

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES
October 5, 2015**

Those present at 6:30 p.m.:

Presiding: Mayor Polly Sierer
District 1, Mark Morehead
District 2, Todd Ruckle
District 3, Rob Gifford
District 4, Margrit Hadden
District 5, Luke Chapman
District 6, A. Stuart Markham

Staff Members: City Manager Carol Houck
City Secretary Renee Bensley
Community Affairs Officer Ricky Nietubicz
Deputy City Manager Andrew Haines
Planning & Development Director Maureen Feeney Roser
Planning & Development Manager Michael Fortner

1. The Council meeting on the Comprehensive Plan began at 6:30 p.m. in the Council chamber.

2. Ms. Sierer welcomed everybody to the Comprehensive Development Plan meeting. Tonight the plan was to complete a final review of each chapter based upon recommended changes to staff by Council at previous Comprehensive Development Plan workshops. Upon completion of Chapter 12, the last chapter, it was staff's recommendation for Council to consider sending the document to the Planning Commission for review. Numerous changes were made during the past several months and it was therefore paramount that they review the plan.

Mr. Fortner added that the Planning Commission would hold a workshop, and then a public hearing and then forward any amendments back to Council for further consideration.

Mr. Fortner implemented a different system to track changes. Each of the chapters was on PDF and any comments made would be marked by Ms. Feeney Roser with the equivalent of a post-it note. That would be given back to Council and used to make the final revision before being passed back to Planning Commission.

On a further note, the document would also be sent back to an editor for proofreading.

Mr. Fortner asked Council to focus as much as possible on the bigger items. Mr. Morehead asked how to address the small issues to be corrected. Mr. Fortner asked Council to point those out to him by email and to copy other Council members.

PREFACE

Mr. Morehead requested the following changes:

- Page i – Check fifth update reference.
- Page i, iii – Add environmental to be consistent.
- Make sure revision dates were included.

CHAPTER 1

Mr. Morehead asked if the special flood hazard area was a zoning district. Mr. Fortner said it was treated like a zoning classification and there were properties in the City zoned OFD.

CHAPTER 2

Mr. Morehead requested the following changes:

- Page 14-15, “College Towns Have Highly Educated Residents” – check that the statistics regarding residents with graduate or professional degrees match in both the written summary on page 14 and Chart 2-2 on page 15.
- Page 20, last paragraph – reword the sentence regarding the market for local businesses and employment for Newarkers as it was the University, not students, faculty and staff, providing employment.
- Page 21, Racial Composition – please ensure that numbers mentioned in the commentary were included in Table 2-7 or change the sentence to match the table. The next sentence, “Between 1950 and 2010, all racial groups consistently increased each decade” should refer to the population count, not the percentages listed in the chart as percentages could not all increase at the same time.
- Page 22, Growth Estimates for the Future – Consider including that the City was going to keep in touch with UD about their plans, as the biggest driver was UD’s enrollment changes, so the City would know how to plan.
- Table 2-8 Population Growth – Identify the time period of the 30-year total population increase referenced.

CHAPTER 3

Mr. Morehead noted that the chapter started with the City’s vision. He thought the vision would relate back to the preface where the City’s priorities, aspirations, goals, policies and so forth were referenced. However, the City’s guidelines for the Comprehensive Plan were based on the physical, social, economic and environmental goals, so he thought the City would work that back in there somehow that the vision was going to be relative to those to wrap the whole thing together.

Mr. Morehead felt that the last sentence in the first paragraph, “It guides public investment and private development decisions and describes the community’s goals for its natural areas, recreation, industry and neighborhoods,” should describe more things. He asked Council what else should be included in that sentence to help maintain the flow of the document so the vision related to the overall theme and was coherent and consistent. Discussion ensued amongst Council with the final determination that the list should be more expansive (including businesses, walkability, bikeability, etc.) or the sentence should end after the word “goals”. Ms. Sierer offered that the Preface outlined that “Planning is an opportunity to take a broad look at issues including housing, economic development, transportation, public infrastructure and environmental quality.” She asked if those words would encompass our goals in addition to the ones we added. Mr. Morehead agreed that made more sense and provided consistency as well.

Mr. Gifford noted there was a lot of discussion about the different strategic issues over the months leading up to this. It looked like the strategic issues changed from more action oriented to more subjects or issues to be concerned about. Almost all of them were reformatted and he requested an update on how we got there and the thought process behind that. He liked them better. Mr. Fortner noted that he heard these concerns and had conversations with Ms. Huntley who worked so much with him on this that he put her name in the credits. He did not like some of the earlier draft phrasings and tried to find a way to get to the action oriented point, and he felt Council was leaning toward that. Mr. Gifford thanked him for the additional improvements as he thought it flowed better with the description of the element, strategy goal and action item in the individual chapters, making them easier to follow. He encouraged council to really look at these updates.

Mr. Morehead noted the visioning process began with a SWOT analysis on page 25 and asked who did that. Mr. Fortner replied that he did. Mr. Morehead referred to page 26, UD student behavior problems and said that blanketed all students, which was not the case, and asked it be reworded. Ms. Houck suggested the wording, UD student *negative* behavior problems.

Mr. Markham noted the comment regarding “poor schools” and assumed the reference was to say poor traditional K through 12 schools. It was agreed to reword this to “some poor performing”.

Mr. Fortner explained the 2009 Newark resident survey posed a series of questions related to SWOT analysis, specifically what residents liked and did not like about Newark. Then from the SWOT analysis a series of open house workshops were done and the data was developed. Through this report he developed a summary of the major data found in each of these categories. Mr. Morehead suggested on page 25 where it says, "The following major elements were common responses (in order of frequency):" to include a summary of where the responses came from.

Mr. Morehead requested the following additional changes:

- Page 27, Sustainable Community – he thought an important part of being a sustainable community was economic sustainability and minimizing the tax burden to residents. Mr. Markham noted it was more than just a tax base, it was being good stewards of the residents' money. A lengthy discussion ensued and Mr. Morehead concluded that he wanted the concept to be included and the wording could be done offline.
- Page 28, Strategic Issues, Public Utilities and Infrastructure – Ensure the wording encompassed all forms of infrastructure funding, not just stormwater.
- Page 28, Housing and Community Development – Substitute “recognizing” for “protecting” when referring to the rights of tenants and landlords in response to discussion regarding his concerns about the responsibilities of landlords under State and City Code.

CHAPTER 4 – No Council comments.

CHAPTER 5

Ms. Sierer requested the following changes:

- Page 39, Inclusive Community – Change the wording to "Encourage policies that support a varied supply of housing...". Change the wording in last line to "for more affordable housing."
- Page 50, Public and Subsidized Housing, third paragraph, second sentence – Remove "decent and safe rental housing" and leave it as "provides rental housing for eligible families making less than 80% of the area median income..."
- Page 52 – Remove Emmaus House and Homeward Bound references due to change in ownership and status.

Mr. Gifford requested the following changes:

- Page 58, Goal 3 – Change “Encourage housing built and retrofitted to high-energy, efficient, and environmental standards.” to "Encourage housing built and renovated to highly energy efficient environmental standards." Change "...the City's new housing stock be constructed to a high standard of environmental practice..." to "the City's new housing stock be constructed to a high standard to reduce environmental impact..."

CHAPTER 6

Mr. Gifford requested the following change:

- Page 64, Bicycling in Newark – Change 4.4% reference to 2.10% in summary to match Table 6-1 on page 59.

Referencing Page 66-68, Parking, Mr. Gifford recommended replacing the entire parking section and would include all the studies (including the most recent) which he thought would add a bit to the discussion and added a statement at the end that as a result of the new sensors, the City now had the ability to understand the parking inventory and not rely on consultants. Specifically, it would be along the same lines as concerns he had with recommending capital projects through the Comprehensive Plan. Instead, he wanted to talk about how the City would approach land use. If the capital projects come along that support that vision, then that was fine. A lot of the text was similar because it still included the 2011 Newark Transportation Plan items which then followed into the goals and strategies. Ms. Sierer said staff should be given appropriate time to review it as well as Council. Mr. Gifford had real concerns that the last part of the parking section was very clear that the City was working towards a parking garage. He did not know if

that should be included in the Comprehensive Plan – it was really about understanding the City's parking and then figuring out what the right project was to deal with the parking.

Mr. Ruckle relayed complaints from constituents both in his district and in other areas of the City about downtown parking and said they wanted a parking garage built by a private entity and not paid for by the City. He believed a parking garage with an over-abundance of parking should be part of the vision for the Comprehensive Plan.

Mr. Gifford understood the need for increased parking. He felt the solution was not necessarily a specific item in a specific lot and said the City's vision could be to increase the supply of parking. He wanted to leave it open so the parking could be managed the way that made the most sense while keeping as much leeway as possible.

Mr. Morehead heard that Mr. Gifford was worried about a specific solution while Mr. Ruckle was talking about an overall goal. Mr. Morehead said there was an over-supply throughout the day until noon and then until dinner and in the summer the City had an oversupply. He heard Mr. Gifford say there may be more flexible solutions if everyone put their heads together. He thought both were right. Rather than focusing on one solution, the goal should be an abundance in the minds of customers. He agreed the City should not pin itself down to one specific solution, one lot, and so forth. That would limit creativity.

Mr. Markham pointed out that previous councils and comprehensive plans called for a parking garage on Lot #1. Mr. Gifford noted it was mentioned in there that it was recommended in the 2011 plan, both in what exists in the document in front of Council and the suggestions that he put in front of Council. His suggestions were more complete in adding the most recent study as well. It was mentioned, but he said this was a vision, the vision was a better parking experience. The City could have capital plans that actually construct something and then in the background and the history it showed these things were considered.

Mr. Markham's concern was, if the City did not include it and the City decided to do it, then somebody would say, "You didn't say you were going to do this." He did not want to force the City to have to do it but also did not want to exclude it. Mr. Gifford thought it seemed a little too direct because with things like utilities, the City did not say, "We are going to build this exact thing necessarily." Mr. Markham said the direction of Council to work toward a parking garage predated his time on Council. There were a couple of different opportunities that were very expensive. If the City looked at what Council was looking at today, they were turned down. It was not like a new concept to the City. The City may decide to turn the ship, but he still wanted it out there that there had been a lot of research on the garage and it was still an option. He wanted to think about it before the City said, "It is no longer on the list."

Mr. Gifford requested the following change:

- Action Item 5, page 76 – Suggested using language such as "Using parking study and meter data, the City could determine the best approach to provide parking, if necessary and feasible." He felt this would use the data driven approach to manage downtown parking and wanted to omit the parking garage from the action item. He was concerned the City would have a binding document that says it should do this or will do that and preferred the word "may" which gives Council the option to go in any direction if something better came along or if this was the opportunity the City wanted to go for. Ms. Sierer noted the Plan had the word "evaluate" the need to build a municipal parking garage. Mr. Gifford noted in the description, it said, the City should identify a location. Mr. Gifford suggested an alternative that the City "may" identify a location instead of "should". Mr. Markham had no objection to Mr. Gifford's suggestion here.

Mr. Morehead requested the following change:

- Page 67 – Would like clarification on whether the Comprehensive Plan or the 2011 Transportation Plan was being referenced when "the *Plan*" appeared in the document.

Ms. Sierer questioned why Norfolk Southern had not been added as part of the railroad discussion on page 63, to which Mr. Gifford noted Council decided not to add it, but did not know why. Mr. Fortner said it may be because it was focused on freight where the City did not really have much of an impact. Mr. Morehead asked about the spur that crossed Route 4 and if that was Norfolk Southern. He expressed concern regarding trains blocking the roadway at Route 4 and in the industrial park for more than five minutes at a time multiple times a day and about the volatility of the material being transported, but did not know how much control the City had over the issue.

3. The Chair opened Chapters 1 through 6 to public comment.

Helga Huntley, District 1, had the following comments:

CHAPTER 2

- Would like to see data regarding population growth in Newark being controlled by UD enrollment substantiated before putting it into the Comprehensive Plan.

CHAPTER 3

- Felt the last sentence of the first paragraph should end at the word “goals” and a new bullet under should be added under sustainable community saying “efficient use of public resources”.
- Page 28, second bullet, the sentence “Protection of the rights of tenants and landlords that maintain safe and attractive housing stock...” she suggested be changed to “To ensure safe and attractive housing stock while balancing quality of life issues.”
- Page 28, Strategic Issues for Chapter 4 Public Utilities and Infrastructure – Believed electricity should be addressed under strategic issues and suggested adding a bullet that said “The anticipated development of the STAR Campus may require additional electric infrastructure to accommodate the increased need.”
- Page 28, Strategic Issues – Housing, third bullet about the preservation of the existing housing stock being a strategic issue did not explain the issue. She did not see a threat to existing housing stock being eliminated. The fifth bullet about fair housing was one of those catch phrases that was ill defined. She suggested using affordable housing or defining what was meant by fair housing.
- Page 28, Strategic Issues – Transportation – should there be a strategic issue concerning a better public transit system that has made it into the goals later in the chapter (action item 9 now in Chapter 6). She thought it was relevant to include it in the overview.
- Page 29, Economic Development (Chapter 9), second bullet talks about physical vitality she thought that made sense in terms of human beings but was not sure what the physical vitality of the City would be. She suggested striking that and calling it economic vitality or thinking of a better word to describe it (City-wide economic vitality).

CHAPTER 5

- Housing, page 52 – Agreed with the suggestion to remove the Homeward Bound reference, but thought the relevant point regarding CDBG and the Revenue Sharing Program supporting special needs housing still should be included.

CHAPTER 6

- Transportation – Recommended staying away from phrases like “over-abundance” or “over-supply” which imply that you have too much of something. She thought the aim was to have sufficient parking to go around but not having more than needed. She suggested the goal could be that you have an abundance, not an over-abundance of parking.

Marilyn Gleber, District 1, expressed concerns that traffic issues were not being addressed and suggested an overpass for Cleveland Avenue. She also would like to see consideration given to rental apartments for seniors.

4. Ms. Sierer returned the discussion to the table for comments on Chapters 7 to 12.

CHAPTER 7 – No Council comments

CHAPTER 8 – No Council comments

CHAPTER 9 – No Council comments

CHAPTER 10

Mr. Markham noted concerns regarding New Center Village, including that overlays were no longer permitted in Delaware and that the concept had been a failure and should be removed. Mr. Fortner stated that New Center Village was not a traditional overlay, that the concept was being reviewed as part of a reevaluation of the downtown development district, and that it did not have to be in Comprehensive Plan in order to remove it. It was in the Comprehensive Plan that the New Center Village area would be a part of the downtown development district which would create a whole set of incentives to do affordable housing and home ownership and called for a downtown plan that the City would do next year. Mr. Fortner explained that New Center Village was a tool that, although no one had done it yet, he was talking with a developer right now about a very small portion of it. He did not know whether it was going to be a feasible project. Mr. Gifford noted New Center Village was mentioned in Chapter 9 on page 111 under Areas “A” and “D”: Housing Rehab Districts. On page 112, Map 9-1, Area A is New Center Village and D is the right of Tyre Avenue or East of Tyre Avenue. Mr. Fortner explained the reasoning behind its inclusion in the downtown development district plan, however, Ms. Feeney Roser clarified that Mr. Gifford was asking if New Center Village showed up anywhere else on the Plan. Mr. Markham had no issue with the general wording.

Mr. Morehead referred to the maps on page 112, and asked what was meant with A, B, C, and D. Mr. Fortner said he could insert some lines that would make it clearer.

Mr. Morehead questioned the classification of all of Tyre Avenue as George Read Village, to which Mr. Fortner noted that the City wanted to encourage redevelopment of housing in the entire area and that when looking at sections A & B, it was all the same. Mr. Morehead asked if area B was color coded red and orange. Mr. Fortner said area B was essentially downtown and included both sides of Main Street, the commercial area, the mixed use. The orange represented mixed use, the red represented commercial. Section A was the single family units known as New Center Village.

Ms. Sierer asked if A and D should be defined by streets. Mr. Fortner noted Mr. Morehead suggested adding a finite border and that he could box out A, B, C and D. Mr. Gifford noted that Comprehensive Plan IV had very well defined boundaries.

Mr. Morehead asked whether the City was going to do something different in A than in B, if it was a more general goal for all areas or if the entire downtown was a focus area and asked for clarification on the purpose of the different sections. Mr. Fortner explained the different areas have different goals/visions associated with it. For example, A and D were housing redevelopment areas. Area B was mostly redeveloped already, but as a mixed use with commercial on the bottom floor and residential units on top. C was similar with the Newark Shopping Center and it was expected to develop more.

Ms. Sierer asked Mr. Markham if he was comfortable with areas A and D as described on page 111. Mr. Markham said he was comfortable with it.

Mr. Markham referred to the presentation about institutional use at the last comp plan review. He thought there was still some question about what to do with churches and their underlying zoning. He asked whether anything was done on the institutional issue about a particular property on Paper Mill. An extensive discussion ensued which included the future uses of property allowed under current zoning, the need to create an institutional zoning category if there was an institutional land use category in the Comprehensive Plan, the difficulties for property owners who have by-right residential zoning but an institutional Comprehensive Plan designation and the need for the Comprehensive Plan to be in conformance with the zoning code. Mr. Morehead did not believe there was an issue with the Plan with the current institutional use designation, that it would not be a hardship for property owners to request a Comprehensive Plan

amendment if needed, that needing a Comprehensive Plan amendment did not necessarily change their property value, that it would be inconceivable that Council would turn down a request for a Comprehensive Plan amendment in such a case and that institutional use was a compatible use in every zoning district. Mr. Gifford felt the Comprehensive Plan discussion was too mixed with the zoning as he thought land use was more of an aspirational thing versus zoning. Mr. Fortner said the zoning is what limited the land use and used the municipal building as an example. It has a very limited commercial zoning right now. The land use classification was commercial, but in the zoning it was limited to a specific kind of commercial which is usually office. Mr. Fortner suggested that perhaps Max Walton could come in and explain the issue to Council.

Mr. Chapman thought staff's reasoning and argument so far was completely understood and correct and felt it was pretty clear the future use should show what the current zoning was, unless Council was going to change the zoning. Discussion continued regarding the institutional land use designation.

Mr. Gifford referred to page 122 and expressed concern that the residential definition was overly broad since it accommodated things like office research facilities and light industrial uses. He asked if looking at that future use, was the City just going to base it on the zoning of the property then and this was just a general description. Mr. Fortner offered the examples of a funeral parlor and the Gore facility as uses within or adjacent to residential areas that were compatible. This language was in there to show when the City issued special use permits for home-based businesses that they were compatible in residential areas. Mr. Gifford felt this description was overly broad. Mr. Fortner said it was because technology and changes in the economy have made things more adaptable in residential areas. It used to be they really wanted to separate industrial. Discussion continued regarding the uses allowed in and adjacent to areas designated residential.

Mr. Gifford noted that he felt the multifamily designation was overly constraining and thought that having only an upper limit on units, instead of an upper and lower limit would be better than a specified number for the lower limit. Mr. Gifford also questioned the list of uses excluded from the high density category. Mr. Fortner stated that he would consider group homes and nursing homes as items that should be removed from the exclusion and added to high density. Mr. Gifford noted group homes could also be part of mixed urban. Mr. Fortner said it should include nursing homes and group homes but not include mixed urban or dormitory.

Mr. Gifford thought the definition of mixed urban might be better just saying, a parcel with a mix of commercial and residential uses instead of stating, just as one example, because it looks like it can be more than just residential and commercial. It says a parcel with more than one use on it. Then you say, such as, but that does not limit you in that use. Mr. Morehead said the question was, would you allow two floors of commercial office and residential above, so why limit it in the definition to commercial on the ground floor. Mr. Fortner was just saying such as a mix of commercial space on the ground floor and apartments and condominiums on the upper floor. He did not want to limit it – certainly you could do commercial on two floors. It was just giving an example trying to describe the typical building you would in Newark. It was the definition of a parcel with more than one use on it. Mr. Gifford did not know if Mr. Fortner wanted to limit it to just those, but he said he was more open and that was fine.

LAND USE, page 123

Mr. Gifford referred to the Parks/Open Space description which was a parcel used as public **and** private open space. Council decided this should be changed to a parcel used as public **and/or** private open space. The description continued with **preserved from development**. He asked if it was truly preserved from development. Mr. Fortner said that was not open space although people sometimes thought it was open space. There were developments with planned open space that could never be developed. A City park was not to be developed but if the City wanted to, that was their decision.

After discussion with Mr. Gifford, Mr. Fortner agreed to delete the word "large" from the industrial definition and to add "civic" to the institutional definition. Mr. Gifford did not

understand the phrase “used for any land use” in the definition of vacant. Mr. Fortner replied it was privately owned and undeveloped and not actively used for any land use, so it was not open space that was used as a park or a golf course, etc. There was no use – it was vacant and undeveloped.

University – Mr. Gifford noted that the City specified **the** university campus. The City would use this for any university, i.e. a for-profit college, and asked if it could be made more generic. Mr. Fortner said this was specific to the University of Delaware. A university would usually be classified as an institutional use. Under the University description, it noted “A parcel having institutional use but distinguished for use as part of the University campus...” Ms. Hadden suggested adding University **of Delaware**. Mr. Markham suggested that other state colleges also should have this designation available to them.

RESIDENTIAL, page 122

Mr. Morehead corrected the word long to **along** on the sixth line “light industrial uses may be accommodated very satisfactorily along with...”

FUTURE LAND USE MAP, page 130

EXISTING LAND USE MAP, page 128

Mr. Morehead referred to the visual of an area going around the corner back to the train bridge where there were five properties in a row; a red one, a yellow one, a red one, another yellow one, and another red one. He pointed out that in the future land use they go all red. In that land use that was commercial which would preclude them from ever getting mixed urban if we make them red. He asked what the thinking was on that. Mr. Fortner stated he would have to look into it, but they were likely legal nonconformities and that any different future land use would need to be conforming. However, the property owner could request a rezoning in the future if they wanted to.

Mr. Gifford noted there were legal nonconformities that may be represented on these maps. Mr. Fortner said yes, and the first map was a survey. Upon looking at the property, it was determined it was being used as a residential house.

FUTURE LAND USE, page 134

Mr. Morehead referred to the two water towers on West Main Street and Dallam Road. On the future land use map they are green, which would be Parks/Open Space rather than utilities, which is gray on that map. He was curious why there was gray on that map. Mr. Fortner explained they were too small to develop and they were owned by the City. If the City did not need that water tower anymore and took it out, we would make it park land. We could not sell it since it was too small for a parcel. Mr. Morehead noted that both of those were cut out of the adjacent yards and could possibly be sold to the adjacent homeowner. Mr. Gifford commented this same thing happened in other areas even for larger parcels. (Pages 150 to 152). Although Mr. Fortner thought the land would be a water tower in five years, he looked at the underlying zoning and what another use of that parcel could be and determined the only other thing it could be would be a pocket park. He said we could keep it utilities. Ms. Feeney Roser said the City would need to have it as a zoning that would allow a utility in it. Parkland would allow these.

Mr. Morehead said that question goes through all of the maps for him. Both of those questions were tied together. He was troubled that the City was changing land uses based on this concept that the land use defined in 10-3 were not compatible with the zoning that the City said they were.

NEWARK COUNTRY CLUB, page 135

Mr. Morehead said the recommendation was to collaborate with community stakeholders. At some point Council would jump into that discussion, but he did not think it was appropriate at this time.

FUTURE LAND USE, page 144

Mr. Markham referred to several parcels – in the upper corner Millcroft bought the Possum Park and Cullen Way parcel. It is shown as vacant today. (It used to be Stonevale.) He asked if that was appropriate for Millcroft's memory care unit. Mr. Fortner said residential would be the most appropriate zoning. It was currently zoned RD (low density). The Comp Plan had to match that. The City would want to change it to conform to the zoning.

Mr. Markham discussed McKees Lane (City's solar site). It was currently utility and then changed to parkland. He said the solar panels would remain so it could not revert to parkland. Mr. Fortner said it did not have to be a park – the City would just have open space there, and that was essentially the same thing.

EXISTING LAND USE, page 128

Ms. Hadden said there was a key for vacant, but on the future land use there was no key for vacant, nor were there any vacant properties although previous things were gone. She asked for the rationale behind that. Mr. Fortner said this is the primary reason why the City had both the existing land use and the future land use. The City looked at vacant properties or lots with nothing on them that could get developed and it had a zoning. The future land use had to show it conformed to the zoning. It showed it as developing as low density residential. If someone was to do something there, the Comp Plan calls for low density residential. Many little parcels could be single family houses.

Ms. Hadden asked if somebody built on a vacant lot surrounded by RS, was that lot then RS? Mr. Fortner said it was zoned RS but it was just vacant.

Ms. Hadden noticed that the institutional properties that used to be on page 128 (Map A) were now industrial on page 130. Then compare it to Map A, Future Land Use. For example, in the upper right hand corner above John Campbell Drive on the right hand side, that was existing, but in the next one it was industrial. Mr. Fortner explained that was zoned MI and was where the Armed Forces Reserve Center was located.

EXISTING LAND USE, page 138

Mr. Gifford referred to the map with the block showing the Health Science's building which was a different color (not in the key) than the university property to the right side of South College. Mr. Fortner confirmed this was supposed to match the university, so he would change it.

EXISTING LAND USE, page 146

Mr. Gifford noted Christina Mill Apartments is green here but in the future use (page 148) is yellow. Should it be yellow in the existing use? Mr. Fortner confirmed it should be yellow to match future and would make that change.

EXISTING LAND USE F, page 150

Mr. Gifford addressed Arbour Park and asked if the Dove Drive water tower should be grey to green. Ms. Houck confirmed it was access between two properties and then a water tank. Mr. Fortner would mark it as utility.

ACTION ITEM 1, page 154

Mr. Gifford pointed out the text, "Zoning Code" looked different from the other text.

CHAPTER 11, page 161

Ms. Sierer asked if the map was still a draft from May 2013. Mr. Fortner said that would be taken off in the final.

GROWTH AND ANNEXATION, pages 162, 163

Mr. Gifford commented that the City did a good job in referencing all the maps through the Plan, but thought there also should be references to 11-3 and the separate planning area maps to make them clearer. Mr. Fortner would revise this for clarity.

GROWTH AND ANNEXATION, page 160

Mr. Morehead said in paragraph 2, map 11-1 was actually 11-2. All of those paragraphs were 11-2, so 11-2 should be moved up to the previous paragraph. He said it was the same with 11-3 as there was no mention of it in the text.

PLANNING AREA 4, page 167

Mr. Markham noted this referenced the Stopyra Tract. “Out of Plan” should be changed to “Out of Play” and there was a spelling correction to the word “Reservoir”.

Mr. Markham wanted the ability to revisit the language surrounding the Stopyra Tract designation as “Out of Play” and wanted to note that if relevant Bond Bill language was to change, that future Councils could have options as to how to deal with the property.

5. The Chair opened the floor to public comment for Chapters 7 through 12.

Helga Huntley, District 1, had the following comments:

CHAPTER 9

- Page 111, second paragraph refers to Map 9-1 and 9-2 "revised and reproduced" – replace these with “adapted”.
- Page 116, “The *Plan* recommended 11 Economic Strategy Initiatives" refers to something other than the current CDP – explain what plan it refers to.

CHAPTER 10

- Expressed concern about the discussion that we are excluding institutional and utility uses from future land use maps, thought it made more sense to permit the current uses to be continued and did not understand the need for a separate institutional zoning category if there was an institutional zoning designation since institutional uses were permitted in other categories. She thought the City should continue having institutional land uses as a future land use category and suggested Newark check whether this could be done as other municipalities had done the same.
- Page 122, Under *Using This Land Use Guide* there is a statement at the end of that paragraph that says, the land-use definitions do not have legality to the same degree as the zoning code. She did not think that was true and recommended editing that sentence to be more accurate.
- Felt the wording from the Comprehensive Development Plan IV was confusing in the rewriting of the residential definition and would go back to the original definition and end after high density.
- Thought dormitories should be excluded from all residential categories. Then group homes and nursing homes were decided to be allowed actually, so she would keep that out as well.
- Regarding a comment by Mr. Gifford about the churches being considered a government institution under the definition of an institutional use, she thought it was clearer and more accurate to define it as a parcel used for government or civic facilities and then list all the examples.
- For the university definition, she recommended including laboratories in the listing.
- There was a discussion about the public and private open space under Parks and the same thing arises under utilities where there is said to be both public and private. The way she understands the words public and private she did not think they could apply at the same time to the same parcel, so she would always make this “or”.

- It was mentioned the vacant land use category was currently not being used for any land use. She noted that if vacant was a land use, then the City should say it was not being used for any other land use.
- Table 10-2 for zoning it said under RM there had to be 16 units per acre. She assumed that was not an exact number that had to be met so for RM and RA she would include the words “up to”.
- Under STC there was a spelling correction to accessory buildings.
- The SFHA zoning district was missing from the table and should be included.
- Table 10-3 – the order of the zoning districts was haphazard making it difficult to check if a particular zoning district was included. She recommended an alphabetic listing or in the order in which they were listed in Table 10-2.
- Under Parks the old abbreviation OFD was used which was replaced.
- Under Active Recreation, RR, BL and others are missing because active recreation was permitted in some of the commercial zonings as well as STC and UN.
- The RR zoning was missing under Institutional and Parks.
- Overview map, page 127 specifies section D as being western Newark but is on the east side of town.
- Maps pages 132, 134 – the newest version has a black dotted circle north of 273 just west of the Country Club which according to the legend is the municipal boundary. It should not be there.
- Page 130 – the current zoning for the Armed Forces Reserve Center property off of 273 was BC the same as surrounding properties with commercial land use assigned to it – if this was going to be changed from institutional (its current land use), then it should be the same land use as the neighboring properties.
- Provide better rationale in coming up with a reason why we intend the uses to stay the way they are or why we intend some of the uses to change based on our vision for the City other than just because that is the way the City currently is.

There were no further public comments.

6. Mr. Markham asked to check on Ms. Huntley’s comment on page 127 where she pointed out the designation for D as western Newark was not correct. He confirmed that Mr. Fortner would correct it to northern.

Council agreed to refer the updated Comprehensive Plan draft back to the Planning Commission for their consideration. Mr. Morehead asked if Council would get clarification on the land use versus the zoning concept in the institutional category. Mr. Fortner explained the concern came from Mr. Walton and Mr. Herron, and Ms. Houck said it would be clarified with them before going to the Planning Commission.

7. Meeting adjourned at 9:40 p.m.

Renee K. Bensley
 Director of Legislative Services
 City Secretary