

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

January 2, 2019

7:00 p.m.

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

Chairman: Alan Silverman

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

Commissioners Absent: None

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

Mr. Alan Silverman called the Planning Commission meeting to order at 7:00 p.m.

1. CHAIR’S REMARKS.

Mr. Silverman: I’d like to call to order the City of Newark, Delaware Planning Commission meeting for Wednesday, January 2, 2019. There are no remarks from the Chair this evening.

2. THE MINUTES OF THE DECEMBER 4, 2018 PLANNING COMMISSION MEETING.

Mr. Silverman: The minutes for the previous meeting have been posted. Madam Secretary, have we received any comments, additions, or corrections?

Ms. Michelle Vispi: We have not.

Mr. Silverman: Okay, do the Commissioners have any additions or corrections? If there are no objections, the minutes stand as distributed.

THE MINUTES OF THE DECEMBER 4, 2018 PLANNING COMMISSION MEETING ARE APPROVED.

3. REVIEW AND CONSIDERATION OF A MAJOR SUBDIVISION WITH SITE PLAN APPROVAL AND SPECIAL USE PERMIT FOR THE 46.13+/- ACRE PROPERTY AT 100, 115, AND 121 COLLEGE SQUARE. THE PLAN PROPOSES REDEVELOPMENT OF THE COLLEGE SQUARE SHOPPING CENTER TO INCLUDE DEMOLITION OF PORTIONS OF THE EXISTING SHOPPING CENTER AND CONSTRUCTION OF NEW RETAIL SPACE AND APARTMENT BUILDINGS WITH 305 DWELLING UNITS. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]

Mr. Silverman: Item 2 on our agenda tonight, dealing with College Square, has been withdrawn until a future meeting by the applicant, so if there is anyone here for that, we are not going to be discussing College Square tonight.

4. DISCUSSION OF FOCUS AREAS.

Mr. Silverman: Moving right along to Item 4 on our agenda, discussion of the Focus Areas.

Ms. Mary Ellen Gray: Thank you, Mr. Chair and members of the Planning Commission. I have a couple of remarks before I turn it over to Planner Mike Fortner for a brief presentation. As indicated in the 2019 Planning Commission Work Plan, amendments to the Comprehensive Development Plan V and zoning changes to facilitate redevelopment in certain areas of the City for student housing is contemplated. Prior to the establishment of this endeavor in the 2019 Work Plan, the Planning Commission discussed the boundaries of these areas at their August 7, 2018 meeting and specifically discussed potential zoning changes and amendments to the Comprehensive Plan regarding Focus Area 5, otherwise known as the South Chapel Street area, at the August 7, September 4, and November 6 meetings, as well as held a public workshop on October 30 to garner public feedback on this area.

Staff tonight offers a modified approach to specifically rezoning these areas and amendments to the land-use maps in the Comprehensive Development Plan. Staff proposes that these focus areas for redevelopment of student housing be established in the Comprehensive Plan via a text amendment. This methodology would articulate the focus areas in the Comprehensive Plan and allow for specific rezoning and map amendments to the Comprehensive Plan to be contemplated on a project-by-project basis within the framework of sanctioning increased density for student housing. The proposed revised text to Chapter 10 of the Comprehensive Plan is in blue in your packet. Should the Planning Commission wish to proceed with this approach, then staff will present this to the Office of State Planning at their February meeting for their formal feedback and input. Then staff would come back to the Planning Commission with a formal proposed Comprehensive Plan text amendment for review and ultimate recommendation to Council.

If there aren't any questions or comments right now, I'm going to turn it over to Mr. Fortner for a brief overview of this proposed text amendment.

Mr. Mike Fortner: Okay, thank you.

[Secretary's Note: During his presentation, Mr. Fortner referred to a PowerPoint presentation being displayed for the benefit of the Planning Commission and public. A link to the presentation as well as the Planning and Development Department memorandum and proposed Comprehensive Development Plan text amendments can be found at the end of this document.]

Mr. Fortner: As Mary Ellen said, this is a different approach. The situation that we find ourselves in is, with the Comp Plan, as we've discussed, we have a land-use designation. The one that causes us the most discussion is high-density and low-density, which we created to help kind of better plan out where apartments are going to go. The land-use designation has to be in conformity with the Zoning Code and what's there's currently. And so, when you look at the area like New London Road, the New London Road community, and I understand you were passed out this thing that says C at the top. It shows the different zonings of the things. And as you see, there is a lot of this in the light yellow or it comes up almost white on this print-out, those are designated in the Comp Plan as low-density residential, but some of the zoning even has, say, RM. The boxes that are blue are RM zoning, which is conforming for apartments. But they currently exist at a low-density use and so the Planning Commission and Council kept those designations as a low-density residential to represent the low-density use that was there currently. But they gave it that designation never to say that they didn't ever want to consider high-density residential there. The plan tried to create that it might be appropriate there. Given the right site design, it could be appropriate there. So, they left it open. So, the Planning Commission at the time created these things calls focus areas where it just gave more explanations on certain areas that we would consider, but it didn't change the land-use designation. It didn't create a different map amendment. It kept the existing map land-use

designations from previous plans and with the current site there now. So, for example, this area right here where I'm pointing to is zoned RM but there is housing there so it has a low-density use, so we kept a low-density designation there. So, there might be other areas where it had a low-density zoning, maybe an RD for example, but when we look at that, you could conceivably say, well, apartments are a different type of high-density use and could be appropriate there. But instead of changing it to high-density residential and giving them the zoning, then developers would come in with a by-right plan, but really we weren't necessarily sure that we wanted high-density there unless the design was right. We wanted specifics in the design. We didn't want to give the developer a by-right plan. So, we tried to indicate that it could be appropriate there, but you need to show us the right design and show us that it's appropriate there. So, we did create these sorts of things in previous plans.

So, the approach we're taking now as an alternative to going through and changing land-use designations and then changing zonings, is to give guidance as a text amendment. And so, for example, in this area, the New London Road community, we state New London Road, these would be appropriate for high-density residential to go there. And so, it's guidance to you that if a developer comes in with a plan that seems appropriate there, the design fits and takes into the values and visions of the Comprehensive Development Plan, that you could approve it. And then instead of that, you would approve basically a map amendment. So, the plan indicated that certain types of other uses would be appropriate there and you could follow the plan and it would help. The problem with the way we've been doing it is it creates perception that we planned this to be a low-density residential community and that to consider something different like high-density residential that we're doing something that's alternative to the plan, and that's not necessarily what the Planning Commission and Council meant in this plan. So, what we're trying to do here is more flesh out the kinds of alternatives that would be acceptable under this plan without actually creating a map amendment or changing the zoning. And so, if a developer came in and they had a low-density zoning and a low-density land-use designation, you could refer to the plan saying these areas we think are appropriate for higher densities if the right plan came in with good site design, and then we could consider this. We think it's appropriate that this area is a growth area but we're not going to just automatically rezone everything for high-density residential because it might not be appropriate. Or someone might come in with the wrong site design, not a very good site design, and you don't like the plan, but they have the zoning and they have the Comp Plan designation then they essentially have what's a by-right. And we wanted to give Planning Commission more flexibility and more, yeah, flexibility to determine, you know, to influence what the design looks like, what goes there. More leverage is the word I was looking for. You have more leverage. They can't come in and say, oh, this is by-right. The plan gives you guidance, you know, we've reviewed this area, we think this is an area where different kinds of uses come in, but if you don't come in with the right design or the appropriate design that doesn't help us become a more walkable, healthy community, a sustainable community, and a more inclusive community, then you're really not following the terms of the Comprehensive Plan. So, for each of these things, instead of going through them each individually, we try to go section-by-section and kind of talk about, sometimes street-by-street or area, and what we think could be appropriate. So, in this area we talk about you know we think New London Road we think is appropriate for high-density, for more higher-density units, but we section off this area right here off of Corbit Street. We think that could be more of a high-density use there, so we would consider something with a design that's site appropriate. And then over here we kind of leave, we think this should be preservation for single-family housing for now. And also, West Main Street, where you have a lot of older but very nice single-family houses there, we'd like to see that preserved as single-family housing as well to keep that look on that street. So, we don't want to see a complete redevelopment of West Main Street. We'd like to see housing rehab and revitalization of some of those houses there without going into high-density units where it might be more appropriate on New London Road and some other areas that we're showing.

So, the same with this area here, which we call the Cleveland Avenue and Areas North community. You know we already see this redevelopment happening on East Cleveland Avenue. We think that's appropriate, so we provide some text that says it's appropriate, we're

seeing this trend redevelop here, and we're also seeing it in this neighborhood here. We give a recommendation. We're recommending this for RM. The same with the RM type of housing, so 16 units per acre. Not RA, for example. And this area here is zoned RD but we would consider a higher-density zoning for site appropriateness here. Again, the architecture would have to match the neighborhood. Probably we've seen some redevelopment on Prospect Avenue, for example, that look like single family homes but they're actually multi-family. But if you look from the street, it looks like a single-family home. And so, that's the kind of appropriate type of housing that would be right there.

Getting on to the Center Street New Village where we talk about basically I think we give a lot more flexibility on that one. You can read the text. Actually, I'm kind of blanking on that but I give a little bit about the background of New Center Village overlay and we think a higher density and site-specific design is appropriate there.

And finally, we talk about Benny a lot but the same kind of thing. We see this as a high-density residential area with areas, so you're not necessarily on this designating things as RA. I know that's been a thing. Should we make it RA, rezone it to RA or RM. With this, a developer comes in with a design and we say we think high density is encouraged there and they come in with their plan and you decide if it fits in and if it makes sense in that neighborhood. The text gives you the guidance. And of course, this is the beginning of a process. We can work on the type of text we want in there that will guide this Planning Commission and future Planning Commissions and Council about what we think is appropriate development for that neighborhood. So, we could say build no more RA in here. We could say, like in the other areas, like New London Road, we don't recommend RA for that area, we recommend an RM type of zoning. But here we could say certain areas are RA if the design is appropriate.

And so, that's it. It's generally a text, this is the first pass at the text. We can kind of work the text the give us the guidance and direction we need and then when the developments come in, you decide if it's appropriate by following the text, and then we do a map amendment and hopefully alleviate some of the perception that we're just rezoning and reclassifying things willy-nilly without ever having given the City thought previously. This is showing, no, we've given this area thought and we think these types of changes are coming to this neighborhood and we think these types of changes are appropriate in these areas. And that kind of concludes the gist of it. I can answer questions or Mary Ellen can chime in.

Mr. Silverman: Thank you very much. Do the Commissioners have any comments? We have the packet which, Michael, is very well done and very well prepared.

Mr. Fortner: Thank you.

Mr. Silverman: You've had a chance to review it and Michael has given us the highlights, so let's start on the first page or wherever we'd like to start.

Mr. Will Hurd: Sure. I'll just start by also saying I do like this approach. Your reasons for doing it weren't ones I really thought of, but I like them. I like that we're not essentially pushing a zoning through and then kind of waiting to see what happens. I like that we're saying essentially that we would be willing to consider rezoning this to, you know, specifically saying this can go to RM provided it's a suitable design that addresses these issues, you know, like alternate transportation and such, as opposed to just leaving it out there as an RM-zoned parcel.

A couple of things I'm noticing in the presentation, mostly on the South Chapel Street one, I don't know what's exactly going on but the zoning coloring that you've got doesn't match the zoning map that you gave us a while ago. There's a lot of business and neighborhood shopping parcels in there, but it's really all like RM.

Mr. Fortner: I know there's, looking at it this now, I took this from the official zoning and there have been some updates to this. But, yeah, there is some weird zoning in here. So, there is some commercial where there are apartment buildings and for some reason is showing as BC and that's because it's old zoning.

Mr. Hurd: Okay, then I'm confused because the sheets that we got when we were doing Focus Areas don't show that at all. They don't show any of the . . .

Mr. Fortner: I think what you just showed me there was actually a land-use, future land-use thing. Sometimes they're zoning maps and sometimes they're . . .

Mr. Hurd: No, this is just straight up a zoning map. I mean . . .

Mr. Fortner: You're looking at Benny Street? Yeah, I know I didn't designate it on that, but this is the future land-use and it has zonings on top of it that shows kind of the zoning of it. But this is the . . . so what do you have, a zoning map? So, you're looking at that . . . are you looking at that image right there?

Mr. Hurd: Yeah, I'm just wondering because like down the corner there, that's shown as being neighborhood shopping and the other blue is general business but those are all residential properties.

Mr. Fortner: They are residential properties. There is some commercial there, like neighborhood, I think BN, and that's actually a BC zoning there. There are actual apartments on that thing there.

Mr. Hurd: Okay.

Mr. Fortner: That's what's weird . . .

Mr. Silverman: There used to be an automotive garage in that area.

Mr. Hurd: No, that's further down.

Mr. Fortner: This area here?

Ms. Stacy McNatt: But what he's trying to say is that the documentation we were provided before that showed the zoning designations was either incorrect and this is correct, or this is different and that . . .

Mr. Hurd: Right, I'm seeing . . .

Ms. McNatt: It's confusing.

Mr. Hurd: I'm seeing different pictures every time we . . .

Mr. Fortner: There are some updates, this one appears to be mostly correct. It doesn't have the Benny Street stuff that we've done recently but I believe it should be fairly correct. There are a few University parcels on there that aren't designed, but there are some things like that. But I guess I'd ask you, the only way I can describe it is we use a different source on the zoning map. Because I don't use the official zoning map because I don't like the colors because they have a different thing from my GIS.

Mr. Hurd: Okay.

Mr. Fortner: And so, there could be some discrepancies. But if you get past some of the confusion, we're just trying to focus on the Comp Plan and what we want to designate those things.

Mr. Hurd: And I appreciate that. I'm just . . . if we're going to have this conversation, we really do need to have consistent information every time we look at this. So, that's just, you know, I'm looking at it and going here I look at it and it's all residential stuff, okay, and then here it's all . . . so, that's just confusing. It makes it hard to have the conversation sometimes when you're not sure what you're looking at.

Mr. Fortner: Okay.

Mr. Hurd: I'm not going to go line-by-line because I don't know that we're quite at that level here. One thought, I'll just sort of pop through this, when you say converted, so recent redevelopments have converted single-family and duplex dwellings to multi-family dwellings, my brain reads that as they took that building and they repurposed it. Not that they tore it down and they put an entirely new thing in there. So, I don't know if that's a planning word that I'm not used to using or if this should be really saying have been replaced with, you know, to be more clear about what has happened.

Mr. Fortner: I think that makes sense.

Mr. Hurd: Okay.

Mr. Fortner: I think replaced is probably a more accurate word.

Mr. Silverman: Or literally say the site was redeveloped.

Mr. Fortner: Redeveloped.

Mr. Hurd: Well you say redevelopments, but I just want to be clear that they took down single-family and duplexes and put up multi-family dwellings. Looking at the New London Road community, it's got really good language and phrasing for everything, however many of the subsequent sections have slightly different language. So, I think one thing to do would be to look at each of those sections and make sure that we're using the same language each time. So, when you say, where is a good example, properties zoned RM are appropriate for the recommended uses or areas zoned RD or RS should be evaluated for excellence in site design before rezoning to RM, that's a great phrase. It doesn't show up in the other sections. I think we need to look at making the language, the phrases, all the same so that it reads consistently.

Mr. Silverman: And reinforcing that through every section.

Mr. Hurd: Yes. I like about the traffic impact, you know, must be evaluated for the new development. I think we should have that in all of them. A conversation Alan and I were having briefly is part of the challenge is that because we're in sort of the urban center of the town, traffic is always going to be bad. We're not going to improve anything from a development. But I think it's worthwhile, I think there's a few places, if we go back, I mean look at New London Road, it's feasible if there's enough development in there, that we might need a light at like Corbit and Main. You know, we might say there's enough traffic now coming in and out of Corbit, that we need some control there. But we won't know that unless we do some sort of analysis. But we know that DelDOT is not going to do it because we're not going to ever meet the threshold. So, I think that piece to think about is what's the mechanism for performing a traffic study that has value? You know, who does that, who pays for it, and what do we do with that information?

Ms. Gray: Commissioner Hurd, that would be the TID.

Mr. Hurd: Yes, when it comes online.

Ms. Gray: Yes.

Mr. Hurd: If this goes into effect before the TID is complete . . .

Ms. Gray: Yes.

Mr. Hurd: What bridges or how do we . . .

Ms. Gray: I . . .

Mr. Hurd: Or maybe it's not going to be that much to bridge. I don't know.

Ms. Gray: Yeah, on state-owned roads we are under DelDOT. That's not to say that we, in talking with DelDOT, that we couldn't ask for certain improvements given the development, but they are pretty specific. They get out their manuals and they count, God bless them. So, that's certainly something to look at but that's frankly why we're looking at the TID approach. As a way to get . . .

Mr. Hurd: Okay, then we might want to look at changing that sentence to reflect the existence of the TID . . .

Ms. Gray: Okay.

Mr. Hurd: And how development would be tied into that.

Ms. Gray: Okay.

Mr. Hurd: It might be premature to make some mention about the potential for reduced parking requirements in some of these, especially if we say things like encouraging, you know, alternate pedestrian and such access. This could be the place also to talk about reduced parking. Again, to sort of say, if you're doing this, then that helps you get the RM zoning and the density because you're giving us the things that we're looking for.

Ms. Gray: So, you're saying you want to include that in then?

Mr. Hurd: Hmm?

Ms. Gray: You want to include that in or you don't want to include it in?

Mr. Hurd: I don't know how to phrase it is my problem.

Ms. Gray: Okay.

Mr. Fortner: I think I tried to get in there where I talk about since we don't have it as an ordinance yet . . .

Mr. Hurd: Yeah.

Mr. Fortner: And we're required to, I talk about walkability and bicycling and . . .

Mr. Hurd: Right. That's why I said it's a little premature because we haven't gotten any of the parking recommendations through . . .

Ms. Gray: Right.

Mr. Hurd: And the Zoning Code stuff and all that. So, I don't know if there is a way to sort of say we're open to the possibility of reducing parking, you know, without . . .

Mr. Silverman: How about if we simply say that? That these areas lend themselves to concepts such as reducing onsite parking.

Mr. Hurd: Right, with suitable design and stuff like that. Okay.

Ms. Gray: Okay.

Mr. Hurd: Something that doesn't say we're negotiating, you know, if you give us this, we'll give you that. But to sort of encourage, to basically set the framework to say this is what we're looking for that the property to be doing, for the proposal to be doing if you want the rezoning.

Ms. Gray: Okay.

Mr. Hurd: But, yeah, I think generally getting the language consistent and some of that sort of being clearer about sort of what we're asking for and the traffic issues. Thank you.

Mr. Silverman: Mr. Stozek?

Mr. Bob Stozek: Yes. About the traffic, I'm just wondering is it possible, the issue of not getting DelDOT to be able to do any studies for us, is it possible to use the University to do studies for us? They used to have a department there that did this kind of thing. I remember when the Roselle Art Center was being built, there was a huge controversy about traffic on Orchard Road and some other roads in that area, and the University did a study on that, made a lot of predictions that, of course, people still argued with it, but my recollection is that their study came out to be pretty accurate as to how traffic would be.

Mr. Silverman: You know, I think you have a good idea there. We can come up with some crude numbers as to carrying capacity of this area, it could be generated in-house, number of units per acre billed out at 16 units, yada, yada, yada, and then take it to WILMAPCO or the University and say, okay, what does that do to traffic if this is fully built out?

Mr. Stozek: Yeah.

Mr. Hurd: But if I understood you right, Mary Ellen, part of the issue is that if that development is adjacent to a state road, we the City can't actually enact any improvements on that road. We couldn't say add a signal on a road we thought needed it. Could we?

Ms. Gray: Not that I'm aware. The process that I understand the process to be is that in order for a light to be installed, it has to meet a number of traffic warrants so to speak, and that's a traffic study/count. So, it's not impossible but it has to meet a certain threshold.

Mr. Hurd: Right, but I think the problem we have is that we have a number of state roads that cut through.

Ms. Gray: That is a challenge.

Mr. Hurd: It's like is West Main, that's 273, isn't it?

Mr. Fortner: Yeah, that would be the state.

Mr. Hurd: That's a state road. Alright, so we could say we need a signal at Corbit where it comes out because of people trying to make left turns, but we can't actually put one there. We couldn't put one that and DelDOT might say we don't have the threshold to put one there . . .

Ms. Gray: Right.

Mr. Hurd: And so, we're stuck.

Mr. Silverman: Anything else, Mr. Stozek?

Ms. Stacy McNatt: I agree with Mr. Hurd in some of the language updating or making them consistent. I think that the traffic issue is also important in these sections. I also think that reducing parking in a way that promotes the walkability and transit-oriented uses should be further promoted, as Mr. Hurd suggested. I'm also very focused on the high density and the increase in stormwater run-off. And, yes, meeting a standard of a state reg is one thing but then knowing you have downstream flooding or other problems that are just not a state code requirement but an actual capacity issue with the actual system itself, and when you have high density and increased impervious cover in these areas that have just single families with yards, you're going to increase that run-off and you're going to potentially reduce the carrying capacity of the system itself. So, I think that that's also an important item that needs to be included as an avenue of evaluation or identification as part of this if you want increased density and you want this additional impervious cover to build these RAs, RMs, or whatever they want to propose, then I think that's a very important topic that needs to be incorporated into the language.

Mr. Silverman: So, you're talking about both onsite per Code . . .

Ms. McNatt: And/or downstream . . .

Mr. Silverman: And offsite.

Ms. McNatt: Potentially. If there is or isn't known issues. Sometimes they are known issues and then sometimes there are not known issues. And especially with aging infrastructure and aging systems, sometimes the things you can't see doesn't mean there's not a problem.

Mr. Silverman: I look at these focus areas as an opportunity to correct some of these problems. If you travel Cleveland Avenue during a heavy rain, there's absolutely no control for the graveled parking areas behind some of these multiple occupancy uses. And 100% runs off immediately kind of thing.

Ms. McNatt: And it brings me back to the point of our last, the project on New London Road where, yes, they were controlling an acre of run-off onto their parcel but there was a lot of missed run-off that was not being collected on the new development that they were doing on their parcel that was just being discharged into the system. So, I think that's a very important concept that needs to be evaluated if they want these higher uses and higher amounts of impervious cover.

Mr. Silverman: So, if it's called out in here, they will be forewarned and . . .

Ms. McNatt: In my opinion.

Mr. Silverman: And people are going to ask questions.

Mrs. McNatt: I think so. I think it's important enough that it needs to be included. Again, I think the mapping that we've been handed before and what's being shown now needs to be consistent. I am very confused in some areas, as Mr. Hurd pointed out, where I thought certain information, and when I went on the zoning maps was one way and now the maps that are being shown are different. So, I think that we need to make sure that those are consistent so we can have a better conversation and I can actually, when we get into the nitty-gritty, which I don't think we're getting into that point now, but when we do to those points, that all the maps and all the information is consistent so we don't have additional questions that are unanswered or more confusing. That was my other one, my second.

And I think my last comment is RA, I think, is a very intense use and I don't think it should be, I think it should be a limited situation and be specifically identified maybe in certain areas. The high density use RM, yes, I understand, but that high-rise and those extra floors I think are very specific to certain locations. And I think that it shouldn't be an exclusive, or inclusive, zoning

that gets automatically added into this report in all of the areas. I think we should really look at where we want those high-rises and be very specific in that location. Maybe the RMs are more versatile than an RA. So, I really think we should look at that more specifically and be more focused on where we want that specific zoning in the City.

Mr. Silverman: It sounds like much along the lines of the discussion we had on Focus Area 5 . . .

Ms. McNatt: Yes.

Mr. Silverman: Up against the University's high-rise building versus . . .

Ms. McNatt: Yes, because I'm very . . . just that zoning specifically. I mean I like the whole idea of having the option and the fluidity of these focus areas and these zoning characteristics and trying to focus high density in areas, but that RA zoning is really very sensitive and needs to be addressed. That was my last comment. Thank you.

Mr. Silverman: Mr. Wampler?

Mr. Tom Wampler: Yes, thank you. First, I'd like to say I agree with, I think this is a good idea. I agree with all the comments that we've heard so far. I do have a couple of points that I'd like to add. One is, and there's nothing we can do about that tonight, but in line 167 we're talking about the New Center Village Overlay had the purpose of encouraging redevelopment and affordable and market-rate family occupant projects, however as of 2019 no successful redevelopment project has been completed. And we've been talking for years, not we on this group obviously, but the City has been talking for years about doing something to provide housing for a variety of people and it seems like we've just given up on providing any kind of encouragement to create housing for anybody but students. And I'm sorry to see that, I mean, you can't force people I guess, but I'm sorry to read that. That it was intentionally set up to encourage development of affordable housing in town and now we're giving up on it because nothing was ever done. So, that's one point, I'm sorry to see that and I hope we don't give up on the idea of creating housing for a spectrum of people.

And my other is the concern about walkability and I have two things I want to say about that. We're looking at higher density because these areas are in town close to the University and in theory that promotes walkability. I, personally, from my experience, I'm not sure that that's not naïve. About six months ago I walked through town to make a list of all of the student house apartment complexes and when I was doing that, there were a lot that were under construction and some of the builders stopped and talked to me and asked what I was doing. I said I was making a list to see how many projects we had, how many rooms there were, and all of that. The question of cars came up and the builder, himself, said you can have whatever ordinance you want about parking, but he said make no mistake about it, every student who lives in one of these projects brings a car. And I live on Park Place on the block between South College and Academy, so the University is directly across the street from my home and we have rental units in our block and every one of those rental units has between four and six cars parked at it. You couldn't be more walkable than across the street from the University. Just because it's close, doesn't mean that the students are not going to bring cars anyway. So, I think that it's a little naïve to well this is really a convenient location and we're going to encourage walkability. I have not seen that happen. I have lived on Park Place for 40 years and I have not seen a reduction in traffic because the students are living closer to campus, so I just want to say that when I read that, I don't think that's going to happen.

Mr. Silverman: Alright, so I think we're starting to make a distinction though and this is hopefully one of the things the TID will bring out is there's a difference between me bringing my car, parking it, using it on weekends, and using it off-peak traffic, and becoming part of the daily peak traffic flow in the City. I think there's a big distinction that during the day, you walk to class. Maybe at night you use your car and on the weekend you may use it. Anecdotally, I found that it's mostly off-peak.

Mr. Wampler: But that still has an impact on parking.

Mr. Stozek: I think that's probably true, but I've also heard the arguments that a lot of these students, you know, they don't go to class ten hours a day. A lot of them have jobs and especially when a lot of the stores have moved out to like Christiana Mall or whatever, they work at areas that are remote from downtown. So, that's why they say they need cars. You know, it's not one way or the other. There's a whole mixed bag here.

Mr. Wampler: And I think that's likely true and I think that's fair that if they have life beyond campus, that they need to get to it. My point is, designating something as walkable with the idea that it's going to reduce traffic or reduce the need for parking is probably not going to happen. My experience has been cars in and out, in and out, in and out all day long. I don't know how they could drive to class because they're across the street from class, but they're driving to the store, they're picking up friends, and the fact that they live very close to campus does not mean that they're not going to bring their car and use it every day. That's my point.

Mr. Hurd: Well, I'll just say that on the Parking Committee when we were addressing this, because many of these areas are in the area that we sort of said was sort of the zone of where we could conceive of knocking the parking minimums to half, basically. The thing that sort of came up is the students are going to bring cars. We just want them to put them someplace else. So, if we say you get, you know, you've got to pay for the parking space if you want it behind your apartment building, or you can pay less to the University and park it down across from the STAR Campus or something, you still have the car. You still got access to the car through the University bus system, but the car isn't next to the residence in the denser area where it's going to add to traffic. So, I think you're absolutely right. We're not going to get people to give up the car. We're just asking to put the car in a smarter place than in the downtown where that land could be used for more housing. And if we can get the housing up, then maybe we can get smaller units because if they're not parking there, maybe get the smaller units and affordable housing, maybe it can get a leg. But it can't get a leg if you say, well, you have to have a parking space for every bedroom. Well, they say once I have more than two bedrooms, I need, my parking space is my [inaudible].

Mr. Fortner: To build off of that, what Will is saying, if you build a unit and it has three parking spaces, tenants have already paid for those three parking spaces. They have value and there's an economic cost to those, so you're going to bring your car if you have a parking space, and they'll bring three. So, whatever the parking lot is, it's going to be full. So, if you require each of them to have four parking spaces per unit, it's going to be full of cars. But if you only have two, then they're going to have two per unit. If you require just one, then the students are going to have to make up their mind. They're going to have to pay it somewhere, so they bring their one car and either I can pay to have it at the University or not bring it. But there's an economic cost. They have to pay for it. What we're doing in a lot of our developments is already providing it for them for free, so the incentive is why not bring my car? I have a free parking space.

Mr. Hurd: The intention was to remove that sort of free parking and say there's an economic cost to that parking space and if we make it so the developer can charge you for their cost for the parking space, you will then shop in the market and find a more economical place to put your car. It might be behind your unit, it might be at the University, or it might be someone else's private lot, but it's going to get distributed.

Mr. Wampler: Okay, thank you.

Mr. Silverman: Frank?

Mr. Frank McIntosh: Yeah, whatever he said.

Mr. Silverman: Okay, so, you are buying tonight for everybody?

Mr. McIntosh: No. Well, maybe.

Mr. Silverman: Mr. Cronin?

Mr. McIntosh: Well . . .

Mr. Silverman: Oh, go ahead, Frank. I thought you were done.

Mr. McIntosh: I think we have heard some very good comments and I don't have much to add to them except that the Parking Committee addressed a lot of the issues that we're talking about here recently and ultimately, we don't know if they're going to work. We're not going to know until they actually put them into place, but they make sense to us and I think that, you know, if they don't work, then maybe we need to address it again. But I think that that's where it is. Anyway, I'm in agreement with all of the comments that have been made prior to this. So, I have nothing else to say.

Mr. Silverman: Mr. Cronin?

Mr. Bob Cronin: Nothing to add further at this point.

Mr. Silverman: Thank you.

Mr. Cronin: You're welcome.

Mr. Silverman: I like the format. It's very well done and very well thought through. It captures a lot of what we've gone over the last several months. I would like to propose one major change at this point. We call these focus areas and we identify all but one of the focus areas by referencing a local street or road. South Chapel Street. New London Road. Cleveland Avenue. And then we have New Center Village, wherever that is. I'd like to see us change the New Center Village name and call it Center Street. Something that people can very quickly identify with. Does that make sense?

Mr. Hurd: Yes.

Mr. Wampler: It does to me.

Mr. Silverman: And it's a common theme. All these focus area references are tied to a local street. That's my contribution.

Mr. Hurd: I have, actually, two things to add. One, just in the document, Focus Area 5 is still numbered 5 in the diagram but it's become Focus Area 4 in the text.

Mr. Fortner: I saw that.

Ms. Gray: Yeah.

Mr. Hurd: And then I think to add on to Mr. Wampler's point, I think that we should consider more specific language in the Center Street focus area about small affordable units as being one of the criteria that we're looking for specifically in the Comp Plan language for that area. I think the reason it got the overlay is because it's not directly adjacent to the University. It's adjacent to Main Street, but it's not really, I mean, it's adjacent sort of to North Chapel and all that. But it is a place where you could say I could be a non-University person living there. I'm in the middle of downtown but I'm not hard up against party dorms and things like that. So, this could be the opportunity to kind of try to get that, you know, what we intended the overlay to do was to say, okay, let's be more specific. If you want to get the RM zone for this property, we're looking for no more than two bedrooms and no more than whatever. And be really clear about those goals.

Mr. Silverman: And it may be very appropriate for seniors.

Mr. Hurd: Yes.

Mr. Silverman: If the anecdotal conversations we've heard from the people living in Washington House, I like living on Main Street says somebody who is retired and living in Washington House. And somebody else may say I like living across from Center Street off of Main Street if there were housing available.

Mr. Hurd: Right. But you need something that's not at the Washington House prices.

Mr. Silverman: Right.

Mr. Hurd: You need something that's more, somewhere in the middle.

Mr. Silverman: Okay, the director in her recommendation or her opening statement gave us a path to follow here. Is there a consensus that this document substantially represents the thought of the group? Now there's some tweaking on wording and some additions we'd like to see in it, to the point where we can move it on to the State Planning Office for their comment?

Mr. Hurd: No, I wouldn't support that.

Ms. McNatt: Me either.

Mr. Hurd: I would want to see it again with the language updated and verified so we can have a more substantive conversation about the actual language and we could get into some of the . . .

Mr. Silverman: So, the direction to staff and the director is to incorporate our comments, do the re-work we've talked about, and then come back with another document and we will continue our discussion?

Mr. Hurd: Yes.

Mr. Silverman: Is that generally the consensus? Okay, I see heads nodding and I see no one objecting.

Ms. McNatt: Do we have to make a, do we have to vote on that?

Mr. Silverman: No.

Ms. McNatt: Okay.

Ms. Gray: Mr. Chair, just a thought. We had talked a bit ago about these areas started off as circles, octagons, more broad areas, and now we have specific parcel lines. Is there a thought that you want to stay with the specific parcel lines or have it be more general? Just going to throw that out there.

Mr. Hurd: My concern is that if we make it a general area, we're going to always have somebody who is straddling a line or right across the street. I think although the parcel lines have some issues because we're going to end up missing something . . .

Ms. Gray: Right.

Mr. Hurd: Like we've purposely drawn ourselves around the University properties. I don't know if there's a way to have general language that's in the Comp Plan that says something like if the University parcels get sold and revert to the original zoning, it attaches itself to the focus area that, if there's a boundary on it, it moves into that focus area as a way to sort of be sure that the boundary is around all the developable properties.

Mr. Silverman: Looking at our exhibits, the only focus area that really takes into account property boundaries is Focus Area 3. And that was, if I recall, a conscious decision to exclude those parcels that were facing Main Street. So, we really didn't have a choice there in drawing boundaries. The rest of these boundaries generally follow the natural physical characteristics or abut University property.

Ms. McNatt: And I agree with keeping the parcel lines on and following the boundaries. When we go to Focus Area 1, I think that the boundary line needs to be modified slightly because, and I'm not going to point but, where it crosses Ray and then comes down to, oh look at that . . .

Mr. Hurd: Yeah, I think the line may not be quite . . .

Ms. McNatt: Okay, so right here the line should change. I don't know what happened with that situation, but . . .

Ms. Gray: Competing lines.

Ms. McNatt:

Mr. Fortner: Over here is the University . . .

Ms. McNatt: No, it's not.

Mr. Hurd: It's not showing as University zoning so . . .

Ms. McNatt: It's not. And if you look at our original maps that we've had in our packet, that was a specific area we were looking . . .

Mr. Hurd: It kind of went up and around . . .

Ms. McNatt: Yeah, it went up and around it. So, I just think we need to . . .

Mr. Fortner: That's not University . . .

Ms. McNatt: No, it's not. So, I just think that maybe the boundary lines should just make sure they're following a parcel, but I believe the parcel grouping is appropriate.

Mr. Hurd: I think here we had to follow it because we wanted to cover both sides of Main Street.

Ms. McNatt: Right.

Mr. Hurd: West Main. So, we did that and then it's like, well, now we have sort of dropping off the back side there along the golf course and such.

Mr. Silverman: And do we want to give the same consideration with respect to Focus Area 3?

Ms. McNatt: I didn't see any real big issues with the lines on 3.

Mr. Hurd: Well, we could, I mean, Focus Area 3 could go up to the train tracks and across the trail.

Mr. Silverman: It doesn't appear very readily in this exhibit, but we have Pomeroy Trail which is up here. I could see using the train track, to include the cemetery . . . I'm one of those people who look at cemeteries as open space, permanent open space. That deals with overall density. So, the railroad track, Pomeroy Trail, coming right down to the properties that face, the back of the property lines that face on Main Street. This, I believe, would be the Catholic church. And then I don't know why these parcels were left out. This line could come back down. This lot,

believe it or not, is a deep lot. I've looked at it. And then it could come back across and then go, as we've talked, let me find the pointer here, wherever the little dot went, here we go, this is the post office, I believe. Come back across Center Street, take in these properties, follow the University property all the way back, and extend back to the railroad. It would take into account the recent development on Center Street and these two remaining houses, I believe. I'd have to look at an aerial photograph.

Mr. Fortner: There's one house and then that's the entrance to the parking lot.

Mr. Silverman: Okay.

Mr. Fortner: Those right there, that's Kate's Place, I believe. And so, it was redeveloped so we didn't put it in there, I guess. Is that, well maybe not.

Mr. Hurd: No, that's . . .

Ms. McNatt: That's not Kate's Place.

Mr. Hurd: That's not Kate's.

Mr. Fortner: Is that Astra Plaza?

Mr. Hurd: No.

Mr. Silverman: No, Astra Plaza is here.

Mr. Hurd: That's Astra Plaza there.

Mr. Silverman: And Astra Plaza extends back here. Is this the playhouse?

Mr. Hurd: That's the theater.

Mr. Fortner: The playhouse there?

Mr. Silverman: Yeah. And maybe that line should come back here.

Mr. Hurd: I think that makes sense to sort of say follow the train tracks to the trail and then the backs of the properties facing on Main Street so we don't muddle downtown Main Street BB stuff. But, yeah, I think you're right. Pick up those properties on the other side of Center just to . . .

Mr. Silverman: Abutting up against the University property. And maybe we modify the lines for Area 3.

Ms. Gray: Yeah.

Mr. Silverman: Is there any other discussion on the fine tuning? Okay, we'll hear from the members of the public now. Mrs. White?

Ms. Jean White: Jean White, District 1. I tried to follow everything you've been saying, and I think, if I understand what Mike Fortner has said, that I think the approach that you're talking about sounds good to me. I'm still not sure I understand it but you're not just making it a definite that these can happen. And I'm just going to talk about Focus Area 1, New London Road. I do not think that the first block of New London Road, this is very familiar to me and I've walked it many times, just actually yesterday. I do not think the first block should be residential high-density. Of course, we know what's happening along the second block with Kevin Mayhew's properties, but I also think that Wilson Street, Ray Street, Church Street, Rose Street, and the east side of Corbit Street should not be residential high-density. If that happens, that's

going to create a huge number of cars that are emptying on Corbit Street, which is also very busy. So, we already have what's happening from Hillside all the way down to Corbit on New London Road. But the first block of New London Road and the streets I just mentioned which you are suggesting, at least if I understand this document, to be made residential high-density, I don't think should be the case. I did want to ask if I understand, it's the Comprehensive Plan, I believe, that talks about low-density and high-density, is that correct?

Mr. Silverman: Yes.

Ms. White: Okay, well and the zoning is talking about things like RD, RA, RM and so on.

Mr. Silverman: Correct.

Ms. White: Okay. I agree with Commissioner McNatt that RA should be used very rarely and only in specific locations that seem appropriate, and I just want to say, you know reading each of those four that you have, this is Focus Area 1, says redevelopment is heavily impacted by off-campus student housing and so on. Then we get to Focus Area 2, which says previously an area of workforce housing, this area has transitioned to a rental area largely for students of the University of Delaware. Redevelopment is heavily impacted by increased demand for off-campus student housing. And then you got to a similar thing that said for Focus Area 3, redevelopment is heavily impacted by increased demand for off-campus student housing. And we get to Area 4, which is really #5, Chapel Street, this area has transitioned to a rental area largely for students of the University of Delaware. Redevelopment is heavily impacted by an increased demand for off-campus student housing. I have lived in Newark for quite a long time and, for example, we first moved on Chamber Street and that was all residential while we were there.

Mr. Silverman: Thirty seconds.

Ms. White: How much?

Mr. Silverman: Thirty seconds.

Ms. White: Thirty seconds. Okay. Then we moved north of Prospect on White Clay Drive, which was all rental. Parts of it, the six townhouses or duplexes, and there were people there, including us, who had children there and whatever. I went there recently and was dismayed to see that it's all student rental. We could talk about all the other places so the impact . . . I understand that the University is there and it's a very important part of the community, and our family itself is connected with it in many ways, but there has to be some way to deal because the pressure of the student housing there that is increasingly happening is taking over our whole downtown. And I also agree that this walkability, and the point that Commissioner Wampler made, the walkability and bicycling and that kind of stuff, the students are all having cars. You know, that doesn't have to be the case. I think the University should have the first two years of students live on campus and not have cars and after that, they do what they want. I could say more but I'll stop.

Mr. Silverman: Thank you. Is there anyone else who'd like to speak? Okay, so we have a consensus as to the move with respect to the staff and this particular agenda item is closed for discussion.

5. DISCUSSION OF POTENTIAL ADDITIONAL USE IN RM AND RA ZONING DISTRICTS. [ADDED DECEMBER 20, 2018.]

Mr. Silverman: Moving on to Agenda Item 5. Madam Director?

Ms. Gray: Thank you, Mr. Chair. A couple of comments here. I had sent out here, when Michelle had sent out the meeting documents, I had indicated that we were going to be

sending you out some documents regarding this agenda item for discussion of potential additional use in RM and RA zoning districts. We wanted to kind of have a discussion about that and explain why that didn't occur.

[Secretary's Note: A link to the Planning and Development Department memo regarding documentation relating to discussion of potential additional use in RM and RA zoning districts can be found at the end of this document.]

Ms. Gray: Again, as part of the 2018 and 2019 Planning Commission Work Plan, amendments to the Comprehensive Plan and zoning changes to facilitate redevelopment in certain areas of the City for student housing, a framework for a proposed new zoning district was presented for discussion at the August 7, 2018 Planning Commission meeting. The outcome of that meeting and the discussion was that there was some concern regarding unintended consequences of creating a zoning district that would result in non-compatible uses and that the Planning Commission wanted to see the framework put into zoning ordinance language.

Upon thinking about that and doing some work on it and talking with staff, we recommend that rather than creating a new zoning district, that an additional use be added to the RM and RA zoning district. By doing so, this would address the concern of non-compatible uses, as well as the necessity of amending the Comprehensive Development Plan to add a new zoning designation. Staff has been working on this language, however I'd like to have the Subdivision Advisory Committee and our legal counsel conduct a formal review of this proposal and language before it is presented to you all. However, before I headed down this path, I wanted to get feedback from the Planning Commission on this approach.

Essentially, there would be an additional use of what currently I'm calling urban apartments, defined something in the ballpark of a building arranged, intended, or designed to be occupied by two or more families living independently of each other. The main tenets would include a smaller lot size, setbacks dictated by the Building Code, taking the setbacks of the adjacent and near adjacent buildings into consideration, reduced parking requirements and exemptions for parking under certain circumstances such as what we were just talking about, decoupling parking, providing parking off-site, and specific design requirements. So, short of getting into the details and the weeds of that, I just wanted to get a sense of whether that's a direction you all want the Planning staff to head down. And if that's the case, we will endeavor to put together formal language and have it reviewed internally before we present it to the Planning Commission.

Mr. Silverman: So, our deal or no deal item here is a new zoning district or a new use within selected zoning districts?

Ms. Gray: Correct. That's our current thought, yes.

Mr. Hurd: Can you go over sort of what's different about this use from say a typical RM?

Ms. Gray: Sure . . .

Mr. Hurd: I'm trying to understand the difference.

Ms. Gray: Right. Some of the main tenets we're thinking about is a smaller lot size.

Mr. Hurd: Okay.

Ms. Gray: So, an urban apartment . . . well, first of all, an urban apartment would, right now our garden apartment in RM zone is three dwelling units. And so, an urban apartment would allow, would start by two or more families living independently of each other. Here again, we could tweak that definition. That's just a start of a definition. So, that would allow duplexes, because duplexes are currently not allowed in RM.

Mr. Hurd: Okay.

Ms. Gray: So, where we're seeing some applications for that, we're like, you can't do that. So, that would allow redevelopment of two lots, per se. Combine the two lots and create a duplex or where it would, I'm thinking like that, or a quad or an apartment, a four-unit apartment on two lots, for example. So, those uses are currently not allowed in the RM zone but would still, I feel, be appropriate in the RM zone. So, the small lot size. The setbacks would be, because there are certain setbacks required by Building Code such as separation of buildings, certain allowances needed for sidewalks, certain distances from the right-of-way, and we also would look at the adjacent, there is some language in, for example, in the BB zone that talks about using the average of the adjacent buildings. So, you are taking the adjacent buildings into account when you're doing a setback for a new building or redeveloped building. Certainly, the reduced parking requirements we have talked about, and design requirements, I would say, we're thinking of right now akin to site plan approval but looking at the design requirements articulated in the DNP. The Downtown Newark Partnership's Design Guidelines has some guidance on building materials, how things look on the street, so that's a thought to head in that direction. To give more guidance as to what type of design we'd be looking for.

Mr. Hurd: So, you'd see this as a discretionary use?

Ms. Gray: Yes, thank you. Yes, we see this as a special use permit requirement.

Mr. Hurd: Because there's a part of me that says it would be almost valuable to say this becomes a by-right, to say we would actually encourage . . .

Ms. Gray: Right.

Mr. Hurd: And then they don't have to do site plan approval and they don't have to go through the hoops. They can say it's a duplex on these two tiny lots and your use allows averaged front setbacks or something like that . . .

Ms. Gray: Yes.

Mr. Hurd: And boom. I'm not, I think most of the RM zoning is going to be, I'm thinking Benny in particular because that's my neighborhood.

Ms. Gray: Right.

Mr. Hurd: But, you know, site, sort of architectural design by guidelines is not as crucial there, I think, as to just sort of make sure that the massing is in character and that we could encourage the development of these smaller units that are still economically effective without them having to buy five lots and convert it.

Ms. Gray: Right. That's the intent of this use.

Mr. Hurd: Okay.

Ms. McNatt: I don't like it by-right. I like the . . .

Mr. Hurd: Okay.

Ms. Gray: For it to be a special use?

Ms. McNatt: Yeah.

Mr. Silverman: I like the idea of, I won't call it incentivizing, but giving more value to the smaller lots that are in place now. Right now they're unbuildable unless you can assemble five,

eight, or ten lots, which gets very difficult. So, this encourages the redevelopment we're looking for, the stormwater management we're looking for, on existing lots.

Mr. Hurd: I think I'd be for moving that forward.

Ms. Gray: Okay.

Mr. Silverman: Mary Ellen, what's your thinking on involving the Subdivision Advisory Committee?

Ms. Gray: Well, what we would do is we have a good start on the language but it certainly needs some tweaking, but we would have a, you know, put it on our calendar and have the SAC review it and give their comments, just like any other plan that comes through. And then we would also have legal counsel review it as well. I'm looking at Paul.

Mr. Bilodeau: Yes, I would hope so.

Ms. Gray: So, that would be a process. That would take us a little bit of time to work through given our schedule.

Mr. Silverman: Frank, Bob, do you have any additional comments?

Mr. McIntosh: Sounds good to me.

Ms. Gray: Okay, very good. We will proceed accordingly. Thank you.

Mr. Silverman: Thank you.

6. NEW BUSINESS.

Mr. Silverman: Moving on to our next agenda item, is there any new business to be brought before the body? Hearing none, we'll move on to Agenda Item 7.

7. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX

Mr. Silverman: There are some informational items in your packet. Do they need any further review or discussion by the Commissioners? They're kind of self-explanatory. Will?

Mr. Hurd: Oh, just a quick question. Can I ask why you forwarded the SAC comments on . . .

Mr. Silverman: The Green Mansion.

Mr. Hurd: The Green Mansion project to us? Because that was . . .

Mr. Silverman: Was that the Green Mansion or the . . .

Ms. Gray: Haven't we been distributing the SAC comments to everybody?

Mr. Hurd: No, you have not.

Ms. Gray: We haven't? I thought we were. Well, oops.

Mr. Hurd: Michelle just did it because you asked her to.

Ms. Gray: In an abundance of transparency.

Mr. Hurd: Okay.

Ms. Gray: Yeah, I thought we were sending them out. Do you want to be copied on them when we send out the SACs?

Mr. Hurd: It doesn't [inaudible]. Personally, it's just extra that I don't . . . it's all in the packet when we get it.

Ms. Gray: Sure, absolutely. Okay.

Mr. Silverman: I found it interesting that with I believe it's College Square, or was it the Green mansion that we got?

Mr. Hurd: It was the Green Mansion.

Mr. Silverman: The developer is going to be responsible for providing offsite bicycle racks. Where did that come from? Is there any other business to bring before the body? Okay, the chair will entertain a motion to adjourn.

Ms. Gray: Oh, Mrs. White has a comment.

Mr. Silverman: Ms. White?

Ms. Gray: I think she wants to comment on the zoning.

Mr. Silverman: Did you want to comment on the zoning proposal?

Ms. White: I had asked at previous meetings there was something put at the end before you were Chair that there could be a time when the public could ask something at the end. I didn't bring an example of the agenda.

Mr. Hurd: This is true. There had been.

Ms. White: For example, an example of somebody who talked was Don Dennis. And then there was an agenda item that was put at the end and the Commission agreed to have something where someone could come up with a question that they had. Does anybody remember this?

Mr. Hurd: You're right. That was part of the rules.

Ms. White: It was added. It was something that you didn't have, and it was last year, for example, at each meeting. So, although it's not on the agenda, can that be part of the agendas from now on? Does anybody know what I'm talking about?

Ms. McNatt: Yes, I do.

Mr. Silverman: In future agendas, we will include the last agenda item will be comments from the public.

Ms. White: Okay, well since it's not on here, can I say something now?

Mr. Silverman: I am going to refer to our attorney since it hasn't been advertised.

Mr. Bilodeau: That's a good point, so I would say we wait until the next agenda.

Ms. White: Wait until the next agenda, okay. But then there will be an item there at the end at the next agenda.

Mr. Silverman: Yes, we've asked the Director to include . . .

Ms. White: Okay, it's a short meeting and I thought maybe this was a better time because the next meeting is going to be a long meeting. So, that's why I thought it could be, since it was supposed to be on there.

Ms. McNatt: I have a silly question. I do have a question. Could it not be under New Business because it's just a topic that gets added to the agenda for, not just the public comment one but maybe the topic that Ms. White wants to bring up? I'm not sure that since it's new business that . . .

Mr. Silverman: We'd have to review this, but I think that it's actually specified in our rules.

Ms. McNatt: What's specified in the rules? You can't bring up new business?

Mr. Silverman: Public comment.

Ms. McNatt: Oh, the public can't bring up a comment in New Business.

Mr. Silverman: Correct. New Business is only for Commissioners.

Ms. McNatt: I was trying.

Mr. Hurd: Do you need a motion to amend the agenda to put Public Comment on there? Would that help things?

Mr. Silverman: Today's agenda?

Mr. Hurd: Yeah.

Ms. McNatt: Yeah.

Mr. Silverman: We can't.

Ms. McNatt: Why?

Mr. Silverman: It hasn't been advertised.

Mr. Hurd: But we're allowed to modify the agenda at the table.

Mr. Silverman: I refer back to our Counsel.

Ms. McNatt: Anybody have the rule book on them?

Mr. Hurd: We've moved items around. Well I guess this is adding. It says additions. It says subject to changes, deletions, additions, and modifications, as permitted. I don't know what as permitted means.

Mr. Silverman: Okay, since there seems to be strong feeling on this, let's move back into Item 1 Chair's Comments, and the Chair will ask are there any comments from the public.

Ms. White: Okay, since this is the end of the agenda.

Mr. Silverman: Ms. White, it's yours. Three minutes.

Ms. White: Okay, I'll make it short, but it is a short meeting. Okay, Jean White, District 1. At the December 4 meeting, Max Walton gave a presentation on site plan approval of development projects and said that site plan approval statute had passed in 1972 to encourage variety and flexibility and creativity in site design. And he said at that meeting that site plan approval has allowed some distinctive design and really creative things in Newark and he was

really happy to see that. And he's not here to ask but I would like, eventually, some examples of site plan approval through the years that we can look at, we in the public and who live in Newark can say, do we agree that this was really a good thing to happen? Was it really creative and beautiful and all that? I've been coming to the Planning Commission meetings and City Council meetings for many years and I was under the impression, perhaps the wrong impression, that site plan approval was if you had an odd-shaped lot or you had a pond in the middle of it, or you had a rock outcropping or something, it allowed one to build a development, taking that into consideration and not have to get certain, you know, setbacks and all that kind of stuff. And more recently it seems to me that site plan approval has been used to pack in units on perfectly rectangular lots. Now I may have been misunderstanding the purpose of it, but I would like somehow in the future to get a list of site plan approval projects through the years, or through the last maybe twenty years. And it would be interesting to see, you know, if they meet these criteria of creative and excellent and all that kind of stuff. And I have also wondered why good architecture can't be done with regular approvals. Thank you.

Mr. Silverman: Thank you.

Ms. White: And thank you for letting me speak.

Mr. Silverman: Thank you, Frank.

Mr. McIntosh: Just doing my job.

Mr. Silverman: Are we at the point where we can adjourn?

Mr. Hurd: Sure.

Mr. Silverman: The Chair entertains a motion.

Mr. Hurd: I so move.

Mr. Silverman: Is there a second?

Ms. McNatt: Second.

Mr. Stozek: Second.

Mr. Silverman: Okay, is there any discussion? All those in favor, signify by saying Aye. All those opposed, Nay. We stand adjourned.

MOTION BY HURD, SECONDED BY MCNATT THAT THE JANUARY 2, 2019 PLANNING COMMISSION MEETING BE ADJOURNED.

VOTE: 7-0

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

NAY: NONE

MOTION PASSED

The Planning Commission meeting adjourned at 8:15 p.m.

Respectfully submitted,
Frank McIntosh
Planning Commission Secretary

As transcribed by Michelle Vispi

Planning and Development Department Secretary

Attachments

Exhibit A: [Planning and Development Department presentation \(Focus Areas\)](#)

Exhibit B: [Planning and Development Department memorandum and proposed amendments \(Focus Areas\)](#)

Exhibit C: [Planning and Development Department memorandum \(Discussion of Potential Additional Use in RM and RA Zoning Districts\)](#)

Exhibit D: [Chairman Silverman handout regarding homelessness in DE \(Informational Items\)](#)