

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

October 2, 2018

7:00 p.m.

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

Chairman: Alan Silverman

Commissioners Present: Will Hurd
Frank McIntosh
Stacy McNatt
Bob Stozek
Tom Wampler

Commissioners Absent: Bob Cronin

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

Mr. Alan Silverman called the Planning Commission meeting to order at 7:03 p.m.

1. CHAIR’S REMARKS.

Mr. Silverman: I would like to call the City of Newark, Delaware Planning Commission meeting for Tuesday, October 2, 2018 to order at 7:00 p.m. The first item on the agenda are the Chair’s remarks. I’d like to welcome Tom Wampler . . .

Mr. Tom Wampler: Thank you.

Mr. Silverman: To the Planning Commission. Mr. Wampler was just appointed at a recent City Council meeting. And I would also like to add that two items are going to be excluded from our agenda tonight – agenda item 4 and agenda item 7. So, if you came in tonight for those specific items, they will not be heard.

2. ELECTION OF PLANNING COMMISSION OFFICERS.

Mr. Silverman: Moving on to the next item of business on our agenda is election of officers. The Code for the City of Newark requires that we elect officers after the meeting following the 16th of September, which means that we’re going to elect officers at this meeting. We elect a Chair, Vice Chair, and a Commission Secretary. The real heavy lifting is done by the secretary to the Land Use Department, who is Michelle Vispi. So, I would like to open up the floor for nominations for Chair.

Mr. Will Hurd: I nominate Alan Silverman for Chair.

Mr. Silverman: Alan Silverman has been nominated. Are there any other people who wish to be nominated? If there’s no objections, nominations for Chair are closed and would our Secretary cast the symbolic ballot.

Mr. Hurd: Sure. How do you . . .

Mr. Silverman: You just cast the ballot for Chair.

Mr. Hurd: Okay, I vote for Alan for Chair.

Mr. Silverman: Thank you. We'll move on to the position of Vice Chair.

Ms. Mary Ellen Gray: I think we have to vote. You need a second.

Mr. Frank McIntosh: You needed a second.

Mr. Silverman: Do we need a formal vote?

Mr. Paul Bilodeau: Someone needs to second the nomination.

Mr. Silverman: Okay.

Mr. McIntosh: I'll second it.

Mr. Silverman: Well, we might as well go through the formal vote process. We will move to vote on the candidate for Chair, Alan Silverman. There has been a motion and second. All those in favor, signify by saying Aye. All those opposed, Nay. The Ayes have it. Alan Silverman is elected Chair.

MOTION BY HURD, SECONDED BY MCINTOSH THAT ALAN SILVERMAN BE ELECTED TO THE POSITION OF PLANNING COMMISSION CHAIR.

VOTE: 6-0

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

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

Mr. Silverman: Nominations are open for Vice Chair.

Ms. Stacy McNatt: I nominate Mr. Hurd as Vice Chair.

Mr. Silverman: Okay, Will Hurd has been nominated as Vice Chair. Are there any other nominations for Vice Chair? Hearing none . . .

Mr. McIntosh: You need a second.

Mr. Silverman: Is there a second?

Mr. Bob Stozek: Second.

Mr. McIntosh: Second. Okay, I'll be third.

Mr. Silverman: If there are no other candidates or nominations, nominations are closed. All those in favor of Will Hurd for Vice Chair, signify by saying Aye. All those opposed, Nay. The Ayes have it. Will Hurd is Vice Chair.

MOTION BY MCNATT, SECONDED BY STOZEK THAT WILL HURD BE ELECTED TO THE POSITION OF PLANNING COMMISSION VICE CHAIR.

VOTE: 6-0

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

MOTION PASSED

Mr. Silverman: The position is open for Secretary of the Commission. Are there any nominations?

Mr. Hurd: It's real easy, guys.

Mr. Silverman: Okay, hearing no nominations, if there is no objection, the position will stay open. Can we do that?

Ms. Gray: I think the ordinance calls for a Secretary, as well.

Mr. Bilodeau: I think we need to fill the position.

Mr. Silverman: Okay. It's largely a symbolic position. It pays well. Mr. Stozek, would you . . .

Mr. Stozek: I would nominate Frank McIntosh.

Mr. McIntosh: That was mean.

Mr. Silverman: Frank, would you consider . . .

Mr. McIntosh: What was that you said? That there was no . . . it's ceremonial? Largely, I think was the term.

Mr. Silverman: Yes.

Mr. McIntosh: What does the largely mean?

Mr. Hurd: You motion that the minutes are complete, and it helps if you've read them.

Mr. McIntosh: Well, see there's a problem. They're 25 pages long. Anyway, yes, I'll do it.

Mr. Silverman: Okay.

Mr. Bilodeau: We need a second.

Mr. Hurd: I'll second.

Mr. Silverman: Okay, Frank has been nominated for Secretary. If there are no other nominations, the nominations for Secretary are closed. All those in favor of Frank McIntosh as Secretary, please signify by saying Aye. All those opposed, Nay. The Ayes have it. Frank, congratulations.

Mr. McIntosh: I can't vote no?

Mr. Stozek: That's what happens when you wear a Red Sox jersey.

MOTION BY STOZEK, SECONDED BY HURD THAT FRANK MCINTOSH BE ELECTED TO THE POSITION OF PLANNING COMMISSION SECRETARY.

VOTE: 6-0

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

NAY: NONE
ABSENT: CRONIN

MOTION PASSED

Mr. Silverman: Okay, that is our slate of officers for this calendar year.

3. THE MINUTES OF THE SEPTEMBER 4, 2018 PLANNING COMMISSION MEETING.

Mr. Silverman: Moving on to the Item 3 on our agenda, the minutes of the September 4, 2018 Planning Commission meeting.

Mr. Hurd: I will finish off my term as secretary by asking Michelle are there any further corrections beyond the one that I sent you?

Ms. Michelle Vispi: None.

Mr. Hurd: Alright, then Mr. Chair, the minutes stand as submitted, with one correction as noted and handed out.

Mr. Silverman: All those in favor of approving the minutes as corrected as noted, please signify by saying Aye. All those opposed, Nay. The minutes stand approved.

VOTE BY ACCLAMATION THAT THE MINUTES OF THE SEPTEMBER 4, 2018 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

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

MOTION PASSED

4. REVIEW AND CONSIDERATION OF AMENDMENTS TO ZONING CODE CHAPTER 32 ARTICLE XXV LANDSCAPE SCREENING AND TREATMENT RELATING TO LANDSCAPE AND TREE PRESERVATION REQUIREMENTS. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]

Mr. Silverman: Item 4 on our previously posted agenda has been withdrawn until a future Planning Commission meeting, so we'll move on to Item 5.

5. REVIEW AND CONSIDERATION OF A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS FROM RESIDENTIAL LOW-DENSITY TO RESIDENTIAL HIGH-DENSITY, REZONING FROM RD (ONE-FAMILY SEMI-DETACHED RESIDENTIAL) TO RA (MULTI-FAMILY DWELLINGS – HIGH RISE APARTMENTS), AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL PLAN FOR THE PROPERTY LOCATED AT 209-225 HAINES STREET.

Mr. Silverman: Madam Director, can you read the item we're going to be considering?

Ms. Gray: Yes, Mr. Chair. Thank you. This application is for a rezoning and major subdivision by site plan approval and a Comprehensive Development Plan amendment for 0.819 acres of property on Haines Street. The applicant is requesting a rezoning of the properties from RD, which is one-family detached residential, to RA, which is multi-family dwellings high-rise apartments, and approval of plans to construct a four-story high-rise apartment with 24 units. Staff has recommended approval for this application, and I believe the applicant's representative, Mr. Alan Hill, is here to present the application. And, in addition, for those in

the audience, the plans have been, very high-tech, have been scotch-taped, I think it's masking tape, to the wall back there should you wish to view the plans in higher detail. And Mr. Fruehstorfer is reminding me that there is a correction to the density table in Exhibit F as in Frank that is also on your table, as well. Mr. Chair?

Mr. Silverman: If the applicant would like to begin. Please try to keep your remarks to 15 minutes.

[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, a link to the Planning and Development Department report and modified density table for the Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval can be found at the end of this document.]

Mr. Alan Hill: I will try to keep my remarks as brief as possible. The Watts family who own the parcels in question are here tonight and Seth would like to say a few words about their family, their business, and also how we came to the proposal that we have before you this evening. So, I'll turn it over to Seth for two minutes.

Mr. Silverman: Sir, please identify yourself.

Mr. Seth Watts: Hi, my name is Seth Watts. I'm one of the owners of the Haines Street properties. There are five siblings in our family – myself, Christopher, Danial, Roberta, and David. We have several generations sitting over there, and we each own one of the five parcels that are under consideration tonight. I want to first give you a little history of our family, this property, and our experience with apartment rentals, and specifically student rentals in Newark. My father, Jim, first bought 221 Haines Street and our family moved there about 30 years ago. It came with an additional lot which he built 225 on several years later. Then our neighbor who owned 209 and 213 decided to sell, and my father bought those properties as well. This allowed him to divide off another lot and built 217 about 20 years ago. Eventually our family moved away to Covered Bridge Farms and my father continued to own the houses as student rental houses. Over time, he sold one of them to each of his five children. We have continued to rent them. We also have owned University Garden Apartments for over 30 years and we have personally maintained and managed the complex for all that time. University Gardens is 76 units with a mix of 1-, 2-, and 4-bedroom apartments. We've done extensive renovations and additions there over the years. We have extensive experience with the student rental market in Newark and have good relationships with the City and community.

We are now in a position to consider developing our properties on Haines Street and that is what brought us to this point. To quickly explain how we got to the proposal that we have before you tonight, as we considered how we wanted to develop the property, we looked at two options, and with Hillcrest Associates' help, we developed two concept layouts. First, we looked at a 6-bedroom townhome layout through RM zoning, which has been typical for this area. The townhome option was appealing for several reasons. It is what has been done in this area of the City and people are familiar with it. It would allow us to maximize the number of beds for the property and save on construction costs versus an apartment building.

The second option we looked at, and what you have before you tonight, is an apartment building through RA zoning. When we looked at the apartment building option, it was more in line with what we wanted to do for several reasons. Based on our experience in the market, we know there was a demand for 2- and 3-bedroom units, and not as many are being built, especially in this area. While the apartment building option gives us less beds overall than the townhomes and the upfront construction costs are higher, we have a lot of experience renting these types of units. We feel it gives us greater control over and inhibits noise issues, large parties and security problems. It also gives us flexibility to rent to smaller groups of tenants and a wider range of tenant types, including graduate students. This proposal also meets the

parking requirements of the Code and will not need a parking waiver. Another positive of doing an apartment building is it allows us to incorporate some energy efficiency into the project that would be difficult with townhomes. With a flat roof, we have the ability to install a solar electric system that would handle house electric needs. We are also planning to install two electric car charging stations, as well as the infrastructure for future stations, so we have the ability to easily install more if there is demand for that.

We realize this is something a little bit different than what has been done in this area, but we feel that with the location of the property, right across the street from the University dorms and the Science Building, it does fit with the building types in the area. As you will see from what Alan will show you with the elevations and renderings, we are also planning to have exterior details that will give a very nice-looking building and what we believe will be an asset to the City. We also feel this is a good long-term alternative for the City in that it provides a wider mix of rental unit types in this area of the City, especially with the recent news that University Courtyard will be taken off the private rental market, and they are the most nearby apartments.

We appreciate your time in considering our project and hope that you will see it as a benefit to the City. And now I'll hand it off to Alan.

Mr. Hill: Alright, thank you. So, I'll go through what we have as part of the presentation here. We have a rezoning, Comprehensive Development Plan amendment, major subdivision with site plan approval.

So, here's the site location. You can see where we have down on Haines Street here and we have Benny Street behind where there's been several developments. We'll get to those.

These are the five existing homes that are on the properties now, and you can see the Watts family keep the properties very well. They're not rundown properties. They're easy to rent properties. They're in a good location. They're generally good homes.

Here we've got the view down Haines Street overlooking the Louis Redding Hall building, which is a five-story building at the end of the street. We have the Russell dorms as well. And then the big industrial-looking building that's been referred to as the Science Building, is also referred to as the East Campus Utility building. I'm not quite sure what it is but it's a huge metal box from the outside. So, it kind of says go away when you look at it, so we didn't pull into the parking lot and look that closely.

So, back to the location where we are there. So, as part of the zoning, you can see a lot of the area is RD, RM, RA. We have a general mix of zoning in this location. So, one of the things that we looked at when we did this is, and we're going backwards chronologically with this, with the most recent heading towards the distance, we have 30 Benny. That was rezoned from RD to RM. You can see 36 Benny, which was rezoned from RD to RM. We have the Heights on South Chapel, which some people know as Hootie Cat Lane, I think it's called. That was RM to RA. The East Village at South Chapel which was industrial to RA. And then the Rupp Farm project on Chambers, which was RD to RM. So, you can see all those rezonings to RA or RM from the RD districts.

So, here's the current Comprehensive Development Plan showing the area, and these are all of those subdivisions that we've just mentioned. I know all of those required the Comp Plan amendment to do that, and we are proposing a similar Comp Plan amendment from the residential low-density to the residential high-density.

We'll go back to the site plan, you can see what we have here, and we'll talk about the site plan in a moment. Seth had mentioned that we had looked at doing townhouses on here, similar to what other people had done. And it was really going to be twelve townhouses fronting onto the street with access in the middle about where we are here, and then a driveway in the back

with additional parking back over here. That, if we'd have done the townhouse development which was so familiar sitting in the RM district would have been twelve 6-bedroom units, 72 total bedrooms, something that we've done repeatedly in the area. Seth said their family prefers to do apartments and they wanted to go with this proposal, which was the RA zoning, four-story building with parking on the lowest floor. Having said that, we have the building outline and we have the parking coming into the parking entrance under the building here. We have 21 spaces inside the building and then another 28 spaces outside here. We also have the stormwater management for the proposal underneath this parking area here. We're infiltrating the lower level storms, the quality storms, and then we're controlling the rate on the flow out of the system for the larger storms into the existing storm sewer line that's out in the street.

We are asking for some deviations from the RA zoning. We're asking for a deviation on the lot coverage and the minimum lot size. We are asking for a setback reduction from the street from 30 feet required to 20 feet proposed, and that's in this area here. The setback from the exterior lot line, for the RA zoning it should be 25 feet. We're down as low as 14.5 feet and that is actually up in this area here where the taper on the property line and the building comes together. Let me just flip back. The setback from the rear yard is required to be 25. We're at 19. When we look at that, that 19 we're talking about in this corner here. We actually exceed the 25 over in this corner here just because of the shape of the lot. And then the setback from the side yard is the same as the perimeter and it's that same location on that front left corner of the building.

Moving forward, so, we put this slide in just to give you an idea of some of the heights of the buildings around where we are. You can see the five-story dorms back in here. You can see this utility building here and, like I say, it's got some strange things going on in there. What you can just make out in the distance over here are the actual, from the aerial photo, at the time the aerial photo was done, they were actually putting the stairwells in for the Heights building there. And that's a four-story building and you can just see the stair towers there. And then in the corner here are the East Village, and that's also a four-story building with parking underneath in the RA zoning district, you can see there. So, with the five-story buildings here and the four-story buildings over in the back over here, and then this big building here, we're not out of the realm on the building height and the looks for that. We were just a little concerned that we needed to show that as best we could.

We are proposing to be LEED certified. It was pointed out today that we'd actually submitted the wrong LEED form. We just handed out the updated for the new construction this evening, just at the beginning of the presentation, Tom [Schreier] came down and handed that form out. We went through that very quickly today, so we do meet the LEED certification requirements and this form has a potential LEED area in it, as well, that we actually have some more LEED points available to us in there, but it's going to take us more than an afternoon just to go through and see exactly what we have there. But we will be LEED certified on this building.

So, when we get to the building, you can see here we have the four-story building with a level of parking underneath. We also have an entrance at the front here. There will be an elevator in this building and a stairway that comes up. The building has 2- and 3-bedroom apartments in it. Primarily on the corners of the building, there will be the 3-bedroom units because we have the extra additional wall space to be able to provide three bedrooms. But on the internal areas here, these will all be 2-bedroom units. While we're talking about the façade, it's a masonry façade. We have a mix of the brick and the stone and then we have some stucco on this top level here. We are proposing a flat roof behind the mansard façade here. So, we have a flat roof that we can do the solar panels. The grills you see down here are just grills in the opening just to give it a little bit of a nicer look. And you see balustrades on the front. Those are not balconies, they are all just purely decorative with windows behind.

Going around to the back of the building, we kind of follow the same general look of the building all the way around. Yes, we do simplify it a little bit on the back side with some more stucco as opposed to the stone, but it follows the same general theme, and we have a second

entrance at the back of the building here, as well to the stair tower and the parking underneath.

And then, just to sum it up, we do meet and exceed the parking requirements for the property. We're utilizing some green technology with the solar panels and car charging stations. We're going in with 2- and 3-bedroom units, which is unusual in this location, but we think it's a good idea. We have the transitional zoning from the University to the RA to the RM. We believe we align with the surrounding developments, and we have, again, less bedrooms than the typical RM development for the proposal. And that kind of wraps up my presentation, and I think I'm about a minute under the 15. And I apologize if I stumbled over a few of the words in there, but I think I did it. So, if you have any questions or you want to open it up to the floor which is your choice, you can take over from here.

Mr. Silverman: Thank you very much. Under our Rules of Procedure, the Commissioners are now permitted to ask questions of the applicant's representative. Mr. Stozek?

Mr. Stozek: Could you go back to your overhead slide of the area of the town?

Mr. Hill: This one or the . . .

Mr. Stozek: No.

Mr. Hill: The more . . .

Mr. Stozek: Go forward one.

Mr. Hill: This one.

Mr. Stozek: To the north of your proposed building, there are, what, two houses there on Haines and I guess a couple behind, and I'm just wondering, is your construction going to lock what people could potentially do in that area? Because they're, you know, a relatively small, contained area. I don't know . . .

Mr. Hill: You mean from future development of those areas?

Mr. Stozek: Right.

Mr. Hill: I don't believe so and looking at it here, that slide actually, the image has managed to slide itself a little bit further north than it should be because it chopped off the, you can just see the edge of the second house there, just a little there on the side. The smaller lots, when you redevelop them by themselves, as we've discovered, are quite difficult to redevelop. The individual lots, somebody would have to probably redevelop the two lots together to be able to do something creative at this point.

Mr. Stozek: And I guess, potentially, if you fronted a building on Lovett, you could do something with those two or four lots up there.

Mr. Hill: Yes, if somebody were to be able to acquire that corner, they could do something else as well on that corner.

Mr. Stozek: I guess the only other comment I have is just your timing. I don't know if you know but the Commission has had several meetings and made recommendations to rezone and change the Comprehensive Plan for this whole area. And, in fact, there's going to be a public meeting at some time in the future to get the public's comment before it goes to Council. I think what you're proposing in general complies with what we were recommending but, again, it's not something that the Council has approved yet, and that's my only hesitancy here. I think, you know, what you're proposing is within the areas we envision it. It's just this whole timing

thing, I'm not sure what to do about it. I mean, what if Council would say, no, we don't agree. And here we are, you know, we're basically spot rezoning and spot changing the Comprehensive Plan and changing four different setbacks, violating setbacks. So we're making a bunch of changes for you that Council may not agree with in general. And that's my biggest concern relative to the timing of this project.

Mr. Hill: And we were made aware that the Planning Commission was working on this after we submitted the plans, actually. We didn't know leading in. But I feel, personally, if that's the direction the Planning Commission is going and is recommending to Council, then I think we're probably a good project along those lines.

Mr. Stozek: Again, the problem is we don't know what the Council is going to do, and I have been one whose been pretty much staunchly against, you know, pretty much every project that comes along giving variances on Comprehensive Plan and zoning restrictions. We're doing it property-by-property rather than looking at the City as a whole or an area as a whole. So, that's my comment that's got me thinking.

Mr. Hurd: I have no questions. I do appreciate that you're doing the 2- and 3-bedroom units. That's good. I just want to mention for the record that I'm in that property diagonal top right there, fronting Lovett and Benny. So, this will be my new neighbor if this goes through. But I will say that I'm looking at this in the context of the City as a whole, as we're supposed to be doing on planning, and not what's happening in my backyard.

Ms. McNatt: I have the same concerns, thank you, regarding the timing and the actual size, knowing this area is being evaluated for other types of zoning products that could fall in line with what the City is thinking or the ideas that they're having. And I don't know that this fits exactly what they're thinking. I know there's been discussion of RM zoning in the area because a lot of this area is already RM, but I'm not saying if, I don't know if that's what they're going to do. So, it's interesting that, I guess because you said you didn't know it was happening, so you didn't really have a proposal for RM and something else. So, that causes me some concern about supporting 100% something that needs variances, as well. I also, again, do you know, again, I like to focus on other things, as well, including stormwater and drainage, and I know these are very tiny lots in the area and I don't know exactly, do you know where a lot of the drainage behind this structure goes or how the other lots drain onto this parcel? Or do you . . .

Mr. Hill: It's actually, that area is very, very flat. And looking at the drainage ponds, it kind of splits between the two roads going backwards and forwards. But minimal slope. Absolute minimal slope. And with the soil conditions that are out there, it's basically, an easy term, it's hardpan. So, the water doesn't infiltrate at the surface. We have found if we go deep enough, we get in through the solid layer into a gravelly, sandy layer and we can actually get some fairly good infiltration rates when we go down. So, what we're doing with this property, we'll be taking everything from our own property and infiltrating the smaller storms and then managing the larger storms. So, as far as run-off coming from our property, we're actually going to be improving it over what's there now as far as the stormwater goes.

Ms. McNatt: I'm just concerned that the rating from this property may prohibit positive drainage from the other parcels that may . . . I don't want to create a situation where we're creating drainage problems on other people's lots because the area isn't conducive to having good fall or good slopes.

Mr. Hill: Right.

Ms. McNatt: And I think that should be looked at to make sure that adequate conveyance systems are put behind the building so that there isn't ever standing water back there, especially on someone else's lot. I don't think that's appropriate.

Mr. Hill: Right . . .

Ms. McNatt: I think it's concerning.

Mr. Hill: We'll be grading our site so that it drains, so that it's not draining and ponding. But we can't grade . . .

Ms. McNatt: I just want to make sure you're not going to grade it in a way that you're going to create ponding on someone else's property.

Mr. Hill: No, we won't be ponding other people's property. The Public Works Department won't allow us to do little things like that.

Ms. McNatt: And the roof drain that's coming into, it looks like there's just one roof drain from this large structure coming into the stormwater facility.

Mr. Hill: Yes.

Ms. McNatt: Is that one roof drain designed to collect that entire building?

Mr. Hill: It is. It will be a 12- or 15-inch pipe that's coming off the roof. So, there will be multiple drains on the flat roof of the building that will be collected through a manifold system so that you don't have clogging or any flooding or drainage issues and you have multiple ways down. But it will connect out through the building as one pipe.

Ms. McNatt: As one pipe. And it will be large enough . . .

Mr. Hill: And it will be large enough to . . .

Ms. McNatt: Because it wasn't labeled and I wasn't sure.

Mr. Hill: No, and at this level of the submission it's not sized.

Ms. McNatt: And another clarification, there's a system along the parking lot, the southerly parking lot closest to Haines, and does that just get collected and discharged into the 30-inch concrete pipe out on Haines, that does not go into the stormwater system, correct?

Mr. Hill: That's correct. There's a drainage break line alongside, basically between the parking spaces closest to Haines and the access aisle, there's a break line there, so that 18 feet of paving winds out into that drainage system that runs out into the system that goes into the street.

Ms. McNatt: And are you aware of any flooding or drainage problems in the system in Haines in that street?

Mr. Hill: I don't believe there's any issues within the system. I believe there are drainage and flooding issues in this whole general area overall. But as far as the system goes, I don't believe once it's in the system there's any issues about being in the system. The problems that I see having driven around the area based on the other projects that we've done in the past, there is a lack of drainage structures in the street to collect the run-off. So, part of the problem is there's nowhere for the water that's on the surface to get into the system that's already there. With our proposal, we'll be taking that whole area and putting it into the system.

Ms. McNatt: Just knowing that the residents, you know, a lot of drainage work products are coming through. You know, taxpayers are paying for a lot of drainage issues and just making sure that this isn't going to . . . if there are issues, that they get addressed at some point.

Mr. Hill: Yes.

Ms. McNatt: Those are my concerns. Thank you.

Mr. Silverman: Mr. Wampler?

Mr. Wampler: Yes, this is my first meeting so forgive my ignorance on some of these things, but in looking at the deviations, and this is really, I think, a question more for the Commission, the maximum lot coverage of 20%, first of all, 30% seems like a big deviation. That's half again what the coverage is. I take it that is the coverage of the structure. Is there also a requirement, a maximum for the impervious surface in something like this? Because it looks like, when you look at the picture, it looks like almost the entire lot is covered and that's following up on what you were saying as far as drainage goes. It looks like with the large building and all of that parking, it looks like pretty much the whole lot is now impervious. And I know that in other areas there are limits as to how much of the property can be covered by building plus paving. But does that apply in this case?

Mr. Hill: I see Mary Ellen looking it up, but I can try and answer it from my recollection.

Ms. Gray: Give it a shot while I'm pulling it up.

Mr. Hurd: I can also because I looked at this. In the RA zone, the coverage applies to the building only and not to the impervious surface. In RM, RS, RD, there is one coverage for the building and one for the impervious improvements upon the lot.

Mr. Wampler: Okay, thanks.

Mr. Hill: That's my understanding also.

Ms. Gray: Awesome. I just found it.

Mr. Wampler: That was my only question. Thank you.

Mr. Silverman: Okay. Frank?

Mr. McIntosh: You said that you're going to put solar panels in or are you thinking you're going to put solar panels in?

Mr. Hill: The intent is to put solar panels in.

Mr. McIntosh: The intent.

Mr. Hill: Yes.

Mr. McIntosh: What does that mean? That's sort of like largely.

Mr. Hill: It means yes. Yes, they are going to put solar panels in.

Mr. McIntosh: And once they're in, what kind of effect will they have? How big are they? What, you know, you've got a big building and I guess they would go in the middle of that structure.

Mr. Hill: They will actually go into . . . so, the building is proposed to have a mansard roof, so the flat part of the roof is actually just above this fascia here. So, they will be completely hidden behind the mansard there. So, you won't be able to . . . the only way you're going to see the solar panels will be from an air photo. You won't be able to see them from the ground and this way they'll actually be easy to maintain for whoever owns them, whether it's the utility company or the owners. There are multiple different ways that solar panels work with their contracts. But it allows us to orient them to the southern elevation much better than just sticking them on the traditional roof of a building. So, they tend to low-mount them on the roof of the building.

Mr. McIntosh: Excuse me, I'm having cataract surgery very soon, but that doesn't look flat to me.

Mr. Hill: No. So . . .

Mr. McIntosh: I'm just saying.

Mr. Hill: So, we have a mansard roof here that comes up quite steeply and then it basically comes up and then drops back down vertically to the roof behind that, which then allows you, if I kind of flick back to this building, so this is kind of the footprint of the building. The steep part of the roof is about . . . pardon my hand shaking, I must have coffee'd up tonight . . . about there. So, we end up with a large area within the footprint of the building that's flat for them to mount the solar panels on.

Mr. McIntosh: Which you can't see.

Mr. Hill: Which you can't see because of the mansard roof.

Mr. McIntosh: Massive roof?

Mr. Hill: Mansard.

Mr. McIntosh: Okay.

Mr. Stozek: Is there going to be HVAC equipment up there?

Mr. Hill: There will be some HVAC equipment up there, so you don't have it on the ground looking ugly, as well. So, on a building like this, there's multiple reasons for doing a mansard roof and working with a flat roof. And, personally, I think it's a great idea because it cleans up the whole land around the property and then it gives us the ability to put the solar panels up there, which I personally like.

Mr. McIntosh: So, do you have any gauge as to how much electricity that will save when you put the panels up?

Mr. Hill: We don't. We don't have that sort of information.

Mr. McIntosh: Would you guess?

Mr. Hill: No.

Mr. McIntosh: If I said a number, would you nod your head?

Mr. Hill: You want a nod and a wink? How much do you want us to do?

Mr. McIntosh: I don't know. I mean it depends upon how much the City needs your electric bills.

Mr. Hill: That's the conflict with putting the solar panels on the buildings is the City is the utility.

Mr. McIntosh: Well, it's a rare occasion that we get a plan that actually has solar panels on it, so congratulations.

Mr. Hill: I know that too well.

Mr. McIntosh: Thank you. Paul, do you want to chime in on anything?

Mr. Paul Bilodeau: I'll defer to the chairman.

Mr. McIntosh: Sorry.

Mr. Bilodeau: But thank you.

Mr. Silverman: Okay, moving through our Rules of Procedure, the floor is now open for public comment. No one has signed up to speak. Is there anyone who wishes to speak? Ms. White.

Ms. Jean White: Hi . . .

Mr. Silverman: Three minutes.

Ms. White: Okay. Jean White, District 1. I am familiar with this area because many years ago my husband and I lived on an abutting street to Haines here and I oftentimes walked around. Much has changed in that time, as the applicant and spokesman have talked about. The University has changed things tremendously there, and the area is transitioning. I can see that it is reasonable to replace the five houses with something in their place. I would have liked to see a three-story building, not a four-story building, and I do not understand why this can't be done with RM zoning. First of all, one doesn't have to do a whole bunch of townhouse apartments, each with their own entrance. And secondly, I do not understand why under RM zoning with one building or maybe two buildings, one has to have 4-6 bedrooms per apartment. I do not see why it can't have 2- and 3-bedroom things. I am bothered by the fact that the acreage required for RA is two acres and this is 0.819 acres. I think it's different, you know, the lot coverage which for RA as well as RM is 20% and this is 30.5%. And there's a bunch of other things that I could go into such as the setback from the street, which is required to be 30 and this is 20, and then on the northern side it should be 25 feet from the property on the northern side and it's only 14.6 if I have this correct. So, at any rate, I was surprised that it's got 69.5% open area because the parking lot counts. Maybe that's by the rules of RA, I don't know about that. At any rate, I would have preferred, or I do prefer, that it be zoned RM with one building with apartments inside, possibly two, and not to be RA with four-stories. And I think within RM you could still have all of the parking underneath on the first floor and have apartments on the second and third, either with one building or two buildings. Thank you.

Mr. Silverman: Is there anyone else who wishes to speak? Please come forward, state your name and where you're from.

Ms. Lena Thayer: Hi, Lena Thayer, District 5. Thank you for letting me speak into the weird microphone. My only concerns are things that the Commissioners have brought up about the timing in regard to the change in the overall view of the City and how this fits in. I'm also very concerned about the RA zoning in regard to the impervious surfaces that have been brought up here. We've all been talking about stormwater all year long and have invested a significant amount of money as a city into mitigating that. If this parking lot is not applicable, it doesn't make much sense to me personally. That's all except for Go Sox.

Mr. Silverman: Thank you. Is there anyone else who wishes to speak? Okay, since there is no other member of the public who wishes to speak, the Commissioners may ask additional questions of the applicant or start discussion among themselves with respect to the item before us.

Mr. Hurd: I'll go, sure. I don't think I have, well I guess I have one sort of question for the applicant. The previous LEED submission, the LEED for Homes I, I had a small problem with it in that it only touched on about half of the City's required points in that application. I can't tell, because I don't have it in front of me, how many of the City's requirements have been incorporated that you picked up perhaps in this LEED submission. And then adding on top of it to make it certified. And I'll say that the City I don't think is very clear and that's hopefully one of the things the work group will clarify because if you're doing a regular development, you

have to do the City's points. And then we say site plan is like a LEED certified or something equivalent and we don't tie the two together. So, that's just something for you to think about as you're looking at the points.

Comment-wise, and I'm struggling here because we've been talking about the growth of the City, we've been talking about infill development, we've been talking about density and the appropriate places for it, and we've been looking at this area as a place that could take a little more density without as much impact. I'm concerned about the size, I'll just say that. I will say that I think some of your arguments for the site plan approval don't hold as much water for me. I think it's hard to say that you're doing common open space when the open space is not open space as defined in the subdivision agreement and therefore Parks is asking you to pay a fee to compensate for that. I'm also not really sure about unique treatment of parking facilities because I think parking underneath is done everywhere, so I think that that doesn't add much, in my mind. I do appreciate the solar panels. I do appreciate the smaller units. I do appreciate the LEED effort and the density infill.

Mr. Hill: Could I just say something about the open area . . .

Mr. Silverman: Sure, go ahead.

Mr. Hurd: Sure.

Mr. Hill: And the uniqueness of it? So, one of the things that has come up on previous submissions for this general area that have been responded quite favorable by both Planning Commission, Council, and the local Newark Police Department was the fact that they were taking away the open space areas where they were having these huge parties in the area. And that was one of the things that we did with this proposal, was to take away that ability to have the hidden party areas in the backs of the lots. And with the townhouse, the RM proposal that we'd looked at with the townhouses all along the street, it created a huge hidden area behind the units that those parties could continue on without being seen. With this one, all the open area is actually the parking area which would be very visible and very easy to police and secure from the aspect of that. So, I'd like to think that even though the applicant will be paying a fee in lieu because of the lack of the open space, I think that's part of the uniqueness of the application is to not have that open space as a safety aspect for the students and the tenants in the area.

Mr. Hurd: Right, and I can understand that. And I think that may have been better suited to put under architectural design or something, to say that we're not having the spaces in the back and things.

Mr. Hill: Right.

Mr. Hurd: I think it's disingenuous to say this is common open space, because it's not. It's a parking lot.

Mr. Hill: Right. No, no, I completely agree, but we're trying to . . .

Mr. Hurd: But my point is that you list it as an item for site plan approval, you know, we've got 69% of open area . . .

Mr. Hill: Right.

Mr. Hurd: But it's a parking lot, Alan. It really is.

Mr. Hill: It is a parking lot. Yeah, it's in the open area because of the way the Code is written unfortunately. But I appreciate that.

Mr. Stozek: I would also say that an additional 6-10 feet around the perimeter of the building is not going to create party space. I mean you're looking for a large central area for party space. So, I don't really buy into that argument.

Mr. Hill: No, and I agree but if we were to lose 6-10 feet of the building perimeter than we would probably lose units and then we would be looking, from a practical point of view, for the applicant, then we would be looking at . . .

Mr. Stozek: Sure.

Mr. Hill: Ways of getting that tenancy back up to pay for the building. Unfortunately, it falls back into a cost thing that we try not to bring up too much, but this, as was mentioned earlier, this is a much more expensive building to build than an RM townhouse and that's why I think we see so many RM townhouses.

Ms. McNatt: Why is it that you only looked at the townhouse option? Wasn't the RM zoning for other types of options that could provide a positive benefit that would be supported with potential rezoning of the area if RM rezoning was the ultimate end.

Mr. Hill: The RM, and I could be incorrect in what I'm going to say, but my belief is that with the RM, we're restricted on the height of the building, so we wouldn't be able to do a building with the parking underneath it the way we've done here. So, that would limit us. The garden apartment regulation, I believe, would allow us to do apartments in the RM, but I don't think we could do as many RM apartments to make it work. And that's why the experience says that when you do the RM garden apartments and it turns into a townhome, you get the lower density of units, but that's why they put the 6-bedroom townhomes in there because you're not required as many parking spaces. There's a lot of reasons why the zoning of the RM lends itself to the townhouse with more bedrooms as opposed to the RA with less bedrooms and more parking.

Ms. McNatt: But couldn't, in the RM zoning, isn't it permitted to do, instead of having a parking lot under the building at grade, couldn't you put the parking lot underground and still have the building height at the surface meet? Couldn't you do that?

Mr. Hill: We could put the parking underground, but based on the drainage issues in the area, I would be a little reluctant to go underground with parking just from a point of view that we'd have to have a pretty extravagant pump system to make sure that it stayed dry. And that would be difficult to guarantee it was going to constantly work. And I know there's . . .

Ms. McNatt: And you still think infiltration is going to work of the stormwater facility?

Mr. Hill: Actually, yes. The stormwater, we actually got rates of 2.5 inches an hour on the infiltration testing.

Ms. McNatt: Below the hard, compacted clay layer.

Mr. Hill: Yes, actually, quite close the surface with that. So, in the geotech report, they found that that layer was moving around a little bit. We didn't expect to find something where we could infiltrate that shallow, but the geotech report and the plans call for this. If the system is being installed, to have the geotech there to make sure that the entire system is within that very good infiltration area, even if it means sand-lining the system to bring it up to the level where we're at for the drainage overflows. But we expected to get it deeper than that, but it showed up at a shallower elevation than we were expecting based on other projects in the area that we know where we're looking for infiltration. And we were surprised it was as shallow as it was in one spot.

Mr. Silverman: Mr. Stozek?

Mr. Stozek: Question, Mary Ellen, do we have an approximate date that we would have this community meeting for this zone that we've talked about?

Ms. Gray: Yes, we have a preliminary date of October 30.

Mr. Stozek: Okay, so it's not that far off.

Ms. Gray: Yes.

Mr. Stozek: I guess I'm still struggling here because, you know, the Commission is looking at rezoning this area, making Comprehensive Plan changes, and we've made some recommendations. In fact, we recommended RM for this area. But that was the purpose of having this public meeting, to get the public input, and certainly the developers' input, as to what you would like to see, and have us come to a meeting of the minds before we go to Council with some proposal. You know, if our proposal to zone this area RM went through, then we'd still be putting in a variation for you guys to build an RA building. So, that's where I still have the problem. We're between a rock and a hard place here, I understand that. But, you know, I'm really hesitant to do something that's going to be in violation of whatever is approved maybe a month to six weeks from now.

Mr. Hill: I understand, and I think because there's already RA zoning in that general area, existing RA zoning, I'd like to think that this is in no way a spot zoning decision.

Mr. Stozek: Well, it's RA nearby but not in this specific area.

Mr. Hill: It's RA nearby and I would defer to . . .

Mr. Stozek: In this area, again, we were proposing RM for this area, and it could be changed.

Mr. Silverman: Mr. Stozek, if we can get a point of clarification here. Madam Director?

Ms. Gray: This area was discussed at the last meeting or the previous meeting, I'd have to look it up to see which meeting it was, but the staff recommendation for this area is to rezone it to RA.

Ms. McNatt: I'm sorry, the staff recommendation, not the Commission's recommendation.

Ms. Gray: The Commission, you all discussed it at length at that meeting and it was to, wanted to recommend RM or RA. And the conclusion at the meeting was that we would go with the Planning staff recommendation of RM and, excuse me, of RA, and get feedback from the public workshop.

Mr. Hurd: Check my memory. Was that all of Haines? I know that the property, that RM block at the north end of Haines was flagged for RA, but was it the whole . . .

Ms. Gray: Let me look it up, please.

Mr. Hurd: Okay. Because I remember I had an issue with that being RA, and the argument was let's put it at a higher density and see if the public pushes it back.

Ms. Gray: Yes. Let me look it up to see that specific area.

Mr. McIntosh: Well, while we're doing that, it seems the conundrum of these things is that we want different things. At different times we talk about we want high density, and other times we want not to have high density. And we go back and forth. And we always want solar panels, and nobody wants to put them in. We don't want parties. You can have a party if there's only two of you, and we're okay with that. So, when we talk about having diversity in

the area, wherever we are, and that in itself is a good thing. So, you bring a proposal to us which has some weaknesses and I think they've been pointed out, but being kind of an optimist, I thought I should point out some of the good things. You were talking about having grad students. This would be a good place for grad students. I guess they don't party as much. I don't know, I was never a grad student. But they probably would tend not to. They're older, they're more mature, etc. Given that there is no place except in the . . . have you thought about a garage with that open space? Make a garage there. Just a thought. And, so, you're going to reduce parties to inside the apartments and you're going to add a lot of diversity to the neighborhood. You've got a nice-looking building and you're doing some things that are unusual. So, all those things, you know, have meaning to me, but being cognizant of some of the things that are problematic. So, I think we should probably be able to find a way around that. But that's my comments.

Ms. McNatt: Is there an opportunity to, what's the word we used before, table the applicant until after, at least, the public meeting? I know that . . . because I know a lot of money has been spent into the design, but not necessarily say no tonight to some of us who may have concerns until we hear from the public meeting that's already been scheduled. And then maybe bring it back and get a more positive . . .

Mr. Silverman: Mr. Bilodeau?

Ms. McNatt: Outcome.

Mr. Bilodeau: That would make sense to do it that way and let this public meeting take place. I don't know what that does with the developer, but . . .

Mr. Hill: I would have to talk with the client and just see what their opinion on that would be to . . . I think we have to table it, not the Planning Commission. I think.

Mr. Hurd: No, we can.

Mr. Hill: You can table it? Okay.

Mr. Stozek: And I, you know, of the different possibilities, I would certainly think that one makes more sense, rather than, you know, if we would vote it down, then you'd have to come back with a whole new thing again, spending a lot more money. Where if we could just table this for a month, hopefully, maybe we can get all of our questions answered.

Mr. Hill: There is that potential.

Mr. Stozek: But that's up to you and your clients.

Mr. Hill: I mean, yeah, I was hoping not to table it . . .

Mr. Stozek: Sure.

Mr. Hill: Based on the . . .

Mr. McIntosh: That's a surprise.

Mr. Hill: Based on the different proposals that are going to be heard in the next meetings that I know of and things like that, so I was kind of . . .

Mr. Silverman: The Director has some additional things she'd like to offer.

Mr. Hill: Okay.

Ms. Gray: In regard to the questions regarding the proposal for this area and the recommended zoning changes, the parcels along Haines, excuse me, along Haines Street were recommended to be RA for input. And then the parcels fronting Benny Street were recommended RM. And the rest of the area being recommended to be RA. And just some food for thought timing-wise, as I said, this workshop to discuss this proposal for this area is being scheduled for October 30. Should this application move forward this evening, it would not go to Council until November 12 because there has to be a . . . it would go for first reading on November, excuse me, October 22, and then for second reading on November 12. So, just throwing some dates out there for consideration. Thank you.

Mr. Silverman: And refresh my memory, we were referring to what number Focus Area?

Ms. Gray: Focus Area 5, South Chapel Street area.

Mr. Hill: So, one of my concerns also with tabling it to hear the public comment in the workshop and also finding out what Council would do with any proposals you would make, based on things like the previous Comp Plan hearings, those went on quite a long time, so I'm not sure if it's something that we could be talking months before we would be even knowing where we would be on the proposal. But based off what the Planning Director has just said, this falls in the RA zoning, what is being proposed for this district, I think, is what I heard. So, I think this proposal falls within the guidelines of what the City is working towards. And there's nothing to stop us from hesitating at Council should the proposal crash and burn at the public hearing.

Mr. Silverman: I have another question for the Director and this may require some thought. If the Comp Plan was amended to reflect the proposal involving Focus Area 5, does that also have to go to the State of Delaware for review and then, ultimately, to the Governor for his signature, just like a Comp Plan does?

Ms. Gray: For a Comp Plan revision, it is my understanding it does not. Certainly, we would notify the, go to . . . no, we don't have to go to PLUS for this. We would notify the State of the revision.

Mr. Silverman: Okay. I ask the question because my recollection is it took the Governor more than a year to sign off on the City-approved Comprehensive Plan.

Ms. Gray: And that's when the whole Comprehensive Plan . . . you are correct, when the whole Comprehensive Plan is rewritten, then that's a formal process. It goes not only to the State Planning, but then there's a board, a legislative, I'm not sure what it's called, but it's a Governor's board that reviews it that's made up of laypeople and State legislators and Governor's representatives. They review it and then it goes to, then there's a State review and then it goes to the Governor for signature. So that is quite a lengthy process, yes.

Mr. Silverman: For redoing the Comp Plan, but not for the amendments?

Ms. Gray: Correct.

Mr. Silverman: Okay, I'm trying to get an idea if we were to table this, what would be the process beyond this and would it involve the State of Delaware? So, it sounds like it does not involve the State of Delaware. So, if City Council agreed to amend the Comprehensive Plan . . .

Ms. Gray: For this Focus Area?

Mr. Silverman: For this Focus Area, that's within the purview of the City of Newark?

Ms. Gray: Yes, that's my understanding.

Mr. Hurd: Well, and I think to clarify, Mr. Chair, what I'm hearing is not that we want to table this until we have the full Focus Area Comp Plan rezoning proposal completed, it was, and I think just to recollect, we can only table it for one month.

Mr. Silverman: That's correct.

Mr. Hurd: It was to get public input on the area as a whole to determine if there is broader support for an RA zone along Haines. You know, have feedback about that in particular, because I think some people may not have come out for this, but they might come out for a larger conversation. And, obviously if no one comes out, then that also tells us about people's thoughts about the area. So, we would have that information at the next meeting, and I would say also it would be a very short presentation because, you know, we've already talked about the proposal and the development. It's really now are those of us who are uncertain about rezoning it from RD, you know, two jumps up to RA, are we more comfortable with that as an appropriate zoning for this area based on public and other comment? Not that we're looking to have the full Focus Area Comp Plan amendment stuff completed.

Mr. Silverman: Okay, I wanted to clear that up.

Mr. Hurd: Yes, because that would be a very long time and that would be onerous.

Mr. Hill: Yeah, and there is just one other little thing on there that there's only seven parcels along Haines, I believe. This is five of the parcels, and the other two parcels are a church . . . I don't remember which . . .

Ms. Gray: Yes.

Mr. Hurd: The Lutheran church.

Mr. Hill: The Lutheran church. I wanted to say Lutheran church, but I wasn't 100% certain that's what it was. So, I'm kind of at a loss, to be honest with you, I'm at a little bit of a loss what to do. I mean I stand here and make these presentations and I count the votes, and I don't . . . I kind of feel like the tabling, because of the uncertainty of the zoning district, is kind of out there for me to do, but I think it's really within what the City's saying they're trying to do with that area. And I think based on we're looking for public comment about the rezoning of the area, we have two people that have come out this evening to talk about this rezoning application right now, so I'm not sure what else would be said at that public hearing.

Mr. Stozek: Well, to be honest, you say, you know, the City has said, the City really hasn't said. This has been a Planning Commission proposal to take it to the City Council.

Mr. Hill: Right.

Mr. Stozek: We really haven't gotten any feedback from the Council . . .

Mr. Hurd: To be fair, we haven't actually made the proposal to Council even, it's still internal.

Mr. Stozek: So, the City hasn't said we want to push for this rezoning area. This was, you know, we're looking at several areas around the City that we think ought to be rezoned and recast, but this happened to be the first one.

Mr. Hill: So, that said, and I don't want to push, but that said, would the, how do I phrase this, wouldn't recommending this to Council just back your position as far as what you're trying to do, maybe?

Mr. Silverman: Well, that's the point that's being made. We've deliberated this, and we felt that, for the benefit of the Commission, there should be a wider net on the public input, and

that's the reason why we, as a Commission, recommended this public drop-in workshop, to gather additional information. Would the Commission . . .

Mr. Hill: Can I . . .

Ms. McNatt: I'm going to make a motion. It's not going to be . . . it's going to go against your public benefit or opinion.

Mr. Silverman: Before you do that, do we want to offer the applicant the opportunity to confer with his clients . . .

Mr. Stozek: Sure.

Mr. Silverman: And we'll take a five-minute recess?

Ms. McNatt: Of course.

Mr. Hurd: Sure.

Mr. Wampler: Sure.

Mr. Hill: Thank you.

Mr. Silverman: If there's no objection, we'll stand in recess for five minutes.

[Secretary's Note: Mr. Silverman called the meeting to recess at 8:10 p.m.]

Mr. Silverman: Although I attempted to call us back into order, the applicant would like to have a moment with the City Attorney, so we ought to extend that privilege to him.

Mr. Hurd: Okay.

Ms. McNatt: Okay.

[Secretary's Note: Mr. Silverman reconvened the meeting at 8:18 p.m.]

Mr. Silverman: We're out of recess and back into regular order of business.

Mr. Hill: So, based on what we're hearing tonight from the Planning Commission that there's a nervousness amongst the Commissioners until they've had their public meeting on the area, we would reluctantly table this this evening, to come back after the public hearing, based on that, if that's what the Planning Commission wants us to do.

Mr. Silverman: Commissioners, I'd like to form a motion that we table this particular proposal, and what's the duration of the time?

Mr. Hurd: I thought it was a month. I thought we were limited.

Ms. McNatt: Yeah, one-month table.

Mr. Silverman: Okay . . .

Ms. McNatt: So, move it to the next meeting.

Mr. Hurd: Move it to the next meeting.

Mr. Silverman: Okay, so we will table this . . .

Ms. McNatt: Are you making the motion? Is that what you're doing?

Mr. Silverman: No, I'm trying to work on the motion. The next meeting is the 16th. Remember, we have a special meeting this month on Capital Improvements, so we're going to be tabling it to the . . .

Ms. Gray: November 6.

Mr. Silverman: The November 6 meeting.

Mr. Hurd: Right.

Ms. McNatt: Correct.

Mr. Silverman: Is everyone clear on that? Okay, the Chair will entertain a motion to table this application until the November regular Planning Commission meeting.

Mr. Hurd: I so move.

Mr. Silverman: Okay, it's been moved. Is there a second?

Ms. McNatt: Second.

Mr. Stozek: Second.

Mr. Silverman: Okay, it's been moved and seconded. Is there any discussion among the Commissioners? Okay, hearing none, we will move directly to the vote. All those in favor of tabling, signify by saying Aye. All those opposed, Nay. The Ayes have it. The motion carries to table this particular application until the next regularly scheduled Planning Commission meeting.

Mr. Hill: Thank you.

MOTION BY HURD, SECONDED BY MCNATT THAT, AT THE APPLICANT'S REQUEST, THE REQUEST FOR A COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, REZONING, AND MAJOR SUBDIVISION WITH SITE PLAN APPROVAL PLAN FOR THE PROPERTY LOCATED AT 209-225 HAINES STREET BE TABLED UNTIL THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING ON NOVEMBER 6, 2018.

VOTE: 6-0

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

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

6. REVIEW AND CONSIDERATION OF PLANNING COMMISSION 2018 ANNUAL REPORT AND 2019 WORK PLAN.

Mr. Silverman: Moving on to Item 6 in our agenda, you have a copy in your packets of the Planning Commission 2018 Annual Report. This is a Code requirement where the Department and the Commission report to the City at this time of year. We will be reporting on our 2018 Work Plan and the Planning Department will be reporting out the work that both the Department and the Commission has done during the earlier part of this calendar year.

[Secretary's note: A link to the Planning Commission 2018 Annual Report and 2019 Work Plan can be found at the end of this document.]

Mr. Silverman: Is there any comment or discussion on this particular item?

Mr. Hurd: I'm sorry, which item are we discussing?

Mr. Silverman: Okay, we're looking at . . .

Mr. Hurd: The Work Plan?

Mr. Silverman: In your packet there is a memo from me. A draft memo . . .

Mr. Hurd: Oh, here it is.

Mr. Silverman: Dated October 2 to the Mayor and Council, titled Newark Planning Commission 2018 Work Report and 2019 Work Program, I'm sorry, Annual Report and 2019 Work Plan.

Mr. Hurd: No, this looks good. I had a comment that kind of tied to the previous item, but it didn't really fit into the conversation we were having, which was about the staff report. I want to say that I appreciated that you included the line item about whether there was a community meeting or not. I think that was really useful. I have a question, and I don't know if this is something we discussed or if this was something that we worked out, in the appendix listing the SAC comments and such, it would help me if that actually went chronologically. So, the first SAC report, the applicant's response, the next SAC report, their response, etc. Because it went backwards. It was the final SAC report, the applicant's response to the SAC report that came after it, so it was hard for me to follow it. I don't know if that was on purpose or if that's just sort of how it worked out.

Mr. Silverman: Kind of like reading Facebook. You don't know what the thread is.

Mr. Hurd: Right, right, it's like I can't go backwards and [inaudible] easily because I'm old. But I will say that the staff reports, the last couple have been really good, and I think within this Work Plan and the work that the Department is doing, it really helps me up here when it's all collected, it's all processed, it's all kind of laid out. It makes it much easier to figure out what's going on. So, thank you.

Mr. Silverman: Okay. Are there any other comments?

Ms. McNatt: I do have a question. It says that the TID improvement process, the discussion regarding the Transportation Improvement District process, it was to go on to Council's, it was considered for Council on September 24, 2018 but was not discussed and the item will be rescheduled. Do you know when that's being rescheduled?

Ms. Gray: It is the next Council meeting, which is October 8.

Ms. McNatt: And I thought we had put together or we were going to do a committee, and I guess that discussion of the committee goes to Council on the 8th. Is that correct?

Ms. Gray: Yes.

Ms. McNatt: Okay. Thank you.

Ms. Gray: You're welcome.

Mr. Silverman: Okay, any other discussion?

Ms. McNatt: And I know this was a discussion, but are we allowed to discuss the meeting dates for next year at this time . . .

Ms. Gray: Sure.

Ms. McNatt: Or should we discuss them . . .

Mr. Silverman: We'll get to that under Item 3.

Ms. McNatt: Okay. Okay.

Mr. Silverman: Okay, moving through the packet, Item 2, there is a portion in the packet . . .

Mr. Hurd: Mr. Chair?

Mr. Silverman: Yes?

Mr. Hurd: Do we need to vote or approve this memo?

Ms. Gray: Yes, you do.

Mr. Hurd: The report and work plan?

Ms. Gray: Yes.

Mr. Silverman: Okay, the Chair will entertain a motion to approve . . .

Mr. Hurd: I move that we approve the draft 2018 Annual Report and 2019 Work Plan as submitted.

Ms. McNatt: I second.

Mr. Stozek: Second.

Mr. Silverman: Okay, it's been moved and seconded. Is there any discussion? I do have one comment with respect to the 2019 Planning Commission Work Plan, and Frank has earned this comment. If you notice, Frank, there are eight items. We have concentrated the activity of the staff. This is not a 30-item compendium, as in previous years. So, we listened to and heeded your recommendation.

Mr. McIntosh: I'll be grateful. I would have preferred something less than eight.

Mr. Silverman: Okay.

Mr. Hurd: My apologies. I forgot that the Work Plan was a separate document. I have one comment on the last page, I think there's two typos. Line 144, I think that should be preparation blah blah of information packets, and Line 146, I think that should be administrative and secretarial support.

Ms. Gray: I'm sorry, what was the second one.

Mr. Hurd: Administrative and secretarial support.

Ms. Gray: Thank you. Good catch there.

Mr. Hurd: Otherwise, with that, I'm okay with the Work Plan.

Mr. Silverman: So, everyone understands we are voting on the Annual Report and the 2019 Work Plan? Okay, everybody, are we ready to move on to the vote?

Ms. Gray: Mr. Chair, if I can, in addition, the new format that we utilized this year, just by way of explanation, is on the last two pages, Pages 3 and 4 of the Planning Commission Work Plan, we attached the Planning and Development Land Use Staff Planning Work Plan. This describes the priorities that we will be working on in concert with the Planning Commission. Some of these items are outside of the Planning Commission but certainly have the Planning Commission involvement at certain phases of those efforts.

Mr. Silverman: Are we ready to call the vote? Okay, all those in favor of adopting the Annual Report and Work Plan and recommending that it be moved on to Mayor and Council, signify by saying Aye. All those in opposition, signify by saying Nay. The Ayes have it. The motion carries.

MOTION BY HURD, SECONDED BY MCNATT THAT THE PLANNING COMMISSION APPROVE AND SUBMIT TO CITY COUNCIL THE 2018 ANNUAL REPORT AND 2019 WORK PLAN.

VOTE: 6-0

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

NAY: NONE

ABSENT: CRONIN

MOTION PASSED

Mr. Silverman: Okay, moving on to the last several pages of this particular packet, there was discussion at the Planning Commission level, the item was continued before a recent session of City Council, and that discussion was to abandon the regular meeting date of the first Tuesday of the month and look for another appropriate meeting date. And I'd like to have the Director make some comments on this before we, as a Commission, get into a discussion.

Ms. Gray: Thank you, Mr. Chair. It is my understanding that the recommendation to look at other alternative meeting dates was due to the first Tuesday of the month bumping up to some Monday holidays. And, certainly, our process was we talked with the City Secretary who keeps the calendar for the Council Chambers to see what other regularly scheduled meeting date we could establish, and the other two options were the first Thursday of the month and the third Tuesday of the month. And I guess there's no perfect meeting time. So, if you look at the first Thursday of the month, that's July 4th and we'd have to move that date. I'm not sure if there are any conflicts with the third Tuesday of the month except that it bumps up after a Monday. Staff's preference, and certainly my preference, is to keep it the first Tuesday of the month. Our timing for a lot of our documents is tied and has to be scheduled and coordinated with City Council. And all of our dues dates for our submissions that we require from planning applicants are all set based on the first Tuesday of the month. Basically, everything revolves around the first Tuesday of the month. So, certainly, we could adapt to the change, but my preference and staff's preference would be to keep it the same. I embrace change, but in this case, I am not in favor of it. Thank you, Mr. Chair.

Mr. Silverman: Any comments from the Commissioners?

Mr. Stozek: Yeah, well, I guess I have a question. Do we know, I mean, the issue is does the first Tuesday back up to a holiday? And a holiday, it could even be a Monday or a Friday. Do we know besides Labor Day, I guess, what other potential holidays do we back up to?

Ms. Gray: For the first Tuesday of the month, January 2, the first Tuesday of the month in 2019 is January 2.

Ms. McNatt: No, that was changed. That says it's a Wednesday. It looks like somebody proposed to change it.

Ms. Gray: Correct, I stand corrected.

Mr. Hurd: The first Tuesday is the 1st.

Ms. McNatt: It's the 1st.

Ms. Gray: Yes, so we had to change that to Wednesday.

Ms. McNatt: Right, so then that would not . . .

Ms. Gray: So, that's the only other . . .

Ms. McNatt: From what I gather, the January meeting and then the September 3 meeting are the only two meetings in 2019 that are back-to-back with a holiday.

Ms. Gray: Yes.

Ms. McNatt: It seemed like this year, for some reason, maybe because July 4 was on a Monday, maybe . . .

Ms. Gray: Yeah, we had a lot.

Ms. McNatt: And that happened, it seemed like a lot of the holidays, for some reason, fell, but I don't think . . . next year there is only two, that I can tell, of our Option 1, which is keeping it on the first Tuesday of the month.

Mr. McIntosh: Excuse me, in those cases, could we make it a Wednesday? I mean, we don't have to be beholden to Tuesday. If we know it's coming, we could make it a Wednesday.

Ms. McNatt: Like the September 3 one?

Mr. McIntosh: Yeah.

Mr. Stozek: The issue is, is the room available?

Mr. Bilodeau: Yeah, that's the big question.

Mr. McIntosh: Well that I don't know.

Ms. Gray: I can certainly check on those days. Wednesdays is usually the Newark Community Band comes in and plays, uses this room to practice, so we'd have to ask them to practice elsewhere.

Mr. McIntosh: Well, they could practice while we're meeting.

Ms. Gray: But, certainly . . . Michelle, were you able to, I don't know whether we talked about, talking with Renee about January 2. I don't remember.

Ms. Vispi: No, I never got a response from Renee about January 2 but it was my understanding that she was holding it open in case we needed it.

Ms. Gray: Oh, because she's awesome.

Ms. Vispi: But it was not confirmed to me that it was available.

Ms. Gray: Okay.

Mr. Hurd: Question to staff, it feels to me that bumping to say the third Tuesday of the month wouldn't have as much impact because Council still meets every other week and so it just sort of bumps everything that we'd go long one week and there'd be six weeks between the meetings, and then we'd kind of be on that new third Tuesday kind of thing. It strikes me that moving to a Thursday would actually probably have more impact because it shortens the whole week up and might make it, actually, impossible for something that's decided on Thursday to even be considered in the cycle and probably maybe even cause a two-week delay. Is that, am I understanding that? Is Council every other week or like the second and fourth?

Ms. Gray: Council meets the second and fourth Monday. And the packets are due, everything is due to them the week before that, and then we have to back up, even a week before that for advertising.

Mr. Hurd: Right.

Mr. Silverman: That's just for Council, not everything.

Ms. Gray: That's for Council, right.

Mr. Hurd: But I'm thinking anything that comes from us that has to go to Council, you know, if you're finding it sort of like from Tuesday, you get it into to, what, two meetings away because you can't make the following one.

Ms. Gray: Correct.

Mr. Hurd: If we took two days off that cycle, is that onerous or is that just . . .

Mr. Silverman: Well, I think it gets a little more complicated. Isn't there a requirement of 15 days' notice here and . . .

Ms. Gray: Yes.

Mr. Silverman: So, it's not just the following Tuesday, it's 15 work days. So, throw a vacation in there and things really get out of . . .

Mr. Hurd: Okay. I'm just trying to sort of understand the impact of moving from the Tuesday cycle which just kind of means, okay, well now it's the third Tuesday as opposed to changing the actual day and shortening your process.

Mr. Silverman: So, am I hearing that moving away from the first Tuesday may get awfully complicated for a number of reasons?

Mr. Hurd: I'm not sure. I'm not hearing that, but I'm not sure because I think it's just, to my mind, it's still the same Tuesday, you know, it's approved on a Tuesday, it gets into the Council packet on the same timing. It's just internally everything shifts two weeks out in terms of due dates and things.

Mr. Silverman: And I understand the hardship being associated very closely with a long weekend vacation with that Monday, particularly with Commissioners and others who have family obligations.

Mr. McIntosh: Is it possible that staff could look at this and, you know, over the next weeks or whatever it is, and come up with a solution for the two days that there's a problem? I mean we're going to just keep batting this back and forth. If you can make it the Wednesday, you know, then that's what it is.

Ms. Gray: Well, these . . . I'm sorry to interrupt.

Mr. Silverman: Well that's keeping the schedule as it is but moving the two calendar days that were discussed – the 2nd of January and the 3rd of September.

Ms. Gray: Oh, is that what you're talking about? Oh, okay, that part. Okay.

Mr. McIntosh: What other part was there?

Ms. Gray: I wasn't getting it. I thought you were talking about a totally different day.

Mr. McIntosh: No, I'm not.

Ms. Gray: Alright.

Mr. Hurd: Mr. Chair, I would say that I don't think that removes the ongoing issue of being the Tuesday following the Monday holiday two or possibly three times a year. And I don't . . . no, we don't have Columbus Day. But I think we felt this a lot this last year . . .

Ms. Gray: Yes.

Mr. Hurd: The 2018 year. So, I understand the reaction. I think I maintain . . . I'm still concerned that, yeah, 2019 looks okay but 2020 could be back to where we were, with several that we're having to move. So, I understand that I think I would support shifting it to a different date. My personal preference is the third Tuesday and the second would be the first Thursday.

Ms. McNatt: I support just trying to find, in October the first would not be the day before a holiday, just to let you know. Columbus Day would be October 7. So, I support the investigation of if we can do the Wednesday of January 2, which Mr. McIntosh was describing, and a Wednesday in September, since those are the two, I believe they're the only two days in the calendar year that are the Tuesday after a holiday. If we could change those dates to a different, to a Wednesday, and give you an extra day.

Mr. Silverman: Let me poll the Commissioners.

Ms. McNatt: That's how I would support, I'm just letting you know.

Mr. Silverman: Mr. Stozek, do you have a preferred day?

Mr. Stozek: I don't have a preference.

Mr. Silverman: Okay, Will has a preference to moving it to the third Tuesday?

Mr. Hurd: I do, but I think I could also support bumping it to Wednesdays where needed. I guess I have a small concern about people getting used to it being on Tuesdays and then every so often it's not a Tuesday. So, personally, I feel that if it's always on the same day but we just sort of, okay, we're moving to the third Tuesday, so now we're just the third Tuesday and that's a pretty clear schedule. So, that's partly why I'm going for that, so that Planning Commission is on Tuesdays as opposed to, oh, right, in January it's on a Wednesday.

Mr. Stozek: I think if we do that, the only thing the City has to make sure they do is they advertise it. You know, this is a change.

Mr. Silverman: Yes, we're permitted to control that date, so we have to make sure it's on our schedule and that it's part of our agenda. Commissioner McNatt, we know what your preference is. And our new Commissioner?

Mr. Wampler: I'm happy with it being the first Tuesday and making the two changes on the calendar for January and September.

Mr. Silverman: Okay. And I am of the same mind. Frank?

Mr. McIntosh: I haven't changed my mind.

Mr. Silverman: Okay, so it's still . . .

Mr. McIntosh: What did I say?

Mr. Silverman: I won't try to read your mind, Frank.

Mr. McIntosh: What did I say?

Mr. Silverman: Okay, so we have a consensus that we will stick with the Tuesday schedule, with the two exceptions of January 2 and September 3, and the feasibility of the day will be investigated by the staff and they will bring that back to us.

Mr. Hurd: And to clarify for the record, the January meeting would be on the 1st. It is currently showing as being on the 2nd, which is a Wednesday.

Ms. Gray: Yes.

Mr. Hurd: It's not on the 2nd, moving to the day after Wednesday?

Ms. Gray: Correct.

Mr. Hurd: Right. Does that make sense to you?

Mr. Silverman: Yes.

Mr. Hurd: Okay, because you were making it sound like we were looking at the meeting on the 2nd moving to a Wednesday.

Mr. Silverman: Understood.

Mr. Hurd: It's already on a Wednesday. Okay.

Mr. Wampler: But in September, it would move to the 4th.

Mr. McIntosh: So, that's really only one date.

Mr. Hurd: Well, that's assuming that we actually can get the room on the 2nd.

Ms. McNatt: That the room is available.

Mr. McIntosh: Well we're sure not going to meet on New Year's Day. I can tell you that in advance.

Mr. Hurd: I did all my stuff the night before, so I'm good.

Mr. McIntosh: Big games that day.

Mr. Silverman: So, we have a consensus? Madam Director, are you with us on all this back and forth?

Ms. Gray: Yes.

Mr. Silverman: Okay.

7. 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: Agenda Item 7, discussion of potential rezoning and Comprehensive Development Plan amendment for Focus Area 2 Cleveland Avenue has been withdrawn until a future Planning Commission meeting.]

8. UPDATE ON LEED CERTIFICATION STANDARDS WORK GROUP (WILL HURD).

Mr. Silverman: Let's move on to our next agenda item.

Mr. Hurd: Oh, that's me. Alright, I'll try to do this concisely because I didn't have a chance to sort of write down my notes. While I was formulating the framework for the LEED Work Group, and actually it was post the meeting with the Conservation Advisory Commission, it was brought to my attention of the presence of the Steering Committee for the Newark Sustainability Plan, which is intending to produce, with the aid of a consultant, a set of goals for the City, long-range goals and, additionally, implementation aspects to those goals, due to be delivered in April. In conversation with Madam Director, I felt that the LEED, as we're calling it, the LEED elements in the Building Code are the implementation, at times, of the sustainability goals of the City. That's how I'm seeing, at least, the work that we're doing. So, I felt it made sense to delay us until May and the arrival of that report so that we knew what we were trying to implement. That was my initial thought.

In further conversation with Mr. Firestone, who sits on the Steering Committee, his opinion . . . he had two opinions. One was that the Commission had been discussing the LEED elements, had commissioned the Work Group to go and get started on them. As we're seeing tonight, we're still getting proposals that are coming to us with, you know, increased LEED points and wanting to get site plan approval, and so he felt we shouldn't delay the formulation of how we're handling that by six months because there are going to be more projects and it sort of pushes dealing with that down the road. And he felt that at the meeting Thursday, the Steering Committee was going to be discussing their surveys from the Community Day and basically will be formulating their goals, sort of the high-level areas that they want the consultants to be focusing on, to hand off to them to create the plan. So, his feeling was at that meeting they're going to kind of lay out what their sort of priorities are, and I can take those priorities to the Work Group and start working with them. And, so, in that discussion I said, okay, I think I understand. Because what I didn't want to do was have the Work Group sit down and say these are the things I think we should focus on, get to the end, and have the Sustainability Plan show up and have entirely different elements and be in conflict. I didn't want to be in that position.

So, what I'm kind of looking for is some sort of approval or direction from the Commission to say, yes, it makes sense to delay to May, or yes, it makes sense to wait for the Steering Committee meeting on Thursday, get that information and then kick off in this month, which we can still do. We've got meeting dates that we're looking at in the third and fourth weeks of October that we can still have the agenda advertised.

Mr. Silverman: And what's your recommendation?

Mr. Hurd: Well, I'm of two minds. I was looking forward to not having to do something for the next six months, getting a break, but I've already started to get my head into this and it makes sense that I think we can have enough information that we don't need to delay until the arrival of the plan, provided that we can really get from the Steering Committee a sense of their high-level goals. And when I say high-level goals, I should be clear, in the area of sustainability, you know, there's energy, there's water, there's materials, there's land use, there's transportation,

those kinds of high-level things. Some sense of what are the priorities, what's the ranking? What should we be addressing primarily? Because there are different green certification programs that address different areas in different ways. So, if they said, you know, land use and transportation, those are the biggies, well, okay, that really does lead more to a LEED certification program. If they said energy and water, well, that's really more EnergyStar, hits those two really hard. So, it was understanding what are those big areas that we want to make sure that these Code amendments are addressing effectively or meaningfully, so that what we recommend has meaningful impact on the goals and the areas of concern.

Mr. Silverman: Okay, the Chair would like to turn to the Director. What would be the impact on your department and work effort if the LEED work of this Commission were to start sooner rather than later.

Ms. Gray: We are planning on this effort to start sooner rather than later.

Mr. Silverman: Okay. Do we need a motion, or can we do it by consensus that we will begin as soon as practical after this coming Thursday's meeting?

Mr. Hurd: That's fine. I just wanted to bring it back because I was looking at making the change and as Mr. Firestone pointed out, the Commission had said go start this work, and my saying I'm going to start this work group but I'm going to bump it out six months probably should get the Commission's buy-in, as it were, to that. So, that's just why it's back here.

Mr. Silverman: If there is no objection, go ahead and start at your discretion.

Mr. Hurd: Okay. Thank you.

Mr. McIntosh: Do what you want.

Mr. Hurd: Well, I tried that and then I got told that I couldn't do that.

9. NEW BUSINESS.

Mr. Silverman: Moving on to the next item. Okay, under New Business, this is something that came up rather late. I think it's something that the Commission has been waiting for. Those of you who have been through a number of capital budgets, the idea of a functioning GIS system that supports our planning effort has been something that we've gotten behind. It's provided already useful tools in the hybrid sample that was done by Michael and the GIS group with respect to mapping rental units and kind of whet our appetites and gave us and the public a new tool to work with. The work that's being done by Jay Hodny brings all of the GIS planning effort that had been dispersed in various departments under one direction and one leadership and coordination. It has some attributes to it that will provide public access and governmental access to exactly the same information, so it goes more toward openness within our group and the City, single department maintenance and accountability for the entire system, so somebody will keep it up-to-date, keep it moving along. It will clean up the databases that exist and modernize the system and provide systematic data input and, again, somebody responsible for that, and it will provide a lot of visual representations of the kind of information that we often seek and have to get delayed information submitted to us, and it will provide continuing updates. So, with that said, Jay, you're on.

Mr. Jay Hodny: Okay, I'm Jay Hodny, I work here at the City as one of the GIS technicians and I was puttering around one day and I found some things that I thought were kind of interesting, and I just wanted to show a few examples of some of the data that we're producing and showing in our GIS platform.

[Secretary's Note: During the presentation, Mr. Hodny referred to GIS Application Gallery online maps being displayed for the benefit of the Commission and the public.]

Mr. Hodny: For those of you interested in the ever-present parking issue downtown, we now have vacant space counters on three lots now – Lot 1, 3, and 4. If you come down Main Street, the signage now tells you how many vacant spaces are in each lot. And then just this afternoon we added these two counters to Lots 3 and 4. So, now we have counters on Lots 1, 3, and 4.

Mr. Silverman: So, those counters are live on the City's system?

Ms. Gray: Yes.

Mr. Silverman: I can go in and see how many spaces are available behind Galleria right now?

Mr. Hodny: Yes. It's updated I think every 30 seconds or every minute. So, if we sit here long enough, we'll see the numbers flicker if somebody leaves the parking lot or comes in.

Ms. McNatt: I saw it. It's like magic.

Mr. Hodny: The signs on the streets will not show a negative number but occasionally the number calculated here will be negative and that's because more people are in the lot, circulating, looking for a spot and waiting for someone to leave, and that kind of thing.

Ms. McNatt: I'm sorry to interrupt. Is this okay to interrupt and just ask questions?

Mr. Hodny: Sure.

Ms. Gray: Yes.

Mr. Silverman: As long as Frank can leave by 9 o'clock.

Ms. McNatt: Oh gosh.

Mr. McIntosh: Exactly.

Ms. McNatt: So, here's my question. If there are situations that this parking lot is full, I'm assuming that's all tracked. It's all in a database somewhere.

Mr. Hodny: Yes.

Ms. Gray: Yep.

Mr. Hodny: So, we are reaching into the sign vendor's database through their application interface. So, three or four lines of code reaches in and grabs a number every minute and plots it here.

Ms. McNatt: So, you can track all that and see . . .

Ms. Gray: Yes, the Parking Division gives a report I think every six months, gives a regular report to Council on usage of the parking lots.

Ms. McNatt: Oh, that would be interesting to have in our parking discussions.

Ms. Gray: Sure.

Mr. Hurd: Yes, but they're taking this information and . . . is the Parking Division actually pulling that sign data every minute and storing it, or how are they . . . because that could actually be useful to have that kind of point-to-point data to say here's the [inaudible].

Ms. Gray: Yes, they do have it by the time.

Ms. Hodny: So, I think the data is being collected in the vendor's database. I believe Courtney, our parking guy, has access to that through a user interface . . .

Ms. Gray: Yeah.

Mr. Hurd: Okay, so he can pull reports.

Mr. Hodny: So, he can begin to build out those kinds of graphs and that kind of stuff.

Ms. Gray: Yes.

Mr. Hurd: Okay.

Mr. Silverman: And then over time we can ask for reports that meet our needs.

Mr. Hurd: Right.

Ms. Gray: Sure. And also, along those lines, they're working on integrating the sensors, there are sensors on all the on-street parking meters. And they're working on integrating that. Is that on the same platform, Jay, that you know of? Because I think it's the same vendor or they're working . . .

Mr. Hodny: I'm not sure if it's the same vendor, but essentially each of the parking meters . . . right now I've got it set up so you can get information about the rates and so on . . . but we're looking at the smart meter heads transmitting data . . .

Ms. Gray: Yes, that's it.

Mr. Hodny: If the parking meter is open, maybe the dot turns green. If it's occupied, it turns red. If it's about to run out of time and become . . .

Ms. McNatt: Yellow.

Mr. Hodny: Yellow because you want to put more money in the meter at that point. That's a much, a little more difficult technical challenge . . .

Ms. Gray: Yes, it is.

Mr. Hodny: To get worked out, but it's out there.

Ms. Gray: We're working on it.

Mr. Silverman: One of the things we found on the Parking Committee is 30% of the traffic in areas like this are people cruising looking for parking spaces.

Mr. Hurd: Yeah.

Mr. Silverman: So, if they could go on their handheld devices and say, hey, Lot 5 has space or there are three near where I want to park on the street, they'll make a beeline for it.

Mr. Hurd: Well, and we discussed, and I think the City has a plan for basically an aggregate sign at the library on Main . . .

Ms. Gray: Yes.

Mr. Hurd: And include the, I know we talked about including the University, and Rich Rind . . .

Ms. Gray: Yes.

Mr. Hurd: Seemed to be up for that. So, you'd see as you come onto Main Street, it's going to tell you.

Mr. Silverman: I think moving on to our next . . . oh, I'm sorry.

Mr. Thayer: Hi, again, Lena Thayer, District 5. Not to be really nitpicky because this is really cool, just something to ponder is if you're going to use color coding, you might not want to use green and red because there is a large majority of people who are color-blind, and they won't be able to tell the difference at all.

Mr. Silverman: I can't see it. I'm red/green color-blind. I just fake it.

Ms. Thayer: So does my husband. But it's something to ponder.

Mr. Hurd: Excellent point.

Ms. Thayer: I know in technology, everyone likes to color code and you guys get . . . most of the color-blind guys go crazy when they can't see it.

Mr. Hodny: We can symbolize for any color. We can do diagonal shading which is . . .

Ms. Thayer: Yeah, I would say maybe look at something other than red and green. That's just my own nit-picky . . .

Mr. Hurd: Essentially, something that you could maybe render as a black and white and still get the data.

Mr. Silverman: Good point. And this is all beta and we're very excited that we've moved this far.

Mr. Hurd: Yes, absolutely.

Ms. Thayer: No, it looks really cool.

Mr. Hurd: I agree. The next step is making sure that the interface is successful to everybody.

Ms. Thayer: Thank you.

Mr. Hodny: And this was, the other day I was looking around and I noticed this Development Plan Proposals list on our Planning Department website. I think you put this together. And, so, I saw on here, I said, wow, we've got addresses, we've got parcel numbers, a description of what's going on, links to engineering plans and letters and so on. Hey, this is a perfect thing to show in map form. So, what we're looking at here is all the 30 or so current projects that are in the approval process, I guess. And you kind of start here with a little introductory thing. Hello, how are you doing, and then some very general instructions on how to navigate your way around and look at stuff. So, let's do a few things. Let's see, which one was it? So, #10 was being discussed tonight, right? That gentleman gave the presentation earlier. So, I'm here and I just have one of the before pictures and then the after, and then all that information that is over here in this list, I've now put over here in the map, including links out to the engineering plans, for example. And I should have refreshed this because I noticed I was behind looking at this list and I sat up there and I updated some information just sitting there waiting to come up and talk. So, all of that is sitting in here and then you can go in here to the map itself and you can get over here . . . I'm not used to this mouse and now I've lost my way . . . and you can see the parcel we're talking about. And you click on here and the pop-up comes up and it gives you that same descriptive information, it's just in two places. But now you can actually get to some additional photos of the property and so on. So, all this is now being captured in that form . . . sorry.

Ms. McNatt: What does the 10 represent? I'm sorry, the #10.

Mr. Hodny: That's just an arbitrary counter. So, you look at this as, I call these a series of tiles and then I can turn the numbers on or off. I kind of like the numbers on because that helps you find your way back and forth. So, this is just, I think it's a good complement to the list. Maybe one day it replaces the list. That's okay, I'll show you how to do this. And for now we can put a link directly in here that takes you to the map app and then we can hang that on the City GIS Gallery, as well, so you can jump to that.

Mr. Hurd: Small nitpick to staff, shouldn't the Benny, those two Benny Street projects come off since they are now under construction?

Ms. Gray: We are . . .

Mr. Hurd: Or do they stay on until, is that the policy that they stay on?

Mr. Hodny: I don't know if we have policy yet.

Ms. Gray: We're working on it. We're working on what makes sense to keep. How long should we keep something on the Development Plan Proposals website? We're thinking of maybe putting another column or putting in a tab that would indicate it was approved by Council and the date, but then keeping it on there since it's been approved but it hasn't been built yet. And then under, like maybe then under construction. So, we're working on . . .

Mr. Hurd: Because I would say on the map if those could get shifted, then it wouldn't look like there was so much to be approved.

Ms. Gray: Right.

Mr. Hurd: Because you could say well actually that's been approved.

Ms. Gray: Right.

Mr. Hurd: Because I know that they're building . . .

Ms. McNatt: You could change their color.

Ms. Gray: Maybe change . . .

Ms. McNatt: I'm joking but maybe change it to a different . . .

Ms. Gray: Maybe change it to a different icon and that's the . . .

Mr. Hurd: Or like a heavy outline or something.

Ms. Gray: Right, we need to do something to indicate that. We just haven't, this is still very new that Jay has come up with this, so that takes, staff needs to go back to that website. There's a lot going on behind the scenes to get that done. But point well taken.

Mr. Hurd: But I know because that would be for each step you'd have to have like these are development proposals that are being considered and then a separate list of development proposals that are under construction.

Ms. Gray: Yes.

Mr. Hurd: Because I think it does make sense to have a sense of what's happened. So, I think as this goes on you'd have this historic data and then you could start to go, so, what did we do last year? What got approved and such.

Ms. Gray: Yes, we're working on that, as well. And that has a lot of implications with our new data management system. There's a lot of items we have to work on.

Mr. Hurd: And then the whole Focus Area, you guys have to go in and sort of go, here, here, here, here, and you have to put all those dots down, but then say here's an area of concentrated development, you know, and looking at the map you go, well there it is. There's the area of concentrated development. And there's another one.

Mr. Silverman: Will, go into New Castle County's site. There's a way to look at every inspection that was done on the site, when the CO was issued, when it went on the tax base, any complaints against the site . . .

Mr. Hurd: Right, which is another level of information . . .

Mr. Silverman: That's the kind of thing that Jay's heading toward.

Ms. Gray: That's, yeah, we're jumping ahead but that is another map that Jay is working on with staff, to do just that.

Mr. Hodney: We're looking at putting up, so what we're trying to do is we retrieve our data from New Castle County. We update our Munis system is what it's called, and then we're looking at, because they're on the same server architecture, there's ways to pass data on the back end between servers and automatically update the GIS map in real time. So, if somebody changes data in the database, it's automatically shown here real-time.

Mr. Silverman: Jay, I hate to interrupt you but as Chair I'm obligated to ask if there's any problem extending our meeting for another ten minutes.

Mr. McIntosh: Yes. Well, you can keep the meeting, but I have to leave.

Mr. Silverman: Okay.

Mr. McIntosh: It has nothing to do with the hour, but it has something to do with my calling my wife who is in Costa Rica waiting for me.

Ms. Gray: Okay.

[Secretary's Note: Mr. McIntosh exited the meeting at 9:00 p.m.]

Mr. Hodny: That's really about all I had to show you.

Mr. Silverman: Okay, thank you.

Mr. Hurd: I'll throw in just another quick comment because I'm loving the map. I think one other thing for the next level is color coding between a residential building project and a commercial project.

Mr. Hodny: Okay.

Mr. Hurd: Because I look at some of those outlined ones and I go, there's the two for the cell phone tower, there's the hotel, so I think it helps visually, also, when you look at it and it doesn't look like there's all this residential development. You go there's some commercial on the edges, here's where the pockets of residential development are going on. Again, you know, more levels. But that means another column.

Mr. Hodny: Right. So, I've looked at some portals, municipal portal in other cities and there's one in Frisco, Texas that is really nice, and they're showing commercial properties versus residential and so on. And, so, we're starting to kind of think of some ways to model our

output along those lines. So, yeah, is there anything else, say, on this Development Plan Proposal map like you have these six Focus Areas. Do you want to see those highlighted on here?

Mr. Hurd: You can.

Mr. Silverman: We can as long as we can show they're tentative or draft. Somehow that they have no official status.

Mr. Hodny: I can label it that way.

Mr. Hurd: Maybe a dashed line.

Mr. Hodny: I'll leave that up to Mary Ellen and you guys to decide, but I can, you know, if there are other layers of information that help people understand what's going on here, we can add that into the web map. That's not a problem.

Ms. McNatt: Like, I'm assuming you can turn the zoning layer on on this map, or no?

Mr. Hodny: Well, I can add the zoning layer to it and then you can turn it on and off, as needed. Yeah.

Mr. Silverman: That would help.

Mr. Hurd: Yeah, that might help. Actually probably also flag, too, whether the proposal is an annexation as opposed to a . . .

Mr. Hodny: It might say in the description . . .

Mr. Hurd: Right.

Mr. Hodny: Whether we can . . .

Mr. Tom Fruehstorfer: 0 Paper Mill. Do you have 0 Paper Mill there?

Mr. Hurd: I'm just thinking of columns of data and one can be residential versus commercial, one can be annexation . . .

Ms. Thayer: 3 and 5 Bridlebrook.

Mr. Fruehstorfer: #21.

Mr. Hodny: #21, sorry.

Mr. Silverman: Just an open question, does this database extend beyond parcels that have the prefix of 18? If you go into Mill Creek Hundred at 08, and that kind of thing?

Mr. Hodny: If you want to show parcels outside of the City, in New Castle, yeah, we can turn on that layer.

Mr. Silverman: Okay, because that would be required for the annexation.

Mr. Hurd: Oh, yeah.

Mr. Hodny: Because one is right there and there's a couple . . .

Mr. Fruehstorfer: That one right there is 08.

Mr. Hodny: This is right outside the . . .

Ms. McNatt: And that's the sewer, that's the septic sewer lady . . .

Mr. Hurd: That's an annexation.

Ms. McNatt: Yeah, annexation, because she wants the sewer.

Mr. Silverman: Yes.

Mr. Hodny: Oops, so, yeah.

Mr. Hurd: And I don't know whether an annexation . . . this is more levels, whether to indicate an annexation would be in a different outline of the parcel or whether it's a difference in the flag.

Mr. Hodny: I can't do much about the flag itself, the pins.

Mr. Hurd: Okay.

Mr. Silverman: The annexation is self-evident. It's outside the City boundary that's shown.

Mr. Hurd: Right, but at the larger scale it's harder to tell . . .

Mr. Silverman: Oh, I understand.

Mr. Hurd: That those ones on the edges are actually annexations and something else going on.

Mr. Hodny: This is what's called a story map that the software vendor provides. So, it's a very flexible template, but it can't do everything.

Mr. Hurd: Oh, okay. But, yeah, the zoning layer would be good.

Mr. Hodny: That's just some things we're working on. We're going to . . .

Ms. McNatt: And an aerial option.

Mr. Silverman: Yes.

Mr. Hodny: That should be in here. There should be an icon in here to change your base map, but I apparently don't have that. So, like this here?

Ms. McNatt: Right.

Mr. Hodny: So, you could change it to something like that, light gray or whatever you want. So, I'll see if I can add that to this. I know another way to do it, but it fixes the aerial in the background, but anyway I'll figure this out.

Mr. Silverman: Okay, this, Jay's presentation was supposed to just kind of be an orientation and to whet our appetite, but it looks like there's enough interest that . . .

Mr. Hurd: Yeah.

Mr. Silverman: We might want to have this as an agenda item just to discuss the fine-tuning that we believe can add to our mission.

Mr. Hodny: So, some of the other output that we're working on from our Munis system would be the question on the rental properties, where they are and up-to-date, code violations. We can get down to the actual violation and what it is, plot that around the City.

Mr. Silverman: Can we identify . . .

Mr. Hodny: Certificate of occupancy, that stuff. The tax parcel viewer on the website is drawing from a past database and so we're working on updating that. It's not the end of the world, but the data is about a year old, so we're trying to get it current, so you can see your assessed value and all the other parcel information, zoning and so on.

Mr. Silverman: Would we be able to slice and dice ownership? For example, if I wanted to see all of the parcels controlled by the University or their corporations, could that be generated?

Mr. Hodny: Yes.

Mr. Silverman: And also, I did the local fire company's fund drive and we identified out-of-state ownership of parcels with respect to a difference in name, street address and name on the tax records. We just did that as a very crude measure and it's amazing the ownership patterns that developed.

Mr. Hodny: This afternoon I created a parcel map showing ownership from out-of-state and so it was people in 32 states own property in Newark. I think it was 32.

Mr. Silverman: And it would be interesting to see that distribution.

Ms. Gray: Interesting. Yeah, really interesting.

Mr. Stozek: And overseas.

Mr. Silverman: Because all of us have ideas and notions about who owns property in Newark.

Ms. Gray: Fascinating.

Ms. Thayer: Can I interrupt?

Mr. Silverman: Please come up to the microphone just because we're on public record.

Ms. Thayer: Yes, of course. Once again, Lena Thayer, District 5. I heard you say this would be a future agenda item for him to make a more formal presentation. You guys are listing off a lot of things rapid-fire, and I would recommend to you, like as a person who has worked with tech guys before, to create your user stories as to what you would like to see in preparation both for that meeting and then maybe write them down. That way he can work through whatever methodology he does to rate them and their viability.

Mr. Silverman: That's a very good point.

Mr. Hurd: Yes, it is.

Mr. Silverman: And I'll use some of the [inaudible] term, we can put together our wish list.

Mr. Hodny: Things we need to have versus what are nice to have.

Mr. Silverman: Yes.

Ms. Thayer: Right, well that comes with the prioritization.

Mr. Hurd: I think you've got the right terms though, the user story. Think about who would be coming to this map because there are going to be different groups of people coming to this map and what are they looking to see? So, it's not really so much a wish list, because we've seen a wish list you can handle. It's to say I'm a resident and I'm concerned about or interested in development in the City. What do I want to see? I'm a Planning Commissioner and I'm interested in getting information on development proposals. What do I want to see? And, you know, that could mean that there are different maps set up with different layers and different coding to give you those different views. As opposed to trying to make one big map that's got layers, because the New Castle County thing is kind of like that and it's a beast in terms of use. It's like, well, turn this one on. No, that's not what I want, turn this one on. You're just like randomly clicking on buttons going maybe this will tell me what I want to know.

Mr. Silverman: Hopefully we will learn from the New Castle County experience.

Mr. Hurd: But I think I would say that the whole push of the GIS has been the information for the residents in a mapped information way. So, again, who is looking for the information and what are they looking for?

Mr. Silverman: This is something that we, as a group, can decide ahead of time and I'm at my technological age here and I'm going to have to rely on others.

Ms. Thayer: Well as the gentleman said, this software is very flexible, but there is an end to that flexibility, so taking into account the various user stories, you can prioritize and identify what actually can be done with the software and what can't be . . .

Mr. Hurd: Yeah.

Ms. Thayer: And go from there.

Mr. Silverman: Thank you.

Ms. Thayer: Thanks.

Mr. Silverman: Jay, I know I'm pushing you here, but do you have anything else you'd like to add. You've got what looks like floodplain up here.

Mr. Hodny: Well, we were looking at parcels and buildings that are sitting in flood zones and the purple is the floodway, the FEMA designations. Tom, you're way better at this than I am. So, what I did is I basically where the FEMA flood zones are mapped, where they're touching parcels, I highlighted the parcels. Where they're touching building footprints, I highlighted the building footprints. And you can turn this on and off a little bit to see the full story. But, trying to get a better idea of what's happening around town. You know, parcels that are being impacted by stormwater run-off or ponding and so on, as well as some of the buildings that might be sitting there. So, these are several examples of what we can do with our GIS system and the data we have available to us. Of course, we have our City Map Gallery. This is on the City's website and here's your Zoning Map. So, to answer the question earlier, this has got a lot of data. There we go, that loaded faster than I thought. This is a zoning layer. I can take this map service and I can slide it into this here in the background and you can click on that and, if you want to, you can see the zoning information come up in one of those pop-ups like you see this other information coming up for the proposals. So, all that is do-able. We can get fairly creative with the cosmetics, although out of the box it looks pretty good but there's a lot we can do.

Mr. Silverman: Jay, thank you very much. So, we're seeing the product of some of our earlier wishes . . .

Mr. Hodny: And I can't take total credit. I have two other guys that I share an office with and the three of us are bouncing this stuff off of each other all the time.

Ms. McNatt: Thank you for your efforts.

Ms. Silverman: Yes.

Mr. Hurd: Absolutely

10. INFORMATIONAL ITEMS.

- a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS**
- b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX**
- c. FIVE STEPS TO SUPER BLOCKS (CNU.ORG)**

Mr. Silverman: Okay, Madam Director, do you have anything to add on Item 10 on our agenda?

Ms. Gray: No, sir.

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

Mr. Hurd: I so move.

Ms. McNatt: Second.

Mr. Silverman: Okay, it's been moved and seconded. All those in favor, signify by saying Aye. All those opposed, Nay. We stand adjourned.

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

VOTE: 5-0

AYE: HURD, MCNATT, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: CRONIN, MCINTOSH

MOTION PASSED

There being no further business, the Planning Commission meeting adjourned at 9:13 p.m.

Respectfully submitted,
Frank McIntosh
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Applicant's presentation \(209-225 Haines Street\)](#)

Exhibit B: [Planning and Development Department report \(209-225 Haines Street\)](#)

Exhibit C: [Planning and Development Department density table \(209-225 Haines Street\)](#)

Exhibit D: [Applicant's LEED handout \(209-225 Haines Street\)](#)

Exhibit E: [Planning Commission report \(2018 Annual Report and 2019 Work Plan\)](#)