

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MICROSOFT TEAMS
MEETING CONDUCTED IN PERSON

NOVEMBER 7, 2023
7:00 P.M.

Present at the 7:00 P.M. meeting:

Commissioners Present:

Chairman: Willard Hurd, AIA
Vice Chair: Alan Silverman
Secretary: Karl Kadar
Scott Bradley
Kazy Tauginas
Chris Williamson
Alexine Cloonan

Staff Present:

Renee Bensley, Director of Planning and Development
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
Katie Dinsmore, Administrative Professional I

Chair Hurd called the meeting to order at 7:00 P.M.

Chair Hurd: Alright, good evening, everyone and welcome to the November 7th, 2023, City of Newark Planning Commission meeting. I saw one person I'm not familiar with online, so I'll do my standard front-end comment – whoops sorry, stupid microphone – commentary for the meeting. Alright so, this is Will Hurd, Chair of the Planning Commission. We are conducting this hybrid meeting through the Microsoft Teams platform, and I would like to provide the guidelines for the meeting structure so that everyone is able to participate. This new camera system, as we've been reminded, will auto track whoever is speaking so everyone does need to keep their microphones muted until they wish to speak so that the camera isn't bouncing around. Katie Dinsmore, the department's Administrative Professional, will be managing the chat, cameras, and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order for questions of the staff or presenter. If a commissioner has additional comments, they would like to add later they should ask the Chair to be recognized again after all members have had the opportunity to speak. For all items open to public comment, we'll then read into the record comments received prior to the meeting followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, they should sign up on the sheet at the entrance and will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment they should use the hand raising function in Microsoft Teams to signal the meeting organizer that they would like to speak or message the meeting organizer through the chat function with their name, district or address and the agenda item on which they would like to comment. All lines will be muted, and cameras disabled until individuals are called on to speak. At that point the speaker's microphone and camera will be enabled so the speaker can turn them on. We cannot remotely turn on cameras and microphones in Microsoft Teams. All speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must pertain to the item under consideration and comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into the record. We follow public comment with further questions and discussion from the commissioners and then the motions and voting by roll call. Commissioners will need to articulate their reasons for their vote on all land use items. If there are any issues during the meeting, we may adjust these guidelines if necessary. The City of Newark strives to

make their public meetings accessible, while the city is committed to this access pursuant to 29 Delaware Code 100006A technological failure does not affect the validity of these meetings nor any action taken at these meetings.

1. Chair's Remarks

Chair Hurd: That takes us to item one chair's remarks. I would like to welcome back to the Planning Commission after a long absence Alexine Cloonan, representing district 1. Do you want to say a few things or are you ok? Ok. Second, if you are attending because of the George Reed Village development proposal by the Newark Housing Authority, that item has been pulled from the agenda at the applicant's request and will appear sometime later.

2. Minutes

Chair Hurd: Item 2, minutes. Are there any edits or corrections to the minutes from October 3rd? Besides the ones that have been submitted already by email. Alright seeing nothing the minutes are approved by acclimation. Are there any edits or corrections to the minutes from the October 17th Special Planning Commission meeting? Alright seeing none the minutes are approved by acclimation.

~~3. George Reed Village Development (Withdrawn by Applicant)~~

4. Review and consideration of the 2023 Planning Commission Annual Report

Chair Hurd: That takes us to item 3, sorry item 4 because we're skipping item 3, review and consideration of the 2023 Planning Commission Annual Report. Director Bensley, are you leading us on this or are we doing it on our own?

Director Bensley: I can give you a kickoff but then let you guys make comments where you see fit. For the record, this is Renee Bensley, Director of Planning and Development, I come to you remotely today, I'm sorry I can't be with you this evening. Looking at the annual report for Planning Commission, this is largely made up of the various quarterly reports that are completed throughout the year. So, looking at the activity from November 1st to October 31st, we outlined the various land use approvals that went through the process for this past year as well as looking at the code amendments that were considered by the Planning Commission and the subsequent results that were completed by Council. Looking at the various items that were considered work plan goals for the year we listed out the actions taken on those including affordable housing, the downtown Newark parking plan, the Transportation Improvement District, the changes to the BB and RA zoning district as well as a couple of other minor items of interest that have been completed this year. I am open to questions and if our review of the agendas and my memory didn't get everything, we welcome additions as well.

Chair Hurd: Alright, thank you. So, I guess we'll start. Commissioner Bradley has anything to add, suggest, comment?

Commissioner Bradley: I have no comment.

Chair Hurd: Ok, I will skip Commissioner Cloonan on this because this was all last year's work. Commissioner Kadar?

Commissioner Kadar: Just an interesting note, I went through each one of these meetings and the subjects and it was extremely interesting to see that in only one case did the City Council ever overrule us, which I thought was amazing. That's it, just wanted to share that.

Chair Hurd: Ok, Commissioner Silverman?

Commissioner Silverman: I have no additions.

Chair Hurd: Ok, thank you. Commissioner Tauginas?

Commissioner Tauginas: I have no comments.

Chair Hurd: Ok, Commissioner Williamson?

Commissioner Williamson: I have no comments.

Chair Hurd: Ok. And I also have no comments, just as a reminder for all of us, this just goes to Council for their information, it's not anything they give approvals or make final remarks on. So, Solicitor Bilodeau, do we need a motion to approve this? Or accept it, or?

108 Solicitor Bilodeau: Yes, why don't we have a motion to approve.

109 Chair Hurd: Ok, Mr. Secretary could we have a motion please?

110 Commissioner Kadar: **I move that the Planning Commission pass the 2023 Annual Report as presented**
111 **to us today, to the City Council for inclusion in whatever they do with it.**

112 Chair Hurd: Thank you, do I have a second?

113 Commissioner Silverman: I second.

114 Chair Hurd: Thank you, we are all present so I'm not going to do a roll call, all those in favor say aye.

115 All Commissioners: Aye.

116 Chair Hurd: Those opposed say nay. Beautiful, motion carries.

117 **5. Review and consideration of the 2024 Planning Commission Work Plan**

118 Chair Hurd: Alright, that takes us to the meat of our meeting effectively the review and consideration of
119 the 2024 Planning Commission Work Plan. Director Bensley, anything you want to bring our attention to
120 or preface this with?

121 Director Bensley: I'll just say that we updated the 2023 Work Plan to remove things that had been
122 accomplished like the Transportation Improvement District, we also worked to, I don't know if you guys
123 have microphones on, but the camera's jumping around like crazy.

124 Chair Hurd: I think it's following the speaker, which is you, the speakers.

125 Director Bensley: So, the (inaudible) Work Plan and we had gone through some of the new business
126 commentary from various commissioners to add to some of our new items that are on here, as well as
127 adding some items that have been requested by Council as well as given to us by the state for mandates
128 that we have to fulfill. So, things that we added this year, we amended, or I should say we updated the
129 affordable housing item to include the discussion about a potential ADU ordinance where ADUs would
130 be encompassed in existing buildings, the electric vehicle charging station regulations that comes to us
131 through the state. Looking at the collaboration with New Castle County regarding the planning process
132 for the Newark Free Library redevelopment, that was a new business item from the last meeting, we
133 looked at also adding the, I believe the outreach to the University of Delaware to provide a yearly update
134 for future campus things as one of the new business items for this year. In looking further down under
135 the planning related major initiatives one item that was inadvertently omitted that needs to be added is
136 the, actually two items, are to add the implementation of Tyler Enterprise Permitting and Licensing,
137 which is a major project for us in 2024 and that is on the Council priority list. We will also need to add
138 for Planning the implementation of SB9 which was passed last year and requires lead testing in all rental
139 units in the city before 2026. So, that is going to be another major project for our department. Oh, and
140 I'm sorry I did add that in line number 92. So those are the big items that we have updated for this year
141 and then our regular duties, Planning Commission support, and nothing else other than implementing
142 the 2023 Work Plan and 2024 Work Plan. So, we are open to any suggestions or changes that the
143 Commission has, and we look forward to discussion. Thank you.

144 Chair Hurd: Alright, thank you. Commissioner Cloonan? Yep, there you go.

145 Commissioner Cloonan: No comment.

146 Chair Hurd: Ok thank you, Commissioner Kadar?

147 Commissioner Kadar: Just a quick question, on line 36 where we've added the outreach with the
148 University of Delaware, I know that it says here a yearly update, but is that frequent enough given all the
149 activity that they're throwing out there? I mean I'd like to know what they're doing.

150 Chair Hurd: So would I, I don't know who's leading that or how that is planned. Director Bensley,
151 anything on this?

152 Director Bensley: I think the initial thought when we talked about it a couple months ago at Planning
153 Commission was since we were getting no updates to start with the yearly update and see where we go
154 from there? We as Planning staff internally have been meeting with the University's Planning Staff every
155 other month to work on getting some more information flowing to the city. One of the big things that
156 we're waiting on now is the completion of their Student Experience Master Plan which is going to talk a

157 lot about how they inform students in both what they need to do to update and renovate existing
158 housing and what if anything they feel like they need to do with new housing for students. So that's not
159 something that they have finalized to a point where they're willing to share it yet, but I think once they
160 do that's going to probably be the big jumping off point that we try to get or give them more opportunity
161 for more public outreach both through the Planning Commission and Council.

162 Commissioner Kadar: Are we engaged with them to help them and provide information regarding the
163 City of Newark's stand on what they're trying to develop and is not ready to share with us yet?

164 Director Bensley: I'm not quite sure what you mean.

165 Commissioner Kadar: Well, what I mean is.

166 Director Bensley: It's not something that they've told us about.

167 Commissioner Kadar: You said that they had a major initiative, and they were finalizing it and weren't
168 ready to share it with us yet, are we engaged with them to help develop the guts of that final issue?

169 Director Bensley: They did have us work with them. Staff was interviewed by their consultant during part
170 of the process and they've been working, so they have engaged the city as part of that.

171 Commissioner Kadar: Ok, so we have input then.

172 Director Bensley: Yes, we have not seen what the final product looks like, but we have had input.

173 Commissioner Kadar: Ok, that's all my comments.

174 Chair Hurd: Thank you. Commissioner Silverman?

175 Commissioner Silverman: Referring to the document after line 24, there's a reference to in house, the
176 items that appear below in particularly line 28 and 30 have been something that has been floating for
177 years literally and maybe it's time for the Commission to ask the city to prepare the budget for next year
178 to hire a consultant to start doing this work. In reality we've seen there's never enough staff time,
179 there's never enough staffing to do the kind of in-depth comprehensive work that creating a unified
180 development code would call for. That would call for a consultant to do that, taking a lot of the burden
181 off of existing staff. And with respect to item 1 on line 28, considering amendments to the zoning and
182 subdivision regulations as they pertain to plan submittal. I know we've discussed things such as having a
183 sketch plan where a developer can bring an idea before the Commission to get a feel for what the
184 activity is out there and the initial reactions, that doesn't seem like a heavy lift. That would be more
185 code changes, a language change, creating an extra step. Now I know that creates literally more work for
186 the in-house staff for scheduling and hearings. But that's something that in our past discussions, we
187 thought was very valuable and would probably contribute to a smoother development process in the city
188 of Newark. And moving to line 117 on page 3, the city's website tries to be all things to all people.
189 Someone asked me the other evening about the new parking standards in the BB district and I got out
190 my cell phone, went on the city website, and typed in parking standards BB district and I ended up with
191 documents back to 2011 talking about parking, there does not seem to be any straight drill down. And I
192 wonder what would happen if I put in the name of an application, and how many pieces of information I
193 would get whereas the average person wants to go right to that particular project so I would encourage
194 that the website update particularly as it applies to the department and the work that we as
195 Commissioners do be given a review so that's it's extremely user friendly for the novice who reads
196 something in the newspaper or someone who's looking at the city as a potential development site so
197 they can take the document or take the webpage and go right to what they're really looking for. If you go
198 to the section dealing with the development process, the drill down into subsections is not really clear.
199 So that's something that I know works through another department in the city but it's something we
200 should encourage and that's the end of my comments.

201 Chair Hurd: Ok, did you have any specific language changes or changes you want to make to the
202 document? Like line 28 and 29 is there anything you wanted to change there, because my recollection is
203 that we're talking about development plan submittals, at least several years ago it was about the
204 inconsistency in what we got, we didn't always get elevations or renderings or good plans. We got
205 engineering plans we didn't get sort of architectural stuff. It's getting better and I know we did some
206 recent work on the submittal process so I'm pretty sure we've got more in there about the drawings
207 required for a submittal. But yeah, I'm not sure if that's also pertaining to the sketch plan process that
208 we've been discussing or if that's a separate item that we need to include as a separate piece. So, you
209 don't have any?

210 Commissioner Silverman: No, not at this point.

211 Chair Hurd: Ok, Commissioner Tauginas?

212 Commissioner Tauginas: Ok got it, just a quick, I'm not sure where this would fit in, but I was thinking
 213 you know, continuing working Planning Commission, Council, downtown parking strategy
 214 implementation. And this is, I think I shared a little bit of a concern a couple of meetings ago when we
 215 were talking about traffic effects off of the Wawa and this kind of got me thinking and again, I don't
 216 know what it would fall under, but you know every time that we've had, and I haven't been here that
 217 long. But when we've had a redevelopment project come in, they will quote that DelDOT says this
 218 particular project is going to have this increase in traffic, it's going to be minimal, and I've heard this now
 219 a few times. So, what I, and again I don't know what this would fall into but are we at all looking at the
 220 cumulative effects of all the redevelopment that just have these little incremental increases in traffic?

221 Chair Hurd: Yes.

222 Commissioner Tauginas: So where would that fall under?

223 Chair Hurd: So, we just, at the end of last year or beginning of this year, finalized the Transportation
 224 Improvement District, which encompasses mostly the entire city. For that exact purpose.

225 Commissioner Tauginas: Ok.

226 Chair Hurd: Because most of our developments are redevelopments and don't typically meet the
 227 thresholds that would require traffic analysis studies or traffic improvement plans or anything like that.
 228 And it's been a long running complaint by Commissioners that you know we're adding 10 cars here, 20
 229 more there and at some point, the road gets burdened. So, the TID generates basically a fee schedule
 230 for developers based on the number of units that they're providing. And that money goes into an
 231 account and then DelDOT and the city have worked out a preliminary list of project for the next 20 years
 232 basically that's going to get revaluated every few years and the money in that account will go to help
 233 offset the costs of those projects it's not going to fully fund them but it's intended to add, I think half the
 234 projects were pedestrian or bike improvements and not specifically related to cars but they are things
 235 like you know there's an intersection we know needs improvement and as development builds up
 236 around it we're going to need to do something about it. So, we're starting to put money aside for that.

237 Commissioner Tauginas: Ok, so fees are essentially getting paid, but traffic continues to be negatively
 238 impacted.

239 Chair Hurd: Yes, because we're always chasing.

240 Commissioner Tauginas: Right, right, so this is just like a concern that people that live here have, and I
 241 have seen it from the time that I was away like from when I had the diner until now, I've seen traffic get
 242 substantially worse and the traffic and parking situation on Main Street specifically has gotten
 243 substantially worse since I've left then came back. So it's just like a concern for me, like how is it actually,
 244 how are we, and this might be beyond the scope of what we're talking about anyway but I'm just like
 245 how are we, I mean paying fees at the end of the day is not going to at the end of the day address the
 246 increases, I mean becoming more pedestrian friendly is good but then with every new development
 247 project that comes in that adds more cars and more traffic. I mean we're seeing in anecdotally; I mean
 248 I'm not like...

249 Chair Hurd: I see Director Bensley has her hand up but I'm just going to add.

250 Commissioner Tauginas: Sure thing, shoot.

251 Chair Hurd: The change in the minimum required parking standards was specifically to remove cars from
 252 the Main Street area where most of the apartment development is, because if you don't...if you build an
 253 apartment and you say everybody gets two parking spaces then cars are going to fill it up. But if you
 254 build an apartment building and the developer says you know what you can rent a space if you want it,
 255 suddenly there's less cars being parked in that spot and they're going to other locations. And by
 256 removing the standards of properties that had built a full parking lot for all the full buildout that's hardly
 257 ever filled can start using those additional spaces, the spaces that basically aren't allocated for mostly
 258 parking or other you know fee parking to help balance the parking load from out of the city lots into the
 259 private lots too. So, there is an intonation to one does not bring as many cars for people living in the
 260 area into the area and two finding other homes for the cars besides the ones that we already have.

261 Commissioner Tauginas: And then every, so the gas station projects that are coming in that they've said
 262 are also going to be increasing right, so it's just again, I don't see I get the thought behind it but I kind of,
 263 I mean at this point I just don't think it's working to decrease the traffic.

264 Chair Hurd: Well, the TID is only a year old, so we really haven't had a chance to.

265 Commissioner Tauginas: To really see the long-term effects.

266 Chair Hurd: Right, because we have to get it to the next DelDOT funding cycle and then into the
 267 construction, so it'll be two to three years before there's a project being built from it to address the issue
 268 or address the area.

269 Commissioner Tauginas: Copy.

270 Chair Hurd: Director Bensley, anything you want to add?

271 Director Bensley: Just a couple of things. One, with the TID we adopted at the end of March this year
 272 and what we had to do with that with implementation is any projects that were submitted before the
 273 date in March where we passed it they were not to be subject to the TID anything that was submitted
 274 after is, so we're still kind of working through those older plans in the pipeline so that's part of why you
 275 haven't seen as much with it as yet. But as we get the newer plans to you guys, you'll see more talk
 276 about the TID, what people have to pay for it, and things like that as part of your packets. The second
 277 thing was one of the biggest problems with traffic recently has been the fact that DelDOT funded us for
 278 all the projects all at once so between Elkton Road, Delaware Avenue, we had Main Street, we had
 279 Library Avenue, we had Cleveland Avenue, a lot of those main arteries especially in the summertime
 280 were getting worked on simultaneously which made traffic miserable, and we recognize that. So we are
 281 hopefully past the biggest hump of those projects, they all came down at once in part because there's
 282 been a huge influx of federal funding and transportation that needs to be spent within a certain time
 283 period, so they kind of went and completed a bunch of things pretty close together which I think
 284 especially for those of us who are here year round, the focus on the summer can be particularly irking as
 285 far as it being more traffic when there's less population, but if they waiting until the students were back
 286 it would be even worse.

287 Commissioner Tauginas: Right.

288 Director Bensley: So, they've gotten a lot of major projects accomplished, the 896 interchange would be
 289 another one that would fall into that. And then third, we have one of the things that we've been trying
 290 to look at is a more holistic addressing of transportation, the parking minimums is one thing that
 291 Chairman Hurd mentioned, another is the recent launch of DART Connect which is the microtransit
 292 service through DART, we are their second area in Delaware that they've launched that, it's basically
 293 Uber for a bus and that continues to get more popular and have a better uptake so we're hoping that as
 294 we offer more options with the public transportation, more bicycle friendly projects, we did get the
 295 upgrade to the designation Silver level for the Bicycle Friendly Community this year. So, by giving people
 296 other safer multi-modal options we are looking at that to be something that helps us kind of get our
 297 arms around the traffic problem as well.

298 Commissioner Tauginas: So, this all kind of happened pretty much right before I got here. Yeah, that's
 299 cool, thank you Renee.

300 Chair Hurd: Ok, are you good?

301 Commissioner Tauginas: I don't know if I'm well, but I'll move on.

302 Chair Hurd: That's a loaded question for sure, yeah alright. Commissioner Williamson?

303 Commissioner Williamson: Thank you Chair. I have a short list, some of which are already in the work
 304 plan, so I'll just note that. Let's see, number 1, back last spring or longer we recommend approval of 7
 305 townhouses with 7 bedrooms each, do you remember that? 49 bedrooms and because there were
 306 individual units there was no ADU unit at all and I brought up that, I suggested that we look at a city
 307 initiated ADA that somehow captures lots of bedrooms but the federal or state rules don't kick in and we
 308 capture some appropriate share of ADA bedrooms when we get these many multi-bedroom units, so I'd
 309 like to see that maybe that part of the code revision? At least consider that.

310 My second is that, and I see that it's in the description of zoning code, is the accessory dwelling units,
 311 what I call the soft approach which is allowed if it's completely inside an existing unit and not a second

312 structure or major addition. I see there's a reference to number 3 here, power lines on Main Street and
313 besides the aesthetics which I think everybody would agree it would be nice not to see them, especially
314 some of them are really busy but I think we heard at one point, a comment regarding fire department
315 ladder access issues that's a safety issue and I wonder in the long run as we see larger buildings, I
316 assume the electric people are looking at the continued feasibility of loading up these poles with more
317 power for more buildings and then they go underground for 50 feet and then they come up again, you
318 know and it's kind of a hybrid approach to undergrounding and overhead and maybe there's a grant out
319 there to at least revisit feasibility of doing something different? It may not mean tearing up Main Street,
320 maybe there's an alternative that we just don't know about. So just to initiate and this would be through
321 Public Works I assume, some revisiting of their power line system at least in the downtown and leave
322 that to them, they're the power guys or the right people for that.

323 Number 4, South College Avenue from Christiana Parkway down to the new intersection, at 95 as we all
324 know there's now 5 gas stations soon to be 6 and it's a completely car-oriented street and that's almost
325 fully developed there's a few projects that you have to come in at the south end maybe, again there is a
326 grant opportunity to look at something that we might be able to do to connect the STAR Campus South
327 College frontage which is pedestrian friendly at least, all the way down to the new trails and so forth that
328 are a part of the I-95 interchange with an emphasis on safety you know the bike lanes right now, I don't
329 think there are any. So that's maybe what you call a corridor study or a short little study connecting
330 STAR Campus to the I-95. There is an item in here about the University of Delaware of course, maybe in
331 your document where they're listed number 3 and number 5 maybe that just needs to combine into one
332 item. I lost it now, oh here it is, lines, help me out here people.

333 Commissioner Tauginas: 32 and 36

334 Commissioner Williamson: Yes. Maybe it really can be one item, and would it make sense, to somehow
335 involve DelDOT in that, since everything that happens generates traffic and most of the streets belong to
336 the state, major streets. Let's see now I lost my list, I'm not doing too well here, oh here we go alright,
337 I'm up to number 6, several times the Commission has brought forward design concerns or other issues
338 during a project review and the applicant we believe sincerely says we'll look into that, or we'll talk
339 about it and then we don't really see what happens. Could there be a way to see those plans if it's
340 something significant or if it's something the Planning Commission specifically requests? We'd like to at
341 least see a copy of what's going to be given to the City Council, not a rehearing, not a revisiting but as a
342 courtesy some follow-up on how the applicant and staff address that concern raised by the Planning
343 Commission.

344 Chair Hurd: Ok.

345 Commissioner Williamson: That's got two more. Number 7, in the work plans I didn't see a specific
346 action item related to seeking grants either federal, state, nonprofit, and I bring this up, I must confess
347 out of a personal occupation, I am a grant hunter for some towns in Maryland. And I'm becoming more
348 aware of the various grants and I'm sure that staff is as well, if that is a part of your job, I assume it is,
349 maybe it should just be listed as a specific action item that you go grant hunting as needed looking for
350 opportunities. And finally, the possibility of having study sessions on specific topics, we have training,
351 which is appropriate, the discussion we just had with the chair regarding traffic, and you know the traffic
352 fees for a possible new member who may not be aware of it. So maybe there needs to be from time to
353 time a bit of a study session with the Commission just to bring everyone up to speed on current topics or
354 requested topics so we're all on the same page. So those are my comments thank you.

355 Chair Hurd: Thank you, Director, I mean Commissioner Bradley?

356 Commissioner Bradley: Absolutely not, no director. I just have two comments everyone else pretty much
357 covering my concerns. But I do like the idea of more education for the Planning Commissioners even if it
358 means bringing in stakeholders from the community that can educate us on different things, and I think
359 that's a great idea and I'm encouraged to hear that we're getting, trying to get in with the University of
360 Delaware regarding student housing. It sounds like you've got your foot in the door, I would just say
361 don't let them close it on you. I would maybe like to see maybe at our monthly meetings or bi-monthly
362 meeting, just an update on, if you're having every other month meetings with the University of
363 Delaware, just keeping us updated on what those conversations are. And those are all my comments,
364 thank you.

365 Chair Hurd: Ok, I had several sorts of comments and some questions on the document itself and its
366 structure, it's sort of similar to one that we've had every year but I'm just looking at it. So, I guess this is

367 for the Director. I'm not entirely sure what the different sections mean. I think that starting on line 40
368 that's all the Planning and Development land use staff work plan, so that's all the things that the
369 department is doing, which is a lot as I've said before, we are a pretty small group but are certainly
370 punching above our weight on that. So, I think that the front page is Planning Commission related items
371 for consideration and such and so I'm not entirely sure for instance there is downtown parking strategy
372 and affordable housing are items 2 and 3 but they also are on the staff list because they are Council
373 initiatives so I'm not 100% sure why they need to be on the Planning Commission front? Unless you see
374 them as different things. And just, what sort of separates the first block of items from the second block
375 of items? I know that's sort of a rambling question comment thing, but Director Bensley if you had any
376 thoughts on how you structured this?

377 Director Bensley: Sure, so I will say for the first list those are things that we have heard from the Planning
378 Commission as being priorities and have, that kind of is the first up as far as our bandwidth goes. The
379 downtown parking strategy implementation if you wanted to take that out that's fine. I will say that
380 regarding the affordable housing that's going solely under the set of Council initiatives, the Accessory
381 Dwelling Unit ordinance will not be under that. So that was part of the reason for part of the carve out
382 in this work plan because there was specific interest on kind of a subtopic within that in front of the
383 Planning Commission. Regarding the second batch, that is I would say the, where we are able to devote
384 additional staff time outside of the first list and our regular duties, those are what we're looking to
385 continue working on. So, if the Planning Commission wants to kind of shuffle up that list a little bit, they
386 are welcome to do so. If we have not mirrored what you all feel are priorities, I will say to some of the
387 comments about hiring consultants and things like that, the City passed our 2024 budget last night, so
388 we have missed the boat on adding more money for large scale consulting projects for 2024.

389 Chair Hurd: Got it.

390 Director Bensley: And I would also say that with the amount of time that the Tyler EPL implementation is
391 going to take and the number of staff it's going to take in 2024, some larger scale ambitious projects
392 getting kicked off next year is not going to be a realistic ask.

393 Commissioner Bradley: Excuse me, can I ask what the Tyler EPL thing is?

394 Director Bensley: So that is our new plan review and licensing software, that we're doing which will
395 completely digitize our plan review process. It's also going to have a public portal so folks can see as
396 time goes through, where developments are in our review process, and be able to track things as they
397 happen. But it encompasses not only our development plans but every permit and license we issue for
398 the city, so it is a very intense undertaking. So, like this week is one of our implementation weeks, we're
399 in implementation 8:30 to 4:30 Tuesday, Wednesday, and Thursday of this week. And there's at least 4
400 Planning staff members that are part of this not including Code Enforcement so when we are in those
401 weeks, we're taken off the grid for quite a bit. So that's part of the reason why you know while that's
402 not necessarily a priority project for the Planning Commission, it is affecting our ability to address your
403 priorities so that's why we keep giving you updates and want to make sure you're aware of it.

404 Commissioner Bradley: So, are you guys basically kind of going to what New Castle County has where
405 everything's online, all submissions all inspections, that kind of stuff? You can look at that and submit
406 stuff online.

407 Director Bensley: Yes.

408 Commissioner Bradley: And is there an education piece to that for the contractors and the people who
409 will be using that system?

410 Director Bensley: Yes.

411 Commissioner Bradley: Ok, because I know that's a big complaint with the New Castle County system.

412 Director Bensley: So, we are intending to reach out to various engineers and developers to have them
413 help us beta test the system and when we're ready to go live, also have additional training.

414 Commissioner Bradley: Thank you, Renee.

415 Chair Hurd: Ok, so in light of that, I feel kind of that item 3 on line 32 and item 5 on line 36 dealing with
416 the University of Delaware which sounds like stuff you're already doing could be moved perhaps to your
417 sort of other regular duties list because I don't know if that's, I mean I'm just speaking for me. I know
418 that we as the Planning Commission have often wanted to know more about what's going on with the

419 University of Delaware but if that's something that's in, a thing that's happening now I feel ok taking it
420 out of this list that makes it sound like we'll do it if we have time and you can move it to your other
421 regular duties or Planning Commission support or somewhere where it makes more sense.

422 I guess the wording on line 24 about "items will be considered only if land use plans are" and so on. I
423 think we could strike all of that and just say "the following items will be considered if additional
424 resources are afforded to the Planning Department" or some other way of saying that it requires you
425 know a change in bandwidth. And not just if land use plans slow down. Because I think if land use plans
426 slow down you've got other things that you're working on too. So, I don't want it to look like these are
427 things you'll jump on if you have time, because you've got the whole Council priorities list that's also on
428 there. So, I'm thinking that maybe with some conversation and the notes that we have that we may want
429 to talk a little bit you and I some about this and maybe bring this back next month because I noticed
430 looking at last year it took us two times around to get through the work plan. So, I think just
431 understanding that. So, I should say that this would be an opportunity for commissioners, if there were
432 specific items that you would like to have considered in either the priorities for the coming year or
433 secondary priorities for the coming year or two, I would say submit them in a form that we can use and
434 we can discuss that. That said is there anything in that first list of 7, not counting 6 and 7 because those
435 are just things that we do and item 1. So that first list of 7, three of them are things that we do by code.
436 So, we can't remove those. I think I'm ok, I understand, but I would be ok with taking out the
437 implementation of the downtown parking strategy because I think that's less of a Planning Commission
438 Council conversation, work high level thing that we've been doing and move it, it's really down to
439 implementation now in the staff.

440 I would want to keep item 3, about affordable housing because we have on there our sub notes about
441 dwelling, ADUs in the existing building. Is everyone ok with those three as our priorities for the coming
442 year? Is there anything we want to add that makes you feel strongly about wanting to move up? You
443 almost had it there. There you go. The light should be down here where you can see it.

444 Commissioner Williamson: Chair Hurd, I think the ADA requirement would be a minor code change, it
445 could just be one or two sentences in the right place in the code.

446 Chair Hurd: Yeah, but someone's going to need to take time to review, draft, there is an effort for sure.

447 Commissioner Williamson: Sure.

448 Chair Hurd: But certainly, that could move into that second block, because there are times, we do have
449 occasional meetings there's a gap and there's something that's sort of been working through and they're
450 like ok we can get that ready and bring it to the meeting. So, I'd like to keep a fair number of things on
451 that second list for staff to be able to give us items for our agendas. Ok.

452 Commissioner Williamson: Chair Hurd, maybe number 7 which you're suggesting being moved, just add
453 language to it "training and study sessions".

454 Chair Hurd: Yeah, so I'm not saying that 6 and 7 move, I'm just saying that they're part of our permanent
455 work, they're, items 1, 6, and 7 are things that we do. Well yeah, trainings less part of our code, but it's
456 not, it's on us. The quarterly reporting and the review and consideration of land development projects is
457 mostly why we're here. Ok so we can combine those two. So that's...oh to your point Commissioner
458 Williamson about the connection between STAR Campus and I-95, I believe that the TID did have
459 projects in there for that work and I do know that I think it was the drive through Wawa, I think it was
460 that one, Director Bensley there were requirements in there about, the City was trying to hold them to
461 requirements of accessibility and bike lanes sort of through that parcel to maintain that or to add to that
462 network.

463 Commissioner Williamson: Well Chair Hurd maybe that could be something on the wish list for the next
464 fiscal year?

465 Chair Hurd: Yes. Director Bensley?

466 Director Bensley: Thank you, so one thing I just have a question about when you are looking at study
467 sessions on particular topics, are you looking for those to be additional meetings, are you looking for
468 those to be at your regularly scheduled meetings? What is the thought process for that?

469 Commissioner Williamson: Thank you for asking, first of all it could be a study session requested by the
470 Commission for example and not to be lengthy, and it could be optional for some Commissioners, some
471 may desire it more than others. I think on some of our meetings that have a light agenda, it could be

472 tacked onto the end. Not necessarily creating additional workload, other than presentation of the
473 material.

474 Chair Hurd: Ok, that's kind of how I saw that, or I saw it as a, those who wish to come could come, it
475 wouldn't be a requirement for all of us. And it would be I mean; it would have to be a meeting where
476 there's no decisions being made obviously. But it might be something we could do out of the normal
477 path if it didn't have a lot of impact on staff time. So long as there's room for it.

478 Commissioner Williamson: Chair Hurd? So, Mike on staff came to my class last week and gave a
479 presentation on cannabis issues, regulations, which maybe had already been given to City Council, I'm
480 not sure. It was a PowerPoint, and he went through it in about 20 minutes. So that would be an
481 example of something already available just to share with us. But relevant to the regulations that aren't
482 ready to be reviewed yet but just the issues, the background issues.

483 Commissioner Cloonan: And what was this about?

484 Commissioner Williamson: The legalization of cannabis, retail, etcetera, and having to come up with
485 zoning regulations for locations etcetera.

486 Chair Hurd: Ok, does that kind of address your issue, Director Bensley? Or question?

487 Director Bensley: It does, I just, if there are specific topics that the Commission's interested in that they
488 would like us to target that would be helpful information.

489 Chair Hurd: I would agree. We can't just be like teach us something. Although I will, I think
490 Commissioner Williamson did point out with two new commissioners a brush up on the TID, the parking
491 strategy, and maybe not the affordable housing because we had that last month but sort of, we may
492 need to bring that back in and sort of go back over how we came to where we are when we're next
493 working on that. Ok.

494 Commissioner Williamson: Chair Hurd there might be interest in the cannabis. Not right away but queue
495 that one up for maybe every three months or something we have a refresher training or study session.

496 Chair Hurd: Ok, go ahead.

497 Commissioner Silverman: Director Bensley does the city have a group of people that pursue grants? I
498 want to carry Commissioner Williamson's idea a little further here.

499 Director Bensley: Grants are pursued by existing staff in individual departments, we don't have a specific
500 grant writer.

501 Commissioner Silverman: Ok, because past Commissioner Allison Stine brought to this group information
502 about grants that were available from the National Association of Realtors and other business groups
503 that could possibly provide for consultants to do some of the other items that are listed around line 28
504 and I don't know whether this would be worth pursuing, or pursuing as a goal of the Commission to
505 establish a grant hunting process to assist the full time staff. Is that something reasonable within the
506 structure of the city?

507 Director Bensley: We had previously had a contract grant writer that we were working with a few years
508 ago and staff found generally that most of what they were finding were things that we were either
509 already working on or were having to put a large-scale effort in any way to gather the information that
510 the grant writer needed so that was discontinued.

511 Commissioner Silverman: I understand that process. So, I can see why it was discontinued. You were
512 filling in the template so you might as well have done it yourself, but you didn't really have time to do it
513 yourself. Ok, thank you.

514 Director Bensley: If I can add to that, I think one of the challenges right now is you know part of it is
515 funding but also while you have consultants, while they're doing work staff still has to manage the
516 project so if you're talking about a large-scale project, that's not something for 2024 we have the
517 bandwidth. If we're planning to perhaps pursue, doing the legwork to perhaps pursue in 2025 or later
518 that may be something that's more feasible. But for 2024 we are tapped.

519 Commissioner Silverman: Understood. I like the idea of preparation or thinking being done in 2024 in
520 anticipation of programs for 2025. At least get the Council thinking in that direction, that they don't
521 have to finance some of the things the Commission may be interested in.

522 Chair Hurd: Well, I'll add I think as we're sort of doing some of the thinking about doing some of the
523 items for later that would also give staff the opportunity to incorporate those into the next budget
524 request. So, if you do look at something and you go this is going to need a consultant then we can put
525 that into the budget and plan ahead for it and move it onto the list of things that we have money for. For
526 the coming year. Alright I'm going to suggest that we continue this item to the next month because I
527 think the discussion brought out some stuff that wasn't on here and I don't want to spend the next hour
528 trying to edit a document. So, I will ask the Commissioners to send to me and to Renee like a more
529 formally phrased, you know a condensed sentence of what you're looking to have added to the plan.
530 And so that we can then put in in here and have a conversation next month and say ok we've got these
531 items, we've got limited availability but we want to make sure that they're captured so we can make sure
532 they end up in the right bucket as it were and then I think, that way we all know what we're all thinking
533 about the direction of the Planning Commission and the things we want to work on. Does that work for
534 people? Does that work for you Director Bensley?

535 Director Bensley: Yes, if I could ask that you could also copy Katie on those emails? That would be
536 helpful.

537 Chair Hurd: Absolutely. Anyone else you want us to copy or is that enough people?

538 Director Bensley: Jessy can be added as well.

539 Chair Hurd: Ok. Awesome and then, just in the next two weeks so we can pull this together for the next
540 meeting without too much hassle because it does need to get into the packet.

541 Director Bensley: I'll also just note that within the next two weeks we're coming up on Thanksgiving
542 holiday. So, if we could get it by next Friday the 17th that would be very helpful.

543 Chair Hurd: 11/17 ok there's the cutoff. Alright. Thank you. So, do we need a vote to continue? Well,
544 does anyone have a problem with doing that, I'll just say that. We are ok with that. Ok, so by acclamation
545 we are continuing this next month, streamlining. Oh wait, was there any public comment for this?
546 None, ok then we are closing item 5.

547 **6. Informational Items**

548 Chair Hurd: That takes us to informational items, I guess we're starting with you Director Bensley.

549 Director Bensley: Thank you, sorry I'm getting myself oriented on screen. Ok so, since last month
550 projects that went and are going to Council. On October 9th we had the second reading for the BB front
551 and side setback requirements that went through the Planning Commission and those were approved
552 unanimously by Council. October 23rd we had the first reading for the implementation of the formal
553 addressing standards that you all heard in September, we also that evening had the resolution setting
554 the hearing for the proposed street vacation of Independence Circle which is part of the Newark Housing
555 Authority's redevelopment project for George Reed Village. The November 6th Council meeting, so last
556 night we had our first and only budget hearing. They did adopt the budget last night so news out of that
557 for Planning is our two temporary planners are now permanent, being permanently funded with the
558 dollars being saved from sunseting the Ucity operation so that is very exciting for us. We also have two
559 new positions in Code Enforcement and two new positions in Parking as part of that. For the November
560 13th meeting next week we have the actual street vacation for Independence Circle so that will move
561 forward and then the 163 West Main Street nuisance abatement plan application will be considered by
562 Council. So for those who aren't familiar with that, we...in our Nuisance Property Ordinance for
563 properties that have accrued points through that ordinance they have the opportunity to apply for an
564 abatement plan through Council showing how they'll address the issues that they were cited for and
565 Council has the ability if they approve it to sunset the points that they have on the record so far and
566 reset it.

567 For November 27th, we are going to have 1115 South College Avenue minor subdivision and special use
568 permit which you heard at your last meeting, we also will have the second reading of the
569 implementation of the formal addressing process and first reading for ordinances related to the budget
570 for fee increases ones that specifically apply to the Planning Department are increases in the cost of
571 building permits, rental permits, and the implementation of a new technology fee to help offset the cost
572 of EPL. Other happenings in the department, Property Maintenance Code updates we have our draft
573 from our workgroup that we're reviewing internally currently we'll be meeting with the Newark
574 Landlords Association before Thanksgiving, and we anticipate being able to adopt that by the end of the
575 year. The EPL implementation is currently in our fifth implementation week and just as a reminder we

576 expect this to be a 12-to-15-month implementation period. We do have a two-week break from
577 implementation after this week and then we are in implementation for three weeks after Thanksgiving
578 and the staff on the Steering Committee is expected to commit 6 to 10 working days per month for the
579 project. Our next Planning Commission meeting is December 5th. We are looking at some potential code
580 amendments on that agenda as specifically we found some inconsistencies...sorry I got muted somehow.
581 So, for the December 5th Planning commission meeting, we're looking at some potential code
582 amendments. During EPL implementation we found sections of the code that did not or were not
583 consistent with the definition of downtown that we adopted as part of the Chapter 27 design changes
584 last year, so we are updating that to get that consistent. We're also looking at several districts where we
585 have some conditional uses that we are going to propose moving to be by right uses that currently
586 requires a special use permit, but we don't feel have enough of an impact to warrant that so we're going
587 to be bringing those to Planning Commission for consideration. We'll also be adding the work plan to
588 that agenda.

589 The Newark Housing Authority project that was going to be here this evening, is going to be on the
590 January 2nd agenda. They were removed from the agenda this evening. Because of the extended break
591 with Council due to the mayoral special election, it really made no difference for final approval whether
592 they went in December or went in January to you guys, so we decided to kind of take a step back, get
593 them time to gather the final submission, and have them address all of the prior to Planning Commission
594 and prior to Council comments as part of this next submission so that they can go straight to Council and
595 not have any further delays. So, we're looking to have that on your January 2nd agenda. And that's all I
596 have for this evening, thank you.

597 Chair Hurd: Alright thank you. Deputy Director Velazquez.

598 Deputy Director Ramos-Velazquez: So, at the moment no new projects have been submitted since our
599 last meeting, we have sent our 3 additional SAC letters to 50-54 Corbit, 313 East Main which of course is
600 the housing project, and 515 Capitol Trail. That's all we have.

601 Chair Hurd: Ok. Also in your packets is the July – September Quarterly report that will be going up to the
602 Council in their packet, that's what it is. And the article on affordable housing and using ADUs came to
603 us from Allison Stine who is still looking at these things thankfully for us even though she's no longer on
604 the Commission. So that's it for informational items. Any questions or anything?

605 **7. New Business**

606 Chair Hurd: That takes us to item 7 new business. Introduction of new items by city staff or Planning
607 Commissioners, these items would then be considered for a future agenda. Is there anything on
608 people's minds on the stuff we've been talking about on the work plan. We're covered, ok closing item
609 7.

610 **8. General Public Comment**

611 Chair Hurd: Item 8 is a general public comment regarding items not on the agenda but related to the
612 work of the Planning Commission. Has anything been submitted for general public comment?

613 Ms. Dinsmore: No Mr. Chairman.

614 Chair Hurd: Ok, anyone online wishing to give general public comment? Seeing none we'll close item 8
615 and having reached the end of the agenda the meeting is adjourned.

616 **The meeting was adjourned at 8:11 P.M.**

617 Respectfully submitted,

618

619 Karl Kadar, Secretary

620 As transcribed by Katie Dinsmore

621 Planning and Development Department Administrative Professional I