

1 CITY OF NEWARK

2 DELAWARE

3  
4 PLANNING COMMISSION

5 MEETING MINUTES

6  
7 MEETING CONDUCTED REMOTELY

8 VIA GOTOMEETING

9  
10 MARCH 1, 2022

11 7:00 P.M.

12  
13 Present at the 7:00 P.M. Meeting:

14 **Commissioners Present:**

15 Chairman: Willard Hurd, AIA

16 Vice-Chair: Alan Silverman

17 Secretary: Karl Kadar

18 Allison Stine

19 Chris Williamson

20  
21 **Commissioners Absent:**

22 Stacy McNatt

23 Mark Serva

24  
25 **Staff Present:**

26 Paul Bilodeau, City Solicitor

27 Mary Ellen Gray, Planning and Development Director

28 Michael Fortner, Planner

29 John Kennel, Planner

30 Katie Dinsmore, Administrative Professional I

31 **Chair Hurd called the Planning Commission to order at 7:02 p.m.**

32 Chair Hurd: Good evening everyone, and welcome to the March 1<sup>st</sup>, 2022 Planning Commission meeting.  
33 This is Will Hurd, Chair of the Planning Commission. In accordance with the governor’s declaration on  
34 remote meetings and with the decision of Council, we are holding this meeting through the  
35 GoToMeeting platform. Our goal is to support the participation of everyone in this meeting. Katie  
36 Dinsmore, the department’s Administrative Professional will be handling the chat and general meeting  
37 logistics. In accordance with the governor’s declaration on remote meetings, everyone needs to identify  
38 themselves prior to speaking. At the beginning of each agenda item, I will call on the related staff  
39 member to present first followed by the applicant. Once the presentation is complete, I will call on each  
40 Commissioner in rotating alphabetical order for questions of the presenters. If a commissioner has  
41 additional questions, they would like to add afterwards they can unmute themselves and I will call on  
42 them to make it clear who is speaking next. Otherwise, do please keep yourselves muted to prevent  
43 background noise and echo. I will note that it was especially noticeable in last month’s meeting as Katie

44 was trying to do the minutes. Please also try to avoid talking over other people so that everyone  
45 listening in can hear clearly. For items open to public comment we will then read into the record  
46 comments received prior to the meeting followed by open public comment. If members of the public  
47 attending tonight would like to comment on an agenda item during the meeting they should send a  
48 message through the chat function to Ms. Dinsmore with their name, district or address, and which  
49 agenda item they wish to comment on. The chat window is accessed by clicking on the speech bubble  
50 icon on the top bar. For those attendees connected to the meeting only through their phone, I will call  
51 on you separately and you can press \*6 to unmute yourself. We follow public comment with further  
52 questions and discussions from the Commissioners and then the motions and voting by roll call on any  
53 items they will be voting. Commissioners will need to articulate their reasons for their vote. If there are  
54 any issues during the meeting, we may adjust these guidelines as necessary. So, to begin, Chair's  
55 remarks.

56 **1. Chair's remarks**

57 Chair Hurd: So, to begin, I'd like to welcome our newest member, Chris Williamson to the at-large  
58 position. Welcome Chris, he did a brief intro to the rest of the Commissioners, but I don't know if Chris  
59 if you wanted to give just a brief introduction that's on the record that will go enshrined in the minutes?

60 Commissioner Williamson: Sure, just briefly, I'm Chris Williamson, a new resident of Newark if I can  
61 pronounce that correctly, very pleased to be on the Commission, I've had lots of experience with  
62 Planning and Commissions, first time sitting on this side of the Zoom table. And I'm looking forward to  
63 working with all of you, thank you.

64 Chair Hurd: Awesome, welcome. I'll note that last night the City Council had their first hybrid meeting,  
65 with their new Microsoft Teams platform and all the technology set up in the Council chambers and it  
66 went...pretty well. There were some rough spots which I'm sure staff is working on.

67 Director Gray: Yes, we are. This is Mary Ellen Gray, yes.

68 Chair Hurd: All the staff, IT, everyone. My understanding is that Planning staff will be getting trained on  
69 the equipment and obviously I'll be talking about and discussing this in Planning with Director Gray and  
70 Deputy Director Bensley and we're hoping that we can meet with the hybrid model for the April  
71 meeting. So that's our goal. But we need to have enough people who know how to run it to make that  
72 work. Ok that takes us to item 2, the minutes.

73 **2. The minutes of the February 1, 2022 Planning Commission Meeting**

74 Chair Hurd: We have before us the minutes for the February 1<sup>st</sup>, 2022 meeting. Do we have any  
75 corrections or comments on the minutes?

76 Commissioner Kadar: This is Commissioner Kadar.

77 Chair Hurd: Yes?

78 Commissioner Kadar: On line 367 "while the project does not meet the LEED requirements" that should  
79 be capital L-E-E-D not L-E-A-D.

80 Chair Hurd: Ah, good call thank you. Ok, any other comments, corrections, or? Alright then with that  
81 one comment the minutes are approved by acclimation. That takes us to the big one for tonight.

82 **3. Review and discussion of draft revisions to the Comprehensive Development Plan V 2.0 per**  
83 **the 5-Year Review**

84 Chair Hurd: Review and discussion of draft revisions to the Comprehensive Development Plan V 2.0 per  
85 the 5-Year Review. I would just like to say up front, if you have typographical comments; spellings,  
86 capitalizations, you know there's an extra period in the sentence and such, send those directly to  
87 Planner Fortner please. I want to keep this meeting focused on content, tone, and word and the bulk of  
88 the Comp Plan and not online editing it. And so, to begin I will ask Commissioner Kadar as chair of the  
89 Steering Committee, to talk a little bit about the scope of the review and the Steering Committee and  
90 introduce the process for us.

91 Commissioner Kadar: Thank you Chairman Hurd. I've had the pleasure of being on this Comp Plan  
92 review committee since I think it was late 2020 when we first started talking about this, it seems like just  
93 yesterday. And I'd like to go over a few things before we begin this review. First and foremost, I want to  
94 thank Planner Fortner for the outstanding job that he's done over the last many, many months. This has  
95 been a herculean task and he's been up to it. He's been there to help, and he's kept these things going

96 and we appreciate the effort he's put forth and hope that he's appropriately recognized. I'd also like to  
97 remind everybody that this is essentially a mid-cycle review. The state statute requires a total in depth  
98 review of the Comprehensive Plan every 10 years. This is a 5-year review, consider this a 5-year tune up.  
99 It's again a mid-cycle review, not an overhaul. And what we planned to do during these sessions was to  
100 update the charts and demographics, identify and include any changes such as new developments and  
101 projects, infrastructure changes and improvements, new programs and initiatives, etc. that have  
102 occurred since the plan was generated 5 years ago. Also, since I've been involved with this update since  
103 the beginning, I will pass on commenting on any of the items here tonight because I've been involved  
104 with them as we've developed this draft. So, all of my comments have been included in the piece of  
105 work you have in front of you. That being said, I'd like to pass this on. I assume Chairman Hurd that  
106 you're going to pass this along to Mike Fortner who is going to take us through the changes in each of  
107 the sections.

108 Chair Hurd: Yes, that was my assumption unless Director Gray you had something you needed to say at  
109 the beginning?

110 Director Gray: Sorry I'm having technical difficulties this evening. No, I do not, but thank you.

111 Chair Hurd: Ok thank you. So, this is my proposed format for this evening to try and get us through this  
112 process as smoothly as we can. I will ask Planner Fortner to review the changes to a chapter and then  
113 we will take comments from the Commissioners again in rotating alphabetical order, and then we'll  
114 repeat it for the next chapter so we can stay focused on one topic at a time and not be bouncing all  
115 around the document later. I will be watching the clock for time, and we'll do public comment at the  
116 end. I will cut us off if we haven't gotten through the whole document, which I think would be...well it's  
117 possible but I don't know if it's likely. So that we have any time for public comment because that is a key  
118 part of this process. So, with all that we start with Planner Fortner.

119 Planner Fortner: Thank you, just waiting on Katelyn to bring up the visual.

120 Ms. Dinsmore: Would you like me to bring up the presentation Mike?

121 Planner Fortner: Yes, the presentation please. Karl gave a pretty good synopsis of the update. And it is a  
122 review as opposed to an update which is more of a comprehensive thing. When I took this to the PLUS  
123 review, they thought there was an incredible amount of work done to this and they thought it qualified  
124 as an update rather than a review and they asked me if I wanted to have it reviewed as an update rather  
125 than a review and we wouldn't have to do this for another 10 years and I said well, this is a review and  
126 they're going to want to look at this in 5 years anyway. Our Planning Commission likes to plan, our city  
127 likes to plan and we like to we'll want to go through this again in 5 years. So going on to the next slide  
128 please, this is the plan that we developed in late 2020 and Karl already kind of reiterated this but it was  
129 kind of to do a tune up. Kind of go through, make sure things still applied, fix anything, any bugs in it and  
130 go from there. Go ahead and go to the next slide. So, we did quite a bit of work with this, I developed,  
131 just giving an overview, I did kind of a top 10 list of accomplishments of the Plan V 2.0 which is what  
132 we're calling this to distinguish it from the Plan V the other review plan. So, it's kind of a David  
133 Letterman style top 10 things; probably not as funny though. Go to the first one. Number 10 is we the  
134 most basic thing is that we updated the future land use maps with all the amendments we've done over  
135 the past 5 years so when we had a Comp Plan amendment we put those changes in and also the  
136 corrections here with the fraternity and some of the other parcels that were mislabeled had the wrong  
137 land use designation, we included all of those, we also kind of amended, kind of fixed some of the charts  
138 that had some language in it that was unclear or was confusing. Number 9 we updated the community  
139 profile and the housing and community developments with the most recent census data that was  
140 available to us. So, we used the 2019 American Community Survey which are based on 5 year rolling  
141 estimates. And those are the most recent available to us and they're also pre-pandemic so we're able to  
142 avoid some of the confusion or awkwardness or rather skewing that those cause. So, this is the most  
143 recent data, 2019 and we compared that to the data from 2014 I think was what we used in the 2016  
144 update. Number 8, we updated the City Renewable Energy sources on page 37. So, the city's done a lot  
145 since 2016 to create more renewable energy opportunities. So, we try to give a brief write up of this in  
146 the plan, so we did that for this. Number 7 we updated on the progress of the Transportation  
147 Improvement District or TID that's a major initiative that's going along with the Planning Commission  
148 and several Planning Commissioners are on that Steering Committee and so we gave an updated report  
149 on that. In that original Comp Plan, it was just sort of an idea, we ought to do this. And explore this with  
150 the state and now we're actually doing that, we have things that we can write about and the progress  
151 it's making. Number 6, we put in the findings and the policy matrix from the Planning Commission's  
152 Parking Subcommittee, that was a major initiative of the Planning Commission, some major thought

153 work that was done and so we give a brief summary of that and how that is incorporated into our  
154 planning. Number 5, adding the findings from our housing needs assessment study. So, we did several  
155 housing studies over the past 5 years including the Rental Market needs assessment phases 1 and 2, we  
156 had a Rental Housing Workgroup and also the state updated their analysis to impediments for fair  
157 housing, so we included their 2020 reports. Number 4 we incorporated the implementation of the  
158 Sustainable Newark Plan, it's our plan for sustainability, so that was a major initiative out of our Comp  
159 Plan, we need to look more into sustainability and establish what our vision was on how we're going to  
160 become a more sustainable community. So, we have several write ups on the Newark Sustainable plan  
161 plus we include the themes as action items throughout the plan so that we're recognizing that this plan  
162 has a bunch of action items and goals and through this Comp Plan we're sort of adopting or recognizing  
163 that saying we're going to work on that. Number 3, we added for Land use, the Charette is coming up,  
164 and that's coming up in a few weeks, and we concluded that this is going to be a major planning  
165 initiative and that we're going to conduct this Charette and we're going to view the analysis of the  
166 Charette, and then work on implementation and make recommendations from that Charette. And so,  
167 we put that in as an action item. Number 2 is we created a Planning Area 7, the Planning Commission  
168 recommended that Planning Area 7 be created 2 years ago. The City Council decided to just keep it to  
169 this area that we were going to annex and decided to hold off on expanding or making a Planning Area  
170 7, so with this update or review we are including this new Planning Area 7 the way that the Planning  
171 Commission originally set it out for. We also expanded Planning Area 6 with that too because there's  
172 some annexations on Old Cooches Bridge neighborhood. And number 1 we included the focus areas 1  
173 through 4 in Planning section A in the future land use map area. So, the Planning Commission created 4  
174 focus areas that we wanted to look at to kind of look at and address the Comp Plan amendments we  
175 were getting from those areas, we saw those areas as transitioning or redeveloping rapidly: they're all  
176 around our town core. So, we gave direction on how we'd like to see those areas develop within this  
177 Comp plan. So that was the top 10 list and so I think those are the major areas or things that we did  
178 through this Comp Plan review just to provide some focus and context for everything and for now,  
179 Katelyn if you just want to bring up the plan? Katelyn has the ability to type in the page number if a  
180 Planning Commissioner wants to see a specific page. She has to remember to add 11 to that we believe  
181 because the first 11 pages don't have page numbers or traditional page numbers so that might skew  
182 things a bit. But we'll have the ability to get through them all. I'll refer back to you Chairman Hurd.

183 Chair Hurd: Alright, thank you. So, was there anything specific you wanted to discuss Planner Fortner, or  
184 should we?

185 Planner Fortner: Well, the cover first, we can go to chapter 1, but she has the cover up. We have the  
186 cover updated, this is very fresh, we even have the new Planning Commissioner on there. And the new  
187 mayor.

188 Chair Hurd: Ok, so I guess so Commissioner Kadar is essentially recusing himself from the conversations,  
189 which is fine. So, we will begin with Commissioner Silverman.

190 Commissioner Silverman: This is a little out of character for me, but I'm very impressed with what's been  
191 presented, and I find no substantive problems with the approach taken by the review effort. I like what I  
192 see, particularly bringing the focus areas to the top, with some of the very hard work done by the  
193 standing committees over the last 5 years.

194 Chair Hurd: So then obviously you have nothing on Chapter 1?

195 Commissioner Silverman: No.

196 Chair Hurd: Ok, Commissioner Stine?

197 Commissioner Stine: I'm good through Chapter 10 I just have a question on (inaudible).

198 Chair Hurd: Ok, alright, Commissioner Williamson?

199 Commissioner Williamson: Ok, well good evening. So, the one downside of having me on your panel is  
200 having taught Planning, and been a consultant, still am and seeing many plans I can't help but make  
201 some comments. And I have taken the time to look over this in the past week. First of all, kudos to your  
202 staff and by no means are these critical, these are suggestions that you may or not and if you don't do  
203 them, it's not the end of the world for me or certainly the document. I just have a suggestion on page 11  
204 under your key terms, that you add "household". I think under federal law and certainly state law that  
205 families and households are considered the same thing. A household can be one person whereas a

206 family definition is two or more. So, it would just kind of round out your list of definitions, it's an easy  
207 add, you could use the census bureau definition.

208 Chair Hurd: Ok.

209 Commissioner Williamson: And then on the following page just another apartment or condominium, so  
210 most people understand condominiums a multi-family apartment or townhouse. Technically  
211 condominium is a form of ownership not a type of structure. Because single family developments have  
212 some condominium ownership structures. So, I don't know if this has ever been a problem or not but its  
213 just sort of a nerdy clarification if condominiums are ownerships not structures technically

214 Chair Hurd: Thank you. Planner Fortner I'm noting that definition is reference to the census bureau  
215 definition. Is that because we're using the counting of units or?

216 Planner Fortner: Well, it's an interesting point there, a condominium can be a single-family structure,  
217 that's detached I guess, I guess it's probably true. I got it from the census I got that so long ago I don't  
218 remember. If I was using the zoning code, I was using because multi-family is really just a structure of  
219 units together. We'll take a look at that.

220 Chair Hurd: Ok, thank you. And I have nothing on Chapter 1 so that takes us to Chapter 2 Community  
221 Profile. Go ahead.

222 Planner Fortner: So, for the Community profile we just updated all of the information for the American  
223 Community Survey 2019. And we did wordsmith or add a lot too.

224 Solicitor Bilodeau: I just wanted to ask, sorry to interrupt, are you going to ask for public comment  
225 chapter by chapter or just at the end?

226 Chair Hurd: I was just going to do it at the end.

227 Solicitor Bilodeau: Ok. That's fine I just wanted to make sure.

228 Chair Hurd: Yeah, so they can comment on the entire document.

229 Solicitor Bilodeau: Thank you, I'm sorry to interrupt. Michael you were on a roll.

230 Planner Fortner: It's fine. We did a lot of work and had a lot of discussion on that particular section on  
231 that those are two main things for this part.

232 Chair Hurd: Alright, I guess I will begin with Commissioner Stine, did you have anything on Chapter 2?  
233 You said you had nothing until 10, right?

234 Commissioner Stine: Yeah, I did just have one question about on the Income Comparisons for the 2022  
235 update; can you just define what is "family income" and what is "non-family income"?

236 Planner Fortner: I think this is a little confusing, we don't have a non-family income; there's household  
237 income and then there's family income and somehow the census distinguishes between them all.  
238 Household is whoever's in a household and they include their gross income. For a family they're  
239 somehow narrowing it down to a specific it's more of a traditional family, go ahead.

240 Chair Hurd: I think Commissioner Williamson is going to step in on this one.

241 Commissioner Williamson: As a former census bureau employee we take pains in training people.  
242 Family is defined by blood or legal relationship, marriage (inaudible) or roommate.

243 Planner Fortner: That is actually accurate, I knew that but (inaudible).

244 Commissioner Stine: So, Table 2-1 says Newark Income Comparisons. There's median family income,  
245 there's median non-family income?

246 Planner Fortner: I guess non-family must be just regular households where they're not related by blood.  
247 So, their households...

248 Commissioner Stine: Are there individual versus household?

249 Planner Fortner: Well, an individual could be a household or three college students living together could  
250 be a household. Or two people that are living together can be a household if they're not related.

251 Commissioner Silverman: If I could jump in here. Allison, think of when they speak of family it's people  
252 who are in a living arrangement where they're related by blood or marriage. Everything else is a

253 household. A household could be one person, it could someone who has a lodger or roomer, it could be  
254 unrelated individuals who are living together collectively, three college students, so two groups of  
255 people. So, the family is blood or marriage.

256 Chair Hurd: And Planner Fortner is “non-family” the term that the ACS uses? Or the census uses?

257 Planner Fortner: It must have been, I wouldn’t have made that up. I must have been quoting the census  
258 data.

259 Commissioner Stine: I mean it’s based off of a family income. That’s the only reason it jumps off the  
260 page is it’s significantly lower but higher than per capita.

261 Commissioner Williamson: So, I might be able to help. So non-family includes all one person  
262 households, because you need to have two people to have a family. So that’s all people living alone  
263 including seniors on retirement, and whatever as well as roommates. You know you might consider  
264 revamping this and in my experience most people use median household income for comparing across  
265 geographies and then family. Households is everybody and all the income in it. And then family is a  
266 subset of households which typically have children or couples. So, all families are households, but not  
267 all households are families, and you usually see both.

268 Planner Fortner: Yeah, oftentimes we focus on households but in our plan, we do distinguish a little bit  
269 just as family income oftentimes in our community is going to be higher than household income because  
270 household incomes are going to be a lot of college students, so I did try to show the difference between  
271 that. So, a typical family is going to have a higher income, at least here in Newark.

272 Commissioner Williamson: And that’s accurate. Maybe you could show all three, households, families,  
273 and within if I remember my census tables you get a heading called household and below that as a  
274 subset are family and the second subset of non-family. But they’re all households.

275 Planner Fortner: Yeah.

276 Chair Hurd: Ok.

277 Commissioner Williamson: But I see what you’re doing ok. (inaudible) just divided by everybody  
278 including babies or kids, or whatever.

279 Chair Hurd: And if we do put the definition of households into the front end that would also help to  
280 make that clearer.

281 Planner Fortner: And maybe non-family too. I don’t know if that’s articulated either, they both add  
282 together to make household.

283 Chair Hurd: Ok.

284 Commissioner Stine: That’s great, thank you.

285 Planner Fortner: Alright.

286 Chair Hurd: Commissioner Williamson, anything further?

287 Commissioner Williamson: Yes, and again, I don’t want to give you all any additional. So, census 2020  
288 data as I just heard yesterday from the Planning Director might have had an undercount, or probably  
289 had an undercount because of COVID. So, students were typically counted based on where they were  
290 living as of April 1 of last year and also, they weren’t here. So, the city’s population for Census 2020 is  
291 lower than what is probably true, and yet that may be the official definition because that’s how the law  
292 reads, and you may or may not get an adjustment for that. You know all though your document, like  
293 most cities you have decades, you know 1980, 1990, 2000 and the 2020 data are available at the block  
294 level certainly for the city, I wonder if you could just put it in there maybe with a footnote or an  
295 explanation of COVID and the effect and for that reason you’re using 2019 numbers, you know you’re  
296 using another number, just kind of reference Census 2020 and maybe why you’re not using it for all of  
297 these tables.

298 Planner Fortner: Sure, we do try to do that, if you could scroll.

299 Commissioner Williamson: Oh, did I miss it? Ok.

300 Planner Fortner: To the next page Katelyn, I thought we did somewhere on here, but anyway the  
301 explanation we have has more to do with the American Community Survey taken the long form.

302 Commissioner Williamson: And that was my first comment, and it is just a comment. Technically on ACS  
303 and I taught this so I'm just referencing, and you don't have to do it all the time, but maybe just an  
304 explanation of what the 5-year data set is. Because if you cite 2019 people think that's as of 2019 when  
305 in fact it represents a 5-year average of 2015 to 2019. 15, 16, 17, 18, 19; all five years are added  
306 together in one database and the number represents not the truth of 2019 but more like the range of  
307 what was happening in between, so it lags a couple years. And just for documentation's sake maybe  
308 include a footnote to that effect, or something just proper. Then I had one more comment on page 21,  
309 towards the bottom, 21?

310 Planner Fortner: She's working on it. Is that it?

311 Commissioner Williamson: Further up the page if you could scroll up just a little bit? There we go, "while  
312 Newark may becoming more diverse, we are still behind". And while that's not incorrect, to me at least  
313 it implies that the diversity of the United States and Delaware as a whole is the norm? Instead, just say  
314 we're different. That's just semantic; that was very touchy in California because to some people it  
315 implies that we should be more this or more that, you know we're not right because we're behind. And  
316 in reality, it just means your different and it is what it is. And that's just an opinion you can decide if you  
317 want to use that or not. And that's all thank you.

318 Planner Fortner: Good one, thank you.

319 Chair Hurd: Thank you, Commissioner Silverman?

320 Commissioner Silverman: Chris, I'd like you to chime in on this. I like the work that's been done in  
321 respect to the references. Given that this document is going to be around for another 5 years and there  
322 will be updates on the references used, on a periodic basis I would like to see the document contain live  
323 links to those sites. So, when I'm looking at these 2 years from now, I can see what the new information  
324 is immediately, so it keeps the document fresh. That's one thought. And the other thought is we've  
325 relied very heavy on official government sources, I know this has a good foundation, it's a traditional  
326 kind of thing, but I found on the internet that there are other very good private sources of information  
327 that bring together not only the federal statistics but also some very interesting things on migration and  
328 moving in and out patterns. I don't know whether we might want to research some of those and  
329 include them in the appendix so this document becomes a living document where anyone can click on  
330 that link if they want to find out what the Newark rental market is 2 years from now they could go into a  
331 site that deals with the rental markets in the area. Chris?

332 Commissioner Williamson: No that sounds, it's a great suggestion at the end of the document you might  
333 have a section that just says, "for more current information" and it would be the census bureau's  
334 homepage or whatever sometimes the risk is that the link changes over time. But there are enough  
335 credible organizations through Delaware state data center or whatever it's called, census bureau, or a  
336 nonprofit like Ford Foundation, or some of the others that go into some of those topics. So, they would  
337 likely be around.

338 Commissioner Silverman: But even crazy things like going into Zillow to find out what housing is selling  
339 for in the area. It would be a nationally recognized link. And those are the extent of my comments on  
340 the community profile section.

341 Chair Hurd: Ok, thank you Commissioner Silverman. I had one comment on page 21, so at the top the  
342 third line in you had a sentence "since 1980 racial diversity has increased". And I see from the chart  
343 what you mean, that it had sort of dipped and shifting to be whiter, back to the 1950 levels. But the  
344 following paragraph basically has more conversation about that and talks about that trend, so I think we  
345 could take that sentence out because I think it's kind of distracting in the flow of that first paragraph.  
346 Which is basically just talking about patterns, and you know what's happening (inaudible) and leave it  
347 for the further ones to talk about the trends and how things are coming back.

348 Planner Fortner: Ok.

349 Chair Hurd: Ok. Alright. Chapter 3: Vision.

350 Planner Fortner: Vision, ok. Really no changes in this except the vision held the committee viewed the  
351 vision and decided that it was still appropriate. Katelyn if you wouldn't mind scrolling one or two pages  
352 two. We did add one little, I think down on community we added what's that say? Better community  
353 representation on volunteer boards, such as Planning Commission. So, we put that in there because we  
354 want better representation on all our community boards. Besides that, we updated of course the  
355 strategic issues chapter by chapter.

356 Chair Hurd: Ok, thank you. Commissioner Williamson?

357 Commissioner Williamson: Oh, me again ok. Right there, on page 23, again semantic suggestion under  
358 opportunities. Elements of what the community could exploit, is that really the word you want? Could it  
359 be another word like embrace or some other verb? Exploit kind of is a little could be conceived a little  
360 negatively. And on the following one, "elements in the environment that could cause trouble" maybe a  
361 better word is challenges or something like that? Again, just suggestions.

362 Chair Hurd: Thank you. Commissioner Silverman?

363 Commissioner Silverman: I'm just, I've got some thoughts but I'm not sure if they fit into the context of a  
364 vision statement. I am more used to a more traditional goals policy and standards kind of approach, the  
365 old 701 planning approach. I don't know whether in our vision we need to have some standards so we  
366 can measure if some progress is being made, for example in parks and recreation and open space, the  
367 State Outdoor Recreation Plan has been in existence for a long time. And within that document they  
368 come up with ratios and standards of local parks, community parks, regional parks by acre derived from  
369 population densities and within a certain travel distance whether it's walking or driving. And I don't  
370 know if whether we need something like that in our vision statement that we will strive to meet those  
371 standards to give some kind of reference to say capital program to determine if an area is over served or  
372 underserved which a particular kind of open space user active or passive recreation. It's just something I  
373 felt was not quite in here and I know that may be reserved for the 10-year redo, I understand what  
374 we're doing here.

375 Chair Hurd: And there are at the ends of other chapters there are strategic issues and specific goals and  
376 that might be a place for a more standard based or some sort of metric-based goal than in the vision  
377 chapter.

378 Commissioner Silverman: By having standards, particularly planning related standards, it makes...it's a  
379 good measuring stick whether budgets are being appropriated to meet some of those standards,  
380 whether the community agrees with those standards, but it permits a yard stick to see how you got from  
381 point A to point B.

382 Chair Hurd: Ok, it's a comment and we'll take it. And I guess if you see any of the goal statements in the  
383 future chapters where that might be more appropriate obviously you can jump in on that?

384 Commissioner Stine? Oh, I'm sorry; Commissioner Silverman were you done or...

385 Commissioner Silverman: Yes, that concludes my comments.

386 Chair Hurd: Thank you. Commissioner Stine?

387 Commissioner Stine: I have no comments on this chapter, thank you.

388 Chair Hurd: Thank you and I also have no comments on Chapter 3 so that takes us to Chapter 4, Utilities  
389 and Infrastructure.

390 Planner Fortner: We have a source where we talk about the implementation of the Newark  
391 Sustainability Plan also about the 100 percent renewable energy plan are two kinds of big changes on  
392 this.

393 Chair Hurd: Ok, so we will begin with Commissioner Silverman on this.

394 Commissioner Silverman: I have no additions or comments.

395 Chair Hurd: Ok thank you. Commissioner Stine?

396 Commissioner Stine: Same. I have no comments on Chapter 4.

397 Chair Hurd: Ok, Commissioner Williamson?

398 Commissioner Williamson: Just one and I'm not sure where it would fit in here if you wanted to use it.  
399 And that is working into this somewhere energy storage. And I bring that up from my own background  
400 work that in order to have renewables, especially solar, it doesn't work after the sun goes down and you  
401 have to store energy. In California, it's because of blackouts and all kinds of problems but that's not the  
402 only reason to have some storage maybe this is already in the works. To better control I think it's you  
403 can stabilize voltage because renewables can go up and down so much and other benefits. So maybe  
404 you've got that in here, I just wanted to bring that up.

405 Planner Fortner: Thank you.



406 Chair Hurd: Thank you. I had one comment on page 35, under the Hillside Park stormwater drainage  
407 pond. So that first line you say, “the city of Newark completed construction on the stormwater drainage  
408 pond”. So, I’m familiar with retention ponds and I’m familiar with detention ponds, but I’m not as  
409 familiar with a drainage pond if that’s what this is. It seems to be more of a retention pond in that it’s  
410 taking the stormwater and holding it and buffering its delivery to the downstream systems. But it’s also  
411 ok if you want to circle that and just double check that with Public Works to make sure that’s the right  
412 term. Commissioner Silverman?

413 Commissioner Silverman: I believe the term that’s normally used is stormwater management and that  
414 takes into account whether you detain, retain, treat, or whatever, you’re managing stormwater.

415 Chair Hurd: Ok.

416 Commissioner Silverman: That may be a better reference.

417 Chair Hurd: Ok. But I will also defer to Public Works to see what their term would be for it.

418 Planner Fortner: So, we updated all of the census information with the American Community Survey, it  
419 includes the George Reed Village, and we amended the 2016 plan already. We also included all of our  
420 housing studies that we’ve done over the past 5 years. And the 2020 analysis of the Impediments to Fair  
421 Housing is also included with this.

422 Chair Hurd: Ok, thank you. Commissioner Stine?

423 Commissioner Stine: Ok, so this was the chapter I focused the most on by far. I didn’t have any  
424 questions on it, but I thought I really appreciated all of the updates that you did; it was a really  
425 interesting read for me. Thank you.

426 Chair Hurd: Thank you. Commissioner Williamson? Commissioner Williamson if you’re talking, you’re  
427 muted.

428 Commissioner Williamson: Sorry about that. Two comments. If we all probably chuckle at the prices  
429 listed in Table 5.4 and 5.5, Housing Prices and Rent, knowing that they’ve all gone up substantially,  
430 perhaps a note in here of some kind just saying that these are older numbers and that prices have gone  
431 up and as was previously mentioned a link to more market rate data as of some website but not  
432 representing the City’s opinion or something to that effect. Just so people what happens is people see  
433 these numbers and go “wow these are really off so the rest of the document might not be accurate” but  
434 I think that just acknowledging that without changing the tables. And you might add that the relative  
435 relationships are the same. The prices have gone up everywhere. And so those percentage comparisons  
436 or rankings are probably fairly stable, so that’s comment 1, take it or leave it. And in the Map 5.1  
437 Population Densities; now you’re relying on 2010 Block Data or tract data I think, I really recommend on  
438 this table that you do a new map based on 2020 Block data which is available. And you can make a note  
439 that the student areas are probably low, but the rest of the city is more accurate than 2010 or at least  
440 updated to 2020 data. So that’s my only strong suggestion, using the 2020 data for something like a  
441 density map. And your GIS should be able to do that just like this without too much effort. And those  
442 are my comments.

443 Chair Hurd: Thank you, Commissioner Silverman?

444 Commissioner Silverman: Along that same line I think that the density map is deceptive when you jump  
445 from 7,500 to 20,000 there needs to be some kind of footnoting that sites like this represent very high-  
446 density university style dormitory housing. As someone who’s picking this up for the first time and  
447 glancing at the map for the first time, might go “my god 20,000 people per square mile in the City of  
448 Newark” but at least it gives some sort of beginning explanation.

449 Chair Hurd: Ok. That’s it? Ok. I have one comment on page 51 in the University Housing section, in the  
450 second paragraph where you talked about the dorms that have come down, the dorms that have come  
451 up, and the Courtyard apartments. I don’t think we have the data, but it would be cool to see what’s  
452 the headcounts from those actions? I found it very cool how the first paragraph talked about what’s the  
453 current capacity in terms of number of students they can house based on a percentage. It would be  
454 interesting to sort of see if we have it, what’s been that delta? When they closed Rodney and Dickinson,  
455 and the Towers; are they neutral or did they go negative? So, it’s not a question that you have to answer  
456 now Planner Fortner, I just it’s something that if you have that data or if you could find that data if we  
457 could put that in, I think it would help that paragraph. I believe that’s it for me.

458 Commissioner Silverman: Will, you referenced bed counts, that's a term that's not used in this  
459 document. I don't believe I saw that.

460 Chair Hurd: Yeah, no, it's what I think of though when I think of university housing, because that's  
461 usually the term. Capacity, or student capacity, just some term; so, they talk about housing capacity in  
462 the paragraph before so maybe we could just use that. Because you're right Commissioner Silverman,  
463 we want to have similar terms.

464 Commissioner Williamson: Just a thought, a bedroom could have one or two people, so that (inaudible).

465 Chair Hurd: Well, that's why I'm saying beds, because all the times I've heard people talk about  
466 university, they talk about you know actual beds because it's typically one person per bed. Unless  
467 there's (inaudible). Alright, Chapter 6 Transportation.

468 Commissioner Williamson: Mr. Chairman if I may, I just wanted to note that on page 57 I think this is the  
469 best acronym I've ever seen, POOH, it's a winner.

470 Chair Hurd: Haha, yeah. Thank you.

471 Planner Fortner: Alright well Chapter 6 some big things on this of course, the Planning Commission's  
472 Parking Subcommittee is a part of this. There's also the transit, it's called Newark TRiP and there's a  
473 little more update on the STAR Campus development and on the Transportation Improvement District  
474 so kind of big updates in this chapter.

475 Chair Hurd: Apologies. Who are we up to...Commissioner Williamson?

476 Commissioner Williamson: Thank you. You've got two railroads coming through the city, of course  
477 Amtrak is the big one, with numerous trains I can hear them, and I assume that CSX, well what's the  
478 small line downtown, the single line? Is that CSX?

479 Chair Hurd: I believe that's the CSX, the north one.

480 Commissioner Williamson: Just wanted to know if there's any thoughts of grade separation or other  
481 safety features and I bring this up because of the Federal Infrastructure Bill, perhaps there's funding or  
482 something for safe railroads that go right through the middle of cities that you might consider looking at  
483 and who knows there might be some money there. I think that was my only suggestion, I'm aware of  
484 the parking – got a good briefing on that. On page 80, fourth paragraph, the text still talks about the  
485 Newark Rail station being constructed, should that all be changed to completed? I think that's the,  
486 right?

487 Chair Hurd: I don't think it's officially completed yet.

488 Commissioner Williamson: Oh ok. That was my, I got on a train there, so it's not technically finished.

489 Commissioner Silverman: There's some work on the North side of the track that's not been completed.

490 Chair Hurd: Gotcha.

491 Commissioner Williamson: Thank you. That's all I had; I think.

492 Chair Hurd: Thank you. Commissioner Silverman?

493 Commissioner Silverman: With respect to Chapter 6 and commuting, the thing that popped out at me  
494 while I was reading this, is we have a very unique commuting population that's not even mentioned in  
495 the document. And that's the number of students to use an old term, are night students, are commuter  
496 students. And if we could kind of get a handle on that it would help paint a better picture of traffic in  
497 our city and some potential transportation needs. We talk about journey to work commuting – we have  
498 a work like commute which is not related to bringing in income. It's commuting for the benefit of  
499 education. And it has its own peaks and troughs and traffic issues. I don't know how we work that  
500 notion in here.

501 Chair Hurd: That's a good point. I think another thing that's unique about the city is that we have  
502 people who work in the restaurants on Main Street who are on night shift working community as well.

503 Commissioner Silverman: And along that same idea with the part time work and this goes back to some  
504 of our parking issue, the Parking Committee. We found that that because of student hours, because of  
505 part time workers' hours, we didn't have a clean journey to work time between 7:00 to 9:00 a.m.  
506 Because of the part time work and the students working, that pattern was flattened out and there were

507 people commuting to work or journeying to work at relatively odd patterns. So, I think there's an  
508 opportunity to look at commuting from a very different perspective here in Newark that exists virtually  
509 any place else in the state particularly as it impacts a CBD in very limited streets. The University for  
510 example has tried to dampen that if I recall by offering preferred parking rates encouraging people to  
511 park remotely and the university bus system throughout the campus and into the downtown area. So  
512 that's worth a discussion. That's the end of my comments.

513 Chair Hurd: Alright, thank you. Commissioner Stine?

514 Commissioner Stine: I don't have any comments specific to Chapter 6, but I do have a question. I've  
515 noticed a number of wayfinding bike route signs popping up down by the park and into the  
516 neighborhood. Is that addressed in here?

517 Planner Fortner: That's in the Newark Bicycle Plan that is adopted as part of the Comprehensive  
518 Development Plan. But as initiative of the Bike Newark community organization in conjunction with our  
519 Public Works department and the idea is to create a network of, I think they call them low intensity  
520 roads for bicyclists; roads that there's not a lot of traffic on where bicyclists can get through the town  
521 without having to interfere with traffic.

522 Commissioner Stine: Yeah, they're excellent.

523 Planner Fortner: Yeah.

524 Commissioner Stine: Right down my street. Ok thank you.

525 Chair Hurd: Ok thank you. Commissioner Williamson? You're still muted sir.

526 Commissioner Williamson: I've got to get used to that. No comments, thank you.

527 Chair Hurd: Thank you, I had two or three. Commissioner Silverman?

528 Commissioner Silverman: I had one other comment, something that we've wrestled with the TID  
529 committee is we've gotten away from using the term "Level of Service" or ABCD and we now talk about  
530 time travelled. So not for this particular document but as this evolves into the redo, travel distance and  
531 travel time relationships may come into play more rather than just the cold "how many minutes do you  
532 wait for a traffic light cycle" as measuring some sort of capability.

533 Chair Hurd: Yeah, I think you're absolutely right level of service is possibly more appropriate for longer  
534 stretches of road where there's distance between signals and such.

535 Commissioner Silverman: Recalling the original update that we're now reviewing, there's a letter in the  
536 file someplace from DelDOT saying the level of service is not appropriate for the city of Newark because  
537 virtually every intersection is a failing intersection. It's just not a good metrics for an urban area.

538 Chair Hurd: Right, yeah. Alright thank you. So, my comments were on page 75 and then page 76. So, we  
539 had three areas for pedestrian improvements, and we had two statuses. Am I right that from that  
540 there's no status or information on the midblock crossing on Library Avenue? I believe we discussed  
541 that it was going to be an improvement as part of the TID. And maybe that could be the status; that's it's  
542 been identified somewhere?

543 Planner Fortner: Ok.

544 Chair Hurd: It just feels so lonely to not have anything, it looks like nothing's been done, no one cares  
545 about it. And then on 76 at the very top where you say "the project to connect to municipal lots through  
546 a private lot was completed this Fall" I think given the rolling nature of this document and the number of  
547 times that it's been updated we should put a date on that either fall of and then a year or a month and  
548 year. And then under Improving Wayfinding, I think one thing we can add that's happened since the  
549 plan was done was the countdown signs that were installed in the parking lots. And we won't get into  
550 how they're not useable as much anymore now that we're not paying at the gate, but they were a thing  
551 that we did. And then I believe that's all I had for transportation. Ok, we are just over halfway through  
552 our time and making good time, I think. That takes us to Chapter 7, Environmental Quality and Natural  
553 Resources.

554 Planner Fortner: Alright so this has a write up on the Newark Sustainability Plan, I wrote in the report  
555 that it talks about the Green Building workgroup. Tim Poole did write an update and I did include the  
556 revised version in the draft that you received so that is updated. And theme 4 and 3 included are action  
557 items of the Sustainability Plan.

558 Chair Hurd: Alright thank you. Commissioner Stine?

559 Commissioner Stine: I have no comments on this chapter.

560 Chair Hurd: Alright thank you. Commissioner Williamson.

561 Commissioner Williamson: Two comments: on Map 7-1, the Environmental Features, I just so happened  
562 to see that the STAR Campus is labeled as the Chrysler Industrial Park? Maybe that needs changed? And  
563 the other is just a general comment and I loathe to relate things from California sometimes to the rest of  
564 the country, but just FYI the state is moving towards requiring all new cities to require all new  
565 construction to be all electric only. Get rid of natural gas, which could have some feedback on your  
566 utility and your demand for electricity. And then another trend is to require solar panels on certain  
567 buildings or solar ready, where you have to wire for solar even though you might not put it on right  
568 away. So maybe those things would come up. Just comments, thank you.

569 Chair Hurd: Yeah, those were. Solar ready is actually a credit that you can get in our...it was in our  
570 previous code and it's in the revised energy amendments. And the electric only we talked about it some  
571 and I certainly understand that as you shift towards especially locally generated renewable energy, it  
572 comes in the form of electricity, and it makes the most sense to have your building run on electricity  
573 because then you can receive that generated energy. But I know we're not there yet and I think the  
574 state is starting to talk a little bit about it at the higher levels but we're not there yet for sure. Alright,  
575 Commissioner Silverman?

576 Commissioner Silverman: No comments on the content or the chapter, however under the heading  
577 Environmental Quality and Natural Resources, can we get a picture in this document of the new  
578 pedestrian bicycle bridge at Papermill Park? It's a nice addition to the transportation system and the  
579 parks system in Newark and included in the document.

580 Planner Fortner: It's in Chapter 8.

581 Commissioner Silverman: Ok, my fault.

582 Planner Fortner: Ok.

583 Chair Hurd: Ok and I have no comments on Chapter 7, was that it for you Commissioner Silverman?

584 Commissioner Silverman: Yes, thank you.

585 Chair Hurd: Thank you. Chapter 8: Parks, Recreation, and Open Space.

586 Planner Fortner: So here we have a write up on Hillside Park and we also have a little bit of information  
587 on the Emerson Bridge and there's an image later at the end of the chapter on the Emerson Bridge. And  
588 that's all just some minor updates.

589 Chair Hurd: Alright. Commissioner Williamson.

590 Commissioner Williamson: Thank you Chair Hurd. So, I'm new I don't know all the names of the parks  
591 but like any new resident I look for my house and see what's there. And on Map 8-2 I look at  
592 Rittenhouse Park and it's labeled 33 and, on the table, that's called Old Papermill Road. I don't think  
593 that's correct and as I kind of just superficially look at the numbers and the apparent places some of  
594 them don't seem to be correct, I just think you should double check some of your labeling there.

595 Planner Fortner: I'll have to correct that; the map doesn't relate to the tables.

596 Commissioner Williamson: Oh. Ok

597 Planner Fortner: It's just a map of the parks, showing where the parkland is.

598 Commissioner Williamson: So, I fell for that and that might confuse other people so maybe there should  
599 be a note saying that they're not related.

600 Planner Fortner: Yeah.

601 Commissioner Williamson: Thank you. And those are my only comments.

602 Chair Hurd: Or possibly Mike we could lose that first column of the numbers under the publicly owned  
603 and managed parks and just have the list, the names of the properties.

604 Planner Fortner: That might be a solution too. Or Parks could give me a better map.

605 Chair Hurd: Ok. Commissioner Silverman?

606 Commissioner Silverman: No additional comments, thank you.

607 Chair Hurd: Alright, Commissioner Stine?

608 Commissioner Stine: Nothing with regard to what's in the report but I just have to say that Hillside Park  
609 is a home run, and the City really outdid themselves with that park. It's amazing.

610 Chair Hurd: Thank you, and I have nothing on Chapter 8 either. That takes us to Chapter 9: Economic  
611 Development.

612 Planner Fortner: Chapter 9, it's mostly fairly minor updates to this. It gives some more information on  
613 basically the transition from the Downtown Newark Partnership to The Newark Partnership. A little  
614 more streamlined how that's written. We did kind of rewrite action item 4, not focused so much on the  
615 Downtown Development Districts but more so, it's still a part of it, but also, it's looking into more  
616 affordable housing. I guess also the design committee and the streetscape stuff that they did, there's a  
617 write up on this here too.

618 Chair Hurd: Right, ok. Commissioner Stine?

619 Commissioner Stine: I have no comments on this chapter.

620 Chair Hurd: Thank you, Commissioner Williamson.

621 Commissioner Williamson: My only comment is to compliment your city. The types of activities that  
622 you're doing I've seen in cities of 200-, 300-, and 400,000 people. And for a city of 30- or 20-something  
623 year-round residents you all have been very busy with that. So, congratulations. That's all thank you.

624 Chair Hurd: Thank you. Commissioner Silverman?

625 Commissioner Silverman: No additional comments.

626 Chair Hurd: Ok, and I have nothing on Chapter 9 either. Alright everyone's favorite, Chapter 10 Land  
627 Development. This is a big one, I hadn't realized how big.

628 Planner Fortner: We can scroll though this a little bit since this is one of the main ones. If Katelyn, you  
629 wouldn't mind just scrolling a little bit. Obviously, there's nothing much changed at the beginning we  
630 kind of give our principles in the definition's tables here, one of the big things that we did, and I think I  
631 wrote this down, is we took out the density like the number of units; this is a description of each one  
632 that we just added some, we added farming to residential for example because we created a farm  
633 ordinance. I would scroll down just a little more Katelyn. Ok we're in the zoning, so obviously we  
634 created a new zoning district we took out references to number of units say 16 units per acre for RM  
635 and we made things a little more general because you can have changes under site plan approval and  
636 other kinds of factors go into that so it's just more of a general description. Scroll down a little bit more  
637 Katelyn, until we get to table 3; this table right here had a lot of adjustments, we didn't have the STC or  
638 the STAR Campus zoning it had like BB in there you could have mixed use, you could have high density  
639 residential. But really the STAR Campus is STC and that's the only place that's going to have STC unless  
640 they expand the STAR Campus, and we added the new district and streamlined or simplified the way it  
641 should be so there's no more confusion. And then a table that I really liked is this Table 10-4 which  
642 shows all of the amendments we did in the past 5 years which are 13. And I think there's a perception in  
643 the community that we're always changing the Comp Plan which is not true these are just individual  
644 pieces of a parcel that needed a Comp Plan redesignation, and you also see all the designations are  
645 usually going from a low density residential to a high density residential so we're improving density and  
646 also from a non-use to a mixed use going from like BC to BB so I think all of those kind of show Planning  
647 going in the right direction.

648 Chair Hurd: Ok, thank you. We will begin with Commissioner Williamson.

649 Commissioner Williamson: Thank you. On that same table, I don't know maybe not everyone thinks that  
650 higher density is better, but if it's a policy adopted by the leadership then it is. What struck me is like  
651 you just mentioned is that almost all of these are low to high. If I were the general public I would want  
652 to know well, were any denied? How many applications were there in total and how many are being  
653 approved? That's the true measure and did you deny any or were some reduced compared to their  
654 initial application to tell a complete story. This is part of the story but not the entire story I think of your  
655 Comprehensive Plan change, Land Use designation change application history. So that's a comment.

656 And later on, I think you're probably going to get into is it this section or the annexation where you have  
657 all of these focus areas, is that the next chapter?

658 Planner Fortner: That's this chapter when we get into later on the focus areas that's in...

659 Commissioner Williamson: I'll wait on that. That's just my comment on that first part of the chapter  
660 thank you.

661 Planner Fortner: Actually, we could go to that now if you wanted to go to the focus area.

662 Commissioner Williamson: Ok.

663 Chair Hurd: So, there's two things called focus areas. There's focus areas within the various planning  
664 areas and then there are focus areas which are our annexation zones.

665 Planner Fortner: These are called planning areas.

666 Chair Hurd: Planning Areas yes.

667 Commissioner Williamson: So, I think these are the already in the city focus areas, and they're in here,  
668 they're just what I've seen in my brief time here. You know the country club, though it's only 10 years  
669 away you've got it flagged, it's not too early to start talking about it. It's better in my experience and  
670 opinion better to have a plan and work with the developer than wait for the developer's plan then try to  
671 change it. You know get your foot in early and I know you're thinking about that you've done that.  
672 Another potential I think it's folded in one of these; all of your auto dealerships just north of downtown  
673 that strip is not terribly attractive. I know you have many businesses there and they would probably  
674 disagree but perhaps there's some opportunity there to give that some kind of identity like an Auto mall  
675 with landscaping and signage and wayfinding and things like that and get them all to work together with  
676 you and let them fund it and make it kind of a regional draw for all of your auto dealerships if that's  
677 something you're interested in. And finally in your shopping centers, you've got shopping centers that  
678 are not new a lot of parking – open parking, not much landscaping. I know you can't really require any  
679 upgrades to parking lots without some permit hook that they're seeking a permit but maybe there's an  
680 opportunity there as well to kind of do an aesthetic inventory or a design charette on older parking lots  
681 where you might work in better more efficient lighting, some better stormwater retention treatment as  
682 part of the parking lot retrofit on some of these older shopping centers. So just passing around  
683 comments as I'm driving around town. Otherwise again, you guys are doing a stand-up job on focus  
684 areas and just on par with things I've seen in much bigger cities. So, compliments, and that's all I had.

685 Chair Hurd: Alright thank you. Commissioner Silverman?

686 Commissioner Silverman: I have no additional comments on this chapter.

687 Chair Hurd: Ok, Commissioner Stine?

688 Commissioner Stine: Planner Fortner's going to kill me because I know I brought this up before, but I still  
689 struggle with this university land use or parcel having institutional use but owned by that there's  
690 something there that doesn't make sense to me.

691 Planner Fortner: Katelyn, could you scroll down to that a page down?

692 Commissioner Stine: I'm sorry, page 123.

693 Planner Fortner: Yeah, a little further.

694 Chair Hurd: Thank you Commissioner Stine, I had a comment on that description too just.

695 Planner Fortner: So, you're reading from that section there, is that right Commissioner Stine?

696 Commissioner Stine: Yes, correct.

697 Planner Fortner: Ok.

698 Commissioner Stine: So, a parcel having institutional use but owned by distinguished for use. There's  
699 something.

700 Planner Fortner: You're right, I'll have to look at that wording. We wanted to make it clear for that, it  
701 needed to be owned by the university. So owned by...I'll mark that to come back to but that's the main  
702 thing it's a parcel that's institutional that's owned by the University.

703 Chair Hurd: So maybe we say "and owned by the university" instead of but might help that too.

704 Planner Fortner: Yeah, maybe that's what I meant was and. Owned by University.

705 Commissioner Stine: So, I still struggle with using this word "off campus". You know I've been here since  
706 1972 and I kind of understand what people think is off campus. But the university owns homes on my  
707 street that adjoin their English Language Institute and I feel like in the future, this zoning definition is  
708 going to come back to haunt the people of Nottingham Manor. And I just don't understand what off  
709 campus is versus what is on campus. I don't understand what the line is, what delineates on or off and  
710 I'm really concerned with development on that street because the single-family homes that abut the  
711 property for development, the university does own those, they are single family homes, but they could  
712 easily be incorporated into their property and that could be converted to or built there that would not  
713 be agreeable to the community. So how do we get rid of this off campus definition of housing and how  
714 to we distinguish between on and off?

715 Chair Hurd: So, Commissioner Stine I was actually looking at that a second time. I think you could  
716 actually strike the word "off campus" because you're defining the use of what you're saying, it's  
717 university owned but it's a residential use that's one thing. As opposed to university zoned with  
718 institutional use, which is a separate, we're looking at uses rather than location. Because there are a  
719 number of, they had a house next to the chapel on Lovett, which was kind of within the boundaries of  
720 campus, but it was a single-family home. It was not a university office or university use.

721 Commissioner Stine: Right and these homes just sit there vacant. You know they're definitely part of a  
722 bigger plan. They purchase them for a reason they purchase them, so they have contiguous parcels  
723 there. And that particular project concerns me. And I feel like there's just something about these  
724 definitions that's off with me. I don't like this "off campus" word.

725 Chair Hurd: Gotcha. Planner Fortner or Director Gray, my recollection is that if it's a single-family home  
726 and the university purchases it the zoning stays the same but if they sell it or if they remove that use  
727 does it revert to university? What's or is it university with a residential underlying it? I've never quite  
728 had that straight in my head.

729 Planner Fortner: It's convoluted. The county changes the zoning every time the university buys the  
730 thing, but we consider it in our zoning. We don't change the zoning for it. Just when they buy a single-  
731 family house to put a professor in there. It stays – we don't necessarily consider that house changing.  
732 When you look at the future land use, if you could scroll to one of the planning section A or if you're at  
733 home looking at your book. When they cluster up a lot of times in future and I think that place along  
734 Hillside, we start designating them as university when they've clustered up. But you know if they just  
735 buy a house in the Binns somewhere we don't change the zoning for that we don't change the land use  
736 designation. The university will buy houses, tear them down and maybe build classrooms there,  
737 something that's non-residential. When they do that, we will designate it I don't know what the process  
738 is, but it would become UN or University designated.

739 Commissioner Stine: Right, I would like to see us prevent them from having the ability to do that. I don't  
740 think they should be allowed to tear down a home in a residential neighborhood and build a classroom.

741 Planner Fortner: We can't absolutely prevent them from doing that.

742 Director Gray: I think it might be helpful to call on Mr. Bilodeau?

743 Chair Hurd: You're still muted Solicitor Bilodeau.

744 Solicitor Bilodeau: I can certainly look into that, but I agree that just because they own a single-family  
745 house that's adjacent to a building of theirs does not mean that a property should be zoned UN. So they  
746 would need to seek a zoning designation especially if it's a property that's not an institutional property  
747 as we know it. So, I would certainly fully support any attempt to fight the university just asserting that  
748 they automatically get a zoning change because they own residential real estate.

749 Planner Fortner: And this definition tries to distinguish that, so we say we exclude those properties,  
750 we're excluding them from the definition of a university, so we don't automatically make those  
751 university designated properties.

752 Solicitor Bilodeau: So, I would just, yeah. Eliminating off campus I think because that just gives them  
753 more wiggle room to say that this is not off campus.

754 Commissioner Stine: Correct.

755 Solicitor Bilodeau: So, I would definitely eliminate off campus.

756 Planner Fortner: I think that's a good solution, so we take off campus excluding university owned single  
757 family homes having residential uses I think that sounds good. Is that what you would like  
758 Commissioner Stine?

759 Commissioner Stine: Right yeah, I don't want them to be able to, well this is the exact scenario they've  
760 purchased now two or there maybe four houses right on Dallam right across from Hillside off of Hillside  
761 and up and they all adjoin their English Language Institute property goes from Nottingham Road back to  
762 Dallam, so they own those three or four houses there and they're just empty. They barely maintain  
763 them, but they are in Nottingham Manor, and I don't think they should be zoned University just because  
764 they're owned by the university. And I would not want to see them get any automatic designation.  
765 They could argue that it is on campus because there's the English Language Institute. Anywhere they  
766 have an institutional building they could say would be campus. And since there is no official on or off  
767 campus, I'd like to see us not use that terminology and have them fight for the designation just like  
768 Solicitor Bilodeau says, just like anyone else would have to do.

769 Chair Hurd: And Solicitor Bilodeau, oh sorry go ahead.

770 Solicitor Bilodeau: I was just going to ask do we know Allison what the addresses are of these streets?  
771 I'll check right now to see what their zoning designation is.

772 Commissioner Stine: Yeah, they're in the 100s, I'll have to look at the house numbers I'm 283 they're  
773 right down they're the first few houses on Dallam across from Hillside Park. And then between Old Oak  
774 and Hillside Road so I'll have to look at the house numbers and get them for you.

775 Solicitor Bilodeau: Ok if you could check that so we can get what the current zoning designation is. But  
776 yeah thank you.

777 Chair Hurd: In regard to that point Solicitor Bilodeau I think there's really two issues that do merit some  
778 research. One is does the university need to come to us to rezone those properties if they wanted to  
779 become UN because I'm a little concerned that if we define it by the use, if they say "I'm now using it as  
780 an office" bang it's university by our definition because the use has changed. And the other is, well I  
781 guess related to that, can they basically change its use and incorporate it because they're a state-  
782 chartered organization, do they have to come to us? Basically, where do we fit into that process of  
783 changing the zoning from RS or whatever to UN? I think we need a clearer sense of that.

784 Solicitor Bilodeau: Well, that's where we are on the short end of the stick because basically there's cases  
785 out there that say municipal zoning laws don't apply to the university. And so, we've had that problem  
786 for instance with when they were tearing down the towers, they had a nice antenna on one of them  
787 that they wanted to basically reconstruct once the towers were gone. It was an issue of well, you need  
788 to get a permit for that. No, we don't, we're the university, your laws don't apply to us. So, it's just like  
789 the age-old battle. Sometimes they play nice and say ok we know your laws don't apply to us but we're  
790 going to try and make you happy and abide by them but other times they say no we're going to do what  
791 we're going to do what we want to do. So unfortunately, the law for the most part is that our zoning  
792 laws don't apply to the university especially to the institutional uses of the university.

793 Chair Hurd: And I'm thinking. We're talking here specifically about land use not zoning so this is more  
794 about the university land use is defined as a parcel having an institutional use and owned by the  
795 university. University zoning is a separate question or type of thing. And so that may be what we need  
796 a little more clarity on is sort of what's the process of shifting a residentially zoned parcel to a university  
797 zoned parcel. And are we in that process at all.

798 Commissioner Stine: And Solicitor Bilodeau, it looks like it's 102, 146, 148 Dallam and I'm not sure of the  
799 house numbers on Hillside.

800 Solicitor Bilodeau: Ok, 102, 146, and 148 ok.

801 Chair Hurd: Commissioner Silverman you had a question or comment?

802 Commissioner Silverman: Two comments I believe that the city does not rezone any university property.  
803 I believe that the university designation was simply a default that no city zoning applied to the university  
804 and the city for consistency to fill in the blanks gave it a university designation I'm not sure on that but  
805 there's just kind of an ancestral discussion and my second comment going back into the paragraph we  
806 were working with, excluding off campus rather than singling out single family homes since we've seen  
807 the university take over apartment complexes, I'd like to see after the words "campus university  
808 properties having residential uses." To make that as broad as possible for any kind of residential use.



809 Because the university as Solicitor Bilodeau said, will be any kind of chameleon they want to be at the  
810 time, and they'll say, "well this is a multi-family property, your policy doesn't even come into account  
811 here because you specified single family". So, if we could keep that as broad as possible.

812 Chair Hurd: Right.

813 Solicitor Bilodeau: So, I guess while we're talking about it, one thing for Chris just to give you a little bit  
814 more background. So this goes back to the 1970s, you know when my hair was brown, but they, the  
815 City, had this idea they were concerned about University owned property they decide to sell it because  
816 at that point they had no zoning designation other than university so they actually all the university  
817 property back in like 1978 the city did pretty much give any that were on this list date if you will an  
818 underlying zoning designation if they ever were sold to a third party. And it never really happened much  
819 because the university never really sells property, but they did recently with the two dorms there in the  
820 Hillside area. And the one that was sold to the developer I guess the Rail Yard did have an underlying  
821 zoning designation that a lot of people weren't really happy with, but I wanted to just let you know and  
822 there's been a lot of talk doing away with this underlying zoning.

823 Commissioner Williamson: Now if I may, an argument to have an underlying zoning is if the university  
824 would be required to determine heights and best market value and it's hard to do without some zoning.  
825 It's easier to do with zoning to determine market value.

826 Chair Hurd: Ok, Commissioner Stine did you have any further comments on Chapter 10?

827 Commissioner Stine: None from me thank you.

828 Chair Hurd: Ok, I have a number because Chapter 10 is one of my favorites. Starting on page 122, and I  
829 know this is a conversation we've had before, and I wanted to bring it back up again because I think I  
830 don't know that we've really settled or found a good medium on it. And it's about the low- and high-  
831 density designations. Previously I've advocated that we don't have a designation for low or high we just  
832 say residential and let the zoning determine the density. But I can see the argument for wanting to kind  
833 of identify where it's a lower density which is more likely to be single family duplex especially as we start  
834 to talk about inclusionary zoning. And we want to sort of talk about sort of the characters of those areas  
835 as opposed to their density. Which is different from the areas that are high density they have a different  
836 character. Looking at the numbers and then looking at the next table, and I know we had removed  
837 densities from the table in the zoning districts, but I was kind of looking at the code and such. What I  
838 was seeing is that the densest single family residential which is RD can go up to 14 units per acre with  
839 site plan approval if I was reading the code right. So, it seems to me that's the cutoff for our low density  
840 feel as opposed to our high density feel, and so I kind of wanted to propose and we can obviously come  
841 back and discuss this, but that we cap low density at 14 because then that would include the RD zonings,  
842 you know the denser small units RD zoned developments that we might do under site plan approval.  
843 And then you know high density starts at 15 which is where RR and RM you know max out at 16 and 16  
844 or up with bonuses is certainly a higher density style than RA at 36. So, I kind of want to put that out  
845 there I'm not saying that we should change this right now but obviously put that out there as a  
846 discussion point the next time, we go through this and get people's thoughts and comments on that.  
847 Where's my next one. So, the focus areas on page 133 in planning section A, I guess it was more of a  
848 language comment, just in that first paragraph it says, "these focus areas are to give guidance to  
849 developers" and I think that's not the word we want to use there because we were talking about focus  
850 areas. I think that we were saying that these guidelines where there might be a better word for basically  
851 what you want to call that text section. Which I think guidelines is something we use when we're talking  
852 about giving guidance. Because it seems to me that the focus area is the boundary in the area and then  
853 the text that we're talking about is the guidelines or criteria or some other word for the uses for  
854 development plans in that focus area. Does that make sense Mike?

855 Planner Fortner: Not really, but I'll look into it.

856 Chair Hurd: Mike I guess what I'm trying to say is that we've identified 4 focus areas within Planning  
857 Section A. These focus areas are to provide guidance to developers and the general public. But I don't  
858 think that's the right; I think focus area is the space or the area, and it's really, we're saying that the text  
859 in which we describe the uses and development and patterns in the focus areas is what's giving  
860 guidance, so I think we need a better word there.

861 Planner Fortner: Ok well the text and focus areas.

862 Chair Hurd: So, whether you want to call them guidelines or...

863 Commissioner Silverman: There's guidance.

864 Chair Hurd: Well guidance is used in that sentence so that's...

865 Commissioner Silverman: I agree with you. The focus areas as we've described them, they have metes  
866 and bounds, a surveyor could lay them out.

867 Chair Hurd: Right.

868 Planner Fortner: Ok, the guidelines for each focus are to guide the developers and public and I can go  
869 and tweak that.

870 Chair Hurd: Yeah, and it's just I was reading that and we're using the same word but it's not meaning the  
871 same thing. That was generally it for the rest of it, you know the sections are very good I mean we've  
872 done the updates. I know there's a lot of work that went into getting those maps right and I appreciate  
873 that because they're tiny parcels on there. Alright.

874 Commissioner Williamson: Chairman, may I? Are we leaving this chapter or is there an opportunity for  
875 questions?

876 Chair Hurd: We can still, I was done with my comments, but we could stay here for a moment.

877 Commissioner Williamson: Well, I don't want to prevent anyone else that might have more comments.

878 Chair Hurd: No, you can come back in.

879 Commissioner Williamson: Ok thank you. Again I apologize being new, the term "future land use" as I  
880 open the book and I saw this, as a developer I would just consider the future land use my zoning  
881 because it seems on a quick look it seems this is where the city anticipates this area going, and pretty  
882 much if I come in whatever is specified in here I'm going to get a land use change and an approval and I  
883 wonder if that's sending the wrong message if it is or not I'm not sure and a question for our barrister;  
884 does this create any vesting issues? That it's in here, that it's shown, and third question for staff when  
885 you're doing some type of Comprehensive Plan consistency, or a zone change, or something do you look  
886 at current zoning and future land use and say ok it's within that discussion and therefore it's a go or is it  
887 more flexible? I'm trying to get an understanding of how certain that future land use is and what it  
888 means or if some sort of introduction should explain that? And if this is a better place for another time  
889 so that's another question and comment but perhaps it's for a different discussion at another time.

890 Planner Fortner: So, my head always swims in circles when trying to describe it, but we did try to  
891 describe at the beginning part of the chapter the future land use and zoning have to combine when you  
892 look at table 10 and 3, they have to conform so when something's given a future land use designation it  
893 has to have a zoning. If it's a high density, then it has to have an RM zoning or an RA and it has to  
894 conform otherwise we have like 180 days to change it. So, it's supposed to all conform.

895 Commissioner Williamson: Yeah, that I understand.

896 Chair Hurd: Commissioner Williamson, my understanding, and Mike you can jump in on this too, future  
897 land use is a term that the state uses in their Comprehensive Plans and it's not what you're thinking  
898 which is to say "this is how we envision the city to be changing" it's sort of saying "this is what it could  
899 become but we can't push it beyond what the current underlying zoning is. There is state code that  
900 requires the future land use map and the zoning map to conform. Not the existing zoning map but the  
901 future land use. So, we can't say "here's an area we think would be lovely as a mixed-use commercial  
902 zone" if it's already currently a high-density residential site because it won't conform, the underlying  
903 zoning does not match that land use designation. So, and that's partly why we have to keep amending  
904 the map is because someone comes along and they say, "I'm going to take this RA property or  
905 something and I'm going to turn it into BC so I'm going to shift it from residential to commercial" We  
906 have to go back to the future land use map and change its designation from residential to commercial to  
907 align with the new zoning underneath.

908 Planner Fortner: And that's why we developed the focus areas, so we could give guidance not actually  
909 (inaudible) the future land use designation.

910 Chair Hurd: The focus areas was our way to try to, without having to do a giant master plan for the city  
911 which is something that the state would allow us to do which doesn't have the same force of law  
912 requirements, you could do a master plan for an area. The focus areas was a way to say in text,  
913 therefore not a map, therefore not future land use designations but just a way to say, "here's how we  
914 kind of see this area becoming" and let you the developer figure that out. Commissioner Silverman?

915 Commissioner Silverman: For Chris's benefit, along that line Chris you may be more familiar with  
916 overlays to describe what Will is describing. We're forbidden by Delaware law to use the term overlay or  
917 create anything that looks like an overlay. So, this was our attempt to put our vision of what should be  
918 overlaid in these areas, and we called them focus areas. It was a relatively recent court case wasn't its  
919 Mr. Bilodeau?

920 Chair Hurd: Kent County I believe.

921 Solicitor Bilodeau: It was Kent County, there was like a whole series of cases where they got away with  
922 that.

923 Director Gray: (inaudible)

924 Solicitor Bilodeau: But the statute of repose basically happened and none of it made any difference  
925 because the county had published a zoning change and said that "we can't challenge it here because it  
926 had been more than 90 days since the zoning change" but you can't do this in the future.

927 Commissioner Williamson: So, I don't mean to distract and go off on a tangent, so I'll bother our  
928 planning director for maybe a little more clarification later.

929 Chair Hurd: But that does bring up a good point, for someone who has not read Comp Plan doesn't have  
930 familiarity. It may be useful to explain to the lay person reading this to explain the difference between  
931 land use and the future land use. And the limitations on that map so that you can look at it and go "why  
932 is that" and then this is why.

933 Commissioner Williamson: Is it correct to say that the zoning kind of trumps the land use designation?

934 Chair Hurd: Yes.

935 Commissioner Williamson: Ok, which is the opposite of my understanding you know.

936 Chair Hurd: And there actually was a small paragraph on land use designations, just above the table it  
937 says, "the land use definitions are intended to be general and although they parallel the zoning code  
938 wherever possible they should not be interpreted to have the rigor, inclusiveness or the legality of the  
939 zoning code."

940 Commissioner Williamson: So, your land use designation is reflecting current land use which could be  
941 legal non-conforming or non-conforming with the zoning and if someone comes in and wants to build to  
942 the current zoning you simply change the land use to reflect what they're building which is allowed by  
943 the current zoning. Is that fair? Unless they change zoning and land use at the same time.

944 Chair Hurd: So, kind of. So, if you look between existing and land, you'll see that existing land use will  
945 show things like institutional – so like schools or things – but if you look at the future land use that's  
946 flagged as residential because that's what the actual zoning of that parcel is even though its use might  
947 currently be institutional, its future land use really is in the residential realm because of the zoning.

948 Solicitor Bilodeau: And if I could add; when you say land use Chris, I guess you're talking about zoning  
949 versus the Comprehensive Plan. So generally, the hierarchy is the first thing you look at is the  
950 Comprehensive plan, and if somebody wants a change in zoning, you're not allowed a change unless it's  
951 consistent with the Comprehensive Plan. And that is kind of the first and then again what they want to  
952 do with the change of zoning is consistent with future designated uses in the Comp Plan then that  
953 generally is deemed with not contrary to the Comprehensive Plan so in that case they would most likely  
954 be granted the rezoning because of that. But you look at the Comp Plan first and any change in zoning  
955 has to be consistent with the Comprehensive Plan. And if it's not then you need to amend the  
956 Comprehensive Plan.

957 Chair Hurd: Right. And oftentimes, we amend the Comprehensive Plan because, while the map says one  
958 thing, the text in the code which is the next level may say, you know "we envision a dynamic downtown  
959 that's mixed use" and you go ok, so the intention of the code is to have more mixed use in this area so  
960 we're going to amend the code, the Comprehensive Plan, to bring it in line with the intent of the Comp  
961 Plan so it's like the map, the intention, the in-between the lines.

962 Commissioner Williamson: Yeah, I guess I'm just not used to having two land use designations. We  
963 always had just one, ok thank you.

964 Chair Hurd: At some point I expect that the IPA will rerun their classes on Comp Plans which was very  
965 useful to me when I first took it because they break down some of this fundamental sort of terms and  
966 process.

967 Commissioner Williamson: My apologies.

968 Chair Hurd: No no, this is actually valuable because we live with this thinking, so this helps us see where  
969 we have gaps. Commissioner Silverman, yes?

970 Commissioner Silverman: May I address Chris? Chris if you read through the state's land use act, you'll  
971 find that it makes a very interesting read against planning as it's known across the rest of the country.

972 Commissioner Williamson: Ok, fair enough. We are all creatures of the sea.

973 Chair Hurd: Indeed, any further comments on Chapter 10? Alright we are just 9 minutes over our hour  
974 and a half, and I will open the floor to any public comment though I think our one member of the public  
975 may have left. So, I don't see anyone on the call who's a member of the public but I'm opening it to  
976 public comment. John Kennel is a planner, correct?

977 Planner Fortner: Yep.

978 Chair Hurd: I thought he was staff. I will slowly get familiar with the names of your new people. Ms.  
979 Dinsmore was there any written comment provided to us?

980 Ms. Dinsmore: As of 10 minutes ago, no Chairman.

981 Chair Hurd: Ok. Alright I'm going to say, let me close the public comment. So, I'm going to stop us here  
982 before we get into Chapter 11 so we can get out of here in time. Cause I know Growth and Annexation is  
983 going to, wait is that all that's in there?

984 Planner Fortner: Growth and Annexation is the last chapter.

985 Chair Hurd: It is the last chapter, why don't we push through and get this thing done so Mike can go do  
986 all the revisions and not have to wait. Alright, so Chapter 11: Growth and Annexation.

987 Planner Fortner: So, the main thing we did here is we added 7 and expanded 6. If you want to scroll  
988 down Katelyn. Changes a little bit about annexation, we updated this map then we of course had these 7  
989 planning areas, just go back. There's 7 – right there – we annexed in Walton Farm and the parcels. It's  
990 going to be a small housing development. So around it in the orange, is the original expansion where we  
991 envisioned Planning Area 7 going, meaning that we envision it developing and expanding within the next  
992 10 years. And it is kind of in a landlocked area. And going back a section to 6 we did expand that area  
993 along Old Cooches Bridge Road some of those developments. We had at least two parcels annexed in  
994 the past 5 years.

995 Chair Hurd: Thank you. Commissioner Williamson, I'm not sure if you caught this but the code is such is  
996 that the city cannot annex a parcel if it's not within a defined planning area for annexation. So, we have  
997 to define the boundaries for the next four or five years basically the scope of the current plan so that if  
998 someone would apply for annexation, they would be within the boundaries of the planning area, and we  
999 could consider their application so that's the main reason that we've identified these boundaries sort of  
1000 they're not all the way out they're out sort of a couple of parcels past the boundaries for that reason.

1001 Solicitor Bilodeau: And I'll add just really quickly. One of the other reasons maybe for Planning Area 6  
1002 sure there's a lot of county properties out there that are on septic systems that are failing. And the  
1003 county's sewer is not going to get to these properties for a long time. So, a lot of these properties want  
1004 to annex into the city to get our sewer we did have a charter amendment that now allows us to serve  
1005 sewer outside of the city if the county agrees so we don't necessarily have to annex some of these  
1006 properties now. But that's one of the other reasons why in certain areas we've been annexing  
1007 properties in is because of a failing septic system.

1008 Chair Hurd: Yeah, I have an expectation with that charter change we may see a dwindling of the  
1009 annexation requests since that was the primary reason people were doing it. So, we're going to begin  
1010 comments with Commissioner Silverman.

1011 Commissioner Silverman: Other than providing some additional information to Chris, the chair spoke  
1012 about the code and the annexations having to be designated, that's state statute we're required to do  
1013 that as part of our Comp Plan. Otherwise, I have no additional comments on this particular chapter  
1014 thank you.

1015 Chair Hurd: Alright, Commissioner Stine?

1016 Commissioner Stine: Thank you. I just need somebody to refresh my memory, Planning Area 7, didn't  
1017 we receive requests from people along Star Road and didn't the Planning Commission approve one  
1018 section and then Council reduced that area?

1019 Solicitor Bilodeau: This is the city solicitor. Actually, the first go around they shot it down completely.  
1020 And then they had what we call on the playground a "do over" and they were able to let a part of the  
1021 properties in at least as a planning section. But originally what Planning Commission approved was much  
1022 larger.

1023 Commissioner Stine: And that was Planning Area 7?

1024 Chair Hurd: That was Planning Area 7 yes.

1025 Commissioner Stine: So, when I'm looking at the map there's sort of a red and sort of a yellow section.  
1026 What am I looking at? Am I looking at what was ultimately approved?

1027 Chair Hurd: So, the yellow color is what is city parcels, and the darker orange red are the additional  
1028 parcels as part of the planning area. So that would be the extension of the planning area.

1029 Commissioner Stine: What we approved or what we proposed?

1030 Chair Hurd: Proposed. So, we are proposing in this revision of the Comp Plan, those parcels to be part of  
1031 area 7.

1032 Commissioner Stine: And that was our original proposal that was not approved, correct?

1033 Commissioner Kadar: No, this is Commissioner Kadar, this is in my district. What we originally proposed  
1034 if you look at that Planning Area 7 map, Possum Park Road goes to Thompson Bridge Road. We were  
1035 proposing including areas along Thompson Bridge Road, across Paper Mill Road as part of the Planning  
1036 Area 7 and, as Mr. Bilodeau pointed out, the Council shot that down. And we came back afterwards  
1037 after we had the request from Ms. Walton at the farm and also the small subdivision to say, "well let's  
1038 plan on the future and lets include some of the adjacent areas because they are on septic systems and  
1039 might request annexation". So it was cut back to what you see here.

1040 Commissioner Stine: Ok.

1041 Chair Hurd: Well and I think technically the planning area that was approved by Council was just the  
1042 parcels that were annexed in.

1043 Commissioner Stine: That's right so that leads me to my question, would we not want to, if we're  
1044 showing more than what's approved by Council but not quite what we had originally recommended.  
1045 Should we include our entire recommended area in this Planning Area 7? This looks like more than what  
1046 Council approved to me, but less than what we asked for.

1047 Chair Hurd: It is. So, what Council approved was an amendment to the Comp Plan so that the  
1048 annexation process could move forward. So, they kept it very restricted for that purpose. And I think  
1049 their argument was that there hadn't been enough public conversation and input about this new  
1050 planning area for the city. So, this Comp plan review is that public input period for the conversation  
1051 around this planning area. And I recall that we extended it to that east side all the way up to the  
1052 parkland, so we included that other development, that sort of doughnut road. I believe we had included  
1053 all of that and said basically "take it all the way to the parkland that is out of bounds already" just take it  
1054 to the edges. Realistically again if we're using that sort of 5-year horizon, this is probably a more  
1055 realistic boundary in regard to what would be requesting annexation into the city would be properties in  
1056 this zone.

1057 Commissioner Stine: I thought we had specific requests from residents on Star Road to annex? They  
1058 were in support of that original proposed...

1059 Chair Hurd: Which one is Star Road?

1060 Commissioner Stine: Help me out Karl.

1061 Commissioner Kadar: I'm not familiar with where Star Road is, but I'm assuming you're talking about the  
1062 old Possum Park Road, which is where the development with the houses, we were going to put a  
1063 subdivision in that area which is that little beige area in between the two reds between Possum Park  
1064 and Paper Mill moving towards the Walton Farm Property; that's where that development would end up

1065 going. Ok? And while it's true we did have some residents who were keen on being annexed there were  
1066 many residents that were not keen on being annexed. And if you look at this it also includes some  
1067 commercial property that is currently in the county like the shopping center at the corner of Paper Mill  
1068 and Possum Park, the gas station that's currently being renovated, and the lower section of the red  
1069 along Paper Mill there is the Shops at Louviers. Now we say we should include them just in case, but our  
1070 belief is that the chances of having that annexed or requesting that those properties be annexed are  
1071 relatively slim. So, this is the tall (inaudible) version of what we proposed. And as Chairman Hurd  
1072 indicated, the City Council was only willing to change the areas around the new development which is  
1073 that small beige area north of Possum Park and Walton Farm which is the big beige piece across the  
1074 street. So, I think this is a realistic proposal will we ever get to include some of these county properties,  
1075 who knows. But it's nice to have them included there. And if nothing happens, we haven't lost anything,  
1076 nothing's been created that would cause any kind of issue.

1077 Chair Hurd: Right. Commissioner Silverman you had a quick comment?

1078 Commissioner Silverman: Interestingly enough, the properties Mr. Kadar just spoke about would be  
1079 necessary to implement one of the recommendations of the TID remember the TID which is devoted to  
1080 just what's in the city limits. There was discussion about the interface of the city's bicycle parkland  
1081 walkability with the state activities that's reflected in this annexation area. If these parcels were not  
1082 annexed in the city, it would be very difficult to spend TID funds to link up a pedestrian safety  
1083 improvement, bicycle crossings, and some of the trail system. So, this particular Planning Area 7 would  
1084 lend itself to implementing some of the aspects of the TID and having it paid for out of TID funds. That's  
1085 the end of my comment.

1086 Commissioner Stine: I thought maybe we would be more aspirational about it that's all.

1087 Chair Hurd: It's a delicate balance between you know drawing the line where we expect the city might  
1088 be in the future, and what's reasonable within the next few years. Also not overstepping too far  
1089 because I think Council is reluctant to show too large of a boundary. County residents around the city  
1090 seem look at that and are concerned about the city coming to get them I think is the perception. I had a  
1091 question Commissioner Stine; did you mean Stage Road perhaps?

1092 Commissioner Stine: Stage Road, yes.

1093 Chair Hurd: Ok. And that was the development that we had initially considered to have within Planning  
1094 Area 7.

1095 Commissioner Stine: I thought we had received several letters in support of annexation from residents  
1096 on Stage Road.

1097 Solicitor Bilodeau: This is the Solicitor, there were several. I'm not sure which road but there were  
1098 several even that weren't in the area but said they would love to be in the area if they could be. But one  
1099 of the other things to keep in mind I remember, this was back when Planning Commission had approved  
1100 the larger area as a possible planning area. At that point, New Castle County, some representatives  
1101 there had some sort of special meeting, I mean they were very upset that we were coming after such a  
1102 large swath of their land, and they were looking into changing the laws of annexation because they were  
1103 concerned, we were basically grabbing too much of their property. So that's another thing in the  
1104 background to keep in mind that the County is not going to take sitting down the city grabbing large  
1105 swaths of their property.

1106 Chair Hurd: Right, even though the city does not initiate annexation.

1107 Solicitor Bilodeau: Right.

1108 Planner Fortner: We've gone through the PLUS process with this, so the county is informed about this.

1109 Chair Hurd: And then there's always the constraint that the annexed property has to be contiguous to  
1110 the city's boundaries so some of those properties on Stage wouldn't fall into that criterion at the  
1111 moment. Alright did you have anything further Commissioner Stine?

1112 Commissioner Stine: Nope, that's it for me. Great work!

1113 Chair Hurd: Did I get to Commissioner Silverman on this one?

1114 Commissioner Silverman: I have no additional comments Chairman.

1115 Chair Hurd: Thank you. And lastly would be Commissioner Williamson.

1116 Commissioner Williamson: I have no comments Mr. Chairman thank you.

1117 Chair Hurd: Ok, and I also have none. And that brings us to the end, gavel that one.

1118 Planner Fortner: There's a Chapter 12 but there's no changes in 12.

1119 Chair Hurd: Yeah 12 is a very, I don't want to say boiler plate, but it's just, yeah. Ok.

1120 Planner Fortner: Thank you.

1121 Chair Hurd: Thank you everyone for your attention to that. It is a big document with a lot of stuff but it's  
1122 also a crucial document that really does try to guide us as we do our work, both staff and Commission.  
1123 Alright so that ends that item and so Planner Fortner do you have enough notes and such, I guess you  
1124 could go to the minutes, ok.

1125 **4. Informational Items**

1126 Chair Hurd: That takes us to number 4 Informational items and that takes us the Planning Director's  
1127 report. And if it wasn't clear I'm exerting the chair's prerogative to extend the meeting to 9:30.

1128 **a. Planning Director's Report**

1129 Director Gray: Apologies there's a screen (inaudible). Good evening this is Mary Ellen Gray, Planning and  
1130 Development Director. So, a couple things as I usually start off with projects that went or are going to  
1131 Council, on February 28<sup>th</sup> there was a second reading of the nuisance ordinance. Now this change did  
1132 not go to Planning Commission because it is Chapter 17 which is part of the Property Maintenance Code  
1133 and as you know Planning Commission has purview over Chapter 27 for subdivisions and Chapter 32,  
1134 Zoning, but I just wanted to let you know that it's a planning related item. The ordinance that was  
1135 adopted pertains to rental properties and if an owner gets a notice violation notice for either trash or  
1136 weeds within a rolling 12-month period, the second violation we do not have to wait the 10 days for  
1137 process to get response to that second violation. We can go right to calling one of our contractors to cut  
1138 the grass and then charge the property owner 150% of the cost and for trash it's a two-day notice. So,  
1139 given that growing season is right around the corner we wanted to get this done before the growing  
1140 season as we do have some repeat offenders.

1141 In February there was the first reading of the microbreweries and craft distilleries ordinance and the  
1142 second reading for that is March 28<sup>th</sup>. Also the reading for the George Reed Village Comprehensive Plan  
1143 Amendment, the second reading for that is also March 28<sup>th</sup>.

1144 So, the upcoming Council meeting on March 14<sup>th</sup>, the Mill which is 500-700 Creek View Road will be  
1145 heard also on that same date as the special use permit for Wooden Wheels. I'm sorry that's March 28<sup>th</sup>  
1146 that will be on the same day as it pertains to the text amendment allowing microbreweries in the BB  
1147 zoning district. We don't have any Council meetings April 4<sup>th</sup>, April 11<sup>th</sup>, and April 18<sup>th</sup> due to the  
1148 elections. And the next Council meeting is April 25<sup>th</sup>, and we don't have anything currently scheduled  
1149 for that, but we most likely will have a land use project on that.

1150 A lot of our time has been focused on working on the Charrette and announcements have gone out over  
1151 the last few days over social media. Just did a press release today. The city will hold the Charette titled  
1152 Plan our Downtown together on March 21<sup>st</sup>-25<sup>th</sup>. A charette is a multi-day meeting where stakeholders  
1153 and citizens meet to discuss and draft planning for design solutions. This charette is based on the  
1154 National Charette Institute's system and will be a collaborative design and planning workshop held over  
1155 that time. It will include all stakeholders at critical decision-making points and the product of the  
1156 charette will be accompanied by drawings and supportive documents that represent a feasible plan and  
1157 vision for downtown and associated districts. This charette is being convened in response to concerns  
1158 expressed about proposed land use projects in the downtown area and it brings up questions about  
1159 building height, density, and configurations as well as parking. So, the aim or the goal of the charette is  
1160 to develop a framework or revisions to the BB which is the Central Business District, and RA zoning  
1161 ordinances. We do have a website that's been developed which has the preliminary charette schedule  
1162 on it, FAQs and in the next few days we will be releasing an informational video on what a charette is  
1163 kind of in a Q&A. This will be virtual, we really struggled with whether to be in person or virtual. In  
1164 looking for venues it was at the height of COVID and there weren't many venues to pick from because  
1165 they all were not having meetings. So, we have settled on doing it in the Council Chambers and that will  
1166 be our base of operations if you will where AECOM and the Newark City staff charette team will work  
1167 from and it will be a virtual event. We are trying to work on accommodations for a few folks who want

1168 to or can't go virtual to be inclusive. So yeah, all day all charette, we're all very excited about this event,  
1169 and certainly work is continuing on this event.

1170 Participated in a meeting with DART involving Unicity, and I know I don't usually discuss Unicity, but  
1171 we've been working on it. So, I wanted to share some information. We looked at and Council just  
1172 approved it last night, acquiring through ARPA money cameras and GPS systems for our buses and we  
1173 also received last time 3 paratransit style buses from DART in good condition. So, we're looking to  
1174 relaunch once they are road ready, relaunch Unicity with a new look.

1175 Another item I think I might have mentioned this, we're doing preliminary planning work on the  
1176 transition over the next year and a half to EnerGov which is a data management system, and this  
1177 funding is also from the American Rescue Plan Act. It's a citywide effort, but we're being led by Planning  
1178 (inaudible).

1179 I've continued to work with our Deputy Director who started a few weeks ago and the transition and  
1180 she's almost ready to move in, it's still working on some things for that. We do have a new land use  
1181 project and I also wanted to thank Commissioner Williamson for spending some time with us this week  
1182 for orientation into the Planning Commission.

1183 So, we did get a new Land Use project in last time, 532 Old Barksdale which is right next to the city  
1184 building right behind where the Boulden properties are. So that is for a rezoning, major subdivision,  
1185 special use permit, and Comprehensive Development plan amendment to construct a 5-story apartment  
1186 building with parking on the 1<sup>st</sup> floor and 54 two-bedroom units. So, it's been distributed for review and  
1187 it's in our queue, I don't think anyone's gotten to reviewing it yet. So, projects that we have sent  
1188 Subdivision Advisory Committee letters out for are 339 East Main Street project as well as 10 & 16  
1189 Benny Street project and we have a draft in house for 30 South Chapel. So, we expect to get a response  
1190 any day now from those two applicants for 339 East Main and 10 & 16 Benny so those will be the two  
1191 most likely to come before Planning Commission. For the next Planning Commission meeting April 5<sup>th</sup>,  
1192 we will certainly be looking at Comp Plan V 2.0 on that agenda. So that concludes my remarks Chairman  
1193 Hurd thank you.

1194 Chair Hurd: Thank you, I had a brief question on the Property Maintenance Code amendment because I  
1195 heard a comment, and I wasn't sure how it got resolved. Do those amendments only apply to properties  
1196 with rental permits or do they apply to all properties in the city?

1197 Director Gray: They apply to all properties in the city.

1198 Chair Hurd: Just because we occasionally run afoul with the property maintenance people because we  
1199 have a fairly native planting system so sometimes, they get big, and we get into the sidewalk. And now  
1200 I'm concerned we might get a violation for them being in the sidewalk and if we're not careful about  
1201 keeping them trimmed back we'll end up falling into that rolling 12-month thing.

1202 Director Gray: So that's vegetation running into the sidewalk and is the purview of Public Works and I  
1203 believe they might have that ability now.

1204 Chair Hurd: Usually we get a letter, and we have a certain number of days to clear it.

1205 Director Gray: I believe they have that ability now to go to immediate remediation if (inaudible) but I'm  
1206 not sure, but anyway. Vegetation on the sidewalks is the purview of Public Works not property  
1207 maintenance.

1208 Chair Hurd: Ok, so it's property maintenance who writes the citations.

1209 Director Gray: Ok then I'm wrong, they might be citing you on the height of the vegetation then.

1210 Chair Hurd: I'll take a look at the thing just so we stay on top of it. That concludes informational items.

1211 **b. Article: Millennials will Reshape our Landscape. Here's How and Why**

1212

1213 **5. New Business**

1214 Chair Hurd: That takes us to new business which is the opportunity for any commissioners to bring forth  
1215 any topics of discussion that they want to have considered at a future meeting. So, the floor is open if  
1216 anyone has anything. I'm seeing none so we'll close that one.

1217



1218 **6. General public comment**

1219 Chair Hurd: Item 6 general public comment. If there's anyone that wishes to offer comment to the  
1220 Planning Commission about items not on the agenda, this is their opportunity. Ms. Dinsmore, do we  
1221 have any written general public comment that was submitted?

1222 Ms. Dinsmore: No Chairman Hurd we do not.

1223 Chair Hurd: Ok. I think that exhausts it; and having reached the end of our agenda the meeting is closed.

1224

1225 **The Planning Commission Adjourned at 9:30 p.m.**

1226

1227 Respectfully submitted,

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1229

1230 Karl Kadar

1231 Planning Commission Secretary

1232

1233 As transcribed by Katie Dinsmore

1234 Planning and Development Department Administrative Professional I