October 2, 2018

TO: Mayor Sierer and Members of City Council

FROM: Alan Silverman, Planning Commission Vice Chairman

RE: NEWARK PLANNING COMMISSION 2018 ANNUAL REPORT AND 2019 WORK PLAN

About the Commission

The Planning Commission makes recommendations to City Council concerning:

- Annexation
- Rezoning of Property
- Subdivision
- Development Approval
- Zoning Code and Subdivision Regulations Amendments
- Adoption and Amendment of Comprehensive Plans
- Demolition of Historic Buildings
- Municipal Capital Expenditures

The Commission also makes determinations on requests for off-street parking requirements waivers in the BB zoning district. The Commission’s advice to the City Council, except in the case of parking waivers, is always in the form of a recommendation; City Council may also hear appeals of, review, modify or deny the commission’s approval, disapproval, or approval with conditions of off-street parking waivers upon the recommendation of a member of Council, Planning and Development Director and/or the City Manager.

Membership

Six commissioners are nominated by City Council members from the districts they represent, and one at-large Commissioner is nominated by the Mayor, each for three-year terms. Nominations are subject to confirmation by majority vote of the Council.
Current Members:

Robert L. Stozek       District 1
Willard F. Hurd (Secretary)  District 2
Stacy McNatt         District 3
Jeremy M. Firestone (Chair)  District 4
Alan Silverman (Vice Chair)  District 5
Frank McIntosh       District 6
Bob Cronin           Member at Large

September 4, 2018 was Chairman Jeremy Firestone’s last meeting with the Planning Commission, as the District 4 Council member chose to nominate a new person to represent that district on the Planning Commission. The appointment of a new representative for District 4 Planning Commissioner is scheduled to be heard by City Council at a future date.

**Executive Summary**

From October 1, 2017 – September 30, 2018, the Newark Planning Commission considered the following:

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<td>Code Amendments</td>
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The Planning Commission approved the 2018 Work Plan on October 11, 2017. A Work Plan prioritization schedule was approved by the Commission on November 7, 2017 to facilitate the implementation of the projects articulated in the Work Plan, subject to the availability of time and resources. The 2018 Work Plan and prioritization schedule were forwarded to Council for their information on November 27, 2017. Due to the increased volume of land-use development projects received in 2018, the Commission discussed reprioritization of the 2018 Work Plan schedule at their meeting on April 3, 2018.

Having spent considerable time developing Rules of Procedure during the previous Work Plan period, the Planning Commission adopted Rules of Procedure on October 11, 2017, which were forwarded to City Council on October 23, 2017.

A joint City Council and Planning Commission meeting was held on February 27, 2018 to discuss
the Comprehensive Development Plan, current development patterns in the City of Newark, and future land use in the City of Newark. The meeting was held in a workshop format and was for discussion purposes only.

Finally, during this period, members of the Planning Commission participated in some informational and training sessions. On December 5, 2017, the Commission heard a presentation by Public Works staff regarding the Rodney Stormwater Project, participated in a July 17, 2018 joint training session with City Council, facilitated by Max Walton, regarding land-use development issues, took part in a DelDOT information session with a DelDOT representative on May 1, 2018, and participated in a discussion of Downtown Newark Partnership (DNP) Design Committee Guidelines with a representative of the DNP Design Committee. Additionally, Commissioners Bob Cronin and Will Hurd attended the Delaware State Housing Authority’s Governor’s Conference on Housing on September 6, 2018.

**Planning Commission Activities 10/1/17 – 9/30/18**

A detailed description of the Commission’s actions may be found below:

**Development Approvals**

*On October 11, 2017, the Commission reviewed a Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval for 36 Benny Street. The plan proposed the demolition of the existing buildings at the site and construction of a seven-unit garden apartment. The Commission recommended approval of the Comp Plan amendment, rezoning, and major subdivision with site plan approval 3-2. City Council subsequently approved the project at its December 22, 2017 meeting.*

*No land use applications were considered in November.*

*No land use applications were considered in December.*

*No land use applications were considered in January.*

*On February 6, 2018, the Commission reviewed a Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval plan for 24 and 30 Benny Street and 155 South Chapel Street. The plan proposed the rezoning of the Benny Street properties from RD to RM, combining three parcels into one parcel, demolition of the existing buildings at the site, and construction of 11 townhome style apartments on the combined parcel. The Commission recommended approval of the Comp Plan amendment, rezoning, and major subdivision with site plan approval 3-2. City Council subsequently approved the project at its December 22, 2017 meeting.*

*No land use applications were considered in November.*

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*On February 6, 2018, the Commission reviewed a Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval plan for 24 and 30 Benny Street and 155 South Chapel Street. The plan proposed the rezoning of the Benny Street properties from RD to RM, combining three parcels into one parcel, demolition of the existing buildings at the site, and construction of 11 townhome style apartments on the combined parcel. The Planning Commission recommended approval of the Comp Plan amendment (5-2) and rezoning (7-0). Consideration of the major subdivision with site plan approval plan was tabled until a future meeting to allow the applicant to provide additional documentation on concerns raised during the February 6 meeting.*
Also at the February 6, 2018 meeting, the Planning Commission reviewed a Comprehensive Development Plan amendment, rezoning, major subdivision, special use permit, and parking waiver for the property at 275 South Main Street (Park N Shop). The plan proposed a rezoning of the northern 1.09+/- acre portion of the property from BC to BB, demolition of the vacant building on the north end of the site, and construction of a 3-story mixed use building with retail space on the first floor and 12 apartment units on the floors above. A Comp Plan amendment was required to revise the land use guidelines for the new BB-zoned parcel from “commercial” to mixed urban,” a special use permit was required for construction of apartments in the BB zoning district, and a 27-space parking waiver was required to accommodate the proposed development. The Commission recommended approval of the Comp Plan amendment (7-0), rezoning (7-0), major subdivision (7-0), special use permit (7-0), and parking waiver (6-1). At its meeting on March 26, 2018, City Council passed a motion to postpone a vote indefinitely on the Comprehensive Development Plan amendment, rezoning, major subdivision, special use permit, and parking waiver for 275 South Main Street (Park N Shop). On July 9, 2018, Council again considered the project and unanimously approved the Comprehensive Development Plan amendment, rezoning, major subdivision, and special use permit.

On March 6, 2018, the Planning Commission reviewed the major subdivision with site plan approval plan for 24 and 30 Benny Street and 155 South Chapel Street. A recommendation to City Council regarding the Comprehensive Development Plan amendment and rezoning for this project was made at the February 6, 2018 Planning Commission meeting. Upon review of the additional documentation provided by the applicant, the Commission recommended approval of the major subdivision with site plan approval plan (6-0). At their meeting on April 23, 2018, City Council approved the Comprehensive Development Plan amendment, rezoning, and major subdivision with site plan approval.

On April 3, 2018, the Commission reviewed an annexation and rezoning plan for 3 Bridlebrook Lane and 5 Bridlebrook Lane. The applicants requested annexation to make sanitary sewer service available to the existing single-family home on each parcel. The Commission recommended approval of the rezoning (7-0) and annexation with conditions (7-0). The City Council meeting for this land use proposal has been postponed at the request of the applicant and will be scheduled for Council review at a future date.

Also on April 3, the Planning Commission reviewed a minor subdivision for the property at 0 and 1365 Marrows Road, in Section 1 of the College Square Shopping Center. The plan proposed combining the two parcels and construction of a 2,500 square foot commercial structure to be used as a rental car business. The Commission recommended approval of the minor subdivision (7-0), which was subsequently approved by City Council at their May 29, 2018 meeting.

No land use applications were considered in May.

On June 5, 2018, the Commission reviewed a special use permit for a telecommunications facility at 304 Research Boulevard on the University of Delaware STAR Campus. The plan proposed the collocation of telecommunications antennas on an existing water tank at the site and an
equipment compound at the base of the tank, enclosed by a 10’ high security fence and landscaping. The Commission recommended approval of the special use permit (5-0). City Council subsequently approved the special use permit at their meeting on July 9, 2018.

On July 3, 2018, the Planning Commission considered a special use permit application for a temporary telecommunications facility at 304 Research Boulevard. The plan proposed a single trailer with a boom that would be raised to hold three panel antennas and one dish antenna, surrounded by a fence, as a temporary measure until permanent antennas are collocated on the existing water tank at the site. The Commission recommended approval of the special use permit (6-0). At their meeting on August 13, 2018, City Council approved the special use permit.

On September 4, 2018, the Commission reviewed an annexation, rezoning, and major subdivision with site plan approval for the property at 0 Paper Mill Road. The plan proposed rezoning to RS (single-family detached residential) with the creation of 18 new lots for construction of single-family homes. The Planning Commission recommended approval of the rezoning (5-1) and major subdivision with site plan approval (5-1). The land use project will be scheduled for Council consideration in the near future.

Code Amendments

On October 11, 2017, the Planning Commission reviewed proposed amendments to the Zoning Code as they relate to Regulations for Wireless Facilities in the Right of Way and Outside the Right of Way. The Commission determined additional changes were needed and referred the proposed amendments back to staff for further work.

On November 7, 2017, the Commission continued its review of proposed amendments to the Zoning Code as they relate to Wireless Facilities. The Commission suggested additional changes and requested that the proposed amendments be returned to them in December for further review.

On December 5, 2017, the Planning Commission reviewed updated proposed amendments to the Zoning Code as they relate to Wireless Facilities. The Commission determined additional changes were required and referred the proposed amendments back to staff, to be brought back before the Commission at their January 2, 2018 meeting.

On January 2, 2018, the Planning Commission reviewed proposed amendments to the Zoning Code as they relate to Regulations for Wireless Facilities in the Right of Way and Outside the Right of Way. The Commission determined additional changes were needed and referred the proposed amendments back to staff for further work, to be brought back before the Commission at their February 6, 2018 meeting.

On February 6, 2018, the Commission reviewed the final version of proposed amendments to the Zoning Code as they relate to Wireless Facilities. The Commission recommended approval of amendments to the Zoning Code relating to Regulations for Wireless Facilities in the Right of Way.
and Outside the Right of Way. On March 26, 2018, City Council subsequently voted to lift the sunset provision adopted for the wireless ordinance on June 12, 2017 and extended on September 25, 2017, making permanent the amendments adopted on June 12, 2017.

On March 6, 2018, the Planning Commission reviewed proposed amendments to Subdivision Regulations requiring the submission of floor plans during the subdivision process for hotels, motels, and multi-family structures. The Commission recommended (5-1) that City Council not amend Chapter 27 Subdivisions to require the submission of floor plans during the subdivision process for hotels, motels, and multi-family structures.

Also on March 6, the Commission reviewed amendments to the Zoning Code to allow administrative approval of minor structures and grading in the Special Flood Hazard Area without a special use permit. The Commission recommended approval of the amendments (6-0), with minor revisions as discussed at the March 6 meeting. Prior to being forwarded to Council, staff recommended an additional amendment to the Zoning Code related to administrative approval of minor structures in the Special Flood Hazard Area, which was considered by the Planning Commission on June 5, 2018 (see below).

No amendments to the zoning code were considered in April, however the Planning Commission discussed the possibility of scheduling a special meeting regarding recommendations from the Rental Housing Needs Assessment Study. The special meeting was held on May 15, 2018 (see below).

On May 1, 2018, the Commission considered an amendment to the Comprehensive Development Plan’s Amended Growth and Annexation Map and Planning Area Map. The amendment was required to incorporate the parcels for 3 Bridlebrook Lane and 5 Bridlebrook Lane, recommended for annexation and rezoning by the Commission on April 3, 2018, into the maps. The Commission recommended approval of the amendment (7-0). The City Council meeting is scheduled for July 9, 2018. The City Council meeting for this Code amendment has been postponed and will be scheduled for Council review at a future date.

Also on May 1, the Planning Commission considered amendments to Chapter 32 zoning to modify regulations for sidewalk cafes, patios, decks, balconies, and parklets in the downtown district to allow for larger outdoor space. The Commission determined additional changes were needed and referred the proposed amendments back to staff. The revised amendments were considered by the Commission at their June 5, 2018 meeting (see below).

The Planning Commission held a special meeting on May 15, 2018 to discuss recommendations of a Rental Housing Needs Assessment Study to amend the Zoning Code to add nine streets to the list of exempt streets under the definition of Student Home under Section 32-4(a)(123.1) and to allow single-family rental units on all streets or subdivisions listed as exempt under Section 32-4(a)(123.1) to be occupied by up to four unrelated tenants. The Planning and Development Department did extensive notifications to area residents and the meeting had a nearly full room. After listening to the staff presentation and public comment, the Planning Commission
determined that the ordinance changes did not adequately address the student housing challenges and vote to not move the proposed ordinances forward, with the recommendation to work with City Council on the formation of a subcommittee to examine the topic of rental housing in a larger context. At their meeting on July 3, 2018, the Commission further discussed the topic and voted to recommend to City Council that they consider the formation of a subcommittee to examine the topic of rental housing in a larger context. This recommendation was brought to Council on July 23, 2018. Council directed Planning Staff to put together a framework that articulated the goals and topics to be considered by this Subcommittee. The request was rescheduled for Council consideration on September 24, 2018, but not discussed due to time constraints. The item will be rescheduled for an upcoming Council agenda.

On June 5, 2018 meeting, the Commission reviewed updated amendments to the Zoning Code specific to sidewalk cafes, patios, decks, balconies, and parklets in the downtown district. The Commission recommended approval of the amendments (5-0). The proposed ordinance was considered by City Council at their September 24, 2018 meeting, at which time they recommended changes to the ordinance and voted it down. Staff will make the recommended changes and return to Council at a later date.

Also on June 5, 2018, the Planning Commission considered an additional amendment related to administrative approval of small structures along the floodway fringe, previously recommended for approval by the Commission at their March 6, 2018. Prior to the original amendments being presented to Council, staff recommended a further amendment to place the definitions of Floodway Fringe and Grading in Chapter 14A. Therefore, at its meeting on June 5, 2018, the Commission recommended approval (5-0) of an amendment to the Zoning Code to add two definitions to Chapter 14A – Floodplains. The amendments related to administrative approval of small structures along the floodway fringe were approved by City Council at their meeting on July 23, 2018.

At their meeting on June 5, 2018, the Commission had an initial discussion regarding potential updates to LEED certification standards. Commission directed staff to continue research on the topic, to include a comparison of the 2018 standards to 2009 standards, and recommendations on LEED items that should be removed from the list and other that should be added and/or emphasized.

On July 3, 2018, the Planning Commission continued their discussion of potential updates to LEED certification standards, directing staff to continue their research and to bring the topic back in front of the Commission at a future meeting.

On August 7, 2018, the Commission furthered their discussion of LEED certification standards and voted to recommend the establishment of a work group to review and discuss LEED certification standards to identify and recommend revisions to the LEED ordinance, with the conditions that the work group meet monthly for no longer than six months, report to the Planning Commission, and consist of representatives from the Planning Commission, Conservation Advisory Committee, Downtown Newark Design Committee, Planning and Development Department and Code
Enforcement Division, and citizens with an interest or expertise in green building and/or LEED. Commissioner Will Hurd was named Chair of this Committee and is currently undertaking ascertaining members for this Committee. Meetings will commence once a full complement of members are identified.

2017 - 2021 Capital Improvement Program

On October 11, 2017, the Planning Commission reviewed and considered the 2018-2022 Capital Improvement Program (CIP). The Commission forwarded the CIP to City Council with a favorable recommendation, and Council subsequently approved the CIP on December 4, 2017.

Parking Subcommittee

The Planning Commission heard updates from the Planning Commission Parking Subcommittee on October 11, 2017, November 7, 2017, December 5, 2017, March 6, 2018, and April 3, 2018. On May 1, 2018, the Subcommittee presented their recommendations to the Planning Commission in the form of a strategic work plan report. The Commission postponed their recommendation until after an informational workshop was held on May 7, 2018. On June 5, 2018, the Planning Commission recommended approval of the Parking Requirements Subcommittee report. City Council subsequently approved the report at their meeting on June 25, 2018, directing Planning Department staff to prepare an implementation work plan. Any zoning or other regulatory changes proposed will be reviewed through a public hearing process by the Planning Commission for their recommendation and forwarded to City Council for final consideration.

Rezonings and Comprehensive Development Plan Amendments

During this time period, the Planning Commission began a review of rezonings and Comprehensive Development Plan amendments as described in 2018 Work Plan Item 8. Six focus areas were identified based on the number of rezonings and Comprehensive Development Plan amendments in those areas. The initial discussion of the focus areas occurred at the Planning Commission meeting on April 3, 2018. Subsequent discussions occurred on June 5, 2018 (Focus Area 5 – South Chapel Street), August 7, 2018 (Focus Area 5 – South Chapel Street, Focus Area 2 – Cleveland Avenue, Focus Area 3 – New Center Village, and Focus Area 1 – New London Road), and September 4, 2018 (Focus Area 5 – South Chapel Street). A continuation of this effort will be part of the coming year’s work plan.

On August 7, 2018, as a follow-up discussion to the Focus Area deliberations, the Commission discussed the potential creation of a new multi-family zoning district to promote mixed, higher density, predominantly multi-family residential uses to encourage the redevelopment of existing neighborhoods currently containing predominantly single-family rental properties on lots of varying size. The Commission will discuss this effort further in the approaching period.

Rental Housing Needs Assessment
In addition to the above, the Planning Commission, having reviewed the findings of Phase II of the Rental Housing Needs Assessment (RHNA) study during the previous Work Plan period, continued to work with Planning and Development staff with a focus on making recommendations to City Council regarding rental needs in the City of Newark, discussing the topic at their meetings on November 7, 2017, December 5, 2017, and April 3, 2018. A special Planning Commission meeting was held on May 15, 2018 for the review and consideration of amendments to the Zoning Code as recommended by the RHNA study. Additional information regarding the special meeting is listed below under Code Amendments. At their meeting on July 3, 2018, the Commission voted to recommend to City Council that they consider the formation of a subcommittee to examine the topic of rental housing in a larger context. This recommendation was brought to Council on July 23, 2018. Council directed Planning Staff to put together a framework that articulated the goals and topics to be considered by this Subcommittee. The request was rescheduled for Council consideration on September 24, 2018, but not discussed due to time constraints. The item will be rescheduled for an upcoming Council agenda.

Geographic Information System (GIS)

On November 7, 2017, the Planning Commission had a discussion regarding City of Newark GIS capabilities and Planning Commission GIS needs with a representative of the City’s IT Department. Planning Staff is working with GIS and other appropriate staff to map permit, land use and violation data in a parcel-based format that can be accessed by the public and staff alike.

Transportation Improvement District (TID) Process

On July 3, 2018, the Planning Commission discussed the status and next steps in the formation of a Transportation Improvement District, as described in Work Plan Item 5. At that meeting, the Commission voted to recommend that City Council establish a TID Review Committee to provide feedback and guidance to the Newark TID development process, as required by DelDOT as part of the TID process. At their meeting on July 23, 2018, City Council requested that Planning staff return to Council at a future date with additional information before proceeding with the establishment of a review committee. The request was rescheduled for Council consideration on September 24, 2018, but not discussed due to time constraints. The item will be rescheduled for an upcoming Council agenda.
2019 Planning Commission Work Plan

The Commission looks forward to working with Planning Staff on the following during the next reporting period given available time and resources:

1. Continue the review and consideration of land development projects according to the Planning Commission Submission Deadline schedule to make recommendations to Council. A copy of the schedule is attached.

2. Review and make recommendations on Code revisions related to the Parking Strategy that was approved by City Council on June 25, 2018. [https://newarkde.gov/1022/Parking-Requirements-Subcommittee](https://newarkde.gov/1022/Parking-Requirements-Subcommittee)

3. Consider amendments to the Comprehensive Development Plan V and zoning changes to facilitate redevelopment in certain areas of the City for student housing. The map of these areas is attached.

4. Review and make recommendations on proposed organizational changes to Chapter 32 Zoning (consultant).

5. Review and make recommendations on proposed revisions to the LEED ordinance based on recommendations from the LEED subcommittee.

6. Make recommendations as applicable on efforts described in the 2019 Planning and Development Land Use Staff Work Plan (attached).

7. Continue quarterly reporting on Work Plan.

8. Participate in training sessions as applicable and available.

The following items will be considered only if the land use plans that are currently in-house for review do not move forward for whatever reason or if additional resources are afforded to the Planning Department:

9. Consider amendments to the Zoning and Subdivision Code regulations as they pertain to development plan submittal requirements. Consider other Code amendments to these chapters as necessary. Code amendments to consider include:

   • Develop ordinance to limit the number of cars allowed per household in residentially zoned areas.
   • Review Solar panel use and property rights.
• Revise Chapter 32 Zoning, Section 32-51 Nonconforming uses, structures and buildings.
• Revise Chapter 27 Subdivisions to require the summary of adjacent property owners within 200 feet shown on the record plan submittal be made part of another written agreement or the Staff Report so it doesn’t take up area on the plan.

10. Research and make policy recommendations on the differences between the City Code and New Castle County Code regarding annexations and why development want to annex into the City. This effort should include looking at the resource protections in City Code.

11. Research and make policy recommendations on a developers role in stormwater capacity downstream of a development.
Planning and Development Land Use Staff Planning Work Plan

During 2018, the Planning and Development Department has several areas of responsibility as defined by Code or determined City management and City Council. In the area of Planning and Land Use, staff is responsible for the following planning related activities and will endeavor to work on the following as available time and resources allow. The City Code mandated activity will take priority.

Land Use and Land Development Activities

- Implementation and maintenance of Comprehensive Development Plan V.
- Interaction with the development community and city residents in dealing with zoning and land development codes.
- Process Code-mandated responsibilities:
  - Annexations
  - Rezonings
  - Comprehensive Plan Amendments
  - Major Subdivisions
  - Minor Subdivisions
  - Site Plan Approval Plans
  - Special Use Permits
  - Parking Waivers
  - Requests for Extensions
  - Code Amendments
- Subdivision Advisory Committee (SAC) administration.

Planning Related City Council Originated Programs

- Continue to work with the Steering Committee, the consultant AECOM, and the citizens of Newark on the development of the Sustainable Newark grant project.
- Develop the work plan and narrative for the Parking Strategy and begin its implementation.
- Work with WILMAPCO on the Newark Area Transit Study Project.
- Provide staff support and guidance to the Transportation Improvement District Subcommittee for the City of Newark.
- Provide staff support and other assistance as appropriate to the Rental Subcommittee to examine the issue of rental housing in the larger context of the growth of the University of Delaware and its impact on the City.
- Provide staff support and guidance to the LEED Subcommittee which is seeking to revise the LEED provisions in the Code.
- Continue to implement the Community Development Block Grant Program.

City Public Interface and Inter-Department Coordination
• Continue to work with the GIS program and related GIS staff to portray land use development information in a parcel-based format.
• Continue to work with the IT staff to improve the Development Plan Proposals website that posts all proposed land use developments and related Subdivision Advisory Committee comment letters. [https://newarkde.gov/1035/Development-Plan-Proposals](https://newarkde.gov/1035/Development-Plan-Proposals)
• Continue to implement the Unicity program.
• Sponsor Commission and City Council planning public workshops, walk-in public comment programs and listening sessions.

Planning Commission Support

• Preparation of support material, background reports and information packets
• Public notification and posting requirements
• Administrative and secretarial support (Code-required)
• Transcription services
• Applicant interface
• Commission requests for data and information

Continue to provide exemplary assistance to other City departments, Planning Commission and City Council.
### PLANNING COMMISSION SUBMISSION DEADLINES

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<th>PLANNING COMMISSION MEETING DATE</th>
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*For projects to be considered for the Planning Commission meeting schedule above, submittals must include, at the time of submittal, ALL required documents, ALL supporting materials, including a plan in digital format and ALL Application and Review Fees payable to the City of Newark, and the information required in the Subdivision and Development Regulations Appendices. In addition, the required Stormwater Assessment Study (SAS) must have been submitted to Public Works and Water Resources (PWWR) and a project application meeting scheduled prior to submission. Contact PWWR at 302-366-7000 for more information on SAS requirements. Projects may not be considered, as scheduled, if required State review is not completed prior to the Planning Commission meeting.

FOR INFORMATION AND APPLICATION MATERIALS, PLEASE CONTACT THE PLANNING AND DEVELOPMENT DEPARTMENT IN THE MUNICIPAL BUILDING, 220 SOUTH MAIN STREET, NEWARK, DELAWARE 19711, OR CALL 366-7000.
Comprehensive Development Plan Amendments
Focus Areas

Focus Area #1
New London Road

Focus Area #2
Cleveland Ave

Focus Area #3
New Center Village

Focus Area #5
South Chapel Street

Defined Focus Areas by the Newark Planning Commission