

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

September 4, 2018

7:00 p.m.

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

Chairman: Jeremy Firestone

Commissioners Present: Bob Cronin
Will Hurd
Frank McIntosh
Alan Silverman
Bob Stozek

Commissioners Absent: Stacy McNatt

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

Mr. Jeremy Firestone called the Planning Commission meeting to order at 7:01 p.m.

1. CHAIR’S REMARKS.

Mr. Firestone: Good evening. The Planning Commission meeting for September 4, 2018 is called to order. The first item on the agenda is Chair’s Remarks. If there aren’t any objections, I’d like to move that to after Item 3.

Mr. Will Hurd: No objection.

Mr. Firestone: Hearing no objection, we will move Item 3 to after Item, well I guess technically it’s Item 3.

2. THE MINUTES OF THE AUGUST 7, 2018 PLANNING COMMISSION MEETING.

Mr. Firestone: The second item on the agenda is the minutes of the August 7, 2018 Planning Commission meeting.

Mr. Hurd: Michelle, have we received any comments or corrections?

Ms. Michelle Vispi: None.

Mr. Hurd: Alright, then the minutes stand as submitted, and I move that we accept them.

Mr. Alan Silverman: Second.

Mr. Firestone: Any discussion? Hearing none, all those in favor, signify by saying Aye. Opposed, say Nay. The minutes are approved.

MOTION BY HURD, SECONDED BY SILVERMAN THAT THE MINUTES OF THE AUGUST 7, 2018 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

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

NAY: NONE

ABSENT: MCNATT

MOTION PASSED

3. REVIEW AND CONSIDERATION OF AN ANNEXATION, REZONING, AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL OF THE PROPERTY LOCATED AT 0 PAPER MILL ROAD, PARCEL ID 0805200012 (PR#17-11-01). THE PLAN PROPOSES REZONING THE PROPERTY TO RS (ONE-FAMILY DETACHED RESIDENTIAL) WITH THE CREATION OF 18 NEW LOTS FOR CONSTRUCTION OF SINGLE-FAMILY HOMES.

Mr. Firestone: That gets us to Item 3, the review and consideration of an annexation, rezoning, and major subdivision with site plan approval of the property located at a very odd address, 0 Paper Mill Road. If the applicant would like, if you could please address us and limit your remarks to 15 minutes, please.

[Secretary's Note: During their presentation, the applicant's representatives referred to a PowerPoint presentation which was 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. In addition to the applicant's presentation, links to the Planning and Development Department report for 0 Paper Mill Road, a letter from the State of Delaware regarding donation of open space, and copies of written public comment can be found at the end of this document.]

Ms. Wendie Stabler: Good evening, Mr. Chairman and members of the Planning Commission. My name is Wendie Stabler. I'm with the firm of Saul Ewing Arnstein & Lehr, and I'm here representing the Handloff and Weinberg Trusts, which are the . . .

Mr. Silverman: Ms. Stabler, is your microphone on?

Ms. Mary Ellen Gray: It has a green light.

Ms. Stabler: Maybe I should speak more directly. Is that better?

Mr. Hurd: Yes.

Mr. Bob Cronin: A little closer to the mike.

Ms. Stabler: My name is Wendie Stabler. I'm with Saul Ewing Arnstein & Lehr, and I'm here on behalf of the Handloff and Weinberg Trusts, that are the owners of that property known as 0 Paper Mill Road. As indicated in the agenda, it's a major subdivision, major site plan, rezoning, and annexation application. It's an approximately 14-acre parcel on the west side of Paper Mill Road, and it's proposed for 18 single-family homes in the RS zoning.

One of the highest services I can do for my clients is to put together a team to assist in an application such as this and although I've been doing this for some time, I haven't had the opportunity, of late, to do a lot in the City of Newark. So, I put together a team I think lead by a group that has, and you all know Alan Hill from Hillcrest Associates. He'll be doing the technical part of the application this evening. I'll be here to assist, facilitate, and answer questions. I also have with me Clay Greer, who assisted us. He's with Ten Bears. He's done the hydrological study in connection with the property, in particular the stormwater calculations and assisted with the design, as necessary, given that it's in a wellhead resource protection area. I also have with me Nicole Klein and, although a traffic impact study is not required in connection with this application, she has assisted us in ensuring that we have thought through all of the issues associated with traffic on Paper Mill Road, as well as the access associated with it. Also with me

this evening is Rita Simon. She is a representative of the Handloff family, and is here along with Chris Patterson, who has been assisting us in having us understand what the market might be interested in in this property.

A little background before I turn it over to Rita to say a few remarks, just because I think it is important for the Commission to understand the connection of the family and the property to the City of Newark, and also then turn it over to Alan, I did want to give a little background. I know there's some folks here this evening. I haven't met all of them, but I did want to assure the Commission that we have done extensive outreach since the application was submitted last year and we certainly would like that to continue if there are folks here that we have not had an opportunity to speak with. We have had two community meetings hosted by the subdivision of Pine Meadow in which the Wynclyff subdivision was also asked to attend. We've had outreach. There were 6-7 people at each of those meetings. I've had several meetings with Councilman Markham and have also met with some of the direct neighbors. Mr. Tunis is here this evening and he and his neighbors, the Helmstadters, have asked to join along in this annexation application. He's here tonight to support this. We've also had an opportunity to outreach by phone and email with a number of the direct neighbors, including the [inaudible] and another . . . the . . . a representative of Jenny's Run, Jennifer Byrne. We did offer meetings to them, as well.

I'm going to turn it over to Rita and then to Alan, but I did want to just give you a bit of forethought in terms of what the crux of the application will be. And that is we think not only is this a benefit for the family, we believe that it is a very suitable annexation for the City of Newark. It is in an area targeted for growth. We think it will continue the responsible growth that the City of Newark has shown, the path that it's shown to responsible growth. There is over 50% of the property that will be maintained as open space. That open space will be donated to the State of Delaware to be added to the park system. As you'll see, the housing options, we believe, are something that the City of Newark wants. It's targeting a demographic. It's not restricted to 55 and older but you'll see that the types of homes are sort of empty-nester or very small family. They're targeted to be about 3,000 square feet and they are very much intended to accommodate a demographic that I think would be welcome in the City of Newark. We think that the commitments that we've made to the City in terms of sustaining the roads and the sewer within the development, as well as the open space with the state, will give the City net revenues without some of the burdens associated with the growth. So, with that, I'd like to ask Rita Simon to just say a few words of background of the family and the property, and then turn it over to Alan, and I'll come back at the end if you all have any questions. Thank you so much.

Ms. Rita Simon: I'm Rita Simon and I'm going to give you a little background of my family. The story begins when Aaron Handloff, the owner of a small store in Kiev, came to the United States in 1906 and settled in Philadelphia. In 1918, he moved to Newark and bought the Newark Department Store at 58-60 Main Street. His family now included daughter Frieda Handloff and sons Jack Handloff and Sam Handloff, all of whom became involved in the family business. In the early to mid-1950s, the family bought land and built the Newark Shopping Center on East Main Street. About the same time, Jack and Frieda, now married to Jerry Weinberg, bought land on Paper Mill Road and built two houses on the property, overlooking White Clay Creek. Frieda Weinberg was active in the Girl Scouts on the national level and Jerry was a district governor of Rotary. Together, they headed the Twin Town Committee for Newark. Jack was active in Rotary. He was an avid supporter of the University of Delaware and served as a track official for 20 years. His wife Helen was an artist and a keen golfer and tennis player. Together, they supported the Newark Senior Center, as well as other local institutions, including the Newark Country Club. Sam was an attorney and, with his wife Norma, was a mayor of Newark.

We are the next generation of the family. Nancy Weinberg Sohn of Tucson, Arizona, myself, Rita Handloff Simon of Rockland, Delaware, Linda Handloff Cohen of Media, Pennsylvania, and nephew Daniel Weinberg of Queens, New York. Having grown up on this property, it concerns me to see it remain vacant when I know there are others who could enjoy it. I envision a mini-

community of high-quality small homes close to the University of Delaware, where people can have access to continuing education, hopefully with the benefit of services that the City of Newark could provide.

Mr. Alan Hill: Good evening. Thank you, Rita. That's a nice background to the family and everything else. So, I know I don't want to take up too much time on this and I'll go through it. I'm sure we can go back to some of the slides with questions, but I'll just run through this now. Here's a general overview of the site. We can see on Paper Mill Road it backs into the White Clay Creek and the White Clay Creek State Park. You can see how close the creek is there and the two subdivisions. On the right side we've got Pine Meadow and then we have Wynclyff across from the . . . on the other side of the street. I'll just move forward if I can get the clicker to click. Maybe. Alright, we broke it already.

Ms. Gray: Hit Return.

Mr. Hill: We'll try the arrow on here. There we go. So, as Rita mentioned, the family bought this back in the early 50s and in about 1954 put the driveway in and built the two houses back across there. All our proposed improvements to the property are in this portion between the existing driveway and Paper Mill Road. So, we can see that that's . . . and then everything from the driveway back to the White Clay Creek will remain as it is in its natural state. And that's where we're looking to donate the land to the White Clay Park.

Let me go forward. Where you see that it just changed to green on the other side of the road here, where there's Pine Meadow and Wynclyff, that's existing City of Newark land. That's already in the City.

This is just a map that just shows the growth of the City. Our property is located up in this area up in here. This is the planning area, and this shows this area in red here that's outlined for growth for the City.

Okay, we're back to the site and the adjacent properties with the RH zoning, RD zoning, RS zoning, PL zoning, we've got some parkland. We have pretty much all the zoning districts are almost represented in just this little slide here. And there's the existing land use out of the Comp Plan.

So, this is the subdivision. The road, let me show you, we've got a driveway that comes up here, with the proposed entrance here. It's almost equally split between these two roads – the entrance to Pine Meadow and the entrance to Wynclyff. And Nicole, who is here from McMahon, will be able to explain any of the traffic issues. We worked with her very closely on locating the entranceway and also protecting this existing driveway for the two homes in the back. That will remain exactly how it was designed. We did meet with the White Clay Creek Wild and Scenic group last December to discuss this, and we are approximately 450-460 feet from the creek back here to the existing driveway. And they met with us, I presented to them, and they really . . . the improvements are outside of their area that they would regulate. They only stay within about 250 feet of the creek for improvements when they would want to review and make comments. So, they declined to make comments at that time.

So, here we can see, I'm just going to run through this, we have 18 lots all around two cul-de-sacs and a little, as the Acting City Manager once called it, a cul-de-bubble. It just allows for good movement and flow around the lots. So, let me just flip forward to the . . . we are asking for a couple of deviations from the RS zoning district that we're proposing for this. The maximum lot coverage for the buildings is required to be 20%, is the maximum. We have many of the lots we're asking for more building coverage than that. And we're also asking for lot width on many of the lots, as well. So, there's actually an error on this slide that I've just seen now. The required minimum lot width is 75 feet, just to clarify, and our smallest lot is at 48 feet. Our average is actually, our average lot width is 70 feet. So, we're asking for multiple

deviations, variances, however you want to term it, from the width. And those are the only deviations, variances from the RS zoning that we're asking for as part of this application.

Our density, so we can see, we're proposing about 1.3 units per acre. Pine Meadow is currently at 1. Wynclyff is also at 1. So, we're slightly higher density but well below the low-density residential, which is 11 and below units per acre. We did, actually, a quick scan of the other properties that are in the area and they range, there's a range up to . . . I lost my place . . . up to 15 units per acre in the immediate area. So, we're well beneath those numbers at the 1.3. And those, I can run down the list, but I don't want to take up too much time on this. I'm going to kind of skip over it, but those are the sites that are listed . . .

Mr. Firestone: You're actually at your 15 minutes.

Mr. Hill: That's what I was afraid of.

Mr. Firestone: So, if you can sort of wrap it up.

Mr. Hill: I'm wrapping it up as quickly as I could here.

Mr. Firestone: Thank you.

Mr. Hill: One of the things that . . . we're in the WRPA, which is the Water Resource Protection Area, for this property. And we've worked with Clay from Ten Bears and the Public Works Department to come up with a stormwater management system that doesn't infiltrate into the wellhead protection area. We're maintaining everything on-site. I'm sure there will be more questions on that, and Clay will be able to answer a lot of those. So, let me just skip over that.

We have the positives that we'd like to bring up. The two properties in the back where the original homes are on the property, they'll be, hopefully if this annexation goes through, they're proposing to annex, as well, and those are currently on a cesspool and a septic system, and those will be annexed in to get City services to remove that pollution from the ground, and they're very close to the creek. We're planning on donating the open space. We're, hopefully, increasing the tax base for the City. We'll be paying for water and sewer. The streets will be privately maintained so there won't be any burden on the City for plowing, trash removal or any of those things. We're clustering the development and we meet the objectives of the Comp Plan V. We are going to be LEED certified.

This gives you an idea of what the typical homes will look like, a little bit of streetscape. Kind of muted colors, some natural finishes with stone, and we just kind of . . . generally, a high-end finish to the homes, kind of without tying in anything, this kind of gives you a typical idea. Houses are about 40 feet wide and everything was laid out from that.

So, I'm going to wrap up my little bit and if Wendie wants to kind of close it before we go to questions.

Ms. Stabler: Actually, I'm content to have you ask whatever questions and if there's any comments, I think we reserve the right for rebuttal.

Mr. Firestone: I think we'll engage in a give-and-take between the Commission and the applicant, at this point.

Mr. Hill: Okay. That's fine.

Mr. Firestone: Thank you. So, we will have plenty of opportunity for public comment. We're going to start with some questions. They could be of either the applicant or staff from the Commissioners. We'll then go to public comment. And then we'll have some further discussion by the Commissioners.

Mr. Bob Stozek: Okay, I have two areas I'm a little confused with. The wooded area to the west of the road. Is that entire area going to be given to the state, or is it part of it?

Mr. Hill: We're proposing the area that you see here between the driveway, the existing driveway, and the creek, that's what's being proposed to be donated to the state.

Mr. Stozek: And they are interested in taking the entire . . .

Mr. Hill: Yes, they are.

Mr. Stozek: The other thing, when I first started thinking about this, I'm usually not in favor of a lot of variances, and the one that bothered me the most was the minimum lot width. But as I thought about it, and you mentioned that there's only one lot that's 48 feet . . .

Mr. Hill: That's correct.

Mr. Stozek: Most of them are closer to 70 feet, but as I thought about it, this is not 1970, and people don't want a lot of property to maintain. And I think especially the group that you're focusing on possibly selling these houses to are probably in that group. I guess my only question is to the City staff. This 75-foot code that we have, does anybody know how long that has been in the Code and where it came from? I'm guessing a long time.

Ms. Gray: It's been a while. I'm looking through . . . because at the bottom of our ordinances we have when it was put in place. I would say 1970 was the first ordinance that put this in place. So, it's been a while, yes. And, certainly, it's from a suburban standpoint.

Mr. Stozek: Okay. So, it probably came from some standard . . .

Ms. Gray: Yes.

Mr. Stozek: So, that said, I guess my initial concerns about the lot width I have less of a concern about that, especially considering the audience you're aiming at for these houses. That's all I have right now.

Mr. Hurd: Thank you. This is more of a general comment to staff and to the applicant. I see three, four different numbers quoted for how much open space is being not used.

Mr. Hill: Yes.

Mr. Hurd: The original submission report had 29.8%, the staff report said 54 and 57, and then on the first page it talks about 6.2 acres out of 13.9, which is less than 50. So, it's a little all over the place and I'm not . . . and it may be that you're not quite sure where the boundary is. Because I couldn't also find a boundary line that said this is the open space to be dedicated. And I didn't know if you haven't figured that out yet and haven't drawn it.

Mr. Hill: I don't have an answer right off the top of my head. I can't believe we don't have it figured out but what we may have done is we may have totaled the entire open space that's proposed to the east of the driveway as well as what's being proposed to dedicate to the state.

Mr. Hurd: Okay.

Mr. Hill: We may not have separated the two out.

Mr. Hurd: Right, because some open spaces remain inside the development as part of stormwater . . .

Mr. Hill: Yes.

Mr. Hurd: It's for the thing, and some of it is going away.

Mr. Hill: That's correct.

Mr. Hurd: And I'm not saying I've got a big problem with it. I mean it's about 50. It's a wonderful thing for the park to have. I just wanted to note that the math didn't work out in several places. I also didn't have, really, an issue with the lot widths. And I will say, also, that I don't really have an issue with the lot coverage because we're still under the 44% maximum by the Code, which covers driveways and other things. So, I think I like a compact development that works, and I appreciate that you kept the side lots so that we're, at least, side lot compliant. So, the separation is there.

I guess two things I wanted to point out. One was, and this is sort of a comment received, it's not clear when talking about the landscaping and the replacement trees and such, whether we're working from a library of native species. I'm assuming that the City has a list.

Mr. Hill: The City does have a list and we worked with, our landscape architect worked with the City's Parks Department on the landscaping.

Mr. Hurd: Okay. There was a concern that . . . it's not explicitly stated, and I think there was a concern about making sure that we're working with native species.

And my other sort of comment is about the LEED for Homes certification, which I appreciate you going for. I don't know that the Code is explicit on this but if you are actually going for LEED for Homes, you'd also have to include the adjustment for your house size. Because a 3,000 square foot, three-bedroom house is +12 points. So, now you've got to get 57 points to make a certified submission, not the 47 that you're currently showing. I don't know if the City Code gets into that and I don't know if we're in kind of a gray area, because the City Code just says 25. And then you're saying certified. And, so . . .

Mr. Hill: Yeah . . .

Mr. Hurd: Do you have a general response to that?

Mr. Hill: I have a general response in that we go for the City's LEED-like certification. The City has asked us to pull more of the actual LEED points in and we show a basic LEED certification on it for this project. We know that for future projects the City is going to ask us to go closer to the silver standard, but I'm personally not LEED-certified. I didn't know there was a, I guess a . . .

Ms. Stabler: A demerit.

Mr. Hill: A demerit for . . .

Mr. Hurd: Yeah.

Mr. Hill: For building houses of certain sizes.

Mr. Hurd: Yeah, so they have a model size that they want you to aim for and then anything that's bigger, they add points. Anything smaller, they take points off. So, it's part of the thing.

Mr. Hill: Right.

Mr. Hurd: And I'm not going to ding you on that exactly because we don't really call that out in the Code. I just wanted to note that because you do usually come in and go for a higher LEED point certification.

Mr. Hill: Right.

Mr. Hurd: I just wanted to sort of let you know that it could actually go higher [inaudible].

Mr. Hill: Okay.

Mr. Hurd: One question sort of I was thinking for LEED, do you expect there to be any irrigation or such in the properties?

Mr. Hill: I would expect there to be. At the level that we're proposing the homes to be, I would expect that irrigation will be offered by the builder and taken up on many of the homes.

Mr. Hurd: Okay, because that is an opportunity for many LEED points in terms of reducing water usage in that area.

Mr. Hill: Right.

Mr. Hurd: So, it would be a lovely place to see some effort put.

Mr. Hill: Right.

Mr. Hurd: I think that's it for my questions.

Mr. Silverman: And I'm going to follow-up on Commissioner Stozek's comments with respect to the slightly smaller lots. I view this subdivision composed of private open space as well as owner-controlled lots, and I look at overall density. The homeowner association maintains open space, as well as the homeowner, when I look at lot density. So, I also have no problem with the slightly smaller lot size and more compact lot.

With respect to the homeowners' association, I'm looking at Cover Page #1 on your drawings and I assume we have the same dated drawings at this point. I find no reference to establishing a homeowners' association, even though you have private open space and private streets. I don't know how the City comes up with or documents that agreement. I don't know if that's part of the subdivision agreement with the City or it needs to be shown as a reference on this publicly approved plat.

Ms. Gray: It will be in the subdivision agreement, which is the agreement that goes with the plan. But I would also recommend that we would include it as a note on the plan, as well.

Mr. Silverman: So, whoever buys a piece of property or researches this . . .

Ms. Gray: Correct.

Mr. Silverman: At least gets notice that there's a homeowners' association, to get the details from the City. The other thing I noticed on the notes themselves, DelDOT Note #9, refers to a traffic signal agreement. I'm assuming that's an error that was carried over from another plan because there's no reference to a traffic signal at the entrance to your 18-home subdivision.

Mr. Hill: It, yes, it is a standard DelDOT note, unfortunately. So, when we're dealing with DelDOT roads, we use their standard notes and then we argue with them about which ones we can delete, going through their approval process.

Mr. Silverman: So, they required you to have this on the plan?

Mr. Hill: The notes that we show for DelDOT there are DelDOT-required notes and as we go through their approval, we start . . .

Mr. Silverman: Okay, because it caused total confusion on my part. I'm looking for traffic signals and that kind of thing.

Mr. Hill: I understand.

Mr. Silverman: In general, I admire the work that was done on documenting the tree growth on this property. I went back into the White Clay Creek State Park documentation. They have a very interesting slideshow that shows the evolution of this property. This property was open pastureland until almost 1970. So, that suggests to me that all these trees are second growth trees. To get rather glib, a tree is not just a tree. With respect to the documentation, has any work been done to establish the number of invasive species of trees that are on the property that's going to be disturbed? Diseased trees, dying trees, trees that would normally be taken out anyway? White Clay Creek people suggested up to 30% of the trees and groundcover on their park property are invasive species, and they do have programs to remove it. So, in my mind, the development has not diminished the value of the tree cover for this area. And I don't know what to make of this large, very complicated sheet on Page 2. What's the purpose of it?

Mr. Hill: That's . . . we spent about three days on the site with our landscape architect and the Parks Department surveying the trees and determining which trees were of value on the property, and that was the list of the trees of value that were being, what the City felt were valuable. I can tell you this, as far as invasives go, every single time our surveyors have been on the property, we've had at least one of them have time off for poison ivy, and another time for bee stings.

Mr. Silverman: Okay, moving on through my list of comments here, I applaud the use of placing street trees. It's not a Code requirement, as far as I can tell. And not only within your subdivision, if this illustration is correct, along the existing driveway.

Mr. Hill: That's correct.

Mr. Silverman: The dedicated open space reduces the lot owner area, which allows a more uniformed landscaping within the community. One of my colleagues already mentioned using Delaware native species in your landscaping. The State of Delaware only requires about 200 feet of buffering from White Clay. You commented that your development is more than 400 feet away, so you far exceeded their requirements. I paid particular attention to the stormwater runoff system proposed with respect to removing the tree cover that's there and the wellhead protection. Your groundwater recharge eliminates any questions I had about the potential effect on the wellhead protection area. And with the grass swales and the privately maintained open space and some of the other amenities you're also providing, essentially, pre-treatment before any of that rainwater goes into the ground. That's what it appears. And that's it on my general comments.

Mr. Firestone: Okay, well let me start by asking you if you know how many first growth trees are in the boundaries of White Clay Creek.

Mr. Hill: I do not.

Mr. Firestone: Just for the record, if you see old photos, it's was all pastureland. There aren't old first growth forests there, so I don't quite understand the relevance of this point that these are second growth.

You talked about 3,000 square foot homes being in demand amongst empty-nesters, I guess someone around my age of 60, or perhaps older. What's the basis that people who are 60+ are looking for 3,000 square foot homes?

Mr. Hill: I'm not going to claim that I'm an expert in real estate. We have several developments in different locations around the state that have homes similar sized to this and there is a demand for homes of a quality for a move-down buyer, moving from a, I'm going to say a 6,000 square foot family home at the age of 60, moving down to a 3,000 or 4,000 square foot home without the yard. There is a market for that.

Mr. Firestone: It's not that there isn't a market for that, but it's a niche market. I mean . . . anyway, you made this claim that there's this big market out and that you were going to fulfill this need that Newark has, but I'm not clear that Newark has a lot of demand for downsizing from 6,000 square feet to 3,000 square feet. You know, I'm just going with what you presented to us.

I wasn't quite clear from your presentation about putting in 4-5 septic systems. I did understand from the application that you're going to be removing two, and those would eventually hook up to the sewer system. But I didn't understand the addition of 4-5 new septic systems.

Mr. Hill: Well there's the two existing lots. They would eliminate those two. If the land was to stay in New Castle County and be developed under New Castle County Code, because it's not sewer-able in New Castle County, there would be the potential of four lots with septic systems on the property.

Mr. Firestone: Right, and that's because in New Castle County you have to put in a double leach field.

Mr. Hill: Not anymore. They changed the regulation to follow the state.

Mr. Firestone: Okay.

Mr. Hill: But you are correct that in recent history that is correct.

Mr. Firestone: So, you're not, then, intending on hooking those properties into the sewer system?

Mr. Hill: If it was developed under New Castle County zoning, we couldn't connect into the sewer system.

Mr. Firestone: Which leads to my next point or question. Reading the staff analysis, it appeared that if you were to not get annexed into the City and to develop this property in the county, but still hook up into some sort of sewer system, the density that would be allowed on that portion would be one-half, approximately, of what you're doing there. Is that correct?

Mr. Hill: I don't believe that we could . . . and staff could correct me on this . . . I don't believe that we can connect to City services without annexation.

Ms. Gray: Correct.

Mr. Hill: Okay. Thank you.

Mr. Firestone: Understood. Okay. But, would you agree that the proposed density is about twice the density that would be allowed if this property stayed in New Castle County?

Mr. Hill: I don't believe we could connect to . . .

Mr. Firestone: You don't believe that's true?

Mr. Hill: Could you repeat the question for me, so I don't contradict you?

Mr. Firestone: Well I'll read just from the staff report and then maybe I'll ask Tom to weigh in, but it says the proposed density appears to be about twice the density that would be allowed were this developed be allowed in New Castle County, assuming water and sewer were extended to the property. So, first, maybe Tom should help us understand this sentence.

Mr. Tom Fruehstorfer: The number was not provided by the applicant. That was my best estimate looking at the county Code. And the county Code does talk about them . . . the county has sewer, so the county could conceivably extend sewer to it. If the county did extend sewer to it, that was what it looked like they could develop.

Mr. Firestone: Do you disagree that you're getting twice the density? And you can have the lawyer, you know, jump in here because it's somewhat a legal question.

Mr. Hill: It could be, and we could, with S zoning . . . so right now it's zoned Suburban Reserve, which are one acre lots in New Castle County.

Ms. Stabler: [inaudible] open space.

Mr. Firestone: Excuse me, if you wish to speak, you're going to have to come up to the microphone.

Mr. Hill: We could . . . but that is a transitional zoning district. If you had sewer and water from New Castle County, it could be developed under the S zoning, which allows lots as small as 6,500 square feet with open space. So, we could actually . . . and we haven't looked at that number, but potentially we could have lots of two-thirds the size of what we have now, with New Castle County sewer and water.

Mr. Firestone: And my next question would be to, it's not to you, it's more of an applicant question, is part of the rationale for the annexation request to be able to develop at a greater density? I'm not saying the full rationale, but is it part of the rationale?

Ms. Stabler: Yes, sir. Part of the rationale is absolutely to develop responsibly at a higher density more easily by connecting to the City of Newark sewer system, which is right there. Do you want me to also respond to the other question that Alan was posed? Because I do think there's a number of variables as to whether there could be sewer, whether it would be community waste water, or whether it would be under the existing zoning. So, I don't think it's entirely clear. And there is no question that there would be an increase in density under the City of Newark unless we were to rezone the property and get access to county sewer and water. Under its current zoning in New Castle County, certainly we get a considerable increase in the density. And more responsible development.

Mr. Firestone: Okay. That's the only questions I have for now.

Mr. Frank McIntosh: Well, this is just kind of a comment, but slightly smaller lots sizes at 3,000 square feet, I'm not sure I agree with you that that's really all that small. And 6,000 square feet is rather a large family, which people don't have anymore. But, be that as it may, the houses look nice, but to suggest that 3,000 square feet is a small house, or a slightly smaller house, doesn't work for me.

The development we live in was built with the idea that there would be a homeowners' association. It was a Toll Brothers development and they didn't force the issue or anything, and they couldn't force the issue. And the people said no, we don't want one. So, when they moved out after five years, there was no homeowners' association and all those things that you couldn't do, like put your dirty laundry out and so on, you could then do, because there was nothing against it. So, what is to say, and maybe this is a question you could answer, but what is to say that a homeowners' association must be formed, and certain regulations must be carried out as a result of that?

Ms. Gray: The purpose of a homeowners' association in this case is to maintain, because the roads are proposed to be private, and to maintain all common space infrastructure. That would be the ponds and the roads. So, some entity needs to be created to collect funds and maintain that. Now the deed . . . I think you're referring to deed restrictions. Now that's optional by the

builder and the entity that forms the homeowners' association. So, it is possible not to have any of those deed restrictions. But, from the City standpoint, we will need an entity to maintain those facilities.

Mr. McIntosh: So, you don't care about those things so long as the roads are plowed and etcetera, etcetera?

Ms. Gray: Correct.

Mr. McIntosh: Okay, so that's sort of like being in unincorporated New Castle County? Similar?

Ms. Gray: Yes.

Mr. McIntosh: Well that's all very confusing.

Ms. Gray: You said like.

Mr. McIntosh: It is. Okay, that's what I have. Thanks. I like the houses, though.

Mr. Hill: Thank you.

Mr. Cronin: Do these houses have a first-floor master bedroom? Do we know?

Mr. Hill: We're proposing options of first-floor master bedrooms. We actually have single-story, two-story, and first-floor master bedrooms proposed.

Mr. Cronin: So, not all the houses are going to be two-story? They have windows for two-stories but not all are going to be two-story?

Mr. Hill: That's correct. Yes.

Mr. Cronin: I think there's a market for that, then.

Mr. Firestone: Okay. We will move on to public comment. Before we take oral comment, I want to raise one issue with my fellow Commissioners. We received, sometime today, a written comment. Per our procedures, written comment is supposed to be submitted 24 hours or basically the business day before. I'm okay accepting it and, if so, I would just read it into the record.

Mr. Silverman: I have no objection.

Mr. Firestone: Okay. But first, before we do that, we're going to take the actual oral comment from the people who are on the list and we'll then read this one after the people who are on the list, and then we'll take anyone else who has public comment. So, your public comments are limited to three minutes. The first one on the list is James Tunis. Did you want to speak on this agenda item? It wasn't quite clear.

Mr. James Tunis: Sure. Should I go to the microphone?

Mr. Firestone: Yes, you should. And if you could identify yourself . . . your name and your district . . . for the record.

Mr. Tunis: I have no idea what my district is, but I will say I live at 419 Paper Mill Road, which is one of the properties directly adjacent to the proposed thing that they're doing there. And I really just wanted to address you, Mr. Firestone, with just the comment, I think it's from Daniel and Barbara Helmstadter. Is that what you were going to read?

Mr. Firestone: That's correct.

Mr. Tunis: I was responsible for bringing that and I did not realize there was a 24-hour, so I brought it today.

Mr. Firestone: That's okay.

Mr. Tunis: So, they're on a vacation and they were unable to attend. And Barbara had an accident and she's in the hospital, and they asked me to represent them. And I just wanted to say that both Wendie and Alan have addressed all of my issues, as well as my neighbor's, and they've been very good about being very flexible. And I appreciate what they're doing, and I have no reason to block this trust from drawing water from the well, so to speak. And that's pretty much it, in a nutshell.

Mr. Firestone: Thank you. Next is Peter Saenger.

Mr. Peter Saenger: That's me. I brought copies of what I want to say. May I pass them out?

Mr. Firestone: Yes, you may.

Mr. Saenger: Thank you. Basically . . .

Mr. Firestone: Why don't you wait to start talking until you get to the microphone?

Mr. Saenger: Am I on the clock? Is this part of my time?

Ms. Gray: No.

Mr. Firestone: We start the clock when you start talking.

Mr. Saenger: It's pretty hard to be 24-hours . . .

Mr. McIntosh: You shouldn't be talking.

Mr. Firestone: And, again, identify your name and your district.

Mr. Saenger: I'm Peter Saenger. I live at 18 Mimosa Drive in Newark, and I would thank the Commission for the opportunity to address my concerns. My first recommendation is that the plan implement the guidance from the landscape ordinance's valued tree calculations and plant 626 trees that will offset the 10 acres of forest that will be cut down. That's from Plate 2B on the Hillcrest plan. I'd like this plan to practice sustainable reforestation and remediate for the loss of trees and woodlands and damage to the canopy as per the Municipal Code of the City of Newark.

Number 2 is that I'd like the reforestation, that if the reforestation cannot be done on the site or within the City limits, that the trees be planted nearby in someplace like White Clay Creek State Park or other suitable sites.

My third point is that the proposal is a net negative to the ecosystem. The annexation development proposal, as submitted, will plant just 70 of the 626 trees. It will not be planting the majority of the 550 trees needed for woodland renewal. If implementing this Hillcrest proposal, well, not if, but implementing the Hillcrest proposal will have a negative impact on the watershed, the environment, and the City of Newark's green reputation. The City is proposing that the remaining approximately 550 unplanted trees be monetized and rolled into a park maintenance fund, and the likely result of going that route will be that the goals of sustainable reforestation will not be met, and we won't be compliant with the valued tree ordinance. I have enclosed for you a copy of the, Mary Ellen sent me a copy of the email of your exchange with Paul Baumbach . . .

Ms. Gray: Yes.

Mr. Saenger: My inquiry is to where the 550 would be planted. And your response was that the City . . . I'm going to read from that. That given that we currently do not have a need or an area to plant the large number of trees to be mitigated in this plan throughout our park system at this time, our plan is to establish a tree mitigation fund that the developer will pay into for the valued trees to be removed. It's my firm belief that the triggering of the valued tree calculations, meaning you're cutting more than 25% of the trees on the lot, that initiates the need. So, once I think you start cutting valued trees, you need to remediate. You need to plant them. I don't think it's optional at that point. And then the question just becomes where.

Mr. Firestone: If you could come to a close, please.

Mr. Saenger: Am I there?

Mr. Firestone: Yes.

Mr. Saenger: Okay. So, I think you need to follow the Code, plant the trees, and don't have a negative impact on the watershed. If you can't remediate, then please don't cut them. First do no harm.

Mr. Firestone: Thank you. Mary Clare Matsumoto. Excuse me if I butchered your name.

Ms. Mary Clare Matsumoto: Okay, my name is Mary Clare Matsumoto and I'm in District 6. I live in Pine Meadow. Matsumoto. I am opposing the annexation of the wooded property that's under discussion, and I do appreciate the opportunity to be able to speak here. I am concerned about the loss of the forest. I do not find it acceptable that a developer could just pay to make up for the loss of trees. Why do we have this regulation if all a developer would have to do is pay?

My second point is I'm not sure I see much of a benefit to the City of Newark and to the surrounding neighborhoods. It is already difficult to leave our development. Cars readily use the bike lane to get around cars waiting to turn. They also pull out to get a better view because cars are coming down the road at 45 miles per hour. It also looks like the tax revenue would not even give the members of this development some of the benefits of being in the City of Newark, like snow removal and the maintenance of storm sewer and roads. This will need to be up to the homeowners' association. Sound pretty expensive for 18 homes. It also sounds like a lot of work for the homeowners' association. And I live in a small development and I know how difficult it is.

I'm also concerned about the effect on White Clay Creek. Will a packet of information about the importance of responsible land use and stormwater control to be given to the potential buyers of these homes guarantee that they will be responsible? And how will it be enforced?

In closing, there was a very interesting article in the News Journal on Monday, which stated that, and this is in quotes, "rezonings are highly lucrative maneuvers for developers looking to double or triple the profitability of a particular parcel of land," end quote. As far as I can see, the developer is the only one benefiting from the annexation and rezoning of this property. Thank you for allowing me to speak.

Mr. Firestone: Thank you. Okay. I'm now going to read the letter that we received from Barbara and Daniel Helmstadter, 421 Paper Mill Road. Gentlepersons, we would like to support the Hillcrest Associates plan for the development of 0 Paper Mill Road, Tax parcel 08-052.00-012 PR#17-11-01. We have had discussions and meetings with Mr. Hill and have been impressed with his plan and his interest in working with us to develop a plan which answers all our concerns. It seems to address preserving the White Clay Creek and our interests and concerns. We look forward to being annexed by the City and acquiring water and sewer, as

well as gas (should it be available) to our property. Unfortunately, a previously scheduled trip makes it impossible to attend the meeting on September 4, but should you have any questions, we will be returning on September 11. Thank you for your consideration. Sincerely.

Is there anyone else who would like to make a public comment? Yes?

Ms. Lena Thayer: Hello, Lena Thayer, District 5 resident. Thank you for the opportunity to speak, and I'd like to thank Commissioner McIntosh and Commissioner Firestone for bringing up the 3,000 square foot. That was, as I'm sitting here listening to the presentation, I don't want to make assumptions or stereotypes about anyone who is an active adult or living in an active adult community, but my home is under 2,000 square feet, houses six of us, three of which are teenagers, and I can't really see how at the median square foot in New Castle County being \$137 per square foot, how a \$400,000 home in Newark is going to be affordable for your target audience, unless it is a very specific niche audience. As part of meetings I've attended publicly, one of the big drivers is to have housing for people who are looking to downsize, people who are young professionals, and young families. I'm not sure my neighbors across the street who are in a home the exact same size as mine are looking to downsize to something larger and something much more expensive. It doesn't seem very affordable to our long-term goals. I would also like to echo the concerns that the back row raised of reforestation. With White Clay Creek and our parklands, we need to protect them more than anything else because they are our most valuable resource within our community and where we need . . . they provide oxygen and we need it. So, if there are trees being taken out, we need to take account of that on the back-end to make sure that there's reforestation elsewhere. Thank you.

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

Ms. Jean White: Jean White, District 1. I don't live in this exact area but I'm very interested in White Clay Creek and in the abutting forest to it. And, first of all, it was unclear to me what is the part that is going to be given to, I thought it was to the State of Delaware, but now I've heard it's to the City of Newark. What part on the map? And what is the private open space? Is it that, or is it something different? Should I go on and say what else I'm going to say first?

Mr. Firestone: You can just go on and make your comments.

Ms. White: I would like to have the answer to that question. Well, I must say, in the blueprints you have, there is a map that shows the 215 trees on this property that are going to be cut down, and it also gives their DBH, their Diameter at Breast Height. And many of those trees, a significant number of those trees, have a large DBH, Diameter at Breast Height, such as 24-inch, 30-inch, and I think I counted, quickly before I came, at least ten or more that were at least 42-48 inch Diameter at Breast Height. Those are large trees. And, I must say I weep for all these trees to be cut down. This is a great loss to the area. When you think of the amount of carbon dioxide that is sequestered by these trees and they won't exist anymore. And what will be planted in their place? First of all, 25% of those can be cut down, if I read this correctly, without any substitution. And for the remainder, there would have to be two 6-caliper trees for every one cut down, and it has to do with the Diameter at Breast Height, as well, which ended up to be 626 trees that would have to be planted. Obviously, they can't be planted on this property here. And, so, I actually think that this is a great loss of the trees and, at any rate, I think that aspect alone is not good at all about this losing the trees, and particularly the number of trees and what would be put on, or one could substitute 1,565 large shrubs. Well, large shrubs don't have any relationship to the trees that are lost. I would like to know what kinds of trees these are. Are these oak trees, white oaks, black oaks, sycamores, or whatever? And furthermore, to say that a tree is not old growth, trees, whenever they grew, are very important. If this tree that is 48-inches of Diameter at Breast Height started in 1970 . . . hard for me to believe, but if it did, it is a valued tree. So, therefore, if one could . . . and also the idea that to have enough of a riparian buffer of 200 feet is acceptable, actually if you look at different places, maybe from a legal point of view that's what is required, but it's actually important to have more than that for

run-off and that type of thing. So, if I could have the answer to my question, I'll stand here while it's . . .

Mr. Firestone: Thank you. We'll get to responding to dealing with questions after we see if there's anyone else who wants to make a public comment first. Is anyone else interested in commenting? In that case, can you explain for us all, the distinction between lands that are going to be held in common for the development, people who are buying houses here, and any lands that would go to the City and lands that would go to the state, as far as the open space is concerned?

Mr. Hill: I will do my best. So, the proposal is to annex the entire parcel into the City of Newark. Then the existing woodland area to the west of the existing driveway would be . . . I can hit the slide . . . this area here is the part that's proposed to be donated to the park, and the remaining land here is either lots or homeowner association-maintained open space.

Mr. Firestone: Okay, thank you. Do any Commissioners have any further questions for either staff or the applicant? Yes, Commissioner Silverman?

Mr. Silverman: I'm totally lost on who is doing the arithmetic here. There are 200-ish trees that have been counted. On replacement, we deduct 25% of that, so now we're done to . . . somebody help me with the math on that . . . 150 trees? Okay, the developer, in the landscape plan is, doing some very crude math sitting up here, is proposing to replace approximately 100 trees on-site, so now we're down to 50 trees in dispute, and somebody came up with \$175 per tree, if the City can find a place to plant the tree. We're talking a fund that was referenced in the documentation that doesn't exist. We're sitting here talking about a section of the City Code and ordinances that don't directly apply and we're trying to decide how many trees are going to remain. That's a question for County Council, or City Council rather, not the Planning Commission, as far as I'm concerned. We're cognizant of the trees. We can make a recommendation that the applicable sections of the Code be applied when we get to our proposal, our recommendation.

Mr. Firestone: Do you have any clarification . . .

Mr. Hill: Yeah.

Mr. Firestone: You can provide on the cutting of trees and the replacement of trees?

Mr. Silverman: Again, I'm puzzled by this great inventory that was done.

Mr. Firestone: Please, if you could.

Mr. Silverman: Thank you.

Mr. Hill: We've worked very closely with the City Parks Department on the tree replacement and have followed their requirements and their lead on what we're proposing to replace and the method that we're replacing it. It's not our suggestion.

Mr. Firestone: Can you please clarify . . .

Mr. Silverman: Can you share that with us?

Mr. Firestone: For us, the Commissioners and the public, what it is? I mean, what you've discussed is not really helpful to us.

Mr. Silverman: It's not coming together.

Mr. Hill: I agree. It's not coming together. And we've, basically, we have, at the wishes of the Parks Department, put together the proposed replacement plan at their request and at their direction. It's not our . . . it's not something that we've ever done in the City before. We've never done a replacement tree planting. We've followed the lead of the Parks Department on what they've requested us to do. It doesn't seem to make much sense the way it's been explained and argued this evening, and I can certainly go back and try and clarify that prior to any future meetings with Council to get a good explanation on why the Parks Department is requiring what they're requiring of us, and the resolution that we have to meet their demands.

Mr. Firestone: So, the short answer is you can't provide any clarity this evening.

Mr. Hill: Not this evening, no.

Mr. Silverman: And if I may, Mr. Chairman, there is not a supplemental report . . . Madam Director . . . there is not a separate supplemental report from the Parks Department explaining this position in detail? Other than some of the narration comments in your report?

Ms. Gray: Correct, we don't have any beyond discussions.

Mr. Silverman: Which is reflected in your report?

Ms. Gray: Yes, it is.

Mr. Firestone: Any other questions?

Mr. McIntosh: I have a comment.

Mr. Firestone: Yes?

Mr. McIntosh: I don't know if it's fair for us to hold the folks responsible for what the Parks Department told them that they wanted them to do. And, if they're following that, then I'm sure they, in their own minds, feel that they're doing what they're supposed to do. And, so, if it isn't what they were supposed to do, then why did the Parks Department say it in the first place? So, that's the conundrum there, if you will. But, you know, from my point of view, if that's wrong, then the Parks Department needs to stand up to that and tell them to do something different.

Ms. Gray: If I may, Mr. Chair, to add to that, the details of this, Commissioner Silverman indicated that this is a City Council . . . more of the purview of City Council. And the term Subdivision Agreement was mentioned previously, and that's a document that will clarify the agreement regarding the tree mitigation and the fund and how it would work. So, that is the detail that is worked out, kind of similar to stormwater in that, at this stage, we look to make sure that the stormwater is going to work and the details, as we get down the road, come out at the Subdivision Agreement and then at what's called the Construction Improvement Phase. And those details need to be agreed upon and documented or the project doesn't move forward.

Mr. Hurd: Mr. Chair, a question.

Mr. Firestone: Just a moment, public comment has closed.

Mr. Hurd: And this is just sort of a clarification on the language . . .

Mr. Silverman: Page?

Mr. Hurd: Page 12, where we're looking at the proposed motion, when we talked about the Subdivision, when they mention the Subdivision Advisory Committee conditions, does that

include, it seems to me that that includes the language around the landscape ordinance and replacement of trees . . .

Mr. Silverman: And that's page 9.

Mr. Hurd: And that's page 9. So, it seems to me that that will get incorporated. Am I correct?

Ms. Gray: Yes, you are correct.

Mr. Hurd: Okay.

Ms. Gray: And there's been a modification to our staff report, if I may, a new section called Conditions of Approval. Commissioner McNatt had commented a while ago, when we were at the last land use development that came before you all, that the Subdivision Advisory Comments, while they were attached, it was unclear to her which conditions still prevailed. So, while we still attached all the Subdivision Advisory Committee comments to this document, we rolled them up in bullet form, so the Commissioners and any other readers of the document can see which specific comments are prevailing.

Mr. Firestone: Commissioner Stozek?

Mr. Stozek: Yeah, this whole thing about the trees, I just don't think we have the information or the knowledge or expertise to come up with any kind of answer tonight. I agree with what Frank said. If, indeed, the Parks Department gave direction as, you know, you do this and you will be in compliance, and they're meeting that need, and I think that's what we need to approve or disapprove. Then it's up to City Council if they want to go further. We don't have the expertise or the knowledge to do that. The only other comment, again, and going back to the 3,000 square feet, I guess that seems a little large to me, but I'm sure the developer feels that he has a market for that size house. If he didn't, he wouldn't be coming forward with this proposal. So, I have a hard time arguing with that decision, as well.

Mr. Firestone: I'm going to explain why I'm going to vote now, when we come to the vote. The Comprehensive Plan talks not just about infill, and this is a good proposal in a sense that's it's infilling even though it's an annexation because it's close to the City's core, and that's good. But, in the same breath that it talks about infill, it talks about preserving and protecting the natural environment. And this proposal, to me, puts at risk and is detrimental to what I would say is one of the three crown jewels of the City of Newark, that being sort of the University Green, if you will, the downtown Main Street, and then the third being White Clay Creek State Park. I am concerned with all the trees that are being cut down. It appears to me that we have not an adequate record on that point either. It's a very confused record. I don't think we can just push it off to the City Council. I think justification for the 3,000 square foot homes is not necessarily adequate. It doesn't really, I don't think, address the real needs of the empty-nesters who presently live in our community and that might want to move to smaller footprint houses, or what-have-you. It takes away a lot of trees. You know, they're performing valuable carbon sequestration in addition to wildlife and some other benefits. That is not addressed. The basic LEED points are touted in the plan as a reason to allow variances from zoning but, you know, one might feel better about cutting down the trees if they were going to put up solar panels on each and every house, given that you've taken away the entire tree canopy. But that's not part of this proposal either. So, I don't see it as much of a benefit to the City. More, I see it as a loss and for essentially the opportunity to double the density of development on this property.

Mr. Silverman: With respect to my position on this, we have two actions tonight. One deals with annexation and the other deals with rezoning and land development. With respect to annexation, this plan generally conforms to the adopted Comprehensive Plan V. It does take into . . . the developer has taken into account removal of existing tree cover. How they get there, I don't believe is the responsibility of this group, at this point in time. The annexation

proposal generally reflects what would or could happen in New Castle County with respect to single-family detached houses. An element that did not come up here with respect to on-site sewage disposal is this is a wellhead protection area. There are additional levels of limitation and protection in New Castle County that, if memory serves me properly, would virtually prohibit septic systems within this wellhead protection area, or require very expensive kinds of engineering. That issue with New Castle County does not exist because of the annexation and the use of City sewer. I don't think there's any New Castle County sewer within reasonable distance of this site, so having public sewer on that site to develop it with septic tanks is not necessarily an issue here. So, I am in favor of the annexation. Another reason I'm in favor of the annexation is the White Clay, and I always get tongue-tied on this, the White Clay Creek effort has an extremely active tree-planting program. I contribute to that. So, the trees that would no longer exist as a result of this annexation, there is an active program to replace those trees. As I said in one of my earlier comments, I've researched this. This was pastureland. Trees do replicate themselves, given the opportunity. With respect to the gentleman who spoke about 10 acres of clear cut, I'm not looking at 1890s here. About half this property, if we look at the aerial photograph, will remain trees and is being given to White Clay Creek State Park. So, this isn't 10 acres of clear cut. As I said in my earlier comments, the remaining trees on the residual property that is being developed are being offset by a tree-planting program handled in ordinances and other places in New Castle County. I'm sorry, I say New Castle County. Not involving New Castle County, but involving the City.

The zoning conforms to the RS district, which is the proposed rezoning, particularly with the site plan variations. The subdivision land development Code, based on the Department's SAC report and the Department's staff reports to us, conform to the City Code, and the Department, in its report, has listed out extensive conditions which in a letter which is attached to our report, the developer has agreed to in writing here, and those will be memorialized within the Subdivision Agreement with the City. So, I am satisfied that the applicant has presented a fair case that falls within the City Code and I'm going to support it.

Mr. Firestone: Any other comments?

Mr. Hurd: Are we polling the members at this point?

Mr. Firestone: I mean, we could poll all the members.

Mr. Hurd: Okay, well I'll say that in addition to the previous comments, I'm in favor of the annexation because the Comp Plan supports this area of growth and I think this is an area where the infill is in an area that can support it, as opposed to trying to do this in other green space further out or trying to put houses in areas. I mean it keeps the golf course from being touched and it helps, I think, in that general way in the City. As I look at the pictures there, I see houses that are smaller than the houses across the street. I see less lawn than the houses across the street. I see responsible, compact, dense development, which is what we need to be doing, really, more of to get, you know, we want to get more people into the City but we can't really afford to put them on acre lots because the environmental cost of an acre lot is huge here. I would say that in my general comments to pass up to Council, I would really want to see all the trees that need to go back based on the Code, go back someplace. I think I would prefer that to a monetary payment in lieu of. And I think that the variances that we're being asked to approve for the site plan approval are relatively minor, and I think that they've done a good job in both arrangement and in design, in an effort to make the LEED points higher for the buildings to help them perform a little better.

Mr. Firestone: Any other comments?

Mr. McIntosh: I take it we're all supposed to talk about this now, so I don't want to be left out of the minutes. The trees that are being taken down for this development, if it goes through, are probably very similar to the trees that were taken down for all the other developments that are across the street, including the one that I live in. And I can vividly remember our children

who were teenagers, well they weren't teenagers, they were younger at the time, and they knew that where our lot was and so on was all woods. It was the hunting ground for the duPonts. So, they said why are we taking these trees down. And we said, so we can live here. And I think they got that eventually. But if we're going to have growth in our community, things like this are going to happen. And if we're planting trees to replace them, then that's a good thing. Back in the day, they didn't do that. So, at least now we're getting to a point where we're acting responsibly. I don't know what else you can ask for. The trees are not an issue to me, not that I don't like trees, don't get me wrong. It's not that we shouldn't save trees wherever we can, but if the developer thinks that there's a market for 3,000 square foot houses, I don't care. Right? If there's a market, you'll know it because you'll sell all 18 houses. If there isn't, then you'll be wondering why did we ever do that. But that's on you, not on us. It has nothing to do with whether we approve or disapprove this proposal that you put in front of us. So, my inclination is to vote yes for this and the peril that you may or may not be putting yourself towards is on you, not on us. But, I think the trees are an issue that you didn't create. You were responsive to it and we can't hold you accountable beyond what you did, in my opinion. So, that's all I have to say.

Mr. Cronin: Yes, Mr. Chairman, I like what I see. I'm not concerned about the square footage. I mean there's 18 houses here proposed, not 180 subdivision homes, at 3,000 square feet. And I think the fact that there might not be empty-nesters in the City limits of Newark that would choose to live here given the square footage, I believe there's a sufficient number within the county that would like to live in a Newark location, proximate to the town and Main Street and the campus. And going up Paper Mill Road is a wonderful sector of Newark, that district, and I think they'll do well. I like the fact that so much of the land is being given to the White Clay Creek State Park. I guess if one wanted, they could have proposed some rather different architectural, you know, Frank Lloyd Wright homes that are looking over the stream and the hillside slopes there and things like that that has not been done. So, that's untouched and a lot of work has gone into this already. I like the Subdivision Advisory Committee comments and input and I think that represents solid work that's been done on behalf of City personnel. And I think it's worthy of recommendation to the Council for their consideration and hopeful approval. As for the trees, the fact that they're going to be coming up elsewhere or, you know, compensated for, I think that's appropriate under the circumstances. Overall, the pluses outweigh the minuses, and those are my thoughts in favor of it. Thank you.

Mr. Stozek: The trees notwithstanding, I don't, again, we don't know enough about the trees. We don't know enough about the health of the forest that's there and how the forest has been maintained, how much are native trees, and so forth. Again, I think the developer is trying to do this in a responsible way. He's meeting, pretty much, all the requirements of the City Code, he's doing extra things, and he's complying with what the City has asked him to do relative to planting trees. So, I really can't fault them. If there's still a problem here that people have, then it's with City Code and such, and that's where [inaudible]. That's where City Council needs to get involved.

Mr. Firestone: Okay, if there's no further discussion, Chair would entertain a motion.

Mr. Silverman: For the . . .

Mr. Firestone: Two separate ones.

Mr. Silverman: Yeah, one for the annexation and one for the . . .

Mr. Firestone: One for the annexation and, depending on the vote on that, we'll do the other one.

Mr. Hurd: Okay. This seems to be my job. I move that we recommend that City Council approve the annexation of the 13.869 +/- acre 0 Paper Mill Road property with rezoning from the current New Castle County SR-UDC Suburban Reserve zoning to RS one-family detached

residential zoning, as shown on the Planning and Development Department Exhibit G, dated August 27, 2018.

Mr. Silverman: I'll second.

Mr. Cronin: Mr. Chairman? I think the motion ought to make some reference to the current tax parcel that the property has, as opposed to 0 Paper Mill Road, which is on Page 1. It's tax parcel 08-052.00-012, which kind of locks it in, I think.

Mr. Hurd: I'll accept that amendment.

Mr. Silverman: Agreed.

Mr. Firestone: Do you accept that friendly amendment?

Mr. Hurd: Yes, I do.

Mr. Silverman: Yes, and second.

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

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

THAT CITY COUNCIL APPROVE THE ANNEXATION OF THE 13.869 +/- ACRE 0 PAPER MILL ROAD PROPERTY, TAX PARCEL 08-052.00-012, WITH REZONING FROM THE CURRENT NEW CASTLE COUNTY SR-UDC-SUBURBAN RESERVE ZONING TO RS (ONE-FAMILY DETACHED RESIDENTIAL, INCLUDING RH, RT, AND RS DISTRICTS) CITY OF NEWARK ZONING, AS SHOWN ON THE PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT G DATED AUGUST 27, 2018.

VOTE: 5-1

AYE: CRONIN, HURD, MCINTOSH, SILVERMAN, STOZEK

NAY: FIRESTONE

ABSENT: MCNATT

MOTION PASSED

Mr. Firestone: So . . .

Mr. Hurd: Okay, I further move that we recommend that City Council approve the 0 Paper Mill Road, parcel 08-052.00-012, major subdivision and site plan approval plan as shown on the Major Subdivision Site Plan Approval plan dated October 30, 2017 and revised August 17, 2018, with the Subdivision Advisory Committee conditions as enumerated in the report.

Mr. McIntosh: Second.

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

Mr. Hill: Thank you very much.

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

THAT CITY COUNCIL APPROVE THE O PAPER MILL ROAD, TAX PARCEL 08-052.00-012, MAJOR SUBDIVISION AND SITE PLAN APPROVAL PLAN, AS SHOWN ON THE MAJOR SUBDIVISION SITE PLAN APPROVAL PLAN DATED OCTOBER 30, 2017 AND REVISED AUGUST 17, 2018, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS OUTLINED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED AUGUST 28, 2018.

VOTE: 5-1

AYE: CRONIN, HURD, MCINTOSH, SILVERMAN, STOZEK

NAY: FIRESTONE

ABSENT: MCNATT

MOTION PASSED

1. CHAIR'S REMARKS.

Mr. Firestone: That, then, takes us back to Chair's Remarks.

Ms. Gray: Do you want to do #4?

Mr. Firestone: We stuck it in right after 3.

Ms. Gray: Oh, I didn't realize that. Okay, I thought we were going to wait until the end. Okay.

Mr. Firestone: Anyway, I want to say . . .

Mr. Hurd: Do we want to take a moment?

Mr. Firestone: Yes, we'll take a moment.

[Secretary's Note: Mr. Firestone called the meeting to recess at 8:41 p.m. and reconvened the meeting at 8:42 p.m.]

Mr. Firestone: Okay, we're back in session. Excuse me, could you please . . .

Mr. Silverman: Okay, we're back to the reordered item numbers, correct?

Mr. Firestone: Yes.

Mr. Silverman: Okay.

Mr. Firestone: Okay, I wanted to announce that this is likely my last meeting and so I anticipate there will be a new District 4 representative at the next meeting. I will continue to engage. I anticipate continuing to serve in some capacity on the Sustainability Advisory Committee and hope to participate in some fashion if the LEED committee is constituted by this Commission. You may see me before you or, you know, in the audience someday, and I will probably be regretting that I helped pushed through rules that limited people in the audience to three minutes.

Mr. Stozek: I was just going to say, you're really only going to get three minutes.

Mr. McIntosh: That will be when we're really glad we did it.

Mr. Silverman: We'll only see you briefly.

Mr. Firestone: Yes. I do hope that . . . and just let me say it's been a real honor and pleasure to serve with you all. I think one of the things I really enjoyed about this position is that I learn a lot. And I learn a lot from my fellow Commissioners. I think we've got, at present, we've got a

really strong Commission with a bunch of people who bring distinct and important expertise, which helps us as a body come up with good decisions. And I hope that the City Council continues to think that way as they fill in in the future. That they think about expertise and diversity of viewpoints. The other thing I really liked about this Commission is that we don't, none of us do anyone else's bidding. And I like that we've had a tradition of independence. And one thing that I'm . . . I was surprised when I came on the Commission. One area that I think we don't do quite as good a job and that's on diversity of humans. So, at the time it was seven rather old, including myself, white men. And then Stacy eventually joined us, but we still only have one woman, we're all white. One of the things we talked about in the Comprehensive Plan is being inclusive, and inclusion should start with this body, and I would hope that, over time, that this body becomes more inclusive by age, by gender, by race, and by income, and so that we actually do get different viewpoints. Again, we still need people who have expertise, but we, I think, would be a richer body and a richer community if we had a more inclusive Commission. So, I do wish you all the best of luck going forward and, as I said, it's been a pleasure to serve and to work with the staff, as well. And I've had an extra double pleasure being the Chair, because you work a little more closely with staff. So, I thank you all. And, as I said, the next time you may see me will either be at a City Council meeting because now I'll have some more time to go to those, or in the audience here.

4. DISCUSSION OF POTENTIAL REZONING AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FOR FOCUS AREA 5 – SOUTH CHAPEL STREET.

Mr. Firestone: So, with that, we will move to Item 4, discussion of potential rezoning and Comprehensive Development Plan amendment for Focus Area 5. Mike?

Mr. Fortner: Thank you, Mr. Chairman.

[Secretary's note: A link to the Planning and Development Department memorandum and supporting documents regarding the potential rezoning and Comprehensive Development Plan amendment for Focus Area 5 South Chapel Street can be found at the end of this document.]

Mr. Fortner: Thank you, Mr. Chair. In your packet you have three maps. The first map is the area from the Comprehensive Development Plan that City staff would propose changing and it's within the blue box. That's the only thing that you would have to change in the Comprehensive Plan. That would be changed from a residential low-density to a residential high-density. So, it's the light yellow and then there's the kind of purplish color that would also change to residential high-density. So, essentially, most of this map within the boundary would have a dark yellow designation if the proposal goes through and you make the zoning adjustments.

The second map are the zoning requirements, or zoning changes, that we would recommend making. It includes turning Benny Street into an RM, garden apartments, zoning. But another area around it next to Haines, we recommend that changing to RA high-rise on the west side of Benny. Then also turning to RA from RM on the north side of Haines Street, that portion right there. It also includes changes to the Christiana School District property which is being used for bus services to RA, as well, on the east side, and a few other little changes that are illustrated on those pop-outs, with each pop-out representing a different one.

And, then, so the third map represents what the change of zoning would look like if those recommendations were adopted. Basically, you'd have a swath of RM zoning kind of centralized. You'd be surrounded by an RA zoning, more of a high-rise residential around it, of course, the area surrounded by the University and downtown to the north.

And that's it. So, I think what we're looking for is a recommendation, not to adopt this, but that staff should be directed to set a public workshop where we would have a drive-by workshop . . . I call it a drive-by workshop. It's where from 4:00 to 6:00 p.m. we would have maps and illustrations and we would send out notifications to promote and invite people to come within a

certain timeframe. They'd come, they'd look at the maps, talk with the planners, and we would answer questions, and later on, you would have a public hearing on another date.

Mr. Silverman: Can we substitute drop-in workshop for drive-by workshop?

Mr. Fortner: Sure.

Mr. Silverman: Okay.

Mr. Firestone: Any comments?

Mr. Hurd: Go ahead.

Mr. Silverman: Mike, I think you've done a very good job in capturing several discussions in what you've represented here. I think it does exactly what we're looking for and sets the ground for this next step of our drop-in workshop.

Mr. Hurd: I just want to preface, I want to thank, just because we didn't get an opportunity, to thank our Chair for his two years of steady and occasionally firm leadership, which I think was beneficial at times.

I'm looking at the second map with the mark-ups and the pop-outs, and I have two questions. They're really two-halves of one question, but I didn't see anywhere in the minutes discussion around rezoning that piece, that property at the top of Haines Street to RA, or Haines Street to RA. I just saw comments around turning what sort of was RS, or whatever, RD, to RM and getting the density. But we only talked about RA along Chapel, was the only discussion points I saw.

Mr. Fortner: RA, yeah, this is part of staff's recommendation in trying to put together what you . . . but we also recommend it. Essentially it has the same owner and there's possible redevelopment there. The same with the southern portion of RA. It's just our staff recommendation . . .

Mr. Hurd: I see.

Mr. Fortner: To go with that. You will be seeing a proposal, probably, in the months to come.

Ms. Gray: Yeah.

Mr. Hurd: Okay, in that case, I'm going to say that I'm not sure I want to make Haines an RA density. I think that's a little . . . it's not a big road. I think that that's pushing it there, as a base zoning. You know, if someone comes in and says we're doing RA and we have a reason, that's fine. But I think as a base zoning, RM makes sense there to pull in with Benny. And I think the same with the property at the top of Haines. That we've got lower density, low-rise RM density along the street and I would like to keep that piece in line with that.

Mr. Firestone: Do we need to decide that now? I mean . . .

Mr. Hurd: Well, we need to decide what this map looks like because it's going to go to the drop-in thing.

Mr. Firestone: Right.

Mr. Hurd: So, I'm saying I'm not supporting RA, immediately making those RA in our base proposal. That's me. Others have different opinions. Staff has different opinions.

Mr. Firestone: But you're still saying that it could be . . . we could seek comment at the workshop on the proposed zoning that you . . .

Mr. Hurd: Well and if someone comes with a proposal for a property and says . . . like, take for instance the one at the top of Haines. If someone comes in and says I have this property facing Chapel, you're proposing it RA, and I've got this piece behind it and I want to combine them and make it all, you know . . . but I think as a baseline.

Mr. Firestone: What I'm trying to get at is what's the . . . there are two items. One is the scope, the geographic scope of the workshop. And the second is what the sort of proposal is within that geographic scope. So, are you saying . . .

Mr. Hurd: I have no issues with the boundary.

Mr. Firestone: Are you saying we should exclude it from the boundary . . .

Mr. Hurd: No.

Mr. Firestone: Or we should keep it within the boundary for discussion but that we should have it not as a proposed zoning change?

Mr. Hurd: Correct. Well, the one that's proposed . . . so, the north Haines is currently RM and I would say let's keep it RM and not propose to make it RA.

Mr. Firestone: Right. But people could come to the workshop and say we want it changed . . .

Mr. Hurd: They absolutely could.

Mr. Firestone: And that would be within the scope of the workshop.

Mr. Hurd: And that would be the point of the workshop.

Ms. Gray: Right.

Mr. Firestone: Yes. Okay.

Mr. Hurd: And then I would say that the south Haines portion which is currently RD, I would rather see that be pulled into the RM block that we're creating along Benny, because I think that they are more similar in that way.

Mr. Silverman: Now, with respect to Haines Street, I don't want to see us get into a box whereby we can't ask for additional right-of-way. If I were looking at that property at the head of Haines Street, I'd be kind of expecting a 36-foot-wide right-of-way through there and make Haines Street a collector street. Because that's what we're really doing. And by providing the higher density, I believe it's RA, that offsets the loss of physical property.

Mr. Hurd: You're talking about the north portion?

Mr. Silverman: Yes. I'm not saying we would do that, but I don't want to lock us out of that.

Mr. Hurd: Well it doesn't preclude an applicant from coming and asking for a rezoning.

Mr. Silverman: Okay.

Mr. Hurd: And I don't know, but maybe staff does, I mean, those two properties may be owned by the same person or they may not.

Ms. Gray: Yes.

Mr. Hurd: They are?

Ms. Gray: Yes.

Mr. Silverman: They are.

Mr. Hurd: But I don't want that to be the reason why I'm going to zone them the same, because they're on two different streets. One is facing Chapel and we talked about Chapel being RA. Everything facing Chapel, it made sense to make that an RA zone. But facing Haines feels more like an RM.

Mr. Silverman: I understand what you're doing but I see that as a site design issue because generally we don't have two different zonings on a parcel that's owned by a single owner.

Mr. Hurd: They're separate parcels.

Mr. Fortner: They're separate parcels.

Ms. Gray: They're separate.

Mr. Silverman: They are separate parcels?

Ms. Gray: They are separate parcels, yes.

Mr. Fortner: If we bring this to the workshop as-is, it can be discussed. If we take it out and remove it before the workshop, it's hard to have a public hearing on it later and then add it if we want it. So . . .

Mr. Hurd: I hear you.

Mr. Fortner: Maybe we should just keep it as broad and then when you get to the public hearing, take it out if you don't want it.

Mr. Hurd: Yeah, I'm just saying I don't want to take to a public hearing as an RA zone.

Ms. Gray: Okay.

Mr. Hurd: As a proposed RA zone. But that's me.

Mr. Fortner: The public workshop.

Mr. Hurd: The public workshop. That's me. Others can have different opinions and we can decide and that's how it works.

Mr. Stozek: Following along with that, I guess I'm on Map 3, this area, the lower part of Haines, the little hatchet, I mean that just seems to be out of place. Everything else is kind of contiguous and what was the thinking to make that RA when everything around it is . . .

Mr. Fortner: It's right across the street from fairly high-rise dorms. University property. There are dorms on that side and so it just seemed like a place for density.

Mr. Silverman: Kind of a transition?

Mr. Fortner: Well, it's private but there's a high-rise dorm, dense dorms . . .

Mr. Hurd: I mean, I understand the point because across the street there really isn't anything but, I mean, there's some science buildings, there's the parking lot, at least it used to be, there's the dorm, there's . . . yeah. So, it is, in some ways, different than Benny, which is the same kinds of things facing each other.

Mr. Stozek: It just, you know, simplistically, it just seems out of place. Maybe there's rationale for it but that can be the discussion . . .

Mr. Fortner: By keeping it in there, we can discuss it at the workshop and perhaps decide that it's not a good idea. But if you take it out, it's hard to have a discussion on it.

Mr. Stozek: Well, we could bring it up.

Mr. Firestone: Would anyone from the public like to make a comment on this item?

Ms. White: Jean White, District 1. I don't have well thought out comments, but I am very concerned about RA zoning because I understand that can be up to seven stories. Is that correct?

Ms. Gray: Yes.

Ms. White: Okay. And I feel that there has to be gradation down to where you might be doing it down toward the end of Chapel, perhaps. And I think that when these two have a gradation, it sort of protects, if you want to think of it like a feeling right now. For example, where Continental Court is, at the moment, what height can that be by the zoning that's there right now? I know they want to build something with five stories, but right now can they do it without a rezoning?

Ms. Gray: The Continental Court property, is that the one along South Chapel or is that the one on Haines?

Ms. White: That's right behind Delaware Avenue. One property behind Delaware Avenue, facing South Chapel.

Ms. Gray: It's currently zoned RM. They can go up to three stories with a possible, they could possibly go up one more.

Ms. White: Okay, it's three stories now and has no parking underneath. The parking is in the back.

Mr. Firestone: Recognize that all we're really talking about is whether we should have a workshop.

Ms. White: [inaudible] having a workshop. And then one also has to think about the University Courtyard ones, which are different heights. But I think the ones, I'll have to go look at them again, I think they're three stories and then the ones behind are four stories. So, we'd want to have sort of a mirrored effect and not suddenly jolt people by what they see. Okay, I guess there will be a workshop and you'll talk about it then. Thank you.

Mr. Firestone: Thank you. Any other discussion on this item?

Mr. Cronin: Mr. Chairman, I think when we, I guess, post information for this drop-in workshop, there's likely to be more people coming if we could, you know, put this whole page, say, in the Newark Post or something like that, as opposed to just keeping it a title saying a workshop on, you know, proposed revisions to the South Chapel Street community or that sort of a thing, and people say ho-hum. But I think if you, if it's more visibly apparent, I guess the magnitude of the type of changes that are being contemplated, it's going to generate more interest on the part of residents to come to the workshop. So, I don't know, that's my thoughts on trying to get as much input as we can to make it the response of the community, as it should be or could be.

Mr. Firestone: No, I agree, as we saw a couple of months ago when we talked about rezoning some areas, there was a lot of citizen interest that was mostly generated by one person. That's not always going to be the case. So, anything we can do to advertise these is a good thing. Obviously, we can put this document with this map on the City's website but, again, anything we can do to make these things more visible. I think one thing the City could do, too, is use its front page to not just advertise the City but to engage the citizens on items like this in a bigger, bolder way. People do go onto the website to pay their bills and such like that.

Mr. Silverman: I do think we have a hot button in here – high-rise. If that appears in black and white and very small print in a news article, it will pique peoples' interest, even though we know what high-rise means.

Mr. Firestone: I mean, I don't think we want to scare people though.

Mr. Silverman: Yeah, I agree.

Mr. Firestone: I mean, we're not putting up a 20-story building.

Mr. Hurd: Yeah.

Mr. Silverman: We'd have to give it context to buildings similar to what's in the area.

Mr. Hurd: Hey, Mike? Sorry, just one . . . refresh my memory. At the corner of Lovett and Haines, our boundary goes around that little property on the corner. Is that a University property? That's a University property, right? Or what's the deal?

Mr. Cronin: The maps don't agree. One map says University and one map says it's not University.

Mr. Fortner: That is a University property. It's probably . . .

Mr. Hurd: Because it's showing it's RM in the subsequent maps.

Mr. Fortner: Sometimes, I believe the University does that. Sometimes they buy a property and don't necessarily rezone it. They have it as a house or something, but it is University.

Mr. Silverman: So, that may be one of those circumstances where the original underlying zoning is still reflected even though the University owns the property?

Mr. Fortner: Yeah.

Mr. Hurd: Okay.

Mr. Firestone: I mean I'm inclined to go with what staff has put forward. I think we want to be really clear that this is not a proposal, that this is basically a map to generate discussion, and that's all. It's no more or no less. We're not leaning this way, but this is sort of what we want, you know, it's set up this way in part to generate discussion and to engage the community and to find out what people think.

Mr. Hurd: To that end, I don't have, at the moment, a solution, but I think we should change that title from Proposed Revisions to South Chapel Street Community. Because proposed revisions sounds like this is what we'd like to do.

Mr. Firestone: Right.

Mr. Hurd: As opposed to . . . I don't know.

Mr. Firestone: A map to generate discussion.

Mr. Cronin: Possible revisions

Mr. Paul Bilodeau: Possible ideas.

Mr. Firestone: I would even be . . .

Mr. Cronin: Or thoughts on revisions or whatever. Something other than proposed.

Mr. Hurd: Or maybe we just strike that and we just say Focus Area 5 South Chapel Street Community.

Mr. Silverman: How about just considerations?

Mr. Firestone: Ideas. You know, something . . .

Mr. Silverman: A neutral word.

Mr. Firestone: It's just ideas. It's not a proposal or not even necessarily possible. I think possible . . .

Mr. Hurd: I'm going to punt that back to staff if they can generate a more neutral and less, a title that doesn't sound like we're getting ready to do this. Does that sound fair, Mary Ellen?

Ms. Gray: Okay, I thought it was a proposal.

Mr. Firestone: No, it's just a workshop.

Ms. Gray: No, absolutely. It's a proposal to . . . but I get it.

Mr. Hurd: I just think we have to be careful about the language so that we don't set the wrong tone . . .

Ms. Gray: Yes.

Mr. Hurd: At the workshop and make it sound like this is more done deal than it really is.

Ms. Gray: Correct.

Mr. Silverman: Is there any problem in keeping it proposed revisions because this is a proposed revision to the Comprehensive Plan eventually. But what gets advertised are up for discussion, prior to revisions.

Mr. McIntosh: But when you do that, though, when you do that and you have a nice color map and everything, people they're going to say, oh, that's what they're going to do.

Mr. Silverman: It turns into stone. Yeah.

Mr. McIntosh: So, I would leave the work on the thesaurus to the staff and, you know, if you're going to publish one of these, you have to have a before and after. Because if all you have is the after, it means nothing. So, what do you have and what are you going to, you know. Most people aren't going to have any idea what that means when they look at this, so I wouldn't get too, you know, concerned about it. But they will have opinions when they come and they listen to the discussion. And that's the good news. But we don't want them to think that this is a done deal. Because if it is, you create resentment and not what you're really trying to do, which is generate ideas.

Mr. Silverman: And, also, be clear that this is far from going to Council in the imminent future.

Mr. McIntosh: When's the plan for it? 2030?

Mr. Firestone: Chair would entertain a motion.

Mr. Hurd: I'll do it again. I move that we direct Planning staff to prepare and convene a public workshop to ascertain public feedback and, well, yeah, to get public feedback and input prior to the Planning Commission public hearing for the recommendation to City Council on the proposed ordinances related to Focus Area 5.

Mr. Firestone: Is there a second?

Mr. McIntosh: Second.

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

MOTION BY HURD, SECONDED BY MCINTOSH THAT THE PLANNING COMMISSION DIRECT PLANNING STAFF TO CONVENE A PUBLIC WORKSHOP TO ASCERTAIN PUBLIC FEEDBACK AND INPUT PRIOR TO THE PLANNING COMMISSION PUBLIC HEARING FOR THEIR RECOMMENDATION TO CITY COUNCIL ON THE PROPOSED ORDINANCES RELATED TO REZONINGS AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS FOR FOCUS AREA 5 – SOUTH CHAPEL STREET.

VOTE: 6-0

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

NAY: NONE

ABSENT: MCNATT

MOTION PASSED

5. DISCUSSION OF POTENTIAL REZONING AND COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FOR FOCUS AREA 2 – CLEVELAND AVENUE. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]

[Secretary's Note: Item 5, discussion of potential rezoning and Comprehensive Development Plan amendment for Focus Area 5 – Cleveland Avenue was withdrawn until a future Planning Commission meeting.]

6. NEW BUSINESS.

Mr. Firestone: Item 6, new business. Does anyone have any new items for a future agenda that they would like to have considered?

Mr. McIntosh: I do. I would like to make sure that we put in the minutes the Commission's appreciation for your leadership over the last couple of years and to wish you well in whatever you do in the future. But to let you and the public know that we appreciate what you did while you were here.

Mr. Hurd: Hear, hear.

Mr. McIntosh: And I'll let Will put that into a motion.

Mr. Hurd: Oh no, that was good.

Mr. McIntosh: You're really good at that. So, anyway, I just think that we should not close this meeting without some official recognition of the value that you brought.

Mr. Silverman: And, Frank, with respect to recognition, the report that was prepared by the professional staff on August 28 for our consideration of 0 Paper Mill Road is an outstanding document. It's clear, it's concise, it's easy to read. Following the recommendations of both Will and Chairman Firestone, the letter that's contained within the document that provides . . . if I can find the date here . . . from Hillcrest Associates involving, that was initiated by Director Gray where there is an issue and then a comment and a response by the applicant, goes a long way of providing clear background information for the Commissioners, and cuts down on the amount of time that the applicant needs to be before the Planning Commission to regurgitate information that was talked about and agreed to by professional staff. So, the format and the layout, the smaller format maps, are an excellent addition. I don't know how this reads on the internet site for the City, but it is a document available to the public and handed out to the Commissioners that is extremely complete and very well done.

Mr. Hurd: Hear, hear.

Mr. Firestone: Any other comments?

Mr. Silverman: And drinks are on Jeremy.

Ms. Gray: Mr. Chair, I've got two quick things.

Mr. Firestone: We're on Item 7 . . .

Ms. Gray: Okay.

Mr. Firestone: Informational items.

Ms. Gray: Okay, I guess I'm in between.

7. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX

Mr. Firestone: Anyway, that gets us to Item 7 and just to let us know that we're almost at the 9 o'clock witching hour, but I'm going to extend it to allow the informational items from the department, plus we will hold our general public comment, should any member of the public wish to make a comment on an item that wasn't on the agenda this evening. Thank you.

Ms. Gray: Thank you, Mr. Chair. Certainly, 7A, the Planning and Development Department Current Projects is our narrative as we have been supplying you on a monthly basis and keeping it up-to-date on the website, as well. So, that is there for your reading pleasure. What we've added on there since we have a lot of plans in-house, a lot of moving parts, we've put together a matrix that we emailed out and is on your table this evening that tracks where we are with all the land use developments that we have in-house and each milestone that has occurred. So, that's for your reading pleasure, and we'll update that on a monthly basis and give that to you all, so you know where everything is.

And the last thing is that we have the October meeting, and what we have coming up is, certainly, the Work Plan, election of officers, and possibly the, sometime in the month of October we need to have a presentation by Director Del Grande regarding the CIP. And depending upon if we have any other land use projects that come in to us and are ready to go on the agenda, we might be looking to schedule a special meeting. I'll know that by the end of next week if we have any land use projects that have come back. As you can see on the matrix, there are a couple of projects that could be ready to go if we got a complete resubmission. So, I'll be working with the applicants on that to get that answer as to whether we need to schedule another meeting for the hearing of the CIP.

Mr. Firestone: Okay. Is there any general public comment? Hearing none, the Chair would entertain a motion to adjourn.

Mr. Hurd: I so move.

Mr. Firestone: Is there a second?

Mr. McIntosh: Second.

Mr. Stozek: Second.

Mr. Firestone: All those in favor of adjourning, signify by saying Aye. Opposed, say Nay. We stand adjourned at two minutes after nine.

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

VOTE: 6-0

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

NAY: NONE

ABSENT: MCNATT

MOTION PASSED

There being no further business, the Planning Commission meeting adjourned at 9:02 p.m.

Respectfully submitted,



Willard F. Hurd
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Applicant presentation \(0 Paper Mill Road\)](#)

Exhibit B: [Planning and Development Department report \(0 Paper Mill Road\)](#)

Exhibit C: [State of Delaware letter \(0 Paper Mill Road\)](#)

Exhibit D: [Written public comment – Stapleford \(0 Paper Mill Road\)](#)

Exhibit E: [Written public comment – Saenger \(0 Paper Mill Road\)](#)

Exhibit F: [Written public comment – Helmstadter \(0 Paper Mill Road\)](#)

Exhibit G: [Planning and Department Department report \(Rezoning and Comprehensive Development Plan Amendment – Focus Area 5 South Chapel Street\)](#)

Exhibit H: [Planning and Development Department matrix \(Land Use Project Tracking\)](#)