We're not discussing Cleveland Avenue, ma'am.

Ms. Gleber: You're discussing people living along Cleveland Avenue.

Mr. Silverman: No, we're not. We're discussing a zoning ordinance. A possible zoning ordinance.

Ms. Gleber: And you still have to consider traffic.

Ms. Silverman: Thank you, ma'am.

Mr. Kevin Mayhew: Kevin Mayhew, 103 Elma Drive. So, I think a couple of questions I might be able to shine some light on. Frank, you asked what was the reason behind this, and I'm proposing a new development project on New London Road, turning it in on Thursday, and when I looked at what I could build . . .

Ms. Gray: Oh, okay.

Mr. Mayhew: It's coming this Thursday.

Ms. Gray: That's exciting news. I knew you were doing it, but I didn't know . . .

Mr. Mayhew: I had 16 units per acre, it was the RM zoning, and I could build six-bedroom units like I did at Campus Walk I or, to try and get grad students in there, I could build two-bedroom units, 16 two-bedroom units. So why would I build 32 beds when I could build 72 beds and bring in that income? So, it's one of those things that if you do present this new zoning classification, I would probably jump at it because I do think there's a big market for two-bedroom grad student type housing, and this would help make that more feasible for the bankers to approve such a project. So, I'm looking forward to hopefully seeing this come about.

The other thing you guys were struggling over was how to control where it goes. The high density in your Comp Plan is the only place it can go. So, you don't have to worry about

Fairfield or Fairfield Crest. Nothing is high density over there. So, I think that's what's going to control where this zoning can be used. Thank you.

Ms. Gray: Thank you.

Mr. Silverman: Thank you. Is there anyone else that would like to speak? Ma'am?

Ms. Leslie Purcell: Leslie Purcell, I'm on Old Oak Road.

Mr. Silverman: Madam Secretary, did you get that?

Ms. Michelle Vispi: I got Old Oak Road but I'm sorry, I didn't get your name.

Ms. Purcell: Leslie Purcell.

Ms. Vispi: Thank you.

Ms. Purcell: So, I'm just curious, and I'm not really familiar with this at all, but would this include some of the neighborhoods that have big yards and, you know, wanted to put like a smaller unit like a back-house, that kind of thing? That's my question.

Ms. Gray: Thank you.

Mr. Silverman: Anyone else wish to comment?

Ms. Gleber: What did she say?

Mr. Silverman: Would it include areas that have relatively large lot zoning. Okay, hearing no additional . . . Ms. White? Three minutes.

Ms. Jean White: Jean White, District 1. I, actually, am still trying to understand this and I do not understand it. But what I wondered was, on the second page it talks about if over three stories. Does this have to be over three stories, or could it even be two stories, what you're proposing there? It didn't say that and I'm just wondering. It's talking about the number of bedrooms per unit, you know, but presumably this kind of zoning, if it happened, would not have to be over three stories. It could even be two stories, is that correct? Or not?

Mr. Silverman: As it's proposed, there's a maximum number of stories.

Ms. Gray: Correct. It's only proposed as a maximum number at this point. But I'm not sure whether, in a practical sense, whether two stories would get you up to 16 units per acre.

Ms. White: But you have to get up to 16, okay. Okay, say in three stories, can something in this zoning be three stories but is the object to get between 16 and 32 units per acre? Is that the purpose of it?

Ms. Gray: Yes.

Ms. White: That's the purpose. Okay. I guess I have other questions. I do like the idea, even for regular developments, let alone this, to have one- and two-bedroom units that are smaller. And, of course, I do like the idea, but I don't know about things that are more than three stories of senior housing and low-income or workforce housing, but the question is, is there some way to encourage that without getting very tall buildings, four stories or higher? I don't understand it yet, I'm just trying to figure it out.

Mr. Silverman: Thank you. Any other questions? Any other questions from the Commissioners? Madam Director, do we need a motion to move forward?

Ms. Gray: Well what is the pleasure of the Commission? Would you like to see more detail, a discussion of overlay districts, this more fleshed out? Would you like this recommendation framework to go to the Council for their thoughts to come back? No. Okay. That last one was a no. Okay. Got that one.

Mr. McIntosh: Why would you do that?

Ms. Gray: I'm just throwing options out there.

Mr. Hurd: My thought, and I don't know if others will follow this, I think what I would like to see is this framed up basically in the format of a standard zoning district.

Ms. Gray: Okay.

Mr. Silverman: A standard ordinance.

Ms. Gray: A standard ordinance.

Mr. Hurd: Standard text in the zoning district . . .

Ms. Gray: Okay.

Mr. Hurd: So that we can start to sort of see it as it is and go, okay, there's the density, there's the . . . and start to look at it that way.

Ms. Gray: Okay.

Mr. Hurd: Because I will say, despite my comments and such, I think I'm in favor of this. I'm just concerned about what could happen. Basically, unintended consequences and the potential of it not getting used as we intended.

Mr. McIntosh: I would pay a lot of attention to the kinds of questions that came about from the public and the Commissioners, and see how you can address them . . .

Mr. Hurd: Yes.

Mr. McIntosh: In a new document that makes it a little bit easier to comprehend the big picture and how that plays out.

Ms. Gray: Okay.

Mr. McIntosh: And I think you have to underlay the overlay, or whatever. I'm not sure what that means but you need to figure that out, too, and make it clear as to how that could impact or not impact what we're trying to accomplish. The overlay. That provision. Because you can't do that, right?

Mr. Silverman: Is there a consensus on that direction? Okay. Do you have all that?

Ms. Gray: Yes, if I could repeat that back to make sure that I've got it.

Mr. Silverman: Please.

Ms. Gray: So, I am going to structure this in an ordinance format and also include, obviously the format will address the questions and discussion that were articulated this evening, and beef up, further flesh out the intent of the problem we're trying to solve. The issue. And start looking at this in a number of ways, turning the prism, if you will, to try to see if we are going to create any unintended consequences.

Mr. McIntosh: Yeah, I think just to come back to it again, is whatever this ordinance or law or whatever provision about overlay, how does this not do that. You know, I mean . . .

Ms. Gray: Okay.

Mr. Silverman: Let's put overlay to rest. This is a brand new zoning ordinance that will be . . .

Mr. McIntosh: Then we're going to have to get our own speak different. Okay?

Ms. Gray: Okay.

Mr. Silverman: Okay.

Mr. McIntosh: Because the speak has been about overlays and even when you were trying to get away from it, you still came to it. So, how is it or not? You know, if it isn't an overlay, what is it?

Mr. Silverman: For example, overlay drifts into Comp Plan, which is where we're heading next because you can have overlays in your Comp Plan because we have high-density district overlays, or areas designated as high-density districts. So, I think that's where the confusion comes from.

Ms. Gray: And I think I have one more thing to address as well, Mr. Chair, if I may.

Mr. Silverman: Yes.

Ms. Gray: In addressing Commissioner McNatt's comment regarding fleshing out how this would be articulated in the Comp Plan. If this would trigger any changes in the Comp Plan. Okay.

Mr. Silverman: Good.

Ms. Gray: Thank you.

Mr. Silverman: Are you ready to move to Item 5 in our agenda?

5. CONTINUED DISCUSSION OF REZONINGS AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS FOR FOCUS AREA 5 – SOUTH CHAPEL STREET, AS DESCRIBED ON THE PLANNING AND DEVELOPMENT DEPARTMENT COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS MAP.

Mr. Silverman: Okay, taking up Item 5, to separate the previous agenda item from the one we're going to be speaking about now, we're dealing with Comprehensive Plan amendments. As was stated in our earlier discussion, a Comprehensive Plan amendment requires that the zoning match what the amendment talks about – high-density, low-density, commercial, office, residential. That comes within 18 months after the Comp Plan amendment is adopted. That's the way the state law is structured. So, our discussion now is just dealing with amending the Comp Plan, dealing with areas that have been identified as focus areas. That where our thinking is. This has nothing to do with the zoning, per se. That's a separate issue.

Okay, moving into Item 5 on our agenda, we are continuing the discussion we've had over several months over several meetings. Early on, it was concluded by the Planning Commission, by the professional staff, and to some extent by discussion by City Council members, that there were very active areas within the City of Newark that have come to the attention of the City with respect to rezoning, redevelopment, and Comp Plan changes. Within those areas, because of the way the Comp Plan is structured now, state law, and local tradition, the Comp Plan was being amended virtually, not virtually, was being amended often as a result of these

development requests, and there was a feeling that things were being done on a piecemeal basis. And, therefore, some of these areas should be looked at more comprehensively, hence that's why we're focusing on them. With staff, with public comment, and the comments from the Commissioners, we've identified six focus areas. Now, are the maps available to the members of the audience?

Ms. Gray: Yes.

Mr. Fortner: Well I just have them displayed there.

Ms. Gray: Yes is the answer.

Mr. Silverman: So, we're going to be dealing with, I know you can't see it from here, the areas that are circled. They're circled because these were the areas of general activity that we were focusing on. One of the things we're going to start on tonight is identifying the geography, the physical boundaries of those focus area so we have some idea of what streets, existing uses, parcels, might be included in the focus area. And this is just a first cut. The Planning Commission, in earlier meetings, also identified focus areas by priority, and some of that was driven by the request for development within each of these areas. So, even though we have six areas designated, we will not be discussing them 1 through 6. We will be discussing them, as per the agenda, in an order of interest by earlier Commissions and those interested in the focus areas. The Comprehensive Plan is intended to be amended to reflect the geography of these focus area to permit higher density, predominantly residential use. As I said in earlier remarks, by exclusion, University lands would not be affected with respect to development. They can continue to develop as they have been, and after public comments and deliberation by the Commission and the City Council, there may be areas within those focus areas that will not be subject to the zoning adjustment that's required by state law and the Comprehensive Plan land use process.

So, let's move into Agenda Item 5. Michael, will you give us a brief description?

[Secretary's Note: A link to the Planning and Development Department memorandum and supporting documents for rezonings and Comprehensive Development Plan amendments for Focus Areas 5, 2, 3, and 1 can be found at the end of this document.]

[Secretary's Note: During his presentation, Mr. Fortner referred to a PowerPoint presentation and Google Maps, which were being displayed for the benefit of the Planning Commission and public. A link to the presentation can be found at the end of this document.]

Mr. Fortner: This is the planning area around Benny Street where we see a lot of activity, particularly now around Benny Street. Benny Street, most of that is in this kind of boxed-in area. That, where you see a dark yellow, that's where it's currently designated in our Comp Plan as high-density residential. And then where it's lighter yellow, that's low-density residential. We see a lot of demand for high density there. We've had a couple of Comp Plan amendments there within the last year or two. They're shown on Benny Street and, so, the proposal would be, for the Comp Plan amendments, to change that to make that all dark yellow. Make it a high-density residential in that area. If you do that, within 18 months we'd have to change the RD zoning to a zoning that conformed with high-density residential, so, at a minimum, RM.

So, also on there we marked the current zoning and so you see in those kind of blue boxes, those are already zoned RM, so you wouldn't have to change the zoning in those areas if you change the designation to high-density. And then basically that box, most of that stuff would be yellow. Where the purple box is is a school district. That's zoned MOR, which is an industrial type of land use. We're proposing designating that, or at least it was discussed last month, to make that high-density residential, as well, with the zoning, I think you discussed an RA zoning

for that. And then there is a black line running on the east side of Chapel Street. I see a laser. Do you want me to do that?

Mr. Silverman: I'm trying to find it.

Mr. Fortner: Are you trying to do it? Is that the west side? Okay.

Mr. Silverman: There we go.

Mr. Fortner: I'm sorry, on the west side of South Chapel Street. So, everything east of that line, the Commission discussed changing that to an RA designation, as well, so including that RM, I guess. And so that street would be an RA.

Mr. McIntosh: Michael?

Mr. Fortner: Yes?

Mr. McIntosh: Is east left or right?

Mr. Fortner: It would be on your right is the east. That's going towards the ocean. And, so, the whole point is kind of talking about the zoning changes. So, those are all outlined on the map of just the different zoning changes that were discussed at the last meeting.

Mr. Silverman: As you can see, if I can get my pointer working here . . . there we go . . . as you can see, there's a whole variety of zoning within this area. One of the items of discussion was making lands more attractive for development by having one comprehensive zone, I'm sorry, zoning district, and that's what we were talking about earlier. For example, here's a bus yard that I believe the school district owns or the State of Delaware owns. Very, very valuable land for a very, what's now turning out to be a use that can be considered intrusive from an air pollution point of view, from a traffic point of view. So, by virtue of up-zoning and creating higher density, it makes it more attractive to be potentially developed. It was mentioned earlier by the Commissioners and by staff that we have a lot of very small lots in this area. That if you try to apply the existing zoning as we know them today, you end up with buildings that may not make sense in relationship to one another. There's an inability to share parking. There's an inability to share open space. Some of these lots were original lots that are those dimensions because there had to be a 100-foot separation between the well and the septic tank. And that's the reason it's 40 feet wide and 125 or 150 feet deep. Where there was a barn behind it for horses. So, the lot layout is totally obsolete and that's why, by potentially putting a higher zoning density over this area, it would develop more.

We will take comments in order, ma'am. When the Commissioners get done discussing, we open it up to the public, so hang in there.

One of the things we need to do is outline a general physical boundary of this area. And, Michael, if you can go back to the Google aerial.

Ms. Gray: If I could, Mr. Chair, before we get to that point, this map that we put together is an articulation of what I understood the recommendation to be. So, perhaps if we could poll the Commissioners to make sure that we got the recommendation correct, and then move on to defining the district.

Mr. Silverman: Makes perfectly good sense. The Commissioners have a copy of the packet as produced by the staff for Area 5. On that cover sheet are comments reflecting comments from the last Planning Commission meeting. Do they still hold or are there any additional comments to be made?

Ms. McNatt: I have a question. Specifically, I don't recall this being discussed in this detail at the last Planning Commission meeting. I'm assuming this was discussed two . . .

Ms. Gray: It was two . . .

Ms. McNatt: Commission . . .

Ms. Gray: Yes.

Ms. McNatt: Okay, thank you. Two meetings ago. Thank you.

Ms. Gray: My apologies.

Ms. McNatt: It's okay because I wasn't at the two meetings ago . . .

Ms. Gray: Oh, okay.

Ms. McNatt: But I am very pleased with the results of what was discussed and, from what I was thinking, this falls in line by providing the higher-density areas closer to the core of the University, where the students or the rentals may be best suited. So, I, in general, had the same thought process as what's shown here.

Ms. Gray: Okay.

Ms. McNatt: So, thank you for . . . the map looks great to me.

Mr. Hurd: Yeah, I would concur. This is, I think, in line with what we were discussing.

Ms. Gray: Okay.

Mr. Fortner: Mr. Chairman?

Mr. Silverman: Yes.

Mr. Fortner: On the map, Mary Ellen and I had a discussion about on the northern portion of the map where the line is RM, and this is where the apartments are. This apartment area here, it's an apartment building and then these are townhouse-style apartments. It's owned by the same owner. They're looking to do a redevelopment plan on there that would be of a higher density and maybe that whole site would be appropriate for an RA zoning. Right now, just this section would be converted to RA, or probably this whole half of a parcel if we wanted to divide the parcel.

Mr. Silverman: Keep in mind, we're not talking about what we're going to establish as the zoning district. All we're doing is talking about the appropriate focus area boundaries for the Comp Plan.

Ms. Gray: Oh, okay.

Mr. Fortner: Okay. That's fine.

Mr. Silverman: For those of us who have been around here for a few years, this used to be the old Budd Company parking lot and it ran from here to there, so it was literally almost half of a city block. So here we're hearing about a proposal where there's relatively recent buildings that if we were to designate this a focus area and come up with the appropriate zoning, as required by law, that there actually may be a redevelopment of that site. So, that's significant also. And it's a concentration of, as Stacy said, it's a concentration of activity. Can we have our exhibit back?

Ms. McNatt: He's probably trying. I do have a question. Can you split zone a parcel? I don't know if you can or can't, but I'm assuming you can because that's kind of what this black line represents. That some parcels would be split-zoned, or it would follow a property boundary.

Mr. Fortner: That's a guide . . .

Ms. Gray: Yes.

Mr. Fortner: I think we would keep with the parcels.

Ms. Gray: Yes. And, yes, you can split-zone but it's not advisable.

Ms. McNatt: Right. I didn't think so. So, just clarifying that the black line would probably follow a . . .

Mr. Fortner: Parcel line.

Ms. McNatt: Parcel line, in some way.

Ms. Gray: Yes.

Mr. Silverman: I think the . . .

Ms. McNatt: Okay, it would follow like this.

Mr. Silverman: I think the black line is a good place to start. If we can go back to your aerial photograph . . .

Ms. McNatt: Sort of like this, probably.

Mr. Silverman: Let's talk about what would be an appropriate boundary for this particular focus area. I spoke of the bus yard down here. In my mind, it's an underutilized piece of very valuable property with respect to what's happening with the University community. Even though this is a relatively new complex . . . I keep confusing this in my mind, is this Scholar Drive?

Ms. McNatt: University Courtyard Apartments.

Mr. Cronin: Yes.

Mr. Fortner: This is Scholar Drive. It's . . .

Mr. Silverman: It's University Courtyard Apartments?

Mr. Hurd: Yes.

Mr. Fortner: This is Scholar Drive right here where my arrow is.

Mr. Silverman: Okay. As we know from the local paper, the private ownership relationship has extinguished, and the University has taken over this property completely. One of the things we noticed, changing hats here, when we were doing the parking study is look at the sea of parking on this site. Here's an opportunity to, again, remove structures and come up with a complete master plan for a relatively large area that would provide open space, reduce parking and reduce problems that all that kind of parking brings with it. Let's talk about establishing . . .

Mr. McIntosh: Mr. Chairman?

Mr. Silverman: Yes?

Mr. McIntosh: I need a clarification. That piece there that the University just took over?

Mr. Silverman: Yes.

Mr. McIntosh: And then the bus yard, which is next to it?

Mr. Silverman: Yes.

Mr. McIntosh: Can we zone University property?

Mr. Silverman: No, we can't. But we can say that it's excluded from zoning with respect to any zoning ordinance that would be created for this area.

Mr. McIntosh: Okay. Because with all of my experience with the school district, which was vast up until recently, that bus yard has always been considered to be owned by the school district.

Mr. Silverman: Oh, okay, so it's not state?

Mr. McIntosh: I mean I'm not, I don't know, I haven't seen the paperwork, but . . .

Mr. Silverman: Right, but the point is right now it's being used for a bus yard . . .

Mr. McIntosh: Yeah, I understand. And there's been numerous occasions that they've talked about making that part of the high school because the high school was landlocked because they didn't acquire any of the property around them. And then they had the bus yard and so there was a lot of talk about that. And then they said, well where are we going to put the buses, so nothing ever happened. But my point in bringing it up is I believe that the school district, which I guess also means the state, owns that property.

Mr. Silverman: Can you zoom out a little more for us? Okay, this is the Pomeroy Trail.

Ms. McNatt: Were you asking where our boundaries should be?

Mr. Silverman: Yes.

Ms. McNatt: Okay, well my suggestion is the boundaries should be from Delaware Avenue, Haines, Chambers to Tyre Avenue. That's, I think, the boundary of the focus area. Because I think that everything else is either University, BC, which is off of . . . right? So, I think it's just the residential, small residential units that are still located in this area that should be rezoned to be a higher density residential area. So, I think that would be our boundary in this specific location.

Mr. Silverman: Would you be open to including the newly acquired . . .

Ms. McNatt: I said Tyre Avenue. Tyre Avenue is the . . .

Mr. Silverman: Okay, so here's Tyre.

Mr. Hurd: Right there.

Mr. Silverman: Okay then here's Tyre Avenue extended . . .

Ms. McNatt: Correct. But, well, it's called Tyre Avenue. But, yes, I think that boundary, because it includes the two bus depot lots and then the residential core that's still the lower density core, and then everything else is RM or RA. Correct, I believe?

Mr. Silverman: Do we want to take it up to Delaware Avenue?

Ms. McNatt: Well, I was thinking that . . .

Mr. Hurd: Yeah.

Ms. McNatt: Because there's some . . . yeah, because that RA extends to Delaware Avenue where the Courtyard Apartments are.

Mr. Silverman: Okay, so, we're talking about Delaware Avenue around to Tyre extended, including the bus yard that . . .

Ms. McNatt: Wyoming, up to Chambers.

Mr. Silverman: Shall we just come right across the bottom of Wyoming?

Ms. McNatt: Well, it's University of Delaware land, so I don't know that that's . . .

Mr. Hurd: It's Wyoming to Chapel, up Chambers and over.

Ms. McNatt: Yeah . . .

Mr. Silverman: Okay.

Ms. McNatt: Just the way it's kind of shown here.

Mr. Hurd: Yeah.

Mr. Silverman: Does that work?

Ms. McNatt: It's pretty much shown here.

Mr. Silverman: Okay.

Mr. Hurd: Yeah, I think that that's a fair area. Now, question, do we know that that apartment complex is going to revert to University zoning now that the University owns it? Is that how it works?

Ms. Gray: That's a good question.

Mr. Silverman: As I understand it, the University lands are decided on a case-by-case basis. It all depends what the agreement was. Somebody would have to research the agreement.

Ms. Gray: Yeah, we can look into it. Absolutely.

Mr. Hurd: Like this, I don't know if the bookstore is University or BB.

Ms. Gray: Right. Well it was zoned BB, that's why it had to go through the zoning process. So, that's an excellent question that I will look into.

Mr. Hurd: Okay.

Mr. Silverman: Mr. Cronin, you . . . I just saw . . .

Mr. Cronin: Well, in particular, the University Courtyard property, when it was developed, because the developer used tax-free bond financing, I guess one of the caveats of that kind of financing was that when the bonds were paid off, which was originally a 30-year period, it had to be [inaudible] the University.

Mr. Silverman: That was my understanding.

Mr. Cronin: The University was on-board with it at the time and apparently they've accelerated the payment of these bonds, so that accelerates the change of ownership. But that was set up as part of the original development concept and approved plan back in the early 2000s.

Mr. Silverman: Well if whatever zoning district that would be applied to this focus area, through a description could have exclusions. For example, University of Delaware lands would be excluded from the zoning ordinance. So, however the arrangement is, that would be one way of dealing with that.

Mr. McIntosh: But if you remove the University land there and the school district land, that's not much of a . . . you've taken a large chunk of that focus area and excluded it.

Mr. Silverman: Personally, I would not exclude the . . . if the school district owns it . . .

Mr. McIntosh: Which they do.

Mr. Silverman: Okay, then I would not exclude it. Let them, as a property owner, decide what they want to do with it. Instead of going for a \$10 million bond, if they want to sell a \$10 million piece of land, it's their decision. You know, the potential zoning in the Comp Plan would not affect them one way or the other if they want to continue their educational use.

Mr. McIntosh: Okay.

Mr. Silverman: But it has the potential of causing it to come back on the market, looking down the road.

Ms. McNatt: Can I make a recommendation . . .

Mr. Silverman: Sure.

Ms. McNatt: From an RA . . . so, the black line in the . . . do you mind if I use your pointer, your fancy pointer? So, the black line here splits that property. I'd recommend that the RA line start here, come across and then follow this boundary. So, it kind of splits the block. RA to the right east and then RM to the left. Does that make sense?

Mr. Silverman: When we get to the zoning recommendation. We're not there yet.

Ms. McNatt: Okay, sorry.

Mr. Hurd: I think the language is the properties that front on Chapel would be RA.

Ms. McNatt: Okay.

Mr. Fortner: So, the whole parcel. Not the . . .

Mr. Hurd: Yes.

Ms. McNatt: The parcel, correct?

Mr. Fortner: Yeah.

Mr. Silverman: And I understand your concern about drawing a line because there may be pieces of parcels that aren't covered by that line but they're in the same ownership. So, the front half of my parcel is one zoning and the back, potentially, is another zoning.

Ms. McNatt: What about the parcels that front on Continental that are . . . are they going to be . . . these parcels. Are those parcels recommended to be RA or RM?

Mr. Fortner: In your recommendation it's RM. It's properties that front South Chapel, so the whole parcel. So, there is that one parcel that does wrap around. So, it fronts it, so it wraps around it. But that would be . . .

Ms. McNatt: Oh, okay, so then it should follow like this?

Ms. Gray: Yeah.

Ms. McNatt: Oh, wait a minute. No, it should go like this.

Mr. Hurd: That one is an oddball.

Ms. McNatt: It's an oddball. Okay. Thank you for the clarification.

Mr. Fortner: Okay.

Ms. McNatt: Because it fronts . . . thank you.

Mr. Silverman: Madam Director, do you have enough information to establish the perimeter geography there?

Ms. Gray: Yes.

Mr. Silverman: Okay. Moving on, there was a question . . .

Ms. Gleber: High density. What does it . . .

Ms. Gray: Could you please come up to the microphone?

Mr. Silverman: Ma'am, please come up to the microphone. We haven't seen you here before, so our rules are that you come up to the microphone, you address the group, you give your name and how you want to identify where you live – by council district, street or whatever.

Ms. Gleber: My name is Marilyn Gleber. I live at 900 Baylor Drive in Nottingham Green.

Mr. Silverman: Thank you.

Ms. Gleber: I want to know what high density means.

Mr. Silverman: In this case, up to 16 units per acre?

Ms. Gray: Up to 32 units per acre. It's between . . .

Mr. Fortner: It starts at, well . . .

Ms. Gray: It starts at 11. It's between . . .

Mr. Fortner: Eleven, that's right.

Ms. Gray: It can range from 11 units per acre to 36 units per acre.

Ms. Gleber: How many people does that include?

Ms. Gray: It would depend upon the size of the unit. But units are measured like a housing unit. Like a townhouse would be a unit, or an apartment would be a unit. That's how it's counted.

Ms. Gleber: I'm an old citizen here. I've been here since 1940. Why is it we're striving to outdo the big cities? What is it that we want? What is it that we really want?

Ms. Gray: Mr. Chair, I . . .

Ms. Gleber: Smaller properties? More people? More traffic? In 25 years, you won't be able to move a car. It doesn't matter to you people. You're voting about getting more people. I'm worried about moving. Traffic is going to be so horrendous, people won't want to come to Newark. Thank you.

Mr. Silverman: Thank you.

Ms. Gray: Thank you.

Mr. Silverman: Mr. Prettyman, did you have a question?

Ms. Gray: Mr. Mayhew.

Mr. Silverman: Mr. Mayhew, I'm sorry.

Mr. Mayhew: No.

Mr. Silverman: Okay. And the other gentleman who was here?

Mr. Mayhew: I don't believe he did.

Mr. Silverman: Okay. Ms. White?

Ms. White: Hi, Jean White, District 1. I'm trying to understand this. So, for example, where the MOR of the bus lot has been rezoned already to RA, that doesn't put any pressure on the Christina School District? It just means if they did want to sell it . . . it doesn't do anything to them at all?

Mr. Silverman: That's correct.

Ms. White: Okay. From long involvement with the Christina School District, I know they need that for their buses and remember when they bought that. And also the larger bus lot, it would be hard to locate that some other place because many of their buses go from there more directly. So, the rezoning of it doesn't affect them. It just means if they ever changed. I don't know where they . . . for them to get other property for their buses would be very difficult. But it doesn't affect them if you rezone it, is what you're telling me.

Mr. Silverman: That's correct.

Ms. White: Okay. And then I do think from my view is I don't like the idea of extending the RA all the way up to Delaware Avenue. And I actually don't even like including the Tsionas property, which I saw from a plan that is in your future possible plans that she wants to tear it down and make it a five-story building. That may not happen though. It couldn't happen now. I think that that particular location it's too massive for right there. I think further down on South Chapel, that's appropriate. And particularly since South Chapel, when it gets to the end, other than going on East Park Place, it sort of ends right there. I mean, it doesn't exactly end, but . . . so, that's sort of a, it's not exactly a cul-de-sac, but it's not a through road straight south. So, anyway, my view is not to extend it up to Delaware Avenue definitely, and not even to include the Tsionas property, but to start after that. This is a part of town that, I shouldn't use the word a throwaway part of town, but it's . . .

Mr. Silverman: It's in transition.

Ms. White: I mean, I used to live on Chambers Street when I first moved here, so I've seen how that's evolved. And it sort of saddens me a little bit because they were all individual owners that lived in those houses and things happen to it, but anyway, that's sort of my thoughts.

Mr. Silverman: Thank you, Ms. White.

Ms. White: And, also, I see these parts that can be changed from low density to high density that have the dark blue rings around them. One is the church with a parking lot across it. So, the church can still stay there if you rezone it from low to high density, it just means if they change their mind or need to move, they could sell it for a higher amount, perhaps?

Mr. Silverman: That's correct.

Ms. White: Okay.

Mr. Silverman: In general, places of worship are permitted in virtually every residential district. In general.

Ms. White: Okay. I'm just trying to see the effect of things. Okay, thank you.

Mr. Fortner: Mr. Chairman, just a little clarification. For the school districts, where the MOR lot is, it's true that it's not forcing them to sell that property. But if you do change it, it would affect their ability if they wanted to sell it as an industrial property. They wouldn't be able to do that any longer.

Mr. Silverman: That's correct.

Mr. Fortner: So, it's probably a higher use as an RA in that particular location, but it is affecting them. It sort of makes it non-conforming, too, because they're using it as a bus parking lot, which I guess if it's accessory to the school, I guess that's permitted. But right now it's sort of an industrial type of use as a storage for the buses, so it would make it a little bit non-conforming. But the other place they store buses is RM, so that's . . . but I guess we consider that accessory to the school if it's being used that way. But it just . . .

Mr. Silverman: The question would have to be asked is an industrial use still appropriate in that section of Newark?

Mr. Fortner: Well, I think that's fine. Yeah. So, but it is affecting them and their ability to sell. It's probably improving their ability to sell, but it is a change of their zoning.

Mr. Silverman: That's correct.

Mr. Fortner: A very different change of their zoning from industrial to . . .

Mr. Silverman: That's correct. That's why I said at the outset, this is going to be very different in the sense that this is proactive.

Mr. Fortner: Yeah.

Mr. Silverman: This is not the owner initiating it. This is a recommendation that the City rezone and, in that case, create clearly a non-conforming lot. We have the general description of that? Yes? Ma'am? We want to close this out because we've got additional work to do. Yeah, come on up to the microphone.

Ms. Purcell: Okay, I was curious. The high-rise apartments, is that the seven-story you were referencing earlier?

Mr. Silverman: No.

Ms. Purcell: Is it higher? Do we know what high-rise . . .

Mr. Silverman: I don't understand your question. The high-rise apartments, what do you mean?

Ms. Purcell: It says high-rise apartments. How high are they?

Mr. Silverman: Which high-rise apartments?

Mr. Hurd: The RA-zoned.

Ms. Purcell: I don't know, it's the Zoning Code change it says.

Mr. Hurd: How tall can RA-zoned buildings go?

Ms. Gray: It can go up to seven-stories.

Ms. Purcell: Seven-stories. Okay.

Mr. Hurd: And that's existing.

Ms. Purcell: I'm just a little concerned. I look at the pictures. There are a lot of trees here and open space. If you start putting a lot of high density high-rise, you're going to create more heat, less cooling. We've already got a problem with it being a little too hot around here, and air quality diminishes also when you don't have the trees and that open space and water being able to be absorbed as well. So, I'd just like to bring that up.

Mr. Silverman: Thank you.

6. DISCUSSION OF REZONINGS AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS FOR FOCUS AREA 2 – CLEVELAND AVENUE, AS DESCRIBED ON THE PLANNING AND DEVELOPMENT DEPARTMENT COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS MAP.

Mr. Silverman: Moving on to Agenda Item 6, Focus Area 2.

[Secretary's note: A link to the Planning and Development Department memorandum and supporting documents for rezonings and Comprehensive Development Plan amendments for Focus Areas 5, 2, 3, and 1 can be found at the end of this document.]

[Secretary's Note: During his presentation, Mr. Fortner referred to a PowerPoint presentation and Google Maps, which were being displayed for the benefit of the Planning Commission and public. A link to the presentation can be found at the end of this document.]

Ms. McNatt: Mr. Chairman, are you looking for comments again?

Mr. Silverman: Yes, please.

Ms. McNatt: Oh, okay.

Mr. Silverman: I'm sorry.

Ms. McNatt: Do you want me to start?

Mr. Silverman: Please.

Ms. McNatt: So, in this area, I'm not clear why the RD on Prospect and the north side of East Cleveland were not considered as RMs, as they are on the south side of Cleveland and in the

other areas. It appears, to me, that if everything around it is RM, I don't know why we would leave that center core as RD, because I'm assuming with the University surrounding on three sides of this area, it would become an RM. But I don't . . . that's my instinct, from my information. And then the parcels to the left of . . . okay what road is that called, it's not on the map here, but between, is that North College Avenue and there's like 1, 2, 3, 4, 5, 6 parcels that are barely shown on the left side of the page. They're south of Ray Street but on the west of North College Avenue. You're going a little too far. The other way. So, those lots. One has a green roof.

Mr. Hurd: Yeah.

Ms. McNatt: It's on North College. Slow down.

Mr. Hurd: Stop.

Ms. McNatt: Give me that pointer. These lots right here. They're shown as RD on the map but surrounded by University of Delaware. So, again, this whole, I call this a little core with RM surrounding it, I'm not sure if that's the intent, I don't know why we didn't include it as a recommendation. I would recommend it to be RM potentially.

Ms. Gray: Okay.

Ms. McNatt: And then on the map I would remove this as an RM and see how that area progresses at some future date. I'm not sure why . . .

Mr. Hurd: That's a graveyard.

Ms. McNatt: Oh, that's a graveyard?

Mr. Fortner: That's a graveyard.

Ms. McNatt: Oh.

Mr. Fortner: It's high density.

Ms. McNatt: Are you going to dig up the bodies and . . .

Mr. Silverman: And you're in another focus area.

Mr. Fortner: So, the Planning Commission hasn't talked about this yet.

Ms. McNatt: How am I in another focus area? This is in 2.

Mr. Silverman: We haven't defined the boundary of the focus area yet.

Mr. Hurd: We haven't discussed this area yet.

Ms. McNatt: I thought you were asking for recommendations. I'm confused.

Ms. Gray: No, those are very good recommendations.

Ms. McNatt: Okay, so am I not following what we're supposed to be doing?

Ms. Gray: No, absolutely you are.

Mr. McIntosh: I just want to know why you're digging up bodies.

Ms. McNatt: I didn't realize this was a cemetery. Sorry.

Mr. Fortner: Alright, so on this map, the Planning Commission hasn't talked about this area yet. So, the areas that are boxed in that have RM, those are areas that you could change to high-density residential without changing the zoning. The light-yellow areas. So, you could change those. They're currently zoned low-density . . . not zoned . . . designated low density but they have a zoning that permits high density. So, you could change that density classification. And, so, the RD, there's what you said off of Prospect Street and on the western portion of Cleveland Avenue, those are something that you could change the zoning, the designation in the Comp Plan to high-density residential. It's currently low-density. And then you could change the zoning to either RM or above. So, you would propose that now. This is your first crack at this. That's why it's not, that's why you haven't . . .

Ms. McNatt: Got it. Sorry.

Mr. Silverman: That's okay.

Ms. Gray: No, all good suggestions.

Ms. McNatt: Thank you.

Mr. Silverman: Michael, if we could go back to the Google aerial again. And if you can zoom out so we can see the entire area.

Mr. Fortner: Is that what you want? Do you want me to zoom back more?

Mr. Silverman: Back more. The other direction.

Mr. Fortner: More?

Mr. Silverman: More. My thoughts on establishing this area are to use Paper Mill Road, to Bogy Run, right around to the White Clay, continue westward . . . where's New London Road? Is this New London Road?

Mr. Fortner: Yes.

Mr. Silverman: To New London, Bogy Run comes in here, come back down to . . .

Ms. Gray: The railroad tracks?

Mr. Silverman: Down Main Street, or New London Road. Is that New London Avenue?

Ms. Gray: Yes.

Mr. Silverman: New London Road to the railroad track. Up the railroad track back to Paper Mill Road. And at this point we're just designating the focus area, regardless of who owns it, whether it's floodplain, open space, City parkland, or University property. We'll get into the nitty-gritty of how it's zoned and who is included and excluded on the next cut as we deal with the zoning for that area.

Ms. McNatt: So, you'd like to combine Focus Area 1 and 2?

Mr. Silverman: No, Focus Area 1 is to our left.

Ms. McNatt: It includes portions of New London Road in the area you just suggested.

Mr. Silverman: Well it would be those properties to the . . .

Ms. McNatt: If you look at this larger map, Focus Area 1 is the some of the area you just suggested. New London Road down . . .

Mr. Silverman: Excluding Focus Area 1. I'm lost again. Is this the railroad track?

Mr. Fortner: Yeah.

Mr. Silverman: Okay, so we go up New London Road, so everything facing New London Road and to the west would be included in the area. So, the easterly portion of Area 1 would also be New London Road and New London Avenue and, again, go across the country club, over to the country club, around and then back down Main Street. Are you with me on this? Much easier. Thank you very much, Michael. So, down here, by the railroad track, Paper Mill, wherever White Clay comes around, whatever the creeks are that are here, and back to New London. A nice clean area geographically. That's just one person's thoughts on what would be an appropriate geography or geographical boundaries for the focus area.

Mr. Hurd: I think I almost want to keep New London in its own space, but I don't know if there's a convenient way to do that. Because I don't want to lose that little section of Cleveland Avenue between College Avenue and New London.

Mr. Silverman: Right in here.

Mr. Hurd: Yeah. I think it is a different animal in some ways than East Cleveland Avenue. But I think we've seen a couple of projects there that are shifting the tone of it. And I guess I would be in agreement that a larger focus area would be, in some ways, easier to deal with than two small ones and gaps.

Ms. McNatt: So, you suggested maybe combine 1 and 2 to make it a larger . . .

Mr. Hurd: It may make sense just to take, just keep going.

Mr. Silverman: Okay, so let's follow, wherever we are here, let's follow this stream.

Ms. McNatt: Or is it then too much?

Mr. Silverman: Michael, if you can shift over to the left side of the screen. Okay, here's the country club. There's another stream that comes up in here someplace. I believe this is the church and the nursing home. So, if we want to follow parcel boundaries or whatever the natural boundary is, come back down Main Street . . .

Mr. Hurd: To the train tracks, probably.

Mr. Silverman: So, we'd be coming around this stream valley up to the back of the country club, include or exclude the church and the nursing home, and then back down Main Street to the railroad track and back out the railroad track. Does that work?

Mr. Hurd: I would say so. I think there are similar issues going on in all those areas that we're seeing.

Mr. Silverman: Are we agreed on that area?

Ms. McNatt: I'm not sure of that yet. I like the idea of . . .

Mr. Silverman: Too big or too small?

Ms. McNatt: I like the idea of minimizing these areas to be smaller pockets versus larger, like combining 1 and 2, but I see your point.

Mr. Silverman: Remember, this is a Comp Plan designation.

Ms. McNatt: Yes.

Mr. Silverman: We can't use the "o" word.

Ms. McNatt: I didn't say the "o" word, you did.

Mr. Silverman: I know.

Ms. McNatt: But I do like that they're different areas because the area between . . .

Mr. Silverman: When you say they, how are you dividing them?

Ms. McNatt: The focus areas. I like that they're different focus areas specifically now. I'm not saying I have a division already but I do see a transition from New London to South College. That location, the area to the north of Cleveland Avenue, I see that as some type of transition. And I don't know if it's going to be the same. Maybe they are the same.

Mr. Silverman: This is dominated by the University.

Ms. McNatt: Correct, and that's why I'm saying maybe it's a transition between two focus areas.

Mr. Silverman: Okay. There's a cemetery in here, I believe, a church, single-family detached housing, some attached housing, and some relatively new, newly built, single-family detached housing. And this aerial is old enough that it does not show the new construction that's here. And no puns intended, but are we split on this?

Ms. McNatt: I'm the only one. It's whatever everybody wants to do. If the majority is let's combine them, I'm not going to be against it. I just gave my two cents.

Mr. Silverman: This is the beginning, not the end. This is to get something moving and something for us to deal with.

Mr. Fortner: When you make them bigger, it just makes all the parcels smaller and it's hard to get into each of the little designations, especially when you're dealing with a lot of little lots.

Mr. Silverman: That's the whole purpose.

Mr. Fortner: What's that?

Mr. Silverman: We're not worrying about a lot of little lots.

Mr. Fortner: Well, every little parcel has a designation and has a zoning.

Mr. Silverman: That's correct.

Mr. Fortner: And, so, it just makes it . . . these focus areas, I guess you can make them whatever you want but when I make the maps, you're going to see more on the map and sometimes the details aren't going to be fleshed out as well. I mean the Comp Plan already has areas, we're trying to create these focus areas, which is fine, but really what we're doing is where do you want to designate places that are currently low density and make them high density or change the currently designation of them. And, so, it doesn't really matter what you make your focus areas. I mean we're going through this exercise . . .

Mr. Silverman: It's very important what you make your focus areas because it's a very broad brush.

Mr. Fortner: Well, you're still going to go through and you're going to have many focus areas, or you're going to have many different land uses in that, so the trick is to identify the places that are not at the most optimal that you want to change. And, so, you're doing this and there

are several areas in the City where that is happening. Where you're seeing a lot of demand for change and Comp Plan amendments, so we're focusing on those areas where there's lots of demand for Comp Plan amendments. And you don't want to do that anymore. You want to just give them, to change the designation to what you want it to be.

Mr. Silverman: That's correct.

Mr. Fortner: Yeah, so I guess either way, it's just as you create one big one, you're seeing it from a bigger view, so you don't see the details. And, so, sometimes in this process, it's helpful to be able to see the details of what each parcel is so that you can better make a decision. Otherwise, if you just had one and it was city-wide, then you'd just have one focus area but it would be city-wide. You're taking away some of the focus when you're making them bigger.

Ms. McNatt: And in looking at this, if you put 1 and 2 together, there is a transition between the two because it literally is split by University property. So, there really is an area that's to the west of all University property and then there's an area that's to the east of all University property, so I think that is a good location to split two different areas.

Mr. Silverman: That was part of the thinking with establishing Area 1 and Area 2. The University is a use that probably is not going anywhere and probably would not be influenced if it had a city zoning designation around it.

Ms. McNatt: Okay.

Mr. Silverman: But for descriptive purposes for a Comp Plan amendment, the outline, the perimeter, the geography that we've used works. The application of zoning gets into some of the detail Michael is talking about.

Ms. McNatt: I like the separation of 1 and 2.

Mr. Silverman: Okay. Consensus on that? For talking purposes.

Mr. Hurd: Sure.

Mr. Silverman: Madam Director, do you have . . .

Ms. Gray: Yes, that makes sense.

Mr. Cronin: I like it.

Ms. Gray: Okay, yes.

Mr. Silverman: And let's move on to Item 7.

Ms. McNatt: Wait. Have we decided we're definitely keeping a separate 1 and 2? Is that what we've decided at this point?

Mr. Silverman: We're not moving away from the original proposal, which had them separated.

Ms. McNatt: Correct, but I thought we were back to determining a boundary. And if we're keeping them separate, don't you want us to decide on a physical boundary as a group? Is that what we're doing?

Mr. Silverman: My fault. I thought we were talking about New London Avenue and New London Road down to Main Street, extending out to wherever the old Ice House used to be. I believe it's Bogy Run. Okay, let's find a pointer here. Where are we? That's Hollingsworth lot extending . . .

Ms. McNatt: Now you're in Area 1 at this point. I thought we were trying to determine Area 2.

Mr. Silverman: No, I'm at the border of Area 1 and Area 2.

Ms. McNatt: No.

Ms. Gray: No.

Mr. Hurd: No, so I think we were looking at the original . . . if you look at the Focus Area 1 map . . .

Ms. McNatt: Can you put them together?

Mr. Hurd: See the gray area, the green area, blue area, that would be the dividing space between . . . go to the right.

Ms. McNatt: The UD property.

Mr. Silverman: Okay.

Mr. Hurd: That sort of contiguous mass splits 1 and 2.

Mr. Silverman: So, you're talking about coming down here . . .

Ms. McNatt: Coming to the railroad tracks, going over to Main Street, go up to . . .

Mr. Silverman: Over the railroad tracks.

Mr. Hurd: Right.

Ms. McNatt: The church . . .

Mr. Silverman: Okay.

Mr. Hurd: So, Area 1 would get a little bigger, I think, to pick up Main Street.

Ms. McNatt: Correct.

Mr. Silverman: Okay I see what you've done. So, now this area becomes Area 1.

Mr. Hurd: Right.

Ms. McNatt: Correct.

Mr. Silverman: And the balance of everything to my right would be Area 2.

Mr. Hurd: Correct.

Mr. Silverman: With the University properties being the dividing lines between physical land uses.

Ms. McNatt: To the railroad tracks, to Paper Mill Road, to White Clay Drive or whatever road you suggested, to those little lots.

Mr. Silverman: Well, actually beyond White Clay Drive. Whatever the stream is that's back up in here.

Ms. McNatt: Yeah, you said whatever . . .

Mr. Silverman: Even though a City park and floodplain and all the rest of that.

Ms. McNatt: Right.

Mr. Silverman: Okay.

Ms. McNatt: That's how I see the boundaries to be.

Mr. Hurd: Yeah.

Mr. Silverman: I concur with that.

Ms. Gray: Okay, so we have the, within these boundaries, by designating these boundaries, we're indicating that the recommendation is to designate areas, these as areas of high-density residential. Is that correct?

Mr. Silverman: That's correct.

Mr. Hurd: No.

Ms. McNatt: I don't agree with that. No.

Ms. Gray: Or we haven't gotten to that point yet?

Mr. Hurd: These are just the boundaries of the focus area.

Ms. Gray: So, we just have the boundaries and now we're going to take the next step at the September meeting to further articulate what areas within these areas would be designated as a recommendation for high-density residential, correct?

Mr. Silverman: Do we want to do that?

Mr. Hurd: I don't think I'm ready to do that now.

Ms. Gray: Right. That's what I mean. At the next meeting. So, we'd come back with lines drawn around these specific areas and then staff would make a recommendation just to further the discussion to designate particular parcels, if you will, for high-density residential.

Mr. Hurd: Yeah, I think given our time and the amount, I think today's focus might just be on making sure that we're clear about the boundaries of the focus areas.

Ms. Gray: Yes.

Mr. Hurd: Because we've seen that they're a little amorphous.

Ms. Gray: Yes.

Mr. Hurd: And I think my recommendation is to do them maybe one at a time, so we can really get into one focus area and say let's talk about where's the density. Where's the Comp Plan out of synch with the zoning underneath of it, and that kind of . . .

Ms. Gray: Yes.

Mr. Hurd: Like we did with 5.

Ms. McNatt: Five.

Ms. Gray: With 5, yes.

Mr. Silverman: Are we ready to move on?

Mr. Hurd: I think so.

Ms. McNatt: So, we did 2, 1, what's next?

Mr. Hurd: So, we've covered 1, do you think? Focus Area 1?

Mr. Silverman: I think we've covered Focus Area 1. Now with respect to getting to it on an agenda to decide the detail, do we want to move one up because it's being subject to development pressure? The same way we looked at Benny Street and made it a higher priority.

Ms. McNatt: When you say pressure, do we have lots of applications for some reason in that area?

Ms. Gray: I'm sorry, for which area?

Ms. McNatt: Area 1.

Mr. Fortner: Just that Kevin Mayhew just announced that . . .

Mr. Silverman: Yeah, that this Thursday . . .

Ms. Gray: That's the only application. We don't have any in-house.

Mr. Silverman: But it's a significant portion of a relatively small area.

Ms. McNatt: I don't, I mean, do you know that for a fact? I'm not sure . . . I don't know that for a fact.

Mr. Silverman: Eyeballing the lots.

Ms. McNatt: But does he . . . I guess I don't understand how much he owns and how much . . . I don't understand how you're making that assumption. And where it's located.

Ms. Gray: The history of looking at this area, well the history of designating these focus areas are areas that have previously seen activity for Comp Plan amendments and rezoning, as well as areas that are close to the University and they make sense to have or make them more conducive for redevelopment. And, so, and then so we are articulating properties that are currently zoned RM but that could be or should be designated as high density. So, the conversation is to articulate what is the focus area if this is an area you want to move forward with. And then the next step would be what areas, at a future meeting, would you like to see designated as high density residential, as we just did on the Haines Street.

Ms. McNatt: I completely understand that.

Ms. Gray: Got it.

Ms. McNatt: I think though that somebody suggested we move Focus Area 1 up into the list higher because of some development activity and if there's something that we know about or I don't understand a Thursday application, or somebody mentioned that.

Ms. Gray: Okay. Correct . . .

Ms. McNatt: I'm just trying to see where that may be in this Focus Area 1.

Ms. Gray: I haven't seen the application yet, so I don't know.

Ms. McNatt: That's what I'm trying . . .

Ms. Gray: I know that it's on New London Road and it's an extension of Campus Walk.

Ms. McNatt: Right. Okay. Thank you. We don't know where that is.

Ms. Gray: Sure. As soon as we get it, we'll post it and you'll be able to see.

Ms. McNatt: That's what I was trying to point out, that we don't know where it is.

Ms. Gray: Gotcha.

Mr. Cronin: Mr. Chairman?

Mr. Silverman: Yes?

Mr. Cronin: I'd like to I guess share a suggestion or observation that if we're going to be recommending, at some point, a change to future use for high-density usage, I think part of this process ought to, before we do so, include a letter to each property owner that does not have that current zoning to let them be aware specifically 3-4 weeks ahead of time that this sort of action is being contemplated. Because, you know, we might think it's benign and a good thing to do impacting their property value in the future one way or the other, but yet they might think more traffic, I don't want that. So, if there's a groundswell one way or the other, I think we're wrong to make a future zoning consideration or change or recommendation without even getting any notice to properties that would be affected.

Mr. Silverman: Remember, this is a recommendation that will be put in ordinance form to make a change to the Comprehensive Plan. When it comes back from Council, then all the public notifications, hearings and reviews kick in.

Mr. Cronin: Does it have to come back from Council? Council, they can make an ordinance . . .

Mr. Silverman: There's no requirement to notify every property owner of a change in the Comprehensive Plan.

Mr. Cronin: I'm suggesting it would be appropriate to do so, given the change of this magnitude and this usage.

Mr. Silverman: I agree.

Mr. Cronin: For consideration, at least.

Mr. Silverman: I agree, but . . .

Mr. Cronin: Being good stewards and good citizens of the community.

Mr. Silverman: Let's ask the staff to come up with a recommendation how notification should be . . . individual property owner parcel notification should be part of this process.

Mr. Cronin: Yeah, I think just like you put the yellow signs up for the zoning changes and things like that, that's notification.

Mr. Silverman: Now in my mind, the public notification would come about during the rezoning process if there is one.

Ms. Gray: Mr. Chair, if I may. The ordinance requires that for any rezoning the property owner be notified, as well as property owners within 300 feet of that property. So, should an ordinance move forward to rezone a property or properties, then that notification occurs. And

that notification would start at the Planning Commission because that would be where the recommendation would start. For a Comprehensive Plan amendment, which is what we're talking about this evening, but we're also talking about rezoning, but that would be at a later time, so a Comprehensive Plan amendment, to go from low density to high density, individual parcel notification is not required. Public notification that it's on the agenda and then going to the recommendation to Council, that would be required. What I hear you saying is how could we notify the property owners in that area if a Comprehensive Plan re-designation is contemplated. Is that a fair . . .

Mr. Cronin: Yeah, it's basically an invitation for developers and others to come by and say, oh, we're likely to get good use from your property. How about selling it to me for assembling properties for some future development. It just seems like the more transparent and more shared knowledge early on is probably, you know, is better all the way around.

Mr. Silverman: As you see tonight, all of us, including myself, keep blurring this line between rezoning thinking and Comprehensive Plan amendment, so we need to keep those two items separate. There's ample public opportunity for getting involved.

Mr. Cronin: That's just a thought I shared.

Mr. Silverman: Yes, and I agree.

Mr. Stozek: I would just say that I agree there's ample opportunity if people are aware that it's happening. That's the problem that typically happens is it may be published in the City newsletter or it's an agenda item, but people in general do not know these things are going on. Depending on what we come up with, I think there needs to be a general notice of some sort or maybe a series of town meetings or something conveying the information.

Ms. Gray: Right. Good thought.

Mr. Silverman: There's no reason why there couldn't be workshops.

Mr. Stozek: Yeah.

Mr. Silverman: Now I am going to follow the practice of our past Chair. It's the 9 o'clock hour. Do we want to continue our discussion? We have . . . how many focus areas do we have remaining?

Mr. Fortner: Well there's just this one right here is the last focus area.

Ms. McNatt: Three is the last one.

Mr. Silverman: We have one more focus area. Do we want to extend for another ten minutes?

Mr. Hurd: Mr. Chair, you have the prerogative to extend to 9:30 without the . . .

Mr. Silverman: If there's no objection, I'd like to extend for another 15 minutes.

Mr. Hurd: Okay.

Mr. Silverman: Frank, are you good with that?

Mr. McIntosh: I am but you know my objection is when you build an agenda that is bound, by its very nature, to go beyond the time that is set for the meeting, that is wrong. The agenda should be able to be accomplished in the time that's allotted. That's what we set up. And we set it up, but we haven't followed it.

Mr. Silverman: If you feel that strongly, I'll entertain a motion to adjourn.

Mr. McIntosh: No, I'm okay. I'm just saying . . . I'm not okay. I'm lying when I just said that. But what I am saying is that we need to be a little bit more realistic about what we expect to accomplish within the timeframe we have. And I'm not putting this on anyone; it's collectively. We need to say this is what we're going to do and when we're going to do it and how we're going to do it. And if this agenda . . . in my past life if I brought an agenda like this to a board meeting, I'd get fired. Not right away, but if I brought it a second time. So, I'm just saying our obligation in creating the work plan for the evening is to test it. Does this make sense? Can we do this in this period of time? How do we get around that? And that's what we should focus on. I think we should complete the task. We're this far and we need to complete it. But I really feel we have to become serious about that. I honestly feel that we start making bad decisions the later we go. Or decisions that are not as good as they could be. Put it that way. So, I would recommend that we continue and finish this.

Mr. Silverman: Okay. Thank you.

7. DISCUSSION OF REZONINGS AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS FOR FOCUS AREA 3 – NEW CENTER VILLAGE, AS DESCRIBED ON THE PLANNING AND DEVELOPMENT DEPARTMENT COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS MAP, IF TIME ALLOWS.

Mr. Silverman: Michael?

[Secretary's note: A link to the Planning and Development Department memorandum and supporting documents for rezonings and Comprehensive Development Plan amendments for Focus Areas 5, 2, 3, and 1 can be found at the end of this document.]

[Secretary's Note: During his presentation, Mr. Fortner referred to a PowerPoint presentation and Google Maps, which were being displayed for the benefit of the Planning Commission and public. A link to the presentation can be found at the end of this document.]

Mr. Fortner: Yes. This is New Center Village. It's just north of downtown, where the Walgreens is and HomeGrown. It's a residential single-family house neighborhood and there are some apartments scattered throughout there. And, of course as we mentioned earlier, there's a cemetery. But those are single-family houses. They used to have an overlay that never got used, but it was to encourage density in that area. So, if proposed, we could make this an RM area and let it be developed like a downtown. We do have BB, too, on the west side of Center Street there.

Mr. Silverman: And it's understood the word overlay was in quotation marks.

Mr. Fortner: There was an overlay that we did over there.

Mr. Hurd: I think at the time, overlays were legal.

Ms. Gray: Yes, they were.

Mr. Silverman: Okay . . . go ahead.

Mr. Hurd: I was going to say, I think looking at this, based on our previous discussions about boundaries, I think that the boundary, I'd like to propose the boundary for Focus Area 3 as being from the Hall Trail up to the train tracks . . .

Mr. Silverman: Okay, here's the trail.

Mr. Hurd: Up the trail . . .

Mr. Silverman: Okay.

Mr. Hurd: Down the train tracks . . .

Mr. Silverman: Okay, here's the railroad tracks.

Mr. Hurd: And then, basically, the properties fronting on Center Street. So, coming down Center Street and everything fronting on that . . .

Mr. Silverman: Okay.

Mr. Hurd: And then coming back across on Main.

Mr. Silverman: Back over to the Hall Trail.

Mr. Hurd: Back to the Hall Trail.

Mr. Silverman: Okay.

Ms. McNatt: I like it.

Mr. Cronin: The Pomeroy Trail.

Mr. Silverman: Pomeroy.

Mr. Cronin: It's the Pomeroy Trail.

Mr. Hurd: Oh, I'm sorry. The Hall Trail is down . . .

Ms. McNatt: By the other railroad tracks.

Mr. Silverman: I think we knew what you meant.

Mr. Hurd: Trail. The green line.

Mr. Silverman: Okay, any other discussion on that as being appropriate boundaries for this particular focus area? Public comment? No public comment. Okay, Madam Director, do you have any other . . .

Mr. Cronin: I've got one comment, if I may.

Mr. Silverman: I'm sorry. Yes, please.

Mr. Cronin: If we're including the BBs on two blocks on Main Street like that, why wouldn't other property owners along Main Street that are also BB want to have the same designation for their property at some point? I mean as a sense of equity here, I think maybe we should make the boundary to not come down to Main Street, but to go down to the rear property lines of those BB properties on Main Street.

Mr. Silverman: Given your thought, it just popped into my mind that BB was constructed so that, per my recollection, all of Main Street would not turn into residential. That BB would force commercial to always remain on Main Street. And with that philosophy in mind, I agree with you that it should be the rear property lines of those properties facing Main Street. Are you with me?

Mr. Cronin: Yes.

Mr. Hurd: So long as that when we get to Chapel, we then go down Chapel and come back over. Because I want to make sure we include that block of . . . I want to make sure that North Chapel Street is in this focus area.

Mr. Silverman: Oh yeah. Particularly on the shopping center side.

Mr. Hurd: That street is ripe for something better.

Mr. Silverman: So, to go along with Commissioner Cronin, I guess . . . are we looking at parcel maps here also?

Mr. Fortner: These are parcel maps, yes.

Mr. Silverman: Okay, so what we're talking about is the actual district would be everything above my pointer.

Mr. Hurd: Right.

Mr. Silverman: Down here, up the railroad track, including the cemetery, down the University property, back, and Main Street as a reference, but the reference would be the rear parcel lines of those parcels facing Main Street. Does that get to your point, Bob?

Mr. Cronin: It does except that why would we include the cemetery. We're never going to change the use of that, are we? Is the City? Because it seems kind of . . .

Mr. Silverman: It's been my experience in planning that, I know it doesn't sound very popular, but cemeteries are transitory. They come and go. Churches disappear. They sell land. They move bodies. The parking lot for the Wilmington Hospital sits on a cemetery, so never say never.

Mr. McIntosh: Well I'm not getting buried there.

Mr. Cronin: Just a question.

Mr. Silverman: Yeah. Now if you feel it would make people more comfortable with the area if we excluded the cemetery, because it's quite distinct, it's a very distinctive boundary, much like the railroad would be, I have no personal objection. I don't have a feeling one way or the other about excluding the cemetery.

Mr. Hurd: And I'll add since it was proposed by me, if we're looking to exclude the existing BB then, yeah, we can come across on . . .

Mr. Silverman: Do you want the pointer?

Mr. Hurd: Well . . .

Mr. Cronin: It would be New Street.

Mr. Hurd: It's there, down, across, down, over and back, basically. Because, you know, we're not . . . that's the Catholic church, so I think it's basically all the non-BB properties fronting on these streets. If that's the way to explain it that way.

Mr. Silverman: That makes sense. Somebody can find it on the property map.

Mr. Hurd: Right, because I think you're also right, Bob. That's BB-zoned and there's no higher to go. You know, we could say it's already high density. It's sort of its highest and best use in the area. So, it's not really something for us to look at and say, what should that be?

Mr. Silverman: Okay, that, I believe concludes our active agenda for this evening.

8. DISCUSSION OF REZONINGS AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS FOR FOCUS AREA 1 – NEW LONDON ROAD, AS DESCRIBED ON THE

**PLANNING AND DEVELOPMENT DEPARTMENT COMPREHENSIVE DEVELOPMENT PLAN
AMENDMENTS MAP, IF TIME ALLOWS.**

[Secretary's note: Discussion of rezonings and Comprehensive Development Plan amendments for Focus Areas 1 was combined with the discussion of Focus Area 2 (Agenda Item 6).]

9. NEW BUSINESS.

Mr. Silverman: Do the Commissioners have any other discussion? Madam Director, do you have any discussion?

Ms. Gray: No sir.

Mr. Stozek: I have one quick question totally unrelated to this. Since there's a new development project for Hillside Road, for the Dickinson dorms . . .

Ms. Gray: Yes?

Mr. Stozek: I think I read somewhere, whether it was in the Post or in a City notice, that at some point in the future, there was going to be a public meeting about that project. Anyone remember seeing that and is there any date that's been set for it, that you know of?

Ms. Gray: Planning has not had a role in any public meeting outside of, nor would we, outside of Planning Commission meetings.

Mr. Stozek: It may have been a statement by the developer.

Ms. Gray: It might have been a statement by the developer, yes. And usually if there's a community meeting, that is coordinated by the district Council person and the developer. And I think you're correct. I think the applicant did mention in the paper that they would be looking to have a community meeting.

Mr. Silverman: Another item was brought to my attention that I assumed belonged to City Council and not to us since it was advertised by Renee [Bensley]. Do we need . . .

Ms. Gray: A motion. We need a motion.

Mr. Silverman: Do we need a motion to approve the joint meeting minutes?

Ms. Gray: Yes.

Mr. Silverman: Okay. I see it being nodded. The Chair will entertain a motion to approve the minutes of the City of Newark, Delaware, City Council and Planning Commission Joint Meeting Minutes of July 17, 2018.

Mr. Hurd: I so move.

Mr. Silverman: Is there a second?

Mr. Stozek: Second.

Mr. Silverman: Okay, it's been moved and seconded. Is there any discussion? All those in favor of the motion, signify by saying Aye. All those opposed, signify by saying Nay. Motion carries.

MOTION BY HURD, SECONDED BY STOZEK THAT THE MINUTES OF THE JULY 17, 2018 CITY COUNCIL AND PLANNING COMMISSION JOINT TRAINING SESSION BE APPROVED.

VOTE: 6-0

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

MOTION PASSED

Ms. McNatt: Are we making a motion to adjourn? Is that what we're doing, or can I . . .

Mr. Silverman: Do you have a comment?

Ms. McNatt: Well I have a question.

Ms. Gray: Oh.

Ms. McNatt: On our next agenda . . . I'm sorry, Mary Ellen . . . on our next agenda, do we have any future projects coming for the next agenda that you're aware of that are ready to go?

Ms. Gray: It depends upon the applicant.

Ms. McNatt: Okay, so there's potential.

Ms. Gray: Yes, there is the potential to have 0 Paper Mill. And, here again, it depends upon their resubmission.

Ms. McNatt: Okay.

Ms. Gray: And possibly . . . we have a conference call regarding the memory care assisted living facility. They were teed up to move forward and probably by this meeting, but DelDOT . . . we're talking with DelDOT and it looks like they are requiring a decel lane, which would change the footprint, which would make them go up to three stories. So, we have a conference call with them this week to talk about that. So, there's been a couple of plans that we thought were ready to go on our end but there were some hiccups.

Ms. McNatt: Okay.

Ms. Gray: That's a good question. And I know we all need to go, but if it will be helpful to the Planning Commission to include a brief update of the status of the projects that we have in-house, I'd be happy to do that. We have a big spreadsheet that we have that we keep of the status of all the projects. So, we'd be happy to share that with the Planning Commission if that would be helpful to see . . .

Ms. McNatt: Just to see . . .

Ms. Gray: Where everything is.

Ms. McNatt: Which ones are coming closest. Because I like to put more emphasis on my time on those projects that are coming closer to the forefront so that I can, you know, really understand the issues.

Ms. Gray: Sure. So, we'll include that, maybe in my remarks include an update on any of those outside of what's on the spreadsheet just to let everybody know.

Ms. McNatt: Thank you.

Ms. Gray: You're welcome.

10. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

- b. AMERICAN CITIES ARE DROWNING IN CAR STORAGE**
- c. WHY ARE DEVELOPERS ONLY BUILDING LUXURY HOUSING?**

Mr. Silverman: Okay, the Chair entertains a motion to adjourn.

Mr. Cronin: So moved.

Mr. Hurd: So moved.

Mr. Silverman: Second?

Ms. McNatt: Second.

Mr. Silverman: All those in favor, signify by saying Aye. All opposed, Nay. The motion carries.

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

VOTE: 6-0

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

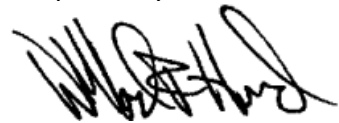
NAY: NONE

ABSENT: FIRESTONE

MOTION PASSED

There being no further business, the Planning Commission meeting adjourned at 9:21 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 memorandum \(LEED Certification Standards\)](#)

Exhibit B: [Planning and Development Department memorandum \(New Multi-Family Zoning District\)](#)

Exhibit C: [Planning and Development Department memorandum \(Rezoning and Comprehensive Development Plan Amendments – Focus Areas 5, 2, 3, 1\)](#)

Exhibit D: [Planning and Development Department presentation \(Rezoning and Comprehensive Development Plan Amendments – Focus Areas 5, 2, 3, 1\)](#)