

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MEETING CONDUCTED REMOTELY
VIA GO-TO-MEETING**

September 1, 2020

7:00 p.m.

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

Chairman: Will Hurd

Commissioners Present: Karl Kadar
Alan Silverman
Bob Stozek
Tom Wampler

Commissioners Absent: Stacy McNatt
At-Large (Vacant)

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

Mr. Will Hurd called the Planning Commission meeting to order at 7:06 p.m.

1. CHAIR’S REMARKS.

Mr. Hurd: Alright, good evening everyone and welcome to the September 1, 2020 City of Newark Planning Commission meeting. This is Will Hurd, Chair of the Planning Commission. We are following the State and Council directives on remote meetings and holding this meeting through the GoToMeeting platform. Our goal is to support the participation of everyone in this meeting. Our department secretary, Michelle Vispi, is the organizer for this meeting and will be managing the chat and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present first. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order to offer their comments. If a Commissioner has additional comments they would like to add afterwards, they can unmute themselves and I will call on them to make it clear who is speaking. Michelle will be keeping all other attendees on mute to prevent background noise and echo. Please try to avoid talking over other people so that everyone listening in can hear clearly. We will then take public comment on the item. Any comments received by email prior to the meeting will be read into the record. If members of the public would like to comment on an agenda item during the meeting, they should send a message through the chat function to Michelle with their name, district or address, and which agenda item. The chat window is accessed by clicking on the speech bubble icon on the top bar. Anyone giving oral comments will have the usual five minutes. To support any attendees who are connected to the meeting only through their phone, we will unmute them one at a time to ask whether they have comment. At the moment, we have nobody connected by phone. And if there are any issues during this meeting, we will adjust the guidelines, if necessary.

Alright, well to begin, Chair’s remarks. We’ll start with thanks and appreciation to Bob Stozek for his years of service to this Commission. We have a virtual certificate to present to Bob and I think you’ll get a real paper one in the mail.

[Secretary's Note: The Certificate of Appreciation thanking Bob Stozek for his contributions to the City of Newark Planning Commission was being displayed for the benefit of the Commission and the public.]

Mr. Bob Stozek: You have my virtual thank you.

Ms. Mary Ellen Gray: And also, we have to work out how we can get you some swag. The person who manages the swag is not in the office at the moment, but I'll figure that out and get you some swag.

Mr. Hurd: Okay. And we can get that delivered by the Property Maintenance people, right?

Ms. Gray: Absolutely. Oh, yes.

Mr. Hurd: Okay. So, thank you, Bob. It's been enjoyable having you. Hope to see you around some more.

Mr. Stozek: I've enjoyed being had.

Mr. Hurd: Good. And then also, this is the last meeting of our steadfast and dependable Michelle Vispi. She has served the department and this Commission for fewer years than I thought when she was talking about it, but she has served us with grace and intelligence and good humor for many years. I especially appreciate her ability to anticipate the work and have it already prepared by the time I ask for it. And she has made chairing this Commission and especially the Green Building Code Work Group much easier with all of her efforts. So, my thank you and you can all unmute and thank her if you want.

Ms. Michelle Vispi: Thank you. It's been a pleasure.

Mr. Hurd: We hope to see you around, too, somehow.

Mr. Stozek: Thanks, Michelle.

Mr. Alan Silverman: Thank you, Michelle.

Ms. Vispi: Thank you.

Mr. Hurd: Alright, so that's the big, that's all I have for Chair's remarks.

2. THE MINUTES OF THE AUGUST 4, 2020 PLANNING COMMISSION MEETING.

Mr. Hurd: Moving on to the minutes. I will do I guess what seems to be working. If anyone has comments or corrections, please unmute yourself and offer them up. Otherwise, we will have the minutes stand by acclamation. Alan, did you have something?

Mr. Silverman: No.

Mr. Hurd: No? Okay. Alright, the minutes stand.

THE MINUTES OF THE AUGUST 4, 2020 PLANNING COMMISSION MEETING ARE APPROVED BY ACCLAMATION.

3. REVIEW AND CONSIDERATION OF THE PLANNING COMMISSION 2021 WORK PLAN.

Mr. Hurd: Alright, Item 3, the 2021 Work Plan and Five-Year Review Plan for Comprehensive Plan V. Are you taking this one, Mary Ellen, or is this Mike?

Ms. Gray: I was going to do the intro regarding the Work Plan component of it and then Mike is going to take over for the Plan for the Plan.

Mr. Hurd: Okay.

[Secretary's Note: The Planning and Development Department memorandum and supporting documents for the Planning Commission 2021 Work Plan, including the Plan for Planning, was being displayed for the benefit of the Commission and the public. A link to the Planning and Development Department memorandum and supporting documents can be found at the end of this document.]

Ms. Gray: So, we have two parts for our Work Plan. As you know, this is, the Work Plan for the Planning Commission is in our Code and this has been discussed in the past two meetings. And in the last meeting, there were not any proposed changes to the 2021 Work Plan that Michelle has up on the screen. So, this is as it was discussed last week, excuse me, last month with the eight work items as listed. And then as we did last year, we have also included on the third page we have our Land Use Division of what our Work Plan is and what we'll be focusing on for the year, because I thought that was helpful always to have that. And then we have the revisions to the Plan for Planning, so I'll hand that over to Mike Fortner unless there are any questions on the first part of the Work Plan.

Mr. Hurd: I guess if anyone has comments, feel free to unmute. Okay, take it away, Mike.

Mr. Mike Fortner: Okay, thank you. So, I'm just going to go through kind of the changes from the last draft. The first part is on the cover page, we're just going to scroll down. We changed the title, I believe, basically just to call it what it is, which is the five-year review of the City's Comprehensive Development Plan V and a little definition of that below. Go ahead and just scroll down, I think, to page 3. So, go ahead and scroll down to the bottom of page 3, near the bottom, the bottom half of it. The text in blue there is, just a little more, one more click. There you go, thank you. So, I added a little line at the end on line 91 to clarify it from the previous plan. It's just a clarification. I hope it makes it a little clearer. And then on the next paragraph, I added, and I think that was based on Will's comment about trying to get a little bit of a scope defined. So, I defined it fairly narrowly. It's a five-year review will review, that's a little redundant, to update Plan V's goals and action items, make amendments and corrections to the existing and future land use maps, and revise tables and charts with the most recent available data. And that's what I consider kind of the minimum part of what we're trying to do. I think some little things can be added here and there but just trying to keep it to, you know, looking at the goals, putting responses to the goals like, for example, we completed the Sustainability Plan, the TID is in progress, and modifying the goals to reflect that and maybe some information about how that's being achieved. You know, there's some, in the Land Use there are some errors like we had with the KA House. A couple of, there are some things like that we can clean up. And then we do have, we do have the thing that the Planning Commission did and I thought was very innovative about the future land-use and putting some additional text in that that I thought was really good and kind of went to Council, I guess it kind of stalled there. But it may be something that we revisit, how to address that. Maybe they'd be more open to it as part of this whole overall process to kind of clarify some goals we have in there. Go ahead and scroll to the next thing which is on page 5. Oh, by the way, on line 95 that should be data, available data. I think I wrote date. I already corrected that on the master draft.

Scroll down to page 5. Are we there? Maybe towards the bottom. What page is that, Michelle? Oh, you can see it, there are a couple of little, someone said make the word shall but then we get to line 156. This is where I clarified the steering committee. You have the Planning Commission, not a project committee or anything like that. It's the Planning Commission and a steering committee. And so, I'm just clarifying those terms there. And then so there's a discussion point on line 164. We originally had as part of the steering committee someone from the Conservation Advisory Commission and we decided that we'd really just put more on the residents and there wouldn't necessarily have to be a seat for the Conservation Advisory Commission. So, actually

after the last meeting, after the last CAC meeting, I guess they talked about this and they would actually like to have a designated seat on our steering committee, for your consideration. So, I put it on there for your discussion and then I reduced the number of residents. I think it said 3-4 and I made that 2-3. So, that's a discussion point. Other than that, that mostly remains the same.

Mr. Hurd: Commissioner Silverman, do you have a question?

Mr. Fortner: Go head, is there a question?

Mr. Silverman: Will, where do you want to have discussion on these points that are being raised?

Mr. Hurd: I think after Mike has presented, we'll go from Commissioner to Commissioner to pick up people's comments.

Mr. Fortner: Yeah, let me go ahead and scroll through this whole thing and then we'll go back and talk about it.

Mr. Silverman: Okay. Thank you.

Mr. Fortner: Okay. Okay, so let's go ahead and scroll down to page 6. There's where I think I had a mistake. I think I said the Sustainability Plan so there's a correction there. And then later on, just the next four or five points on page 6, I put steering committee because I think I had, I think I called the committee something else at those points. So, it's always the steering committee will do this and they're the ones that will be the main organizers. The Planning Commission will oversee the steering committee's activities and you'll get a monthly report, oral report. So, that's how we go.

So, we get to the schedule, the top of the next page, Michelle, page 7. Okay, there, thank you. So, we had a virtual public workshop, did I miss something? Go up, did I miss something up there? Community Day got cancelled. There's no Community Day so I took that out. I guess that's one thing, it's not actually on there, so it's gone. And then so we'll start the meetings, I'm sorry, go back to page 7, Michelle. So, Community Day is not going to happen, and I was hoping that would kind of be an opportunity for a kick-off, but we'll have a virtual workshop. What I think I'm proposing, well, what I'm proposing here is the first meeting we'll do a, since I'm picturing, since I'm envisioning the first steering committee meetings through the rest of the year and into early next year to be virtual, especially the one in November to be virtual and a format like this, I thought we'd do some sort of public workshop that would be a little overview of the Plan and the goals of this process. It would be a public information thing. And then that would lead into a steering committee meeting on this November date to be determined. Other than that, the schedule keeps consistent with a monthly meeting where we'll regroup to kind of make sense with each other. Usually it's based on department staff. For example, Public Works would only have to come to one meeting, they wouldn't have to come to all three because they could just address all of their things in one. So, by April we have another workshop, kind of open public workshop. By that time, I'm optimistic that we may be able to do an in-person one at that time but, you know, we'll see how things are going. Then there will be another steering committee meeting to kind of process that and then we would have something for the June Planning Commission meeting. We'd have a public hearing on the plan.

Let's see, so no Community Day and after that we get to the appendix which is, this isn't anything unique to this Plan for Planning. This is what's in the Comprehensive Plan. It's just for the public to understand a little bit about what the vision is of the Comprehensive Plan. And the next appendix is the State law, so it's just for people to reference this. It's not really part of this document to be edited. Neither of those are.

And I also just wanted to say that this Plan for Planning is, I see it as sort of a planning exercise or a thought process just to kind of put our thoughts together on what it's going to be like. Obviously, things are going to change, new ideas could come about, an idea for public outreach,

the steering committee might want to do another workshop, and I think any of these things, just like in all our other committees – the TID Committee, the Parking Committee – you know, once the steering committee gets established, they will come up with ideas and we can always incorporate new ideas. This isn't supposed to be, well, it's not in the Plan for Planning so we're not going to do it. I think this is just sort of a broad outline or framework for what we want to do and we will go through it and make changes if we have to and we'll do a planning process. This is just to have something, just some thought going into the process before we begin it.

Mr. Hurd: Right. Thank you, Mike. I see this as really kind of a framework or sort of a charge to the committee from the Commission to say, these are kind of our thoughts about this, or how we think, but once they've got it, it will be mostly by them. They'll be driving it.

Alright, we're going to do Commissioner comments and I think there's, to my mind in looking through this, there's sort of four things that we can be discussing. One is any general editorial comments that you have, typos, words, things. Second is I think we should have, we should be all clear about the stakeholder section in terms of identifying those stakeholder groups because that's partly going to be our instructions to the Planning Department about how we're reaching out for the public to come and comment on this. The other is the actual steering committee make-up. We want to make sure that we're all very clear and in agreement on that. And then the last thing is any comments or such on the schedule. So, we will begin with Commissioner Kadar.

Mr. Karl Kadar: In looking at these documents, I believe that almost everything that we've talked about in the last two meetings . . . I think it's been two meetings, it could be three, I don't remember . . . have been incorporated and, as such, I'm comfortable with what's included here, and I don't have any additional comments. It's a fine piece of work.

Mr. Hurd: Alright. Thank you very much. Commissioner Silverman?

Mr. Silverman: Michelle, if we can go to line 164. Since we last got together, the Conservation Advisory Commission apparently approached the City and asked to be placed as a sitting committee on this steering committee. What do they feel they can bring to the effort by sitting on the steering committee that they can't contribute by being an independent commission of the City and reviewing the work that this Planning Commission review will provide to everyone and then commenting?

Mr. Fortner: Sure. Of course, I would intend on going to Conservation Advisory Commission meetings periodically to do an update or incorporate them somehow. By having them on the committee, it just creates a little more of a link of communication, for one, that might make the process of working with them a little, more than a little easier because they're sort of at the table. Otherwise, you kind of go with them as something, it's a project they're really not a part of and maybe that'll just be a little more maybe difficult. So, I see this as like inviting them in more and giving them a seat. They are, of course, I think their justification is that a lot of the Comprehensive Development Plan involves environmental issues and that they think having one of their members at the table will help emphasize that.

Mr. Silverman: Well, my recollection was at one time they thought themselves a shadow Planning Commission and actually asked that they be able to comment on the land development ordinances that came before, I'm sorry, land development review that came before the Planning Commission and actually send their written recommendation independent of the Planning Commission. What circumstances would be created if as the steering committee came down on one particular side on an environmental issue that the Conservation Advisory Commission did not agree with within their internal organization? How would that be judged with respect to presentations before Council?

Mr. Fortner: Well, I think you're both advisory committees, so I guess they would have two different committees giving advice. But this is your document. The Planning Commission is

supposed to put this together and other public can comment. So, it would be another committee's review and recommendation to Council, just like any member of the public. It's more of just a cooperative . . .

Mr. Silverman: And that's the position that I take, that they, the Conservation Advisory Commission, should remain outside of this effort and comment like any other group. You know, why aren't members of the former Parking Committee, the Rental Committee, and the committee that just concluded its work with respect to green codes, and members from the TID Committee also on this steering group? I think it's going to cause conflict and I think it will be unworkable.

Mr. Hurd: Okay.

Mr. Silverman: That's the end of my discussion. I cannot support the CAC participating with this particular group as a steering committee member. They're more than welcome, in my mind, to comment as any other community interest group.

Mr. Fortner: Just to Alan's comment, many of those committees that Alan mentioned are not, are subcommittees or just sort of temporary working group committees, much like this steering committee would be. Whereas the CAC is a permanent committee that meets monthly. So, it's a matter of if you want to, either way I think probably a member is going to be on the board, I'm sorry, I mean on the steering committee. I think there's a lot of good members in that group and so they would either be one of the residents or we would have . . .

Mr. Silverman: I have no objection from a citizen point of view if that citizen also was associated with the Conservation Advisory Commission. But to name the Commission, to name them as a representative from the Commission, I think it puts the Conservation Advisory Commission in a very difficult position. Because, as a group, they may not agree with what their particular representative brings to the table or agrees to as part of a consensus.

Mr. Hurd: Okay. Mike, during the original work on the Comp Plan, how was the CAC engaged in the process? Do you recall?

Mr. Fortner: So, we didn't have really a steering committee . . .

Mr. Hurd: Okay.

Mr. Fortner: On that one. It was just the Planning Commission. And so, they were engaged in the process. I mean we tried to invite them to the public workshops which, of course, they were numerous, if you remember.

Mr. Hurd: Yeah.

Mr. Fortner: And so, there were sometimes many members that were regular attendees of those things. But they didn't have any formal role.

Mr. Hurd: Okay. So, there wasn't like a working group developing the Comp Plan the previous time around?

Mr. Fortner: That's correct, it was the Planning Commission.

Mr. Hurd: Got it. Okay, thank you. Commissioner Silverman, does that satisfy your . . .

Mr. Silverman: That concludes my remarks.

Mr. Hurd: Okay, thank you. Commissioner Stozek?

Mr. Stozek: Yeah, basically the only comment I have, I agree with Alan. When I see the make-up of this committee, it's trying to get people outside the City commission and committee structure to be involved in this thing. And to single out the Conservation Advisory Commission as one member, you know, certainly people on that commission could, you know, be on this as individuals or whatever, but I don't see the point of singling that one commission out as being part of this when others aren't. They can participate just like any of the others can. So, I kind of agree with Alan and hopefully there's not a lot of conflict or whatever but, again, it could lead to the kind of thing of who is in charge here and I just think we ought to avoid that.

Mr. Hurd: Okay.

Mr. Fortner: I think your dog agrees. Somebody's dog agrees.

Mr. Stozek: That's my only comment.

Mr. Hurd: Okay, thank you. Commissioner Wampler?

Mr. Tom Wampler: Yeah, I see that all the things we discussed last time look like they've been included and I'm happy with the way it is, and I don't need to make any changes.

Mr. Hurd: Okay. Alright, I had several sort of editorial changes that I had typed up and sent in to Michelle and Mary Ellen just to sort of have a record. Part of it for me was just sort of clarifying some language and moving some language around. So, on line 119 where we talk about a stakeholder, it seems to me that when we're talking about stakeholders, we're really talking about groups and organizations and less about individuals. Because we talk about residents, we talk about leaders, we talk about groups. So, I was going to strike individual from that list and just say a stakeholder is any group or organization that has a vested interest in the outcome of the planning process. And then I wanted to really just say that our stakeholder groups, I wanted to simplify it a little bit and say our stakeholder groups are community residents, local businesses and industries, the development community, City staff, elected officials, University of Delaware leadership, and then banks, churches, civic clubs, student organizations, not just students sort of by themselves, and service organizations. And what I wanted to do but I hadn't really typed it up or figured out how to put it there, was to take some of the language from the section where we're saying community residents, because we do want to make sure that we're including a diverse range of backgrounds from throughout the City, especially those groups that have historically not been as engaged in this process, I wanted to move that language over to where we're forming the project steering committee because that's really where I think we're trying to bring those people in and I think that's where that language wants to be. So, that was that one.

Under the provision, no, not that, I don't need to worry about that. So, when we get to the project steering committee make-up and I'm trying to figure, I'm trying to think about how we want to do this in a way that we can do it cleanly but the language I was proposing is to say that the Planning Commission will oversee the Plan V 2.0 project, because we already said earlier that this is five-year review and we're calling it Plan V 2.0. And then to just say that we're going to appoint a steering committee to bring together a diverse range of stakeholders. Because we don't need to say all that stuff about the groups because we already said that in the stakeholder section. And so then, we're into the committee. Two representatives from the Planning Commission makes sense. A representative from University of Delaware leadership team, I would like to add that so that we're clear that we're looking for somebody similar to when we did the Parking Subcommittee. We're looking for somebody who can kind of be engaged and maybe even provide some feedback or take some direction or participate at that level. Obviously, the Department of Planning and Development staff. I think I'm in agreement that the Conservation Advisory Commission isn't a group, I think, that needs to be called out to having a single representative. I am certainly not saying, I mean, they can certainly recommend people to sit on the committee but I'm feeling that it's not, there's no other commission or group or whatever that we're really kind of calling out for this. I agree with the 2-3 Newark residents. I'd like to see if we can get three because that will allow us to have a wider range. I'm thinking just

for in terms of numbers, 2-3 representatives from The Newark Partnership sort of collection so that we can get a local businessperson, a local non-profit, and maybe one, a third person who is covering maybe civic organizations or something else in there. And then the representative from the development community.

And then the only other thing that I wanted to add to the schedule, we currently have adopted recommendation for steering committee in September. I was thinking, back when we thought we were going to have Community Day, I was thinking that October was when we were going to have a list of names that we could basically review and select and approve. So, I'd like to still hold that in an October slot, if we can do that, Mike.

Mr. Fortner: Okay.

Mr. Hurd: So, those are my thoughts and we can, since, you know, we can decide if that's sort of clear enough and we can finalize it as it is now. We could decide if we want to ask Mike to make further edits and then bring it back in October and we seal the deal. But I'm thinking, I almost want to think that we want a separate motion to vote on the members of the steering committee unless we can reach some sort of general agreement on that. Because I'm hearing there's three of us, I think that are saying no to the CAC and two who are saying it's fine the way it is. So, that's not quite a vote, so I don't want to take that as a vote or a motion that way. Paul or Mary Ellen, do you have thoughts on that?

Mr. Paul Bilodeau: This is Paul, the City Solicitor. Did you want to ask for any public comment as well on any of this?

Mr. Hurd: Oh, thank you, Paul. Yes, that was on my list of things. So, okay, that's my bit. I will open the floor for public comment. Thank you, Paul. Anyone from the public who is present who wishes to comment on the item? I'm seeing no action. You can unmute yourself and we can recognize you. Alright, not seeing any public so I'm closing public comment and bringing it back to the table.

Mr. Bilodeau: This is Paul again. I think your idea about voting at least for the steering committee is probably a good idea so you can get that set and then possibly Michael can come back with the other revisions . . .

Mr. Hurd: In October. Yeah, I think, as I'm sitting here thinking, I'm feeling like I want to get the committee make-up locked down because we're going to start, basically, finding people to fill those slots and we need to know what kind of slots we're trying to fill.

Mr. Fortner: Mr. Chairman?

Mr. Hurd: Yes?

Mr. Fortner: Just a few comments for clarification. So, on the Conservation Advisory Commission, on the resident side, I did reduce it, it's in blue because I did reduce it from 3-4 when I added the Conservation Advisory Commission. So, if we did take that one off, then I could move that to 3-4 . . .

Mr. Hurd: Okay.

Mr. Fortner: For Newark residents, which was my intent there. With UD leader, representative, it says representative from the University of Delaware, and you said leadership. Is that what you're proposing we add, the word leadership to that bullet?

Mr. Hurd: Well, that was partly because that's how we call them out when we're talking about stakeholders. It could just be a representative from the UD. It could, we could make it someone like, I can't remember her name that comes to the Council meetings who is the rep to the City.

Mr. Fortner: Yeah, I know who you're, yeah . . .

Mr. Bilodeau: Caitlin. Caitlin Olson.

Mr. Hurd: Caitlin, thank you. So, we could add more stuff to her plate and this, I mean, we could, that could be part of this motion as well. We could leave that more open and let the University decide who they're sending . . .

Ms. Gray: Yeah, this is Director Gray. What I would do is I would reach out to Caitlin and ask her to, ask her thoughts on somebody from a leadership position.

Mr. Hurd: Okay. That's what I . . .

Mr. Silverman: Should we . . .

Mr. Hurd: I'll take my comment off on that one then. Yes, Commissioner Silverman?

Mr. Silverman: On the University, should we suggest to Caitlin that in the spirit of what we did with the Parking Committee, that it be a person from the University that's intimately involved with their short-range development and long-range plans, as opposed to . . .

Mr. Hurd: I think that would be a reasonable thing to ask for. We do want somebody who is familiar with their plan, their buildings, their campus and such, for sure.

Ms. Gray: Absolutely. Sure.

Mr. Hurd: Okay. Back to you, Mike.

Mr. Fortner: We had a couple, okay, we had some stuff on when we talked about the stakeholders, if we can go back to that.

Mr. Hurd: Sure.

Mr. Fortner: One of the first items there is you were considering taking out the word individual. I don't think that's the right decision. I think a stakeholder can be an individual or are often individuals. Most people in the City probably consider themselves individuals as opposed to being part of a group. And I think if you took out individual . . .

Mr. Hurd: Okay.

Mr. Fortner: It might send the wrong message that the common person that just lives in a residence somewhere . . .

Mr. Hurd: Right.

Mr. Fortner: Isn't really a stakeholder. Also, I did like your suggestion about where residents who have not historically been engaged, I think it belongs in both places. I think certainly we want to reach out to someone on the steering committee but also in kind of the process, for example, like the last Comp Plan I did speak at St. John's Church and doing outreach, somehow trying to reach groups through that public outreach process that we don't normally. So, it's kind of both ways. We want different people on the committee, and we want to be able to do outreach so that people that come to the meetings aren't necessarily the same people.

Mr. Hurd: Okay, so maybe there's a way to phrase this that's more about . . . because I think my problem is that the first two are kind of about very specific kind of groups of residents and then the rest of the items for stakeholders are very general. So, that's why I was trying to . . .

Mr. Fortner: The bullet points?

Mr. Hurd: Yes. So, that's why I was trying to figure out how to say stakeholders are City residents, that's a group of stakeholders, and business owners, and civic leaders, and that's very general. And then over in the, and that's why I was sort of moving it to the project steering committee, to say we want to be sure that we're reaching those groups that we haven't reached as often when we're forming this committee.

Mr. Fortner: I think that phrase would be appropriate in the steering committee section, too.

Mr. Hurd: Okay.

Mr. Silverman: Will, I think you hit on your solution and it goes along with what Mike's talking about.

Mr. Hurd: Okay.

Mr. Silverman: Rather than, on line 119 striking the word individual and saying any City resident. That represents a group of people, any interest group, any organization, that's consistent in thinking. So, any City resident, group, or organization that has a vested interest . . .

Mr. Fortner: City resident is good, but I don't know that an individual has to be a City resident to be a stakeholder. Sometimes people are customers, like people that come into downtown, and they consider themselves, or can be a stakeholder, people that visit our town, whether they're a resident or not. So, it's meant to be broad. Any individual . . .

Mr. Hurd: Okay.

Mr. Fortner: That has some sort of relationship could be a stakeholder in some regard.

Mr. Hurd: Alright.

Mr. Silverman: Mr. Bilodeau, do we get into the conundrum here of does somebody who resides outside the City and is not associated with an organization in the City really have a standing to speak about the contents of the Comprehensive Plan within the City of Newark. I'm thinking of the Christine Manor issue.

Mr. Bilodeau: Well, I think you make a good point. I'm actually not familiar with the Christine Manor issue you're talking about unfortunately, or fortunately, but yeah, I think you've got to have some sort of a tie to the City and you just, like for instance we had that issue with voting where, you know, the, where the Charter had the LLCs could vote and there's a question of how much of a tie they really had and that caused a big problem and we had to get the Charter amended. So, I think we do have to make sure that whoever we let, whoever we identify as a stakeholder does have standing, if you will, sufficient contact with the City to participate.

Mr. Fortner: I see that as being on the steering committee, you certainly would need to be a resident.

Mr. Hurd: Yeah.

Mr. Fortner: But in terms of like a Council meeting, I mean we get people that comment on things from outside the City. Like, for example, the Planning Area 7, we certainly reached out to what I would call stakeholders, people that lived outside the City that were against something that the City was proposing. Those were stakeholders of something we were going to annex in, and someone was against us annexing in.

Mr. Hurd: Right. I'm thinking in the interest of not trying to edit this online, I think I've got my comments, we've got some comments and maybe Mike and I will bounce some drafts back and forth between now and October to cover that.

Alright, so to the more critical matter, which is the composition of the project steering committee. I guess so, I guess, Mr. Secretary, maybe we should have a motion on the composition as it is, because we can sort of say as it is, and then we can have a motion to amend, which we can vote on, and then vote on the composition as a separate, as a final motion. Am I getting the sequence right, Paul?

Mr. Bilodeau: Yes, that would work. Yeah.

Mr. Hurd: Okay. Does that make sense to you, Tom?

Mr. Wampler: Yeah, I think that's fine. So, we're just going to vote on the wording, specifically of lines 161 down to 168, right?

Mr. Hurd: So, what I'm proposing is you would read in a motion saying lines 161 to 168 is the proposed steering committee composition. And then most likely Commissioner Silverman would then say he has a motion to amend in which he would say remove the representative from the Conservation Advisory Commission as a piece. We would then vote on that amendment, the modification, and then vote on the whole thing. And we'd all have an opportunity to put in a modification.

Mr. Wampler: Yeah, I'll make that motion and I'll read those lines so that it's clear exactly what we're talking about.

Mr. Hurd: Okay, thank you.

Mr. Wampler: Okay, so I move that the steering committee will include two representatives from the Newark Planning Commission, a representative from the University of Delaware, Department of Planning and Development, a representative from the Conservation Advisory Commission, 2-3 Newark residents at-large, representatives from The Newark Partnership for the business and non-profit community, and a representative from the development community.

Mr. Hurd: Thank you. Do I have a second?

Mr. Silverman: I'll second. Silverman.

Mr. Hurd: Alright. Any discussion on the motion?

Mr. Silverman: Yes, line 165, there was discussion of expanding beyond 2-3 residents.

Mr. Hurd: Okay. Do you want to propose an amendment of a modification to that motion?

Mr. Silverman: I thought that was going to go back for further review between the Chair and Mr. Fortner.

Mr. Hurd: Not this section.

Mr. Silverman: Okay.

Mr. Fortner: Mr. Chairman, I'm sorry, did we strike the Conservation Advisory Commission in the ...?

Mr. Silverman: Not yet.

Mr. Hurd: Not yet.

Mr. Fortner: Okay. If you strike that, then the change would go back to the way of the last draft, which was 3-4 in the motion.

Mr. Hurd: From my basic math it looks like we have about a 10-person committee, which I think is about workable. I'm sorry, back to you, Commissioner Silverman.

Mr. Silverman: Okay, so we have a motion and second. I move to amend the motion to delete line 164, representative from the Conservation Advisory Commission, and restore the original number of members referenced in line 165 for the Newark residents at-large.

Mr. Hurd: Do I have a second?

Mr. Wampler: Second.

Mr. Hurd: Okay.

Mr. Stozek: Will?

Mr. Hurd: Yes?

Mr. Stozek: This is Bob Stozek, on line 166 somebody talked about having 2-3 members from the Partnership.

Mr. Hurd: I had thrown that comment out and I'd be willing to amend it unless you wanted to put that language in, but I think we need to vote first on Alan's amendment.

Mr. Stozek: Okay.

Mr. Bilodeau: This is Mr. Bilodeau. When you say restore on line 165, do you mean restore it instead of 2-3 to 3-4 Newark residents? Is that . . .?

Mr. Hurd: That was my understanding.

Mr. Bilodeau: Yeah, I just wanted to make sure that was clear.

Mr. Hurd: Okay. Alright, we have a motion and second on those changes to the composition of the project steering committee. Commissioner Silverman?

Mr. Silverman: I vote Aye on the amendment.

Mr. Hurd: Commissioner Stozek?

Mr. Stozek: Aye.

Mr. Hurd: Commissioner Wampler?

Mr. Wampler: Aye.

Mr. Hurd: Commissioner Kadar?

Mr. Kadar: Aye.

Mr. Hurd: And Aye for me, as well. The motion passes. Okay.

MOTION BY SILVERMAN, SECONDED BY WAMPLER THAT THE PLANNING COMMISSION MAKE THE FOLLOWING AMENDMENT TO THE MOTION ON THE COMPOSITION OF THE STEERING COMMITTEE:

THAT THE REPRESENTATIVE FROM THE CONSERVATION ADVISORY COMMISSION BE DELETED AND THE NUMBER OF NEWARK RESIDENTS AT-LARGE BE INCREASED FROM 2-3 TO 3-4.

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

AMENDMENT PASSED

Mr. Hurd: I will propose an amendment to append to line 166 to 2-3 representatives from The Newark Partnership for the business and non-profit community.

Mr. Wampler: I second that.

Mr. Hurd: Okay, we have a second. Going around, Commissioner Stozek?

Mr. Stozek: Aye.

Mr. Hurd: Commissioner Wampler?

Mr. Wampler: Aye.

Mr. Hurd: Commissioner Kadar?

Mr. Kadar: Aye.

Mr. Hurd: Commissioner Silverman?

Mr. Silverman: Aye.

Mr. Hurd: And Aye for me, as well. Alright, that passes.

MOTION BY HURD, SECONDED BY WAMPLER THAT THE PLANNING COMMISSION MAKE THE FOLLOWING AMENDMENT TO THE MOTION ON THE COMPOSITION OF THE STEERING COMMITTEE:

THAT THE NUMBER OF REPRESENTATIVES FROM THE NEWARK PARTNERSHIP FOR THE BUSINESS AND NON-PROFIT COMMUNITY BE AMENDED TO 2-3 REPRESENTATIVES.

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

AMENDMENT PASSED

Mr. Hurd: Now, we are back to the original motion of the composition of the project steering committee, any further discussion on this motion? Seeing none, we'll move to the vote. Commissioner Wampler?

Mr. Bilodeau: Excuse me, Will, sorry to be a stickler but did you want to ask for any public comment on the amendments and what we're voting on?

Mr. Hurd: Do we do that after motions? We've had comment on the document itself.

Mr. Bilodeau: Okay. Alright, never mind. I'm good. I apologize.

Mr. Hurd: No, that's fine. I'm double-checking too, because I'm never always sure. Anyway, sorry, back to the vote. Commissioner Wampler?

Mr. Wampler: I vote Aye.

Mr. Hurd: Thank you. Commissioner Kadar?

Mr. Kadar: I vote Aye.

Mr. Hurd: Commissioner Silverman?

Mr. Silverman: I vote Aye.

Mr. Hurd: Commissioner Stozek?

Mr. Stozek: Aye.

Mr. Hurd: And I vote Aye, as well. The motion passes.

MOTION BY WAMPLER, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION APPOINT A PROJECT STEERING COMMITTEE FOR THE FIVE-YEAR REVIEW OF COMPREHENSIVE DEVELOPMENT PLAN V AS INDICATED IN THE PLANNING AND DEVELOPMENT DEPARTMENT PLAN FOR PLANNING DRAFT DATED SEPTEMBER 1, 2020, WITH THE FOLLOWING AMENDMENTS:

- A. THE REPRESENTATIVE FROM THE CONSERVATION ADVISORY COMMISSION BE DELETED
- B. THE NUMBER OF NEWARK RESIDENTS AT-LARGE BE INCREASED FROM 2-3 TO 3-4
- C. THE NUMBER OF REPRESENTATIVES FROM THE NEWARK PARTNERSHIP BE MODIFIED TO 2-3

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

MOTION PASSED

Mr. Hurd: Alright, we have a steering committee composition and I think that concludes the Work Plan discussion for tonight. That wasn't loud enough. There we go, that was louder. I've got to figure out how to do gavels. Michelle, that's your job to figure out before you leave, how to do gavel noises.

Ms. Gray: Well, this is Mary Ellen Gray. Commissioner Hurd, you need a real gavel.

Mr. Hurd: Well, yeah, I could bang my microphone.

Ms. Gray: That will solve that. I'm just saying, that would solve that.

Mr. Hurd: But would the sound come to the microphone and be loud enough for people to hear. That's what I worry about.

Ms. Gray: Good point.

Mr. Hurd: I mean, I've got hammers. That's not hard.

Ms. Gray: Yeah. Maybe a mallet. Do you have a mallet in your garage?

Mr. Hurd: Not a loud one.

Mr. Silverman: Mr. Chairman?

Mr. Hurd: Yes, sorry.

Mr. Silverman: Mr. Chairman, you should be able to tap your microphone.

Mr. Hurd: Yeah, I could probably do that. Okay.

4. REVIEW AND CONSIDERATION OF PLANNING COMMISSION 2021 MEETING DATES.

Mr. Hurd: Alright, we're moving to item 4, review and consideration of Planning Commission 2021 meeting dates.

[Secretary's Note: The Planning and Development Department memorandum regarding the Planning Commission 2021 Meeting Dates was being displayed for the benefit of the Commission and the public. A link to the Planning and Development Department memorandum can be found at the end of this document.]

Ms. Gray: Chairman Hurd, this is Director Gray and so we do want to have, this was usually part of the, meeting dates is usually part of the Work Plan, but we separated it out this year just for simplicity. I thought it would be helpful just to have a brief discussion on this. Michelle, if you can go to the next page to look at the, I wanted to talk about a couple of meeting dates, they're the ones in yellow. The ones in yellow highlights are the dates that are right after holidays. So, I wanted to talk to the Planning Commissioners and see what your pleasure was regarding whether we want to stick with those meetings dates or move them to a Wednesday. We've done it, since I've been here, we've done it both ways. We've stayed with the Tuesdays and I think last year, and in previous years, we've moved the meeting dates to Wednesdays. So, I'll open that up, I'll turn that back to you, Chairman Hurd, to . . .

Mr. Hurd: Okay.

Ms. Gray: For comments. Thank you.

Mr. Hurd: Well, why don't we just go around and see if anyone has thoughts. Commissioner Kadar?

Mr. Kadar: I don't have any problems with those dates. They're fine with me.

Mr. Hurd: Okay. Commissioner Silverman?

Mr. Silverman: I have no problems with those dates either. They're publicized well in advance and they're considered standard workdays.

Mr. Hurd: Okay. Commissioner Stozek?

Mr. Stozek: They're immaterial to me.

Mr. Hurd: I was going to say . . . yeah. Commissioner Wampler?

Mr. Wampler: I'm in favor of leaving them all on Tuesday, as well.

Mr. Hurd: Okay. I think I'm also okay with that. It's usually worked out that the Tuesdays aren't really too bad. The one comment I was going to make on this because I'm not sure why it didn't come up in my mind previously, but I didn't know if it was appropriate to put in the text at the bottom here that I'm assuming is language for the applicants, to put in the language that we have in our Rules of Procedure about how additional, any additional information has to be submitted by the close of business a week prior to the meeting. It struck me that this might be a good public place to put that information and start getting that to be a more, making people more aware of

that requirement. But I would welcome your thoughts on that, Mary Ellen, or Director Gray, I'm sorry.

Ms. Gray: This is Director Gray speaking. Chairman Hurd, I think that's fine. We could, I think we can fit that in. We'd have to make the text a little smaller.

Mr. Hurd: Yeah, I was looking at that, too. And the only reason is because it does sort of lay out here, these are all the things you have to have, blah, blah, blah, but then we, you know, we have allowed them to submit their presentation or the PowerPoint kind of thing that they're going to go and that was just my thought to squeeze that in. So, okay. But that was my only general comment. Otherwise, this looks fine. So, do we need to approve this?

Ms. Gray: This is Director Gray speaking. I believe it is an action item.

Mr. Hurd: Okay, in which case I will ask if there's any public comment on our meeting and submission deadlines. And I'm seeing nothing. Okay, Mr. Secretary, could you make us a motion, please?

Mr. Wampler: I will. I move that the Planning Commission meeting dates and submission deadlines for the year 2021 be adopted as presented.

Mr. Hurd: And amended.

Mr. Wampler: And amended.

Mr. Hurd: Because I threw a little amendment in there.

Mr. Wampler: Yes.

Mr. Hurd: Okay. Awesome. Any discussion on the motion?

Mr. Silverman: We need a second and I'll second.

Mr. Hurd: Oh, a second. Thank you. Any discussion on the motion? We're good? Okay. Moving to the vote. Commissioner Wampler?

Mr. Wampler: I vote Aye.

Mr. Hurd: Sorry, I got confused here. Commissioner Kadar?

Mr. Kadar: I vote Aye.

Mr. Hurd: Commissioner Silverman?

Mr. Silverman: I vote Aye.

Mr. Hurd: Commissioner Stozek?

Mr. Stozek: Aye.

Mr. Hurd: And Aye for myself, as well. Alright, the motion carries.

MOTION BY WAMPLER, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION ADOPT THE PLANNING COMMISSION 2021 MEETING DATES AND SUBMISSION DEADLINES AS INDICATED IN THE PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM DATED SEPTEMBER 1, 2020, AND AS MODIFIED BY THE COMMISSION AT THEIR SEPTEMBER 1, 2020 MEETING TO INCLUDE THE FOLLOWING STATEMENT:

- A. "PER PLANNING COMMISSION RULES OF PROCEDURE, THE APPLICANT HAS TO THE CLOSE OF THE BUSINESS DAY ONE WEEK PRIOR TO THE HEARING TO SUBMIT ADDITIONAL INFORMATION TO THE PLANNING DIRECTOR IN ORDER FOR IT TO BE CONSIDERED BY THE PLANNING COMMISSION AT THE HEARING, UNLESS THE PLANNING COMMISSION CHAIR ALLOWS FOR A LATE FILING FOR GOOD CAUSE SHOWN."

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

MOTION PASSED

5. REVIEW AND CONSIDERATION OF A REVISION TO CHAPTER 32 ARTICLE IX TO ADD A ZONING DEFINITION TABLE.

Mr. Hurd: Alright, moving right along. Item 5, review and consideration of a revision to Chapter 32 Article IX to add a zoning definition table. Who gets this one, Director Gray?

Ms. Gray: That would be Planner Fortner.

[Secretary's Note: The Planning and Development Department memorandum and supporting materials for the review and consideration of a revision to Chapter 32 Article IX to add a zoning definition table were being displayed for the benefit of the Commission and the public. A link to the memorandum and supporting materials can be found at the end of this document.]

Mr. Fortner: Yes. Alright, so some of you, I'm sure, appreciate the understated elegance of this title page here. I think I'm going to, I think I'd like to, you know, I think I could do a little bit better on the design on that, something a little more interesting, but it was just kind of quick to throw that together. I think this next page, too, I might be able to do some kind of information on that, too. But what I'm really here to show you is the zoning table. And we see this as a sort of a tool. It's sort of a quick guide for planners, staff, Planning Commissioners, the public, and developers to determine which uses are allowed in each zoning district. It's sort of a quick thing rather than having to go through each thing to see what or where it's involved. And so, it's a helpful guide. It's very common in zoning codes to have this and we've never really had it and so it's good to, I think, kind of establish this.

So, what you're looking at is basically meant to be, this part is meant to be a paper tool that people would have on their desk and you could theoretically give to the public and go through the guide. So, you see the zoning districts above, and we did some adjustments to the table from the last time you saw it to ultimately make it easier to scan it both ways. It was suggested at the last meeting that the Commissioners thought it would be better to have it alphabetized and so all the uses are in alphabetical order starting with A to Z, if there's a Z, rather than kind of the clusters that it was before. And if you can go ahead and scroll down, it's also sort of an interesting exercise in just critiquing our Zoning Code. I don't really want to open up this discussion for this meeting but you know you look at it and you're like, sometimes I think our Zoning Code was written a little bit piecemeal because it's several decades old and someone puts a listing that's very similar to another listing but they just did it a little bit differently but it's really the same thing. One example I can think of is like Tech Centers which, when we did STC zoning, they wrote technology centers and they kind of define it but it's, you know, the way they defined a tech center, I think you could open it up and, you're almost there, I guess, Tech Center is a little farther down, you know, it says No in all of the other zoning categories, but it says Y or Yes in STC zoning. But I think a technical center would be permitted if we just called it something else from the definitions. But, you know, that's just kind of the peculiarities of our Zoning Code. So, there's just some things in there where, and there might be some things that you're like looking through it and it's like why isn't that use allowed? I mean it's an allowed use in BB but not in BC and why

is that? So, it's sort of a tool to kind of maybe evaluate those kinds of things because it puts them all here on a series of pages and lets you kind of see it all on one page where this certain use is permitted. So, again, it was an interesting tool in that regard.

So, again, this is a paper thing. This is meant to be a kind of quick guide. What we ultimately are going to try to plan is just to have a little online application where this is available, where you would essentially have something that sort of looks like this. You could click on the use and it could take you to the definition. You could click on the table and have you go to that section of the Zoning Code. That's sort of the vision of that. Again, it would be an online application and that's going to take some work with our IT Department. But we just wanted to show you this as a tool and I believe this is an action item. We'd like to I guess formally adopt this. Of course, we'll work on some of the, maybe a new cover, but we need to approve that. But I just wanted to kind of show you how this is, and this concludes my presentation.

Mr. Hurd: Alright, thank you. I guess we'll go around. Commissioner Silverman, any comments?

Mr. Silverman: Yes. Michael, this is a yeoman's job to put this together and you've done a very nice job. In the agenda and in some of your discussion, you identify this as a zoning definition table, but I think you more accurately referred to it as a zoning use table and maybe it should be referred to that way. So, if I wanted to know the use for selling vehicles, this tells me what zoning districts know about that use. This tells me what zoning districts they fall into. It really doesn't define what vehicle sales are. That's found in another portion.

Mr. Fortner: That's correct and a little bit of a misnomer. I mean these things, as an application eventually you would be able to click on that, if it was a computer application, and go to that. For this document, I found it, since we already have a definition section in the Zoning Code, it didn't feel like it needed to be a part of this document.

Mr. Silverman: Okay.

Ms. Gray: Right, this is Director Gray, so as Mike indicated, the, in a computer version, yes, you'd be clicking on the use and then that would take you to the definition table.

Mr. Hurd: I think if I understood Commissioner Silverman's comment, the paper document where you've got that lovely yellow square that says City of Newark Zoning Table, I think if we said Zoning Use Table, like you did when you identified it in the agenda, because it's not really, it's not a table of zoning, it's a table of zoning uses. So, I think that's just the clarification . . .

Mr. Fortner: Zoning Use Table? Okay.

Mr. Hurd: That we want to have. Alright, anything further, Commissioner Silverman?

Mr. Silverman: No, that's all. Thank you.

Mr. Hurd: Okay. Commissioner Stozek?

Mr. Stozek: No comment.

Mr. Hurd: Okay. Commissioner Wampler?

Mr. Wampler: Yeah, so is the action going to be, is the idea that this is going to be added into the Zoning Code as an addendum, as an appendix? Because this doesn't change anything in the Zoning Code but it's going to be added to it, so how is that actually going to work?

Mr. Fortner: I'm sorry, I'll defer to Mary Ellen. Is it actually going to be in the Zoning Code? We're amending a certain section, so it doesn't change anything, that's correct, Commissioner

Wampler. It's a tool but it's going to be part of the Zoning Code. And we'll need to amend it every time we do a zoning change.

Ms. Gray: Correct, this is Mary Ellen Gray. Just to bounce off Mike's comments, so it's going to be an appendix. Can somebody mute? This would be an appendix to Chapter 32 . . .

Mr. Hurd: Okay.

Ms. Gray: So, it's certainly not changing anything.

Mr. Hurd: It does seem to me that if this were a standalone spreadsheet, PDF, or something like that with links, it might make sense to have that on the Planning and Development Department webpage separately from a link to the Zoning Code just as a starter point. Because I think as people are sort of thinking about stuff, they could come through here first and then this would maybe take them to the physical Code, the detailed Code itself. But thank you, Commissioner Wampler, I wasn't clear either. I hadn't thought about how is it getting sort of integrated into the documents.

Mr. Wampler: Yeah, exactly. That's all I had. Thank you.

Mr. Hurd: Okay. Commissioner Kadar?

Mr. Kadar: It's a fine piece of work. We talked about this maybe 2-3 meetings ago and I think the fact that it's, the definition or the actual categories are linked back to an explanation of the definition is a really powerful tool. And it's a great place to start if you're thinking about a project in the City. I have no negative comments. I'm fine with it the way it is.

Mr. Hurd: Alright, thank you. I had a question on the, those last pages where you expanded the view to show the links for each use, for the uses. How are those organized? If that question made sense. Yeah, that page. So, are those in order of the zoning districts?

Mr. Stozek: Mike's talking but he's not . . .

Mr. Fortner: I'm on mute. Okay. I didn't know that that document was included in the packet. That's the previous draft and so what I've done is change it to that. So, those links aren't, on the copy I distributed, it's meant to be a paper document and I took those off. That's where you would link up to the Code. That was the citation in Code, and you could theoretically click on it. But I don't think that's the best way to do that. It would be better to embed the link into the actual use or the actual table when we have it as an online document.

Mr. Hurd: Yeah, if this got sophisticated enough, I would say that in like the zoning district where you say yes for that use, that that Y would link to the definition of that use in that zoning district in case there is, because I'm going to guess that occasionally there are subtle differences between the uses as defined in the different zoning districts. But I think that's sort of a next phase kind of thing. But I think that would be nice to pull it up and go, here's the RM zone, I can do this thing, I click the Y and, boom, I'm in the online Zoning Code reading my definition. Okay, that was just my question. And we have an action, so, sorry, do we have any public comment on our brand-new zoning use table? Alright, seeing none, I'm going to bring it back. Mr. Secretary, do we have a motion?

Mr. Wampler: Yes, thank you. I move that the Planning Commission recommend that City Council add the Zoning Use Table as presented to Chapter 32 Zoning.

Mr. Hurd: Thank you. Do I have a second?

Mr. Kadar: I second.

Mr. Hurd: Okay. Any discussion on the motion?

Mr. Silverman: Mr. Chairman, that does include the reference to zoning, inserting the word use between zoning and table on the cover?

Mr. Hurd: Good point. So, yes, the motion would be as presented and amended just so we're clear of the language. So, right there it would say Zoning Use Table. Okay, moving to the vote. Commissioner Stozek?

Mr. Stozek: Aye.

Mr. Hurd: Commissioner Wampler?

Mr. Wampler: Aye.

Mr. Hurd: Commissioner Kadar?

Mr. Kadar: Aye.

Mr. Hurd: Commissioner Silverman?

Mr. Silverman: Aye.

Mr. Hurd: And Aye for myself, as well. Thank you.

MOTION BY WAMPLER, SECONDED BY KADAR THAT THE PLANNING COMMISSION RECOMMEND THAT CITY COUNCIL:

REVISE CHAPTER 32 ZONING, ARTICLE IX TO ADD A ZONING USE TABLE AS INDICATED IN THE PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM DATED AUGUST 26, 2020 AND AS MODIFIED BELOW BY THE COMMISSION AT THEIR SEPTEMBER 1, 2020 MEETING:

A. REVISE THE TITLE PAGE TO READ CITY OF NEWARK ZONING USE TABLE.

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

MOTION PASSED

Mr. Hurd: Excellent job, guys. Give your consultants a pat on the back and yourself one as well for helping them figure this out. Having done this kind of data analysis myself, it's not easy.

Mr. Stozek: Will?

Mr. Hurd: Yes?

Mr. Stozek: Question. Is anyone else hearing voices in the background periodically?

Mr. Hurd: I think that's the background noise in Commissioner Wampler's room there. I think that's what I'm hearing.

Mr. Stozek: Oh, okay.

6. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

- b. PLANNING DIRECTOR'S REPORT**
- c. PROPOSED AMENDMENTS TO 2018 INTERNATIONAL ENERGY CONSERVATION CODE**
- d. REMOTE WORKING AND VACANT OFFICE SPACE (DELAWARE BUSINESS TIMES)**
- e. ZONING REFORM DESIGNED TO BOOST AFFORDABLE HOUSING (CNU)**

Mr. Hurd: Moving to item 6, informational items and the most important thing, the Planning Director's report.

Ms. Gray: Thank you, Chairman Hurd. Mary Ellen Gray here. I will make this brief but hopefully informative. So, on August 10 we had a presentation to Council and discussion on impact fees and Council, there was a staff recommendation to move forward with the set of recommendations on impact fees and the recommendation was to move forward and develop impact fees for water and sewer first because that was the, we had the most data on those two areas, and then to come back to Council with the other, we had four or five other categories of potential impact fees for prioritization of those additional fees, to say which other ones to work on. We also did get approval to, with the assistance, to help us have some assistance for a consultant through Public Works. So, we had actually scheduled a follow-up meeting internally on that, but we had to reschedule that and so our meeting for that is tomorrow, so to move forward on that project. Council is anxious for us to get that going and is hopeful that we can get those fees established here as soon as feasible for sewer and water. Last night we had a presentation on, actually I'm sorry, let's just go in order.

On August 17 there was a, City Manager Coleman and Finance Director Del Grande gave a budget overview of our budget situation and I think you're all aware that it's not pretty but it's also not horrible either. So, we are looking at a lean budget and are looking at a way to plug the holes and so our, it's going to be a process and I'll get to our presentation here in a moment.

On August 24 at Council, we had a special use permit proposal for fraternities and sororities, excuse me, the special use for that, and . . . was that for the, Mike, was that for the KA . . .?

Mr. Fortner: That was for the KA House, yeah.

Ms. Gray: KA, yeah, and that, the KA House that was at 19 Amstel, and that was approved and so they are moving forward with that application. On last night, so we, last night the Planning and Development Department was the first to present our Planning budget and so that, I thought that went well. Our budget, along with others, is lean. As I indicated last night, we are keeping the Planning and Development lights on and the, certainly this is in response to the downturn in revenues. So, we are doing our very best to continue with our current resources, to continue with providing services yet be cognizant of the limited resources that our current budget situation is presenting to us.

On September 14, coming up, is the second reading for the Green Building Code, yay . . .

Mr. Hurd: Yay.

Ms. Gray: So, that's been a long time in coming and so we're excited about that. And I don't think we need to do anything else because we did the yeoman's work in getting things for the first reading together, Commissioner Hurd, so we're, I think we're good on that. And we did have on the agenda for September 28 a presentation of the Planning Commission Work Plan but since we're still working on that, I'll ask Renee to reschedule that to a later date, which is fine. I was just anxious to get that presented to Council.

So, land-use projects, I believe, as I mentioned last meeting, we received a new project on 141 East Main Street and since the last project, last meeting, this has been posted on our website. We did have a preliminary meeting, we had a SAC meeting, a Subdivision Advisory Committee meeting to review that project and then we had some preliminary comments that we shared with

the applicant and his team, and so they are working off of those preliminary comments and they're waiting for our official Subdivision Advisory Committee letter. We are expecting a revision on the 132-138 East Main Street project to come in any day because they would like to target the October Planning Commission meeting. So, whether they get on that agenda will be dependent upon when they can get us that revision and how complete that revision is. So, certainly look for that to come. Other projects in play as I mentioned last month is the 1501 Casho Mill project and 151 Capitol Trail, which is a townhouse development. We sent out comments on the 268 East Main Street, which is a student housing development and we're still waiting on revisions to the Green Mansion project.

Project activity-wise, there's a lot going on out there. The Benny Street, 22 Benny Street project, those I believe are all, have temporary occupancy but they are finishing up. Final inspections have been completed for the Phase I of Perkins Dining Center at UD. The Whitney Athletic Center is also moving along. The Train Station has been approved for their final Certificate of Occupancy. Apartment building permits and plans are expected in the next couple of weeks for College Square. So, that, as you all know, is a huge project so they're starting with the apartments, which is awesome. So, that will be there first and, if you recall, those are 301 apartment units that are targeted to non-students. So, we are excited that they are getting going on that. I don't know whether you know it, the Patriot Ice Rink changed hands, was sold, and they are looking at renovating. So, yeah, so that's exciting. So, we are working with them on the interior work that they are doing. Plans have been approved for the 10th floor fit-out at the STAR Tower, so I think that completes occupancy for the STAR Tower. I think they are now fully occupied. The Newark Charter School is in process of, they're into construction and demolition for their new building. Last month I reported on the senior center building. That's still on hold due to COVID-19 but they have a tentative restart date scheduled for October 1. Another large project going on is 321 Hillside. The demolition has been completed on that site and now they are starting on site work. Foundations are being dug out and the concrete crushing is in process. The Chase Bank was just completed, recently completed, and they have a temporary occupancy on that going on.

A couple of activities going on in my orbit, we're certainly working on the 2021 budget. We just completed, well not completed, we are, it's been a behind the scenes effort on reworking Unicity for, I've mentioned Unicity before, we work in conjunction with the University of Delaware bus system, so when their bus system stops, Unicity stops. When they start, Unicity starts. However, our starting date is pushed back a little bit due to our need to retrofit the Unicity buses per the COVID CDC guidelines. There's a long queue for retrofits for those buses and so I believe those are going to be, are being done this week. And we're also working on, have worked on a new route. We're combining the three loops into one route and pushing that out, going to start pushing that out this week. We're communicating that with Council on the new route so there's lots of behind-the-scenes work going on with Unicity. I also participated in the Delaware Population Consortium. We are working on new numbers, new population projections.

Next week is the Transportation Improvement District Committee meeting, so that is moving along rather briskly and looking at doing a public outreach meeting on October 14. So, we'll be talking about that soon, as well. I also participated, I don't know whether any of the other Commissioners were able to participate in The Color of Law webinar, which was a very fascinating webinar the other night. So, that concludes my presentation. Back to you, Mr. Chair.

Mr. Hurd: Alright, thank you. I would like to just call people's attention, if they haven't already noticed, to items C and E. One is the revised amendments to the IECC so you can all see the changes that we've made and see the document that's going to be going to Council. And then item E is the news from Portland where they have modified their single-family zoning, their residential zoning, to allow duplexes, triplexes, fourplexes, other smaller units. And it will be very interesting to see how that plays out because I think that that's, everything that I'm reading says that seems to be the way to move forward to increase housing, usage housing, affordable housing, and in some ways also to help provide some remedies for people who have not been able to afford typical single-family homes, which I thought was an interesting point in The Color of Law book, the follow-up question things. I thought he had some really good ideas of remedies

of how disadvantaged populations could basically start to build up that lost equity that they've missed out on having been basically excluded from homeownership. Alright, thank you.

7. NEW BUSINESS.

Mr. Hurd: Item 7, new business.

Mr. Stozek: Will?

Mr. Hurd: Yes?

Mr. Stozek: Quick question, Mary Ellen. Just curious, the fees that your department collects, do they yet come close to covering the cost of the services that you provide for those fees? I know that's always been an issue.

Ms. Gray: Correct and no. The intent of the development fees, in order to cover our costs would be out there. Would be outside of the realm of what developers would, reason, would be beyond reason. And the intent of the fees is to offset the costs but not to replace the costs. We did go through a process, and Planner Fruehstorfer did this before I got here, did do an analysis of the time that it took for each of the reviews to be done and it's a very involved spreadsheet, and also involved Public Works in that, as well. And we still have that and we're building upon that spreadsheet. And then he took that and compared that, in addition to hours and hourly rates, and compared that and came up with a figure and then compared that to New Castle County and other jurisdictions and kind of right-sized it. And that's how we started with the numbers that we had before we raised the fees in the most recent, a couple of months ago. So, they were right-sized then but my longer term goal regarding the fees is, and I had proposed this last year but Council decided not to move forward with it, but I would like to next year propose to get in a consultant to do that analysis again and do a little bit more robust analysis and also to see whether there are fees, that there are services we're providing that we should be providing fees for. And also to look to see, to compare us to other jurisdictions. So, I'm hoping that in 2022 that we could do that analysis because every two years we should be reviewing our fees, so that would, that's my intent to do that in two years.

Mr. Stozek: Okay, thanks.

Ms. Gray: You're welcome.

Mr. Hurd: I'll just add to that, as I recall from previous discussions, I think it was the argument that part of the department's job is providing those, some of those services. And so, the fees are just sort of to say, well, yeah, partly it's our job but partly it's a service we're providing to a particular person and so that's why it's not a full replacement, full total cost. It's a partial cost.

Ms. Gray: Correct.

Mr. Hurd: The department is, the role of the department is to do this job. Alright, so does anyone have anything for new business? Commissioner Silverman?

Mr. Silverman: I have a, I have some information to bring up under item 7.

Mr. Hurd: Sure.

Mr. Silverman: The Delaware Business Times had an interesting article describing the dynamics of our student housing in Newark although not directly. They reported out that a commercial business venture has purchased Park Place Apartments and Thorn Flats Apartments and are pledging to take them out of the student market. And they were talking in terms of some 700 apartments. I don't know how many beds that represents. So, we hear about additional projects for students, additional projects catering to students, here is the loss of 700 apartment units

representing I don't know how many student beds that are now going to come out of the inventory. So, it looks like the market is starting to balance itself.

Mr. Hurd: Okay, thank you. Anyone else? Alright, seeing none, we'll move to item 8, general public comment.

8. GENERAL PUBLIC COMMENT.

Mr. Hurd: Do we have anything? Anyone? Yes?

Mr. Rob Seward: My name is Rob Seward and I'm a member of the public.

Mr. Hurd: Yes, you are.

Mr. Seward: I'm a citizen of Newark and I didn't want to lurk through this whole meeting without appearing but I'm interested in any kind of, I'm very interested that you're looking at zoning reform to boost affordable housing and it was an item that just went really fast after a very long meeting but what you said, Commissioner Hurd, about restoring the wealth that was lacking over the generations to disadvantaged people was very significant and I feel like I've been waiting the whole meeting to hear something like that. So, I wanted to underscore that and highlight it and applaud the Commission for looking at that. I'm sitting in various public meetings, anyone I can get into, looking for things like that and applauding them when I hear them. So, thank you for your work. You guys work really . . .

Mr. Hurd: You're welcome.

Mr. Seward: You guys work really hard, by the way. I appreciate it.

Mr. Hurd: We do. We have fun, too, but yes, we work hard. I'll admit, because I haven't finished the book *The Color of Law*, I hadn't been thinking of that until the author, whose name escapes me, had mentioned that basically that was a mechanism and I'm like, yes it is because as soon as you start, you know, making it so you can either own a smaller thing or own something and rent it and do something that shifts that, it stops being an exclusionary zoning, an exclusionary process. And I was like, yes, so . . .

Mr. Seward: I just read a book titled *How to Be an Anti-Racist* by Ibram Kendi . . .

Mr. Hurd: Yes.

Mr. Seward: And he would call this an anti-racist policy.

Mr. Hurd: Yeah, absolutely. Alright, thank you so much for joining us.

Mr. Seward: Thank you.

Mr. Hurd: Alright, I think I don't see anything else so I will take a motion to adjourn.

Mr. Stozek: So moved.

Mr. Kadar: So moved.

Mr. Hurd: Alright, and a second there probably. Alright, any discussion or dissent? By acclamation, we are adjourned. Thank you all.

THE PLANNING COMMISSION MEETING WAS ADJOURNED BY ACCLAMATION.

The September 1, 2020 Planning Commission meeting adjourned at 8:33 p.m.

Respectfully submitted,
Tom Wampler
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Certificate of Appreciation \(Bob Stozek\)](#)

Exhibit B: [Planning and Development Department memorandum \(Planning Commission 2021 Work Plan\)](#)

Exhibit C: [Planning and Development Department memorandum \(Planning Commission 2021 Meeting Dates and Submission Deadlines\)](#)

Exhibit D: [Planning and Development Department memorandum \(Zoning Definition Table\)](#)