

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

May 1, 2018

7:00 p.m.

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

Chairman: Jeremy Firestone

Commissioners Present: Bob Cronin
Will Hurd
Frank McIntosh
Stacy McNatt
Alan Silverman
Bob Stozek

Commissioners Absent: None

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

Mr. Jeremy Firestone called the Planning Commission meeting to order at 7:05 p.m.

1. CHAIR'S REMARKS.

Mr. Firestone: Good evening. The Planning Commission meeting for Tuesday, May 1, 2018 is now in session. We should have a full complement. Right now, we've got five, so we have a quorum, and we have a relatively busy evening, so I think we're just going to start. I do want to announce or just remind people that we've got a couple of other activities coming up. We'll hear more about it when we talk about the Parking Subcommittee, but we've got that meeting coming up on the 7th in the evening. And then on the 15th, we have a Rental Housing Needs meeting. So, we've got a couple other than our normal first Tuesday of the month.

2. THE MINUTES OF THE APRIL 3, 2018 PLANNING COMMISSION MEETING.

Mr. Firestone: With that, I'd like to move right to the minutes from the April 3, 2018 Planning Commission meeting.

Mr. Will Hurd: Alright, thank you. Michelle, have we received any additional corrections or comments?

Ms. Michelle Vispi: None, other than yours.

Mr. Hurd: Okay, so the minutes stand as submitted with one small correction that I had.

Mr. Alan Silverman: Second.

Mr. Frank McIntosh: Second.

Mr. Firestone: Did we actually have a motion?

Mr. Hurd: Oh, sorry. They stand as submitted . . .

Mr. Silverman: Okay.

Mr. Hurd: So, Alan moved, I thought, or maybe seconded. Somebody did.

Mr. Firestone: Okay, all those in favor of approving the April 3, 2018 minutes as corrected, signify by saying Aye. Opposed, say Nay. The minutes are approved.

MOTION BY HURD, SECONDED BY SILVERMAN THAT THE MINUTES OF THE APRIL 3, 2018 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, SILVERMAN, STOZEK

NAY: NONE

ABSENT: MCNATT

MOTION PASSED

[Secretary's note: Ms. McNatt joined the meeting at 7:09 p.m., after the vote to approve the April 3, 2018 meeting minutes occurred.]

3. DELDOT INFORMATIONAL SESSION.

Mr. Firestone: That gets us to Item 3, the DelDOT informational session.

Ms. Mary Ellen Gray: Mr. Chair, if I might introduce Mike DuRoss, the Assistant Director of Planning Division at DelDOT. The presentation from DelDOT to the Planning Commission has been on the work plan since before I got here and, frankly, if it wasn't on the work plan, I would have wanted to have had this meeting included in on the work plan to have DelDOT talk about their plans and their programs and how they interact with the City of Newark. Mike DuRoss and I have been talking actually just recently when he got here today and previous to this meeting to establish more regular lines of communication with working with DelDOT Planning on the transportation planning studies, Transportation Improvement District, and getting some data and working together on DelDOT and Newark related issues. So, we're talking about setting up regular meetings with DelDOT with Mike and his group, and we have a meeting scheduled in two weeks with Sarah Coakley, who is part of the group that is working on the Transportation Improvement District for the City of Newark. So, if I could, Mike?

Mr. Firestone: Please go ahead. We're really pleased that you've been able to come and join us this evening.

[Secretary's note: Mr. Mike DuRoss provided the members of the Planning Commission, Planning Director, City Solicitor, and the public with a handout titled *Transportation Improvement Districts*. As well, during his presentation, Mr. DuRoss referred to a PowerPoint presentation being displayed for the benefit of those in attendance. A link to both documents can be found at the end of this document.]

Mr. Mike DuRoss: Well thank you to the Commission for the invitation. I should point out that DelDOT Planning is about 60 people and there's three basic sections. There's my section, which is called Regional Systems, and we do MPO coordination. We work with our three county land use agencies and our 57 municipalities. So, our focus is more longer-range transportation planning, comprehensive planning. The second section is called Local Systems, and that's our bike/ped area. They do the Transportation Alternatives Program, bike/ped trails, sidewalk programs, safe routes to schools. And our third, and largest, part of DelDOT Planning is Development Coordination, which does two things. One half is Traffic Impact Studies and Transportation Improvement Districts, the TIDs, and the second half of that section is called Subdivision, and that group works primarily with development engineers on entrance design

and subdivision concept plans because, in Delaware, many developers choose to have the subdivision streets eventually become state streets. So they need to be done according to state regulations and so forth. So that's really quick overview of DelDOT Planning.

What I wanted to talk about tonight was maybe 10 or 12 pretty general slides that just describe the different types of transportation planning studies that DelDOT works on. A lot of this is done in cooperation with our MPO partners throughout the state. We have three counties. We're the 49th smallest state and, interestingly, we still have three MPOs in our state. So, a lot of regional planning in addition to the statewide planning.

We also received some questions from an email from the Director, from the Commission. We have some answers to some of those questions. And then, at the end, I wanted to show two examples of animation videos that are the product of sort of the state of the practice in 2018 for a travel demand model, multi-modal, and drone footage, all combined together. It's a travel model but it has a highly visual component, as well.

As we go, I guess my preference is that this is more of a conversation, so if you have any questions, just let us know. So, with that, we'll proceed.

The first thing I wanted to note is that I am not representing DelDOT Traffic Studies. That's in our Transportation Management Center in Smyrna. They are much more responsible for many of the issues, questions, concerns that the general public has. So, the basic message is, if you see something, say something, and the phone number and text are there in red. We'll leave these slides on this computer and the Director can distribute them later on.

So, planning studies. There's basically four general types of planning studies that we work on. Regional Planning is a federally required form of planning. It's done through the MPOs. Newark is actually home to our northernmost MPO, WILMAPCO, over on South Chapel Street. And they are responsible for the federally required 20-year, long-range transportation plan. And we'll talk a little bit about the contents of that as we go on.

The second type of study is what we refer to as a Land Use/Transportation Planning study. This would also be referred to as a corridor study or an areawide study. It's a little more down-to-earth scale, where we're not looking at a region or a county, but we're more concerned with a specific area for various reasons.

The yellow dot there, Development Coordination, they work with developers, the development community, and the engineers associated with developers to perform Traffic Impact Studies and Transportation Investment Districts.

And the last type there is Visualization, which we will showcase in a minute.

Just some common elements across these four types of studies, in no particular order. The first is significant public involvement. Especially since the early 90s, transportation planning, nationally and especially in Delaware, has been a highly collaborative, intense public process. We typically try to have a working group. This could be 15-25 people. Typically, they meet monthly for 12-18 months. They are increasingly not just representing a particular group or a particular perspective, but they are representing communities or subdivisions and they are essential to the planning process. So, we really try to invest some time in putting together a good working group that is comprised of interested people that are going to represent their communities, listen to the process, examine the data, and hopefully come up with some creative ideas on how we can address transportation challenges across our communities.

All of the four types of studies assess the interaction between existing, planned, proposed/potential, and some future land use. Whether that's a forecast or scenario, whatever term you want to apply, we need to have some type of an estimate of the level of growth, the additional housing, the additional jobs that a particular community intends to grow by. And

then, as well, we would try to assess how those land uses, existing and potential, interact with plans proposed and other potential transportation network connections.

It's really important to point out that all of these studies are highly multi-modal. Maybe a generation or two ago it was primarily highways and roads, but a fundamental part of our work is to focus on transit, bike, and pedestrian modes, as well, and to strongly consider and integrate those types of improvements within a context-sensitive approach to each community that is based upon our complete streets policy, which also considers all four of these modes.

And the main idea behind all these planning studies is to come up with earlier consensus than maybe some planning studies in previous years on problems, issues, the range of potential improvements. Not necessarily a specific single project that we must do, but at least 10 or 12 or 15 potential solutions that can be evaluated in terms of costs, timeframe and impacts. So, it's sort of a short list of things that DelDOT and the particular community can immediately start beginning to work on. We just had a planning meeting last night for a five-point study underway between Lewes and Rehoboth down at the beach area. An 18-member working group came up with 78 project ideas in less than 90 minutes. This was sort of a brainstorming sessions, and what we do over the next 2-3 months is to, at a planning level, at a sketch level, assign low, medium and high for cost, short, medium and longer timeframes in terms of how long it might potentially take to implement each of those possible ideas, and, sort of, again, a sketch level assessment of the general impact, taking into account communities, environmental, employment, right-of-way, just to kind of frame out and provide sort of a realistic perspective on how soon or how long some of these options could take and could cost and could impact the community. And then what the working groups do through a series of votes is go from, say, 80 to 40 to 20. And once we get it down to 20 or so, that's a workable list of things that we can immediately start to work on. So, it's some shorter-term, lower-cost projects that we can do in the next 3-4 years. It's some projects that would take a little bit of study, a little bit of funding, but we might be able to do it in 5-7 years. And then some higher-cost, longer-term types of projects that would need more of an engineering assessment to secure permits and things like that, and say 5-10 or more years. And the idea is that those three separate tracks of projects are starting at the conclusion of the planning study.

Just some other comment themes across these is that improvement is not always a solution. In 2018 there is not necessarily a single silver bullet project that's out there. Since 1970, the country has added only 1% to the lane mile capacity, so the road building era is largely behind us. That's not to say that capacity improvements don't happen, but the large scale major roads are largely a thing of the past. And the main difference across these types of planning studies is basically the scale.

So, regional planning tends to be more county-wide, looking at hotspots or groups of hotspots, corridors or areas that could experience some significant change in the transportation travel patterns due to increased land growth. It tends to be a longer-range planning horizon. Twenty-plus years is sort of the longer view.

A land use transportation study tends to be a little shorter timeframe – 10-15 years. It tends to be a little smaller. A sub-area, maybe a 3-5 mile corridor, maybe a 2 mile by 2 mile area of a particular county or community. And the idea there is working with the public working group to come up with some scenarios, longer list of options, to work with the working groups and the public to attend, to understand the impact, trade-offs, benefits of the different combinations of ideas that they've come up with.

And the TIS or TID is typically the most detailed scale that's looking at a specific land development project or group of projects. It tends to look at individual intersections or turning movements. A lot of the general public doesn't realize that your typical 4-leg intersection, there's cars going in 12 different directions, more or less at the same time. So, there's a lot of activity going on in an intersection. It's a very interesting and potentially complicated

time/space problem to manage those 12 movements safely, efficiently, and to maximize capacity and travel times, as well. So those are sort of the scales that we look at.

So, Newark, this is the home of WILMAPCO, the MPO, the federally required transportation planning agency for the urbanized area of New Castle County and Cecil County, Maryland. I assume most folks here are fairly familiar with the WILMAPCO process. Their long-range plan includes a map of the fiscally-constrained transportation system. And fiscally-constrained is the \$10 word that basically means to do a long-range transportation plan, we first have to estimate reasonably available revenues over that planning horizon. So that basically relies on extrapolating existing revenue streams out 20, 25, 30 years so when we come up with our list of long-range projects, we know roughly how many the area can reasonable afford, and those are the only projects that can show up on the map. So, there's a second map call the aspirations list, which is essentially the unfunded projects or projects that would be advanced either by trading places with one of the funded projects or assuming some additional revenue at some point in time.

All MPOs have to update their long-range plan every four years. It has to be financially reasonable and conform to the air-quality process. That's a federal requirement. It works fairly well with our communities. Delaware is a financially conservative state. That's great. So, we don't want to have our transportation plans include a lot of projects that actually can't be purchased with the available revenues over the next 20 years. The projects have to be in an MPO long-range plan if it's going to use federal funds. So that's a pretty important requirement. Once they're on the plan, DelDOT has a prioritization process where we try to allocate and rank the projects according to six different pools such as safety, economic development, congestion relief, and those kinds of things.

Mr. Firestone: Excuse me.

Mr. DuRoss: Yes?

Mr. Firestone: And I apologize for interrupting. We typically work with a 15-minute presentation. You've gone a bit longer. You're our guest and we want you to proceed, but if you could hit sort of the high points because we want to have enough time for a good, hearty exchange, as well.

Mr. DuRoss: Sure. I'll try to move it along.

Mr. Firestone: Thank you.

Mr. DuRoss: So, there's a picture of the WILMAPCO map. You've probably seen that. Land use transportation studies – this is a WILMAPCO study from two years ago looking at Glasgow Avenue. You know, you can just tell by the scale, it's looking at a different growth format than what's out there. Last year they finished up their Route 9 corridor master plan between the City of New Castle and the City of Wilmington. Again, the scale is of a lower level that allows presentation and analysis of a lot more detailed data to help communities understand where folks are going, why they're going there, and what types of mobile options could be enhanced through different types of project combinations.

Development Coordination is our section that works with the development community. We have a large website on the DelDOT webpage which explains DelDOT's role in local land use development. I'll skip the state code. Basically, a Traffic Impact Study is initiated by the local land use agency, which means one of our three counties or one of our 57 municipalities in Delaware. DelDOT's role is advisory. Within that local land use permitting process, we do have a Letter of No Objection which follows the TIS process, typically, so that as part of getting the entrance permit, the particular developer within the three counties has done a Traffic Impact Study to assess whether mitigation is needed for that particular land proposal, and there's a

process to determine the best available mitigation, should that be needed. The [inaudible] is basically 500 vehicle trips per day or 50 vehicle trips per peak hour within our three counties.

TIDs, I understand Newark is meeting with our TID planner in a couple of weeks. That's an alternative to the Traffic Impact Study process. We've been managing these for about three years statewide. It's typically a distinct geographic area and the idea is that it's basically a large TIS and that the transportation system that's needed to correspond with a particular level of growth is identified and there's proportional fair share on the cost that's allocated across the state at the local agency and the development community. And that tends to vary, those proportions, across the TISs. There is a monitoring process. Having a TID does not preclude having a TIS at some point in the future. You know, I think what we're trying to do is, with the TID process, provide some certainty both to the development community and to the general public, but that doesn't mean things are carved in stone, cannot change, cannot reflect the evolving realities of markets.

We've done four or five TIDs to-date. There's been a huge range in them in terms of the level of growth. A TID is really the traffic component or traffic analysis component of a master planning effort where a community develops a built-out goal in terms of the amount of additional housing or non-residential growth it wants to aspire to. We then generate trips and do a large Traffic Impact Study using a variety of travel model tools and typical tools for a Traffic Impact Study. Many of them also involve some scenarios on the land use side where a particular community wants to explore some options. Usually these are sort of a sensitivity assessment of what if we grow by 15-20% more, or 20-25% less, what might that mean both for the future transportation system that's needed and other options like cost and impact.

These are the ones that are sort of on our radar right now. We're working on one in Dover that's focused on about 3 million square feet of retail space. It's a very narrow-shaped TID right along the Route 13 corridor in Dover. We're working on one that's called Henlopen. It's basically Lewes to Rehoboth. It's 8-10 thousand units. That's 2 units per acre, so still fairly low density, even though it's a high number of units. And we've got a couple of others on the horizon. This is what a TID look like. This is the Westtown TID. So, it's a land use map with a corresponding transportation system.

Just to roll through the questions fairly quickly, again, we'll leave the slides here. The ones in bold are the ones that we were actually able to get to. So, how does Newark interact with WILMAPCO to request traffic count data and updates, studies, and testing of new links? Well, good timing. Next year WILMAPCO is updating its long-range plan, so they're going to be doing a lot of outreach. I would suggest the City will probably be an active participant in that process. WILMAPCO also has a work program where they fund the majority of the long-range transportation studies in New Castle County. They usually do a call for studies in the spring and then a smaller call in the fall. So, by coordinating with WILMAPCO, that would be the best way to get going on a study. And then, at the staff level, the Director and I were speaking before the meeting about some ways that we could coordinate and share data and share skills, and I think there's some room there to make some headway. Typical timeframe? That really depends on scale, detail, those kinds of things. A typical study these days is 12-18 months, and usually a monthly working group with two or three public workshops. And that's sort of the scale of effort that's needed to generate a good list of projects and work with the community to distill that down to a manageable number of 10 or 15 things that we can actually begin to work on. I would also point out that Newark is home to UD IPA. In my section, we actually have three on-call tasks with that group at the University. They basically provide us with grad student technical assistance to help us perform staff functions. And we spoke with the Director about some ways that Newark can leverage that resource, as well, to work on some of the questions that you have.

What is DelDOT's role in the Newark Comp Plan? That would be through the Office of State Planning Coordination through the PLUS process. Tricia Arndt is the New Castle County planner from State Planning and, again, WILMAPCO is a big resource. I think the role that we would

take is primarily review, but if there are specific concerns, questions, issues, you know, we'd want to help, we'd want to provide information. So, let us know.

How is a request for review of signals done? There's three different traffic sections that are in the TMC in Smyrna. These are some of the folks that could help you.

Can DelDOT require developer cost participation in offsite improvements? No, not according to our code, but many times in the counties, a Traffic Impact Study does arrive at a set of improvements that would be either developer-funded or partially developer-funded. But in its role as the manager of land use, the City could require, or a City could require it.

What studies don't have to go through WILMAPCO? Basically, anything that's traffic-related through the TMC in Smyrna, however I would just sort of say that it's always certainly a good idea to coordinate with WILMAPCO, so I wasn't sure exactly what the advantage would be in not doing that. But basically any question about maintenance or if you want a different stop sign or an adjustment to signal timing, green light phasing, or those kinds of things, that should be easily accomplished.

Can we get special counts for UD? Again, I think this is an area that the staffs can work on using data from our permanent traffic counters and looking at some other sources of traffic counts that we normally do as part of our normal business. So, I think we can address that.

Inter-county patterns. Again, a lot of census data out there. I would suggest the website OnTheMap.com. It is a free online web-based GIS system that uses census data. And it comes with pre-packaged themes, which is a fancy way of saying it color codes the data, shows you population and density. It can get you a lot of data in literally seconds and it's free. So, that's a good source.

Mr. Bob Cronin: Can we go back to question 13? You skipped over that.

Mr. DuRoss: That's because only the bold ones we have answers for, but I did type all the questions. Do a special study . . . we haven't done such a study to-date but, again, I think through working with staff, we can develop a more detailed understanding of some of the concerns or perceptions of concerns, and understand the types of project or service goals that we could work on.

So, the last thing was to show, quickly, two videos. I just wanted to point out that although it looks like a video, underneath the video is a lot of detailed information that comes from a variety of our different tools.

This first one is the new bike bridge that's going to be opened in two months just south of Wilmington. That's actually a drone video with 3-D animation of what the bridge will look like, with simulated bike riders and joggers and pedestrians – all computer animation that's coming out of our model. It's photo-realistic. You can see the reflection on the water. The bridge is going to offer a great view of downtown Wilmington when you're coming over it. It connects Battery Park in New Castle with the Peterson Wildlife Reserve. It will connect all the communities just west of Route 13 with downtown Wilmington. You'll be able to bike ride to Wilmington quicker than you can drive. So, this is sort of the state of the practice for the travel models.

And then the last one is the Newark Train Station, showing the multi-modal aspect of it. So, it starts out showing a typical commuter who is currently driving to work, getting their cup of coffee, but in a year-and-a-half, when the train station is open, they will be able to drive to the location and take the train into Wilmington or Philadelphia or points in between. So that's a 3-D rendering of the station with synthetic people that are coming out of the travel model. So, it's a complete station with restrooms, ticketing, light refreshments. The big difference is that

it's a double-edge station with trains on either side. So that's sort of the type of travel model that we're at today. It's very useful for the public to understand some of these ideas.

With that, I'd take any questions or comments.

Mr. Firestone: Thank you. Does any Commissioner have any questions at this time?

Mr. Bob Stozek: I'm sure I'm making this overly simplified, but it sounded like what you said was you put together a group of projects and then you said you looked at the funding that's available over the next 20 years and then do some prioritization. To me, that kind of applies that the funding is pretty much static. It doesn't change a lot. How do you know what the funding is going to be over the next 20 years?

Mr. DuRoss: The funding estimates are developed by our Finance Division, which does work with [inaudible]. The total funding is not as static as we might think. It is linked to population growth, economic growth, the different sources within the transportation trust fund. We look at trend analyses of the changes in federal funding. About 35-40% of Delaware's funding is federal, and that does tend to increase at a certain rate of 20-30 years. But the flip side is that prior to the 90s, transportation plans had literally hundreds of projects potentially costing many billions of dollars in all the counties of the U.S., which could never happen. So, this is a more cost-based approach. It allows decision-makers to understand the implications of the priority list. You know, if we choose to do a certain project over the next 10 years that happens to cost \$100-200 million, like a fifth lane on I-95 or a directional set of ramps by the mall, that's funds that aren't going to go to a different project. So, those are the rules of the planning process as of today.

Mr. Stozek: If you have a project that is very high priority for safety reasons, economic development reasons, or whatever, does that ever drive . . .

Mr. DuRoss: Yes.

Mr. Stozek: The decisions of money that's being allocated?

Mr. DuRoss: Yes. Like I mentioned, there's like five or six different pools of funds, and state of good repair, safety, bridges, those types of things, have fairly stable pots of money, and those things tend to happen. They must happen.

Mr. Stozek: Okay.

Mr. DuRoss: Where there's choices to be made, it's on the more capital-intensive construction-oriented types of projects.

Mr. Stozek: Any my last question is, how much does politics play in this? You know, for instance, is there a, you know, to have New Castle County, for instance, have 50% of the money and the other two counties 25% each, is there . . . or is it all driven based on the priority of the project and the need of the project?

Mr. DuRoss: All of the above.

Mr. Stozek: Okay, I figured that.

Mr. DuRoss: I think if you look at say 1, 3, 5, and 10-year averages, you'll see the allocations tend to be fairly consistent towards the array of population. You know, New Castle County is almost 70% of the state's population, but almost 70% of the growth is now below the canal. And of that, almost 50% is on the east side of Sussex. So, I think looking out over the next 30 years, you're going to see some shifts in the sort of historic nature of the investments geographically.

Mr. Stozek: Okay. Thank you.

Mr. Firestone: What kind of investments are being made given the development that's ongoing on the STAR Campus? And College Avenue seems like it's going to be quite complicated with pedestrians, automobiles, and bicyclists. Is DelDOT thinking about that issue and planning to do anything to help the City address that?

Mr. DuRoss: We are. I do not have the specific details of that, but I do know there are a number of projects underway to enhance the trail system as well as the transit system. We're actually working right now on an autonomous bus demonstration project for the STAR Campus. Probably a year off, there will be an automated bus that will be able to circulate around the STAR Campus. It will have a driver, but the driver is really a passenger. So, the future is coming very quickly.

Mr. Firestone: But it won't go onto College?

Mr. DuRoss: It may. We're looking . . . I know our traffic section has gotten very interested in that project over the past month because they want it to go out onto South College and circulate through the general community, not just stay on local roads inside the STAR Campus. So, that's a DelDOT, UD, many agency demonstration project of autonomous technology. There is a governor's task force right now looking at connected and automated vehicles. It's a high priority for lots of reasons.

Mr. Silverman: I know you've said that there is a new day with communication links that have been opened by Director Gray and the Acting City Manager. I feel, sitting here as a Commissioner, I am in the dark about what's spinning around in Newark with respect to virtually all aspects of the modes of transportation. I cannot get a handle on what is throughput traffic, what's the collective impact of traffic with 4-5 developments that only have a handful of streets that they can travel on in and out of Newark that fall under the individual threshold of the 500 per day TIS or 50 peak hour. And I'm hoping the dynamics of work here will have some of those things reflected. For example, I don't believe our recently-adopted Comprehensive Plan even carries information from WILMAPCO on the transportation plan that affects the area around Newark.

The STAR Campus is our growth area in Newark if the University follows through on its thoughts. However your project seems to be oriented toward growth, STAR Campus is a natural, but Newark is a relatively stable environment. Its land use is relatively fixed. Its traffic patterns are relatively fixed, hemmed in by railroads. And how does the DelDOT effort, particularly the Traffic Improvement District, aid us in our developed area transportation needs? What kinds of things can we expect out of this?

Mr. DuRoss: Well, it's my job in our section to help generate that kind of information and provide it to any who ask. So, I sensed that there was some deeper understanding of those questions and that's why on the way up I thought we needed to be in more frequent contact with the City.

Mr. Silverman: For example . . .

Mr. DuRoss: So, I don't have answers for you today . . .

Mr. Silverman: Okay.

Mr. DuRoss: On that, but I think working with the City staff and sort of collecting those types of concerns from the Commission, from the Council, from anyone, you know, it needs to get put on a punch list and we need to start chipping away at finding those answers.

Mr. Silverman: Okay, so that punch list would originate through the Planning Department here?

Mr. DuRoss: I think that would be best, yes.

Mr. Silverman: Now I'm familiar with the transportation planning processes. If I wanted to test the impact that a new road would have, running from the STAR Campus across the University property to the Webb Farm, from state Route 896 to Route 72, just to see what it would do, how do we, as a group, initiate something like that?

Mr. DuRoss: Let's run that one up through the punch list, and between WILMAPCO and our staff, we'll take a look at it. Our section is undergoing some change in terms of staff allocation of duties. I've been the only person running travel models for over 20 years at DelDOT and I'm not doing that anymore, so we're ramping up with some consultant assistance. You know, just because I'm not in that role, doesn't mean the questions aren't being asked. Again, this is only one of 57 communities. I'm out 3-4 nights a week. A lot of people share similar interest in their particular community. So, if we get the questions, we'll respond as best we can. If it turns out to be something that needs more intense study, a longer-term process, we'll communicate that back and say, you know, DelDOT is not comfortable looking at this type of project because it potentially could impact a larger community and we're really not supposed to explore those types of solutions with a public process. But we'll communicate that.

Mr. Silverman: Thank you.

Mr. DuRoss: We're here to help.

Mr. Firestone: Would anyone from the public like to be heard? I've just got one further comment, or question. As far as all of the through traffic on Main Street through town, is that more DelDOT or WILMAPCO, as far as trying to come up with a solution? Because it impacts the quality of life of people who are trying to go to restaurants and such. We probably lose business downtown because there's so much traffic that's not going downtown, it's going through town to various parts in Maryland or to southern Delaware. And, from a planning perspective, it just seems to be not a very good solution we've got here.

Mr. DuRoss: I would say from your perspective, you want to pursue all options. So, I would say ask WILMAPCO and us. Get a list of the specific concerns or questions and, through working with your staff, we'll try to get you some answers. Or at least we'll get you some data, as best we can. You may not like the answer, but we'll do the best we can.

Mr. Firestone: Any other questions? Okay, thank you very much.

Mr. DuRoss: Thank you for your time.

4. COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT TO ANNEXATION MAP FOR 3 BRIDLEBROOK LANE AND 5 BRIDLEBROOK LANE.

Mr. Firestone: Okay, that then takes us to Item 4, a Comprehensive Development Plan amendment to the Annexation Map for 3 Bridlebrook Lane and 5 Bridlebrook Lane. This should be a relatively quick item, I believe.

[Secretary's note: A link to the Planning and Development Department memorandum regarding the Comprehensive Plan Amendment to the Annexation Map and Planning Area Map for the annexation of 3 Bridlebrook Lane and 5 Bridlebrook Lane can be found at the end of this document.]

Ms. Gray: Yes, sir, Mr. Chair. The Planning Commission recommended approval of the annexation of these parcels at the last meeting on April 3. However, not included in the

motions and as requested by the Office of State Planning is a specific recommendation regarding amending the Growth and Annexation Map and the Planning Area Map. The reason for that is 3 and 5 Bridlebrook Lane are not included in either of those maps in our Comprehensive Plan and, heretofore, I am not aware that we have encountered this. Certainly not since I've been here. So, here again, the Office of State Planning has requested that we call those specific amendments out, and the Department suggests that the Planning Commission recommend that City Council approve the amendment of the Amended Growth and Annexation Map as described as Exhibit C in your packet, and amend Planning Area 6 as described as Exhibit D of your packet of the Comprehensive Development Plan V.

Mr. Firestone: Are there any questions for Mary Ellen? Would anyone like to be heard from the public on this item? Chair would entertain a motion.

Mr. Hurd: I move that we recommend that City Council approve the amendment of the Amended Growth and Annexation Map, described as Exhibit C, and amend the Planning Area 6, described as Exhibit D, on the Comprehensive Development Plan V.

Mr. Firestone: Is there a second?

Mr. Silverman: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. Motion carries.

MOTION BY HURD, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE AMENDMENT OF THE AMENDED GROWTH AND ANNEXATION MAP, DESCRIBED AS EXHIBIT C, AND AMEND THE PLANNING AREA 6 MAP, DESCRIBED AS EXHIBIT D, ON THE COMPREHENSIVE DEVELOPMENT PLAN V.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

ABSENT: NONE

MOTION PASSED

5. REVISIONS TO AMENDMENT TO SEC. 32-96 – USE REGULATIONS FOR FLOOD PLAIN

[Secretary's note: Agenda Item 5, Revisions to amendment to Sec. 32-96 – Use Regulations for Flood Plain, was withdrawn from the agenda until a future Planning Commission meeting.]

6. ORDINANCE PROPOSING AMENDMENTS TO CHAPTER 32 FOR THE PURPOSE OF REGULATION OF SIDEWALK CAFES, DECKS, BALCONIES, AND PARKLETS IN THE DOWNTOWN DISTRICT.

Mr. Firestone: That then gets us to the patio, sidewalk café . . .

Ms. Gray: The patio ordinance.

Mr. Firestone: And the like.

Ms. Gray: And the like. Mr. Chair, the purpose of the proposed ordinance is to amend the Zoning Code to modify regulations for sidewalk cafes, patios, decks, balconies, and parklets in the downtown district to allow for larger outdoor spaces where a benefit to the public was

included beyond additional seating space for the associated business. By way of background, this came out of a recommendation from the Downtown Newark Partnership Design Committee when a review of the enlarged patio at 27 East Main Street, otherwise known as Grain, was conducted. And Tim Poole is here, our Code Enforcement Officer who is the main author of this ordinance, and was reviewed by the Downtown Newark Partnership Design Committee. Tim, do you want to speak to any of the issues regarding it?

Mr. Firestone: If you could come up to the microphone, please.

Mr. Tim Poole: No, but I would entertain any questions or concerns. There were some that were posed during the review process. They've been compiled in a document that's available to the public and has been distributed to the Commission. Is there any clarification or additional questions?

[Secretary's note: A link to the Planning and Development Department memorandum and proposed ordinance language regarding sidewalk cafes, patios, decks, balconies, and parklets in the downtown district, as well as the Planning and Development Department handout of questions and answers posed during the review process, can be found at the end of this document.]

Mr. Firestone: Will?

Mr. Hurd: Sure, I have a . . . and these are great to have the comments and answers.

Mr. Silverman: Yes.

Mr. Hurd: Starting in the very beginning, when you're talking about sizes of these elements, there's no information about the size of a parklet, or no constraints on the size of a parklet that I see in the proposed Code here.

Mr. Poole: Correct.

Mr. Hurd: Okay, that's by intention?

Mr. Poole: Yes.

Mr. Hurd: Okay. I have two recommendations on page 2. Item 6, where you're talking about fences and guards and things, 6b, I would recommend that we just say that fences, walls and barriers shall meet the requirements of a guard when required by the Building Code, rather than pulling the Building Code's definition for when a guard is required into our Code. Because, one, well, you know, their Code has a specific definition about distance away from the area of the guard which isn't in this and if they make theirs more stringent, we might be left hanging.

And then Item c, I think I would add some language about posts and other supporting elements shall be install by approved methods and meet the Code requirements. Because there are also specific Code requirements for posts and guardrails that, you know, we don't want to obviously get into defining here, but we do want. If they put a deck up . . . and maybe this is already covered if they build a deck, it's covered under a permit for decks and such . . .

Mr. Poole: It would be subject to the construction loads as required in Chapter 16 of the International Building Code.

Mr. Hurd: Okay, then maybe just a way of saying what's approved, or how do you define approved methods. Where is that specified, if there is such a place?

Mr. Poole: Typically, in the Building Code.

Mr. Hurd: Okay, then maybe just say that. Say approved methods for guards or posts, or something like that. Just to send them back to a place where it's defined and you can check against it and say you're not meeting Section blah blah for the guards.

Mr. Poole: Okay.

Mr. Hurd: Oh, Item d, I was not sure what you meant when you talked about materials being durable, weather-resistant, and finish grade.

Mr. Poole: I'm sorry, where is this?

Mr. Hurd: This is #6 still, Item d. It says fences, walls, and barriers shall not be constructed of plastic or pressure-treated wood. All materials shall be durable, weather-resistant, and finish grade. Is that a term that's defined somewhere else? I mean I kind of know what you mean. You know, you don't want it to be rough. It should be a smooth finish. I don't know if there's a better way to define that, or if you have thoughts on that.

Mr. Poole: No, this is the first I've considered that, so I don't know off the top of my head how to address that.

Mr. Hurd: I guess I would say you can think about whether you want it to be smooth or what's the criteria that you actually want. Do you want it to be smooth? Do you want it to be paintable? Do you want it to be something other than just finish grade, which I think is a little loose in this context?

And then Item 9, I had thought that you might want to say roofs and awnings over patios and decks shall not be located . . . because right now it says roofs over patios and decks and awnings, which makes it sound like there are roofs over awnings.

Mr. Poole: I would agree with that.

Mr. Hurd: Okay. And then I think we picked up the notes about seating platforms. And I was really glad to see the clear path of travel being called out. I think that's going to be critical because that gets ignored at times.

Mr. Poole: That's one of the reasons for development of these standards.

Mr. Hurd: Right. And I guess maybe my last thing is just on the accessibility parts. I almost don't know why we need two sections that basically say they have to be accessible. Or why you think that the patios and decks, and parklets obviously, but why patios and decks should have an accessible route to the public way as a default.

Mr. Poole: I think it's for pedestrian access to the structures. One of the concerns for the Design Committee is to increase pedestrian connectivity and the downtown feel.

Mr. Hurd: Okay, I guess I . . . and maybe business owners can speak to this . . . I don't know if they want people easily coming onto the deck or whether they would prefer to have them coming through the business, which would hopefully put them onto the business' accessible path, and then it's an easier method . . .

Mr. Poole: If you notice in there, there is an exception where the only access to the deck . . .

Mr. Hurd: True.

Mr. Poole: Is through the building. That way you're not . . . or if there's an extreme height variation . . .

Mr. Hurd: Okay.

Mr. Poole: That would make it . . .

Mr. Hurd: So, you're feeling that that kind of covers that?

Mr. Poole: Yes. Because the issue is having it accessible, and where there are stairs to make it also accessible.

Mr. Hurd: Right: Okay, thank you.

Mr. Silverman: Stacy? With respect to clear path, can we add the word unobstructed path in there so there are no temporary signs, no trash cans? Is that the intent? It goes from wall to curb, absolutely clear.

Mr. Poole: Yes, that's the intent.

Mr. Silverman: Okay, so no A-frame signs, no trash cans, no decorations?

Mr. Poole: Correct.

Mr. Silverman: And with respect to page 2, paragraph 6, coming down to d, shall not be constructed of pressure-treated wood. If I want my framing to be pressure-treated wood and my ground contact to be pressure-treated wood, does that exclude it? If I'm covering up the . . . if the framing is pressure-treated, is your intent that you don't want exposed, stained pressure-treated?

Mr. Poole: That is a durability question. It's a durability issue. They could be either, if it's made of wood, it should be made of pressure-treated or naturally durable wood.

Mr. Silverman: Okay, but it says fences, walls and barriers shall not be constructed of plastic or pressure-treated wood. That seems to prohibit the use of a durable wood . . .

Mr. Poole: That's a typographical error.

Ms. Gray: Oh.

Mr. Silverman: Okay. A durable wood within the wall of the structure.

Mr. Poole: I believe the word not should be eliminated.

Mr. Silverman: Okay. Thank you.

Mr. Hurd: Ah, that clears mine up a little bit. Thank you.

Mr. Firestone: Are there any other questions or comments? Would anyone from the public like to be heard on this? Ms. White? You can take a seat. Thank you.

Ms. Jean White: Hi, Jean White, District 1. I haven't read the page of the comments that was over there that you could pick up where somebody responded to a bunch of things before, there was a sheet. Let me just see . . . well I think it's pretty clear to me now that I read it what assembly use is, but I almost feel you need a definition for a word in the definitions. Assembly use, assembly area . . . it actually means people getting there but I think it's not as clear as it could be.

Okay, then when we go down to 32-18(d)(5), in the third line after the comma, add this. It wasn't clear. It seems like it's a free-floating sentence there. Maybe I didn't see where it was

supposed to be. Right on the first page, halfway down, 32-18(d)(5), in the third line after the comma, but I don't know where the third line is.

Okay, let me just see here. I was curious where, under the next item right under that, 32-56.4(d)(1), the total size shall not exceed the interior area of the associated business. It's clear what it means, but I was wondering where that came from? You know, 50/50, that would be the greatest amount.

Mr. Poole: To answer those . . . 32-18(d)(5) is a requirement for a setback for buildings over 35 feet in height. The exception there would be to allow a roof over a ground floor patio to encroach into the 20-foot required setback for the taller buildings. So, this is an exception to add into that specific section of the Zoning Code.

Ms. White: The third line after the comma, is that what you're talking about?

Mr. Poole: Yes.

Ms. White: Okay. It's just that in reading it from the public, at least, I couldn't figure it out.

Mr. Poole: It's difficult as a standalone amendment . . .

Ms. White: As a standalone, okay.

Mr. Poole: Unless you look at the Zoning Code as to where it fits in.

Ms. White: Okay, sometimes when you do this, you put the original one and then you show where you're changing it. Let me just see here. I guess at the Design Committee when some of this stuff was discussed, I wasn't maybe following it closely, but in Exception on the top of page 2, a minimum of 10% of the area is used for recreational purposes. That's an exception. I guess you could have more than 1,000 square feet for your outside patio and I sort of feel you have to define what recreational purposes are, at least a little bit, because one could think of all sorts of things that could be considered recreational purposes.

Going down further, somebody already talked about this, that barriers and landscape barriers is talked about down at the bottom of that page, and sometimes it seems to me that you're talking about one kind of barrier and other times specifically about landscape areas. Like 6e, the barrier shall be a minimum of 6 inches in height, I feel that that barrier is probably talking about a landscape barrier. Anyway . . . it almost seems like maybe there have to be two different names for these two different kinds of barriers – the landscape barrier and the such-and-such barrier.

And then on page . . . mine aren't numbered actually, but the next page, and it's #10 . . . oh, first on 6a, I don't know if somehow in here it talks about the height, for example, of umbrellas that are put on here. I know at Grotto's, and this may be covered someplace and maybe it should be covered here, if somebody is very tall, as they are going by they can actually almost be hit by that umbrella. So, I don't know if a height thing should be in there. Maybe it's someplace else.

Mr. Firestone: You've got time for one more.

Ms. White: Oh, okay, one more. Okay, let me pick my one more. Did Tim Poole's response count in my three minutes?

Mr. Firestone: I stopped the time.

Ms. White: Oh, okay. You're very good at this.

Mr. Firestone: And I'm even letting you go on a little longer.

Ms. White: Okay, let me find it. I have ten things but let me just see here. Number 10, patios, decks, and parklets shall be maintained in good repair and sanitary condition. The parklets are not owned by the business that they're by, so how is it defined on who may be keeping the parklet clean? There was some discussion at the Design Committee that maybe the business could adopt it but, short of them doing it, is this the City of Newark or whoever that has to clean it up? Okay, I will stop and not get to my other things. Okay. Thank you.

Mr. Firestone: Thank you. First, I'll just say that the issue of landscape areas and barriers came up in some comments of mine to the Department, so that issue has been clarified. I guess, first, on the question about the parklets, it does say that they shall be maintained in good repair and sanitary condition, and it refers to the property owner or business. Who owns the parklet?

Mr. Poole: I guess in the instance of the proposed parklets, they're part of the right-of-way and the intent was to be maintained by the City.

Mr. Firestone: It's just that it does say at present, under 10, that the property owner or business shall sweep or wash those areas.

Mr. Poole: We'll need to address that in the final draft that goes to Council. Can I also clarify an issue brought by Ms. White?

Mr. Firestone: Yeah, I was . . . yeah, go ahead.

Mr. Poole: The amendment to . . . never mind, it's in that ordinance.

Mr. Firestone: What is the meaning . . . is recreational purpose defined anywhere?

Mr. Poole: No, it's not. The intent from the committee was to leave that somewhat open to allow for different recreational activities that wouldn't be restrained.

Mr. Stozek: Can you give an example of what kind of recreational activity you're thinking about?

Mr. Poole: A public gathering. Some sort of fun and games. Some sort of concerts or display of art. Or other activities such as that.

Mr. Stozek: Throwing darts?

Mr. Hurd: Cornhole.

Mr. Poole: Certainly in a safe way.

Mr. Stozek: Nerf darts.

Mr. Firestone: I have one question about the notion of sidewalk cafes and such. Do business establishments pay the City anything to effectively encroach upon the common public space of the City, which is the sidewalk, to run their business and make a profit?

Mr. Poole: I can't answer that question. I would assume that if there is, it would be part of the business license. But I don't know the specifics of that and I would have to look into it.

Mr. Firestone: Paul or Mary Ellen, do you know if there's any assessment for a business to come and occupy some of the public space?

Ms. Gray: I am not aware of any but we can certainly look into it.

Mr. Firestone: And I take it it also doesn't go into the calculation of parking requirements.

Ms. Gray: Correct. I had to think about that one for a second.

Mr. Michael Fortner: Mr. Chairman, it does not go into the calculation of parking requirements and that's deliberate, to encourage sidewalk cafes on Main Street. And I'm not aware of any fees or additional tax assessment for sidewalk cafes either. They're generally encouraged by the City.

Mr. Firestone: Comment from the public? Please step up to the podium and identify yourself.

Mr. Howard Smith: I'm Howard Smith. I'm a member of the Design Committee. I believe the answer might be that the sidewalks are physically property of the owners, and the City just has ordinances to use and control them for the pedestrians. But the property itself belongs to the business, all the way to the sidewalk. All the way to the curb.

Mr. Firestone: So your understanding is that . . .

Mr. Smith: The City doesn't own the . . .

Mr. Firestone: The City has an easement, effectively . . .

Mr. Smith: Pretty much . . .

Mr. Firestone: But it's owned by . . .

Mr. Smith: Through ordinance, I believe, they control the sidewalk.

Mr. Silverman: So there needs to be another ordinance modification that extends whatever control of the sidewalks into this parklet area, so the City has some control over it.

Mr. Poole: Actually, the property owners own to the property line. However, under the streets section of the Code, the property owner is responsible for that sidewalk or right-of-way area between their property and the curb line.

Mr. Silverman: Okay, I'm envisioning substituting an automobile parking place with a parklet. That's the vision I have. That's beyond the curb line. So that sits within the public right-of-way. A no-man's land with respect to the Code.

Mr. Poole: In the parklets now, the curb line is being moved to include the parklet.

Mr. Silverman: Okay, so the curb line will surround the parklet?

Mr. Poole: Correct.

Mr. Silverman: Okay. Who actually controls the use of the parklet? If I want to sponsor, like the City has landscaping sponsors, and I want to sponsor a parklet in front of this gentleman's business, can I go in there and put in my benches with my name on it and compliments of, just like the City has sponsored landscaping? And who controls that use of that, particularly if the owner of the property objects?

Mr. Poole: I don't know about that specific question, but certainly in the discussion in the Committee, there was hope that there would be some business owners that would sponsor parklets and the furnishings of parklets. And the expectation was it would typically be done by businesses in that immediate area.

Mr. Silverman: Okay, but I can see some mischief down the road. If I want to put my business against my competitor and put my signage and my sponsorship in front of his business, there's

nothing to stop me. What's the permitting process to do that? There's a piece here missing within the Code. That's all I'm saying, particularly with respect to control.

Mr. Firestone: So, are you going to come back in like a month or so with a cleaned-up version? Is that the plan?

Mr. Poole: I don't know what the plan is.

Ms. Gray: Well, Mr. Chair, what would be the recommendation of the Planning Commission? Is it that the . . .

Mr. Firestone: I don't think we have a clean enough draft, I think, to have a vote tonight . . .

Ms. Gray: Sure.

Mr. Firestone: So we will . . .

Ms. Gray: Well, we will work on that and address that.

Mr. Firestone: Maybe see you next month.

Ms. Gray: Okay.

Mr. Firestone: Thank you.

Mr. Cronin: Can you take a couple of more comments, perhaps, Mr. Chair?

Mr. Firestone: Go ahead.

Mr. Cronin: On page 2 we talk about 6a, you know, patio and deck barriers not exceeding 3 feet in height. When we go over to the next page, #9, patio and deck sidewall barrier not exceeding 42 inches in height. So, I guess the distinction must be between a sidewall and non-sidewall. They have two different height designations. It's something for the people to think about as they try to revisit the subject.

And also on the same page, we talk about the height of these things. If they're landscaping, I know the landscaping on my property grows. It might start out at 28 inches but before you know it, it's above 36 inches. Is there any tolerance for it being above one of these thresholds? Or is it like a hedge that you have to come out and trim it all the time once it gets to be a mature plant? That's something to think about, too.

And then on page 4, Item 3 talks about the installation and use of speakers and other amplified sound equipment is prohibited. I've been places, particularly in Florida, where there are speakers in the sidewalk at these parklets and so forth, and there is some really cool restful and relaxing music, not loud, but if you get close enough to it, it's there to kind of be uplifting and give you some pleasant feelings. So, particularly if the City is redoing the street and repaving it, maybe they could run some wires for that potential one day. I don't know that we want to necessarily restrict sound implication. Restrict the volume of it, perhaps, as opposed to any at all.

Mr. Paul Bilodeau: I will add that there are some other ordinances in our Code that prohibit amplified music outside for restaurants. So, if we're going to do something like that, we'll need to address those ordinances, as well.

Mr. Cronin: Alright, but if the amplified you're having is not above a normal conversation, it still can be heard if you're there, if you're walking by or something. But it could be addressed for maybe a future goal. Thank you.

Ms. Stacy McNatt: I have a question.

Mr. Firestone: Yes.

Ms. McNatt: Mary Ellen, when you find the information regarding the potential fees or costs associated with using these public spaces, if there isn't, I would like to understand or find out is there a way to promote a balance? Because there may be increased City services needed to address some of these areas that are going to be created, should we not have some form of a balanced fee assessment or something that could support that so it can do the promotion of the downtown as well as provide additional resources that may be needed to do what's proposed here. I don't know that that's been thought about, but I think it's a fair trade in needing to provide financial assistance to do additional services from the City, if necessary.

Mr. Firestone: Any other comments? Okay.

7. PARKING SUBCOMMITTEE RECOMMENDATION.

Mr. Firestone: That takes us, then, to Item 7, Parking Subcommittee recommendation. And let me just start by thanking our intrepid Parking Subcommittee members who went beyond just coming and preparing for our monthly Commission meeting. So, we all thank you.

Mr. McIntosh: And we accept your praise. I'm not used to being on this side of the fence. This is pretty good.

Ms. Gray: It's a different perspective, isn't it?

Mr. Firestone: Yeah.

Mr. McIntosh: It is. It's not bad down here. I thought I'd start with this. This is a can, as you can see. It looks like a pea can, perhaps. I got it from a session I was at in Arizona maybe 20 years ago or more. Anyway, a guy by the name of Lowell Weldon, these were his business cards. Business cards. Now they don't fit in your wallet very well, but they are one of the best things I've ever seen in my life. There's a long story to it and I will not tell it, but what it says on here is success comes in cans, not in cannots. And I'm going to put this up here for now, for the length of our presentation, because that is really the essence of what we are here to talk to you about tonight.

[Secretary's note: During their presentation, the Parking Subcommittee members referred to a PowerPoint presentation being displayed for the benefit of the Commission, the Planning Director, and the audience. Links to the Parking Subcommittee report and PowerPoint presentation can be found at the end of this document.]

Mr. McIntosh: You had, I hope, the opportunity to look at this narrative that we included in your packet, sort of. I guess we sent it out a little bit later, but not that long. It was rather entertaining reading, I thought. And you, hopefully, had a chance to look at that. This presentation is designed to kind of build on that, if you will.

So, the subject, kind of the title of what we're doing is Changing the Way People Think – Parking in Downtown Newark and the Surrounding Area. Changing the way people think. We took this approach. The idea was to have a holistic approach to this whole project. The design, very specifically, was to be devoid of partisanship, for lack of a better term. The central notion of the plan is that everyone involved in the discussion would be open-minded. Open-minded. There would be no built-in bias, one way or the other. There wasn't even a question of whether there was a parking problem in Newark until we established there was one. So that was sort of the notion of the plan. You will hear quite a bit about this tonight, and the presenters for that. Lee Mikles, owner of Grain Craft Bar + Kitchen. Myself in a reprised mode . . . I'll be back, you won't get rid of me right away. Will Hurd, who is a member of our Planning Commission and an

architect. And, finally, Chris Locke, who is general counsel and partner for Lang Development and owner of Formal Affairs. Those are your presenters for the evening, and I am going to move away and let Lee come up here and talk. Here you go, Lee.

Mr. Lee Mikles: Thank you, everyone. Again, my name is Lee Mikles, owner of Grain Craft Bar + Kitchen on Main Street. What I want to point out is we went through this and we identified that our perceptions of parking vary greatly. To some, there is not enough parking, and to some there's just too many, and it varies by the time of day you look at it, how we intend to use, our own personal experiences, and the time of year. It's something that's all over the map and something that we really tried to understand and get to the bottom of where the true issues are around parking.

The City of Newark has a wide range of minimum parking requirements. They are spelled out very specifically for different uses based on things such as whether it's a bowling alley or a restaurant or even an undertaker. It's very complicated and changes quite a bit. One of the problems is that as a building's use changes over time, those requirements may restrict how that building gets used or, if it gets redeveloped, it may restrict how that building could potentially be used. And, so, this became a problem that we were trying to identify and straighten out.

What we're proposing is that we take a new approach to parking. One that reflects who we are as a city, one that reflects what we want to become, and one that allows us to advance. So, bottom line, Newark is more of a City than a town, and parking should match that reality. We need an approach to overall mobility. We need to approach parking as if we are truly a city. We want to make Newark more walkable, more bikeable, and we want downtown to attract people from all around. Just imagine what this image might look like if these cars were parked elsewhere.

Mr. McIntosh: Well, when I was writing that narrative, this was the, whatever you want to call it, the mind map that I used to kind of look at what we were doing, what we did, over a six-month period. And, so, it does look like it's a little muddled here and there and elsewhere and all over the place, but it really isn't. It is a process of looking at this whole cloth from beginning to end, and coming up with the very best possible solutions with the City's interests in mind.

So, one of the criteria for our Committee members, and what we felt was a success, was that you needed to park your hat the . . . what is that word I'm searching for . . . partisan hat at the door when you came into our Committee meetings, because the greater good was always what's in the best interest of Newark. So, we brought some really fine people in to be part of this process. We tried to find stakeholders; I think we succeeded at that. We looked for very thoughtful people; I think we succeeded at that. We looked for committed people; I think we succeeded at that. And these are who they are. They represent the stakeholders of parking, if you will, as it stands today in our City. We had a student. Students use a lot of parking. We had a non-profit from the downtown area. We had people from the Planning Department. We had three Commissioners that were involved. We had a developer. We felt that was very important. We had an owner of a retail business. We had, and very importantly, a person representing the University of Delaware. We were very pleased to have Richard Rind on our Committee. Richard is in charge of all auxiliary services for the University, and that includes parking and all the parking lots, etc., as a resource that we felt was very important.

So, how do we think and how do we organize? That was one of the central questions that we began with. When we talk about thinking, we were talking about how do we organize. We wanted highly interactive . . . excuse me, with regards to thinking, we wanted highly interactive and open discussions. We wanted a timeframe that would be about six months. We wanted it to be two-hour meetings. We happened to have them in the afternoon to make it possible for our Committee members to attend on a regular basis, which they did. The process in the Committee discussions, a lot of it was small groups tackling the issues at a deeper level. We invited the members of the public that were there at the meeting to take part in those

discussions at that level, so they felt, I hope, that they were intrinsically involved in what we were doing at the base level. The discussions were deep. When they came back from their small groups, they reported out and then the larger group helped codify what they said, etc. In the end, there were multiple assessments of every activity that we had, whether it was an idea around a problem or an idea around a solution. And we felt very comfortable when we were done that we had hit all of those marks.

From the other perspective, we looked at was there a problem and how do we solve it, what our goals were, and the like. So that was the process that we worked through to get to solutions, and you'll hear more. Mr. Hurd?

Mr. Hurd: Thank you. I can't get this close enough. There we go. A central part of this process is understanding the changing nature of the downtown area and how parking requirements fit into the new holistic model of development that we are seeing enacted elsewhere.

Our current parking requirements are based on a suburban model where cars are the primary mode of transportation and they are designed to provide sufficient parking at every location. This requirement to provide a space for a car at every place it could be produces an oversupply of parking in a dense area like downtown. You see the results of this along Main Street with tall first stories for parking and the need to combine lots to make a large building so that the required parking can be accommodated. Parking that often sits empty at the end of the day and during school breaks.

To support our desire to have a downtown become a vibrant place that attracts a variety of visitors, there needs to be a cultural shift away from the existing model that elevates the car, to an emerging model that accommodates many modes of transportation. As noted by one member of the public at our meetings, parking requirements and constantly expanding parking supply elevates one mode of transportation – the car – over all others. One effect of this is that the cost of private car travel, including parking, is rarely visible to the consumer. The setting of minimum Code-required parking requirements becomes a policy choice about what systems of transportation do we value and what broader goals and plans do we wish to support. Parking requirements affect many policy areas such as land use, environment, economics, and health. Only by stepping back and viewing parking in this larger context can we see the interconnections and start to make decisions in a holistic way.

Our vision in the current Comprehensive Plan desires complete streets that support all transportation options, as well as compact and mixed-use development that is pedestrian-friendly. As these other modes of transportation – walking, bicycling, transit, car-sharing, and ride-hailing services – increase, the requirements and locations for parking within the downtown area need to be reevaluated. These changes will prepare us for the future and the new populations that we want to live and work in the City. We have the tools now to effectively manage the parking that already exists, creating a comprehensive and coordinated way to get the most value from existing parking.

And, now, Mr. Locke.

Mr. Chris Locke: As Milton Friedman once said, there's no such thing as a free lunch, and there's no such thing as free parking. Free parking is not free. Parking comes at a cost, not only to the property owner in increased construction costs and lost revenue, but it also comes at a cost to the City's operating budget and to the taxpayers. A loss of property tax and a loss of utility revenue, which is so important for the operating budget of the City, is a loss. And this is not a loss that just occurs for one year. It's a loss that is perpetual. Loss for a generation or more. It also is a cost to the environment by increasing the volume of stormwater and the constant advocacy of one mode of transportation, which is the automobile.

Currently, a substantial amount of the most valuable real estate in our City is not being used effectively for the benefit of all the stakeholders in the City. As you can see, this is how much

we've allocated to the car. As a previous slide showed, we have more parking than we do green space in our downtown area, and more parking than we do buildings. Parking is not a UD problem. It is not a merchant problem. It is not a downtown problem. It is a City problem that affects all the citizens, businesses and visitors to the City. UD has addressed its parking concerns by providing over 9,000 parking spaces throughout the City and creating their own bus system that had an annual ridership of 1.2 million last year. It has also constructed two large parking garages over the last 15 years. Private land owners, those marked here in the yellow, as well as the leased parking lots in Lots 3 and 4 that the private land owners lease to the City, have also done this at a substantial cost. As I said, these lands are the most valuable pieces of real estate in the City. The lack of development comes at a substantial cost by loss of revenue of taxes and utility. These lands are vitally important to the commercial vibrancy of downtown. A vibrant downtown is not only good for business owners, but also the homeowners that live in our city in increased real estate values. Young buyers, young families looking to come into the City want to move into a vibrant downtown area that has shops, restaurants, and entertainment. This piece of property is located 132 East Delaware Avenue. Look at the vacant space that is being used by three cars.

By allowing parking spaces to be used differently, this would increase the supply of commercial spaces, making more spaces available, thus lowering the rental rates in certain areas of downtown. This will attract different retail businesses and start-up businesses, which is what we want in our city. By allowing such a large amount of our real estate to be used for parking, it has an adverse effect also on the type of housing we want to have in our downtown area. Much has been said over the last couple of years that we want a different type of residential apartment in the downtown area. However, the current parking regulations put such a tremendous and almost prohibitive cost to build smaller units that you see the 3- and 4-bedroom, larger apartments constantly being built. A typical parking space is 9' x 18', which is 162 square feet. This could generate anywhere from \$2,400 to \$4,800 in additional rental income for the property owner. That's just one parking space. So that's great for the property owner. But it also would increase the value of the building. Why is that important? Because that increases, then, the tax assessability value of the building. In most of the buildings built over the last 20 years, the City has probably lost 25-30% in additional tax revenue. That doesn't count the utility revenue that is lost every single month by having vacant space.

The cost to the environment is also tremendous. When looking at parking regulations, many cities recently across the United States are revamping their parking regulations to address environmental concerns. Parking lots become heat islands, increase stormwater runoff, and reduce groundwater recharge. Parking lots collect all sorts of pollution of leaking oils and fluids from parked cars. Parking lots increase the volume of stormwater, which puts tremendous stress on stormwater management. Conversely, a well-designed development free from parking regulations will reduce the negative effects on the environment. Parking regulations invite more drivers to downtown, adding to the congestion and air pollution, at the expense of other modes of transportation.

What we have to do is we have to ask ourselves what do we want for the future of our City and downtown? Would we rather a sea of asphalt or modern buildings reflecting the history of our City for its citizens to engage each other?

Mr. Firestone: Frank? I just want it known for the record we're now at 20 minutes. We can keep going but we also need to be mindful.

Mr. McIntosh: I'm quite mindful. Thank you. Well, what are the components of the solutions? What can we do right now with existing resources and how do we pave the way for tomorrow, right now? Those are really the two essential questions. The things that we can do right now, some of which are actually being done right now, are wayfinding, countdown signs, there's been quite a bit of discussion about dynamic fee structure, the GIS system, creating an app for smart phones, and collaborating with the University of Delaware on parking resources. These

are all things that are low-hanging fruit, you might say. They don't cost a lot of money and they can be done right away. So that's pretty important.

To pave the way for tomorrow, now, there's really no effective way that we can start without having some sort of a professional marketing plan put together to determine all aspects of how we move forward with the solutions that we've developed. So, we're thinking that that might use an outside resource, in addition to using existing resources within the City. From our standpoint, you can park in Newark. It's possible. There are only a few times when you have a problem parking in Newark. And, so, how do we do that?

Well, some of the things we've already talked about. One is to subscribe to a can-do mindset that we can do this. There's a lot of parking, as you saw, that exists in our downtown area. How do we approach that parking? What are some of the things that we can do? Well, we change the perspective. Changing perspective takes time and money. People who are outside of Newark who don't want to come here because they don't think they can park here, they have to understand that they can park here and we have to reach out to them in a way that makes it reasonable for them to change their mind on that. That, in fact, this is a good place to come.

We have to, as well, change the way we think. There was some discussion, I know, in Council about dynamic parking rates. We came to the conclusion that dynamic parking rates were a good idea. Now, to take that idea just a step further, what if we use the money that came from those increased rates to help with keeping our parking signage and all that up? What if we used that money to help do the various things that make parking better, looking better and feeling better, and all of that sort? When you focus your attention on a particular problem in a focused way, there's a lot of solutions that might come to mind. For example, we could promote walkability. I think a lot of people like that idea for our City. If you go back to that slide that showed all the cars downtown, that was our downtown. That was our City. That wasn't some slide from some other place. So, if we want our City to be walkable and we want to bring new money in, maybe we subscribe to something like a step program. Like Fitbit. And we have from the parking lots how many steps it takes to get to Grain from wherever, and use that as a way of promoting downtown. There's a lot more to that than I just said. But the idea is that we can think outside the box, we have to allocate the needed resources to get this done, and we need to create innovative and new resources as we move forward.

Mr. Mikles: Okay, so as a team, we looked at how can we manage, shift, change demand? How can we move people to the right places? Again, there's times when there are plenty of spaces and there's times there's just not enough. So, we want to figure out how we can better use that inventory. One of the things we looked at was shifting employee parking needs. So, in the evenings, restaurants and other businesses that cater to the public are frequently at max capacity, both staffing and customers. So, those are times when parking is constrained. The University has a lot of extra parking at that time. And, again, the Committee worked together and came up with these ideas and one of these ideas was that the University could create an after-hours monthly parking permit for \$17 a month. These lots are managed and maintained by the University. They're nearby and controlled by the University, so there are a lot of positives there. As Frank mentioned earlier, one of the issues is just announcing this doesn't make it so. There has to be a comprehensive marketing effort to make sure that businesses and employees know that this is an option and that we're constantly trying to push employees to these spots.

A personal story about our business. Grain, which is on Main Street, I'd say the upper east side of Main Street, if you look at it here, it's a long bowling alley lot. So, the restaurant is in the front and then there's a long lot with about 60 parking spots behind it. One of the most frequent requests that we get is for private dining. So, our desire here would be to expand the kitchen in yellow and expand the private dining behind that in orange. Well, then we immediately run into parking issues. So, we are losing out on opportunities for increased business and the City is also losing out on opportunities for tax revenue and utilities, as a result,

and to make this business more desirable. And this is just an illustration of our business. There are many businesses down Main Street that have a similar situation.

Mr. Locke: Currently, in the City, the design of a building follows parking regulations. This is one of our buildings on South Main Street, Madeline Crossing. Again, you can see the tremendous amount of space that is going unused because of the car. When, really, we should design buildings to follow the people. This is a building we own on East Main Street that has no parking requirements. Look at the difference between that building and the previous building. Our parking regulations have made us addicted to driving our cars to downtown rather than walking downtown. We've become spoiled when we can't get a space right in front of our favorite coffee shop or eatery. When I was younger, I grew up in an area of the country where we walked pretty much everywhere. It was in our mindset. When my family moved to Newark 40 years ago, we quickly realized that the only way to get around here was to drive. Not much has changed in Newark over these 40 years, except there are now more cars.

This Committee brought every stakeholder to the table to achieve a holistic approach, as Frank said earlier, to solve the City's parking issues. We have to look at parking as a utility. Pricing for parking cannot be stagnant. It must be flexible depending on supply and demand, depending on the time of day, and depending on the season of the year. In our time, the Committee learned many things. For example, the current parking voucher system must be revamped for the benefit of the businesses and to minimize the abuses of the voucher system which is going on on a daily basis. The vouchers have become an almost de facto currency between a certain sector of our population. Almost like a bitcoin to be traded among people. Employees of business must park in remote areas so that the premium parking spaces can be used by customers and visitors to the downtown area. As Lee has spoken about, one of the things that came out of the Committee was this great arrangement with the University of Delaware. Now, the key is to get that information out to the merchants. To get those employees to park remotely. The third thing we found out was that Lot 2, which is right across the street from Lot 1, the most used parking lot, strategically placed perfectly for parking meters, is currently being used as monthly permits. This hamstring the use of that lot. That has to be revamped so that we can reduce some of the pressure on Lot 1. And the last thing is, parking rates need to be flexible. Not because we're trying to pick winners or losers, but rather because basic economic principles of supply and demand should be followed. Currently, UD charges \$2 per hour to park in their garage. We charge less than them for more desirable premium parking spaces. If we want to reduce a certain population of our City from using the premium parking spaces, then we need to use the economic model of supply and demand to counter that behavior. We have to look at parking like roses on Valentine's Day. This is a classic example of supply and demand. When demand is at its greatest, the higher the price. We've all paid \$59.99 for a cheap dozen roses in our lives. The more pressure that's applied, the higher the demand. Parking spaces are no different than roses. And just as the beautiful big roses are the most expensive, so should be the best parking spaces. By being creative with pricing, we can balance supply and demand, and also put a premium value on the most valuable parking spaces. Those who want to walk will be incentivized to park away from the central downtown area and they will pay a lesser parking rate. Those who want to be close to central downtown, will pay a higher parking rate for that luxury. By doing this, by following the simple supply and demand, in the end, everybody will be happier.

Mr. Hurd: So how do we get there? Once we've implemented a comprehensive and coordinated parking management system, what do we do next? The next step is to reevaluate our current requirements for parking. Understanding the full history of parking requirements and their effect on development patterns would take more time than we have today. Suffice it to say that often these requirements are not based on research or analysis but rather on what neighboring municipalities do or on political and economic forces that desire convenient and free parking. Minimum parking requirements become the real limit to urban density and a barrier to creating a walkable and sustainable city, as well as restricting varied housing opportunities.

Here are four different uses on the same lot. You can see how different requirements change the size of the building that can be built and the effect this has on the streetscape. The Planning Commission is beginning to address these issues through parking reforms that better suit the policies and goals of the community. Building on that, the Committee proposes the following solutions directed at minimum parking requirements. Solutions that have been successfully implemented by innovative cities that are seeking to create a vibrant and sustainable downtown core. We feel that these changes, taken as a whole, will create a better downtown for all users – residents, students, visitors, employees and business owners.

First, we recommend that the Zoning Code be changed to remove the minimum requirements for parking from all uses in the high density downtown area. For residential uses, this decoupling of parking from bedrooms shifts the cost of car ownership directly to the renter and removes the current subsidy paid by all tenants for the land dedicated to parking. In a well-managed, comprehensive parking system, there will be many alternative parking locations at a variety of price points that a resident can use. With no parking requirements, apartment buildings can create public space within, or come up to the street. The garage front style here is a similar one seen around town. For commercial uses, this will allow the ability to redevelop existing buildings and provide full use of the lot, providing better stormwater management, a larger variety of uses, and an increase in the tax base. Any excess parking attached to an existing building now becomes available to the market for use by business owners or employees. This is a map of some of the cities around the country that are removing or considering reductions to their minimum parking requirements. The green dots are cities that have removed minimum parking, blue dots are cities that have some reductions, and orange are municipalities considering reducing the parking requirements.

Second, within the medium density area surrounding the downtown, an area we feel is within comfortable walking distance to amenities, we recommend setting the off-street parking to half of the current requirements. The rest of the City would remain with the current requirements, with added provisions to calculate a reduction in the required parking based on specific amenities that encourage alternate modes of transportation, such as bike lockers near businesses, car-sharing for residences, and ride-hailing space for restaurants and bars.

Third, we recommend that the Code be amended to allow the management of previously dedicated parking by private entities who can offer the spaces to a variety of users, depending on time of day and time of year. Effective management is critical to ensuring the demand is matched with the available supply.

Lastly, we recommend that we begin a long-term effort to accurately determine the expected parking needs of the future and develop solutions for providing any gaps in supply in areas best suited for parking or by denser parking options. We, as a city, need to start thinking about the cost of locating parking on prime areas of land downtown and to work to shift new parking development to the edges. The University of Delaware has recognized this need and developed their own transit system to support remote parking, which allows them to continue to add buildings to their main campus area.

Mr. McIntosh: And now, to wrap up. We have proposed a holistic approach to parking in our community. The solutions are intertwined. You can't pick one off and add another one here and there. They all work together to form a very strong bond with each other and to create the solutions that we think will take care of this issue, not only now, but into the future. When we first looked at this, we saw that this issue of parking has been with us for decades and the issues seem to be the same, time and again. It was our objective to change that. To put in front of the community, a new way of looking at a great city. Newark is new. New is an important part of that word Newark. And it is important for us to keep that in mind. We want a walkable, bikeable, parkable, eatable, and entertainable city. Eatable is, by the way, a word. It's articles of food. I looked that up.

We want Newark to be a destination, but it can only be a destination if we remove the parking stigma that it has. People will not come here if they don't think they can park here. The solutions we've offered will help us to make that case quite clearly. We need to be open-minded, not rooted in the past, but rooted in what the future can be for us. And that means whether you're part of the government, staff, community, or anybody who is involved with making this City work. The plans take time, energy, commitment, and we know that. But we believe that the time to start is now and, with that, we offer you this plan and ask for your recommendation to the City Council. A positive recommendation to the City Council. I'd accept any questions.

Mr. Firestone: Thank you. The Chair is going to exercise his prerogative and extend the meeting to 9:30 p.m. Questions?

Mr. Stozek: I have one question. I heard when you were talking about making the cost of the parking flexible so that the highly valued spaces would increase in cost, which I agree with 100%. The thing that I guess surprises me is I've been going to City Council meetings for years and it seems to me that every time that proposal was brought forth, the answer was always the merchants in town will rebel against that. And I don't know if anybody ever took a poll to find out if that was true or not, but that statement was always made and the idea was always shot down. So, I know you have a couple merchants on your committee . . .

Mr. McIntosh: I, personally, am not a merchant but I have friends who are.

Mr. Locke: The most recent conversation that took place in regards to that was mainly dealing with employee parking, and we think this solution with the University of Delaware addresses that concern. Obviously, you've got over 150 businesses, I think, on Main Street now, so you're not going to make everybody happy, but I think when you look at only one or two businesses coming to speak against it, you can assume that the silence of the others may be in agreement. But I think the solution with UD is going to definitely address the main issue which was what do the employees do who are making \$9-10 an hour.

Mr. Firestone: Just on that, I would say that if the businesses want it, then they have to do something other than stay silent. So, you know, in another walk of life I do surveys of public opinion related to wind power. And we see that although typically communities are about 7 or 8 to 1, perhaps, positively inclined, if you go and look at who speaks up at meetings, it's about 50/50. And, so, I would recommend that the next time this comes to City Council that those who are in favor of making some changes to improve the business climate need to speak up.

Mr. Locke: Point well taken.

Mr. Hurd: And I just want to add one piece of that sort of from the perspective of the committee. We recognize that before we could do something about dynamic pricing, which is going to hit the employees, as we said, we had to make sure that we had provided alternative locations that weren't in the prime area, that were on the edges. So, once we took them and gave them a place to be at a more reasonable rate, that opens up the parking for the dynamic rates. You can't do one until you've done the other. And that's partly, when we're talking about balancing demand against supply, it's also related to that.

Mr. Stozek: I had one other question. You talked about wanting to make it so the people would tend to walk into town, rather than bring their cars.

Mr. McIntosh: Yes.

Mr. Stozek: I guess what are your ideas, you know, are people going to walk from Fairfield, for instance, to downtown? Or are you looking at providing, over time, some sort of satellite parking closer into the City where people could park and they wouldn't be taking spaces in the town.

Mr. McIntosh: We've looked at a number of options. Amongst them are the use of the College Square or some of the other University lots that are a little further out. And, by the way, we're proud that the University is quite cooperative with us, or certainly were in this regard. We also were talking about the return of the trolley, which I think wasn't given a very fair chance the first time it went through. And, so, we think that if we provide the right resources and we provide places for people to park, they'll park at College Square, get on the trolley and come downtown. Because downtown will be beautiful and it will be what they want to do. They're going to have fun when they go down there. They're not going to be hassled by fumes and so on. So, we're going to take the parking and push it out of the downtown area, to the extent that we can, and give people a chance to enjoy the City and its entertainment and its restaurants, etc. If we market that properly, it will win. I've seen it happen in many other communities. I gave an example to our Committee about Salem, Massachusetts, about the size of Newark with 35,000 people or thereabouts. Salem is home of the witches, you may all recall, from the old days in the 1600s. They didn't discover they had a franchise until about 10 years ago. And so all of a sudden, witches and Salem is being marketed in and around eastern Massachusetts, and people are coming from all over the country to be there. It is not a time to be in Salem, unless you're a witch, I guess. And these things can happen, and that's what we're talking about.

Mr. Firestone: You had some nice photos of people biking but I didn't see much discussion, either in the report or otherwise, about any recommendations that would facilitate biking.

Mr. McIntosh: Well, one of the things we did talk about was involving BikeNewark in ongoing discussions with us. We want those folks to help us understand that as we're going forward as part of this grander plan. So, walking, biking – those things are important within the plan itself.

Ms. McNatt: A lot of discussion was talking about shared parking or timing of shared parking using UD during off-hours for their services so that the downtown areas can utilize, maybe, their parking lots. A lot of the downtown parking lots, from my experience, are dead-end parking. Was the discussion and the zoning regulation discussion and the proposed changes potentially inclusive of shared access so that some of the dead-end parking . . . I'm going to use The Grain as an example . . . where you come to the dead-end and you have to do a 3-point turn to get out if you end up in the end. Is that discussion of how to create shared access and parking agreements within the internal parking lots that do remain or that are there? Was that discussed as part of the zoning changes?

Mr. McIntosh: I'm not remembering that except to say that we want to work very closely with all of the private owners and the University, because they have a lot of space downtown, to make it profitable for them or reasonable for them to share their spaces with us. The fact that we're moving, or can move, people into outside lots who are employees, that's a huge change by itself. Hundreds of spaces open up when you do that in the evening hours when it can be . . . that's probably the time when it's most challenging to get a space, because everybody is going out to eat and whatever else is going on. So, while I don't know . . . did we discuss that? I don't recall that.

Mr. Hurd: Not really. I think the closest we came was we talked about . . . because we said removing zoning restrictions on private entities managing parking in, say, a private lot. So, you could foresee where the entities managing several adjacent lots and then maybe they can figure out a way to get those cross-access agreements enacted to allow the traffic to move around. But I think that that's very much going to have to be a sort of situation-by-situation thing.

Ms. McNatt: I would like to suggest that the Committee entertains the potential for proposing zoning . . . if you're doing zoning modifications or Code amendments, that you include the shared access agreement requirement or shared parking requirements, investigate that as a potential option in the parking ideas and changes.

Mr. McIntosh: It seems reasonable. We just . . . a lot of things came up so that wasn't one of them, which is why we're having this meeting.

Mr. Firestone: The lot behind Taverna is another one. People go into that lot and try to find a spot because you pay and it's right near the restaurant, and then people drive, you know, there's not a spot and you drive out. So, the question is whether we would be better off following Stacy's idea that rezoning those areas, you know, maybe it's not great for commercial but it might be very good for residents on that spot rather than having it dedicated to parking. And then we could sort of shift around how we're going to deal with the parking instead of having all of these sort of small, individual, dead-end lots.

Mr. Mikles: Well . . .

Mr. McIntosh: Go ahead.

Mr. Mikles: Just one thing I wanted to bring up was we also spent a lot of time talking about the marketing of the parking. So, before you start down Main Street, you know what spots are available with the wayfinding that's out there, and really improving that. So, you don't get stuck having to do a 3-point turn because you know that there's a spot in there when you make the turn to go into that lot. Or when you leave one or before you go to one, you know that there's one further down. And I think that was something . . . we're trying to sort of address that problem before it becomes a problem.

Mr. Locke: To address Ms. McNatt's comment, too, I agree that there are definitely opportunities where you can have property owners share parking spaces where, you know, one property owner may have a need for parking in the morning or afternoon, but nothing after 4:00 p.m. A perfect example is one of our buildings at 1 South Main. There's no parking there, but the parking garage at UD is right next to it. So, we worked out an arrangement to provide parking for our residential tenants to meet the parking regulations within the 500 feet exception. But I think a broader approach is a way to go.

Mr. McIntosh: You know, as much as we think we came up with a lot of really good things, we certainly believe that there's plenty of other good things that can come to it. But we want this process to become an open one. That what we propose now is not the final . . . you have to keep looking at it and keep seeing it. And if your goal is to have the walkable, eatable, you know, sleepable, whatever, downtown City, then you've got to keep working at it. It doesn't just happen because you said it. So, you keep doing things. You keep looking for things that will make this more productive, more what we all want it to be.

Mr. Firestone: I take it you're ultimately looking to ask the Commission to vote either yes or no, in favor or against the recommendations. Assuming that's the case, and given that you have a public meeting coming up, it seems that we shouldn't do anything at this meeting. So, you can have your public informational meeting and then we can come back and vote, and maybe we'll have more members of the public here, as well. Is that what you intended? Or were you intending to . . .

Mr. McIntosh: We weren't intending to come back.

Mr. Firestone: Use it as a public launch of the . . .

Mr. McIntosh: We were kind of launching. You were guinea pigs, so to speak.

Mr. Firestone: So you're looking, potentially, for a vote this evening.

Mr. McIntosh: That's what we were looking for, yes.

Mr. Firestone: Okay.

Mr. McIntosh: Our objective in holding the public sessions, which we just decided was in the interest of the public to do that, that wasn't part of the arrangements, mind you, and was not part of what we were told to do. We were told to come here and then go to the Council. But we felt that the public had a right to know what it is that we're talking about and to give us their feedback. Yes?

Mr. Locke: Just to the comment about the public. We've had six or seven meetings where the public has participated quite actively in the process.

Mr. Firestone: While we're on that topic, is there anyone here from the public that would like to make a comment?

Ms. McNatt: I wanted to follow up.

Mr. Firestone: Yes, go ahead.

Ms. McNatt: So, if the goal is to have a vote on this holistic approach which understandably makes general sense to me, however, how do we move forward when we are looking for specific recommendations on these specific topics to make it a positive result? How does that happen? I'm just lost in the process to implement this holistic approach.

Mr. McIntosh: Well, what we would do is, you know, it's in your packet. All of these things were laid out there. And in our discussions today, we had, you know, solutions that we are suggesting were laid out. And when I say holistic, it means that we looked at all of the issues that could come about and what the future might look like if they were done and what could change. How Newark was to what Newark could be. And, so, in that mindset, that's what we we're attempting to do and, in so doing, those solutions are there. We can put them, if you want, in a separate document. But it is in the document that we sent to you.

Ms. Gray: Oh, I'm sorry, if I could add to that. The way I look at this from a . . . we've talked about this and we've used different terms, but I look at this as a comprehensive plan for parking. And should this receive a favorable recommendation from the Planning Commission and go to City Council for adoption, then staff would come back and put together a work plan, if you will, of implementing the solutions and timeline.

Mr. McIntosh: Well, that's a very good point. It was never our viewpoint or our charge to have implementation as part of what we were doing, so we didn't. But it didn't escape us. Mike and Mary Ellen and others in the Planning group have already formed a number of potential solutions . . . not solutions, but implementation plans that they're working on. We have reviewed those that have so far come about and given them some of our advice, if you will, against what we were thinking so that they could sharpen them up or turn them a different way, or whatever it might be. But I think what you're talking about is really in the implementation. This is providing a pretty solid overview of what needs to happen, but then what are the things that you do from a practical, on the ground, actionable standpoint. That, we felt, was in the purview of the professionals that the City has hired to do this. And we didn't feel it was our responsibility, if you will, to dictate that. Now, we did feel that we would be happy to comment on it and happy to make suggestions on it, and we did that. And the things that you have talked about tonight, I certainly think are very valid and those are really going to become implementation activities and they should be, and I'm sure Mary Ellen and Mike have taken pretty good notes. And that's where they're going to wind up at the end of the day anyway.

Mr. Stozek: I'm still confused as to what exactly you're asking us to approve tonight.

Mr. Locke: What we're asking is for you to accept the report from the Subcommittee and recommend that we present our findings and potential solutions to the City Council. That's really what we're asking for.

Mr. Firestone: You're not asking us to endorse it? I mean what you just said is far short of an endorsement.

Mr. Locke: I feel by voting, if it's voting in favor, that's considered an endorsement, yes.

Mr. Bilodeau: I would agree. And, so, if you basically recommend, you know, their plan, their comprehensive plan with the seven tenets that you have here for Council to consider.

Mr. Firestone: Do you see any issue with us voting yes tonight and then having a public meeting if we effectively sent it on to City Council?

Mr. Bilodeau: It is a little kind of different. We're having a public meeting tonight, though. So that's just, if you will, an extra public meeting. So, I don't see that as an impediment since we're having a public meeting now.

Mr. Stozek: How is this public meeting that's coming up being advertised? I mean a public meeting to do what?

Mr. McIntosh: It's informational. We're providing information to the public.

Mr. Stozek: Just to present . . .

Mr. Silverman: It's a workshop.

Ms. Gray: Right, the . . .

Mr. McIntosh: Go ahead.

Ms. Gray: If you will, yes, it has been advertised within our 15-day advertisement period, social media, our normal venues of advertisement. And, yes, it is being billed as a public workshop, as an educational session, and the intent is to present this presentation and to inform the public of what the recommendations are.

Ms. McNatt: So if something, for example, shared access or shared parking . . .

Mr. McIntosh: I can't hear you.

Ms. McNatt: If something such as my suggestion of shared access or shared parking isn't specifically listed in this . . . because you actually recommended some specific zoning changes in your presentation and my example, what I suggested, isn't one of them, and you go to a public hearing and it's not specifically included, does it mean it's going to be never included? Or never be permitted? Or never be . . .

Mr. McIntosh: The answer is no.

Mr. Locke: Yeah, I mean you still have to go through the normal amendment to Code provisions, which is what you saw Inspector Poole do tonight. You have to put it in, take the public comments, you can add, you can delete, etc. So, this is a report. We're saying this is what we've concluded. Here are some solutions we'd like to discuss with Council. We'd like your endorsement, your recommendation, your yes vote, however you want to look at it, so that we can go onto the next process, which is to talk to Council about this and then hopefully direct staff to go one way or the other.

Mr. Stozek: What is the negative of not waiting until after your public meeting?

Mr. McIntosh: Well, I guess it's time, in part. We wanted to bring this . . . really, we wanted to bring this before this group a month ago. We were delayed by weather and things of that sort. We decided we wanted to talk to the public and at least let them know what we were doing.

We had our information opportunities where it was give-and-take at our meetings month after month, but we did want to give one last opportunity to the public to understand what it was.

Mr. Stozek: When the public came to your other meetings, were they just coming to a Parking Subcommittee meeting, or were they coming to a public meeting about the parking issue? I guess what I'm getting at is . . .

Mr. McIntosh: I don't know what the difference is.

Mr. Stozek: What's the attendance expectation? Did you have three or four people come to your meetings? If this thing is advertised we're going to give a report about our findings and maybe you'll have 50 people show up or maybe you'll only have three or four. I don't know.

Mr. McIntosh: Well, if history would repeat itself, we wouldn't have 50. But we just . . . we can't force people to come to meetings. We can't force people to listen. So, if they come and they listen and they hear, I think they'll find that this is a reasonable approach. We are very open and, so, your concerns about the amendment to the ordinances of the Zoning Code, I have no problem with that. That makes sense. That's right in keeping with what we are talking about. It was just something that didn't come up. So, I don't know what the procedure for that is, to add it in later, or just make it a note. A note to self, we really need to talk about this in the transition or in the implementation stage.

Mr. Firestone: I mean presumably we could add it into our motion.

Mr. McIntosh: You could. We have no objections to that, I don't think.

Mr. Firestone: I have one question for you, Paul. Am I to understand, as well, that this meeting that's going to take place is like a workshop and there won't be any substantive voting should the Commission, in fact, have a quorum. Should a fourth person show up, is this then considered to be a Commission meeting and . . .

Mr. Bilodeau: Is the workshop going to be presided over by the Planning Commission or is it just an informational meeting where this committee is going to be presenting?

Mr. McIntosh: That's it. What you just said.

Mr. Firestone: But if a fourth Commissioner shows up and there's effectively a quorum of Commissioners, does it become a Commission meeting and if it's an informational workshop is there, by definition, then, no substantive voting that takes place?

Mr. Bilodeau: I don't believe there will be substantive voting, but if you're talking about having a quorum, I mean this is going to be a public meeting. It's going to be properly advertised to the public so that I don't believe we're going to run afoul of FOIA or anything along those lines.

Mr. Firestone: I didn't either. I was just trying to understand the dynamics of the meeting.

Mr. Silverman: In the past, with respect to workshops, it was held by the Planning Commission. It was brought to order by the Planning Commission, and then it was moved to the Committee as a whole for general discussion. It was said up front that there would be no votes and no action. That the purpose of the workshop was to gather information and additional ideas on the record for further consideration. That's the way we've run workshops in the past, so there's no expectation of a vote up or down, or acceptance or rejection of any item. There's no other order of business other than the presentation and the public comment.

Mr. McIntosh: And, actually, the two parking workshops that we had that really got this underway about a year-and-a-half or two years ago, there were no votes taken at those. They were simply informational.

Ms. Gray: Mr. Chair, if it would be helpful, I will read the advertisement that was legally noticed per FOIA requirements. The City of Newark Planning Commission Parking Subcommittee will hold a public workshop on the subcommittee's recommendations to the Planning Commission and City Council regarding parking management, parking mandated zoning requirements, and future parking development and strategy. The workshop will include a presentation by members of the Parking Subcommittee on their recommendations, followed by questions and discussion with members of the public. For additional information, and so on and so forth.

Mr. Stozek: I'm probably being overly sensitive to this, but to me it's the issue of transparency. If we vote today and we've already said the words that we're somehow endorsing this program, and then you have this meeting and you get two or three whiz-bang ideas that you then want to incorporate into your program, are we going to vote on it again anyway? I understand the time issue, I just don't understand what we're losing by waiting until you have your public meeting before we vote.

Mr. Locke: I can't . . . I mean, I've been around for a long time. This committee was as transparent as could be. When you have six meetings well-attended by the public. I mean usually you don't get well-attended public meetings in the afternoon.

Mr. Stozek: What is well-attended? Define that.

Mr. Locke: Anywhere from six to twelve people at each meeting.

Mr. Silverman: With active participation.

Mr. Locke: With active participation. We allowed them to be part of the subgroup discussion. We allowed them to participate. I mean, we're probably the most publicly participated subcommittee I've ever seen. So, the meeting on Monday was really just here it is. Here's the final work product. Hope you like it. If you don't like it, contact your Council person. That was really the purpose of Monday's meeting. Just as this meeting is, it's to show our findings to everybody. They've had ample time to put their input in, and they'll have ample time by going to Council, if they have some other ideas.

Mr. Stozek: Would you envision any . . .

Mr. Firestone: Just one second. Chair would entertain a motion to extend the meeting. Otherwise, we will stand adjourned.

Mr. Stozek: I make a motion for another ten minutes. Extend the meeting for another ten minutes.

Mr. Firestone: Is there a second? You all can second, too.

Mr. McIntosh: I'll second it. All in favor? No, that's your job.

Mr. Firestone: All those in favor, signify by saying Aye. Opposed, say Nay. Motion carries. We've got ten more minutes.

MOTION BY STOZEK, SECONDED BY MCINTOSH THAT THE PLANNING COMMISSION MEETING BE EXTENDED BY TEN MINUTES.

VOTE: 6-1

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, SILVERMAN, STOZEK

NAY: MCNATT

ABSENT: NONE

MOTION PASSED

Mr. Firestone: Go ahead, you had the floor.

Mr. Stozek: Now I've lost my train of thought.

Mr. Firestone: I'm sorry.

Ms. McNatt: I want to say something to Bob's point. I don't want to be . . . a comprehensive plan idea is perfect, but there were specific items that were proposed that didn't include maybe some additional ideas. And my concern is that if we go forward with this specific plan, even though it talks about open-mindedness and a holistic approach, some concepts and ideas may not be inclusive and then we have to come back to the table at some point and reapprove this plan if they're not included specifically. And I understand there are specific items outlined and then I understand that you're trying to do a holistic approach, and I'm just not sure how we can do both. I support the holistic approach, but I think if you're doing a holistic approach, then the topic should be holistic, not specific.

Mr. McIntosh: There will always be another idea. Always. In any kind of active engagement, somebody comes up to you and says, you know, I hadn't thought about this, but boom, boom, boom. Well, if you are open-minded and you are wanting things to be what they should be, then you would say, oh, that's a pretty good idea. Let's make sure somebody knows about it. There is ample room in the documents that we have put together to pass that along to the Planning Department in the implementation stage to take any of those items and get it into motion. It's an active document. If you wait to get all the ideas, we'll never do anything.

Mr. Stozek: I don't think anybody is saying that.

Mr. McIntosh: Well, you know, I mean you have a specific one which everyone here has said, yeah, that's a good idea. We like that. And, you know, I don't know if we could do it, but I'd be very happy to put it in right now. I have no problem with that. It's . . .

Mr. Stozek: Let me ask the Counsel. Is there any issue if they have their meeting and they say this is the plan that was presented to the Planning Commission and approved to be sent on to the Council, and then people hear that and then they're going to have a discussion? Is there going to be any issue around that? Now they're asking for more ideas from the public after something has already been approved by us. Granted, Council has final say, but . . .

Mr. Bilodeau: I agree that could be a possibility. Now, from a timing standpoint, when is this informational meeting?

Mr. McIntosh: Monday.

Mr. Bilodeau: Monday. And I think to alleviate the concerns of the four members that might be voting now, it might be just wise to have a final vote at your next meeting, which is next month. A month from now. So, it will be basically . . . it will slow you down four weeks.

Mr. Stozek: If we voted on this today, when would it be presented to Council?

Ms. Gray: At the next possible agenda. It certainly wouldn't be May 14, but possibly . . . I don't have a calendar in front of me . . .

Mr. McIntosh: Wasn't it June? Early June?

Ms. Gray: It would be . . . right, thank you . . . so, it would be the second week in June. Since this is an ordinance, it doesn't need the usual six-week lead time.

Mr. Firestone: I mean I'm inclined from the very beginning to wait and see if anything else comes forward and to, as well, allow people to put forward amendments with additional ideas like Commissioner McNatt or something more specifically related to the biking, if I choose to do that or if anyone else chooses to do that. I mean, let me also say I think this is a really great start and we are very pleased and thankful for the hard work that you've all put in. The fact that we want to ensure that we're not doing anything before we completely know what the public has said doesn't mean that we're anything other than inclined to keep moving the process forward.

Mr. Cronin: Mr. Chairman, I would favor moving it forward to Council, endorsing it to them for their consideration and recommendation back to the Planning Department, as Mary Ellen said, for implementation over time. If anybody has additional thoughts at the subsequent meetings, it could even be attached as a footnote. Here's another comment we had for Council to consider. Somebody said they can talk to their councilman. There's ample opportunity for these ideas to grow beyond what we might do tonight. But let's go forward with it tonight and get the process going. So, I'd like to make a motion that we do that. We only have five minutes.

Mr. McIntosh: I'll second that.

Mr. Silverman: Comment?

Mr. Firestone: Yes.

Mr. Silverman: I agree with Bob that we're endorsing the process, not the specifics.

Ms. McNatt: That's not how I understand it. You're looking at me, but that's not how I understand it. I agree, this is a great document. The effort has been put in. I love it. However, I have reservations so I'm not sure I agree with that.

Mr. Silverman: And remember, there are a number of actors that we didn't pull into the presentation. The work done by the City's GIS people is incredible. Go into the parking section in the City website and take a look at what's evolved out of what we've done here on being able to go on the City site and look at the countdown clock to see if there are any parking spaces in Lot 3. So, there are a number of things that have already evolved from this. But our role, as Planning Commission, would be to focus on Code-related implementation. There are others out there who are going to do the other part of the process.

Mr. Firestone: I just want to make a comment that I would suggest that the motion be withdrawn because I think the report will get a much stronger endorsement in a month than it's going to get tonight. And it will then be looked at more favorably by City Council. So, that's my view. You may have a victory but it's going to be close and it may not be in your interest.

Mr. McIntosh: At some peril.

Mr. Firestone: What?

Mr. McIntosh: At some peril.

Mr. Firestone: Yes. So . . .

Mr. McIntosh: The concept of evergreen, before you close out, is simply that nothing is ever done. It keeps growing and changing and becoming better. That's what this document is. It will never be done. And if you would like, we'll cancel the meeting on Monday. We would. Why not? We could have another public meeting and do the same thing at City Council. I mean, if that's what all the concern is about, you know, we're willing to do that. I see this, if we

don't get this going, I see this going into the fall or later. And I don't think that that's in the best interest of the City of Newark. That's my opinion.

Mr. Firestone: Any other discussion on the motion? Okay.

Ms. McNatt: Are you going to speak or . . . it's up to you.

Mr. Locke: Can we get Commissioners feedback on the suggestion of cancelling Monday's meeting? Would that address your concern? Because, as we've stated, we've had multiple opportunities for the public to participate. They could've participated at this meeting, which is open to the public.

Mr. Firestone: I'm not inclined to use the power of this Commission to [inaudible] a presently scheduled . . .

Mr. Locke: No, I'm looking for feedback for the offer.

Mr. Firestone: Meeting that is to engage the public. So, you won't get my support for that. The meeting is set, it's been noticed, and I'm not going to vote to withdraw it.

Mr. Locke: Okay. Any other comments from other Commissioners?

Mr. Stozek: I agree.

Ms. McNatt: I agree.

Mr. Locke: Can we huddle for a moment?

Mr. Firestone: Yes.

Mr. McIntosh: With the proviso that we don't need to make another presentation, and against my better judgment, I would suggest that we ask Commissioner Cronin to withdraw your motion. I say that reluctantly.

Mr. Cronin: Motion withdrawn.

Mr. Firestone: Just one small proviso. If you come up with new ideas based on the meeting . . .

Mr. McIntosh: We'll discuss the new ideas with you.

Mr. Firestone: Then we would like to hear the new ideas. But we agree you don't need to run through the 60-slide presentation.

Mr. McIntosh: We'll give you the new ideas we get from Monday, okay?

Mr. Firestone: Okay.

Mr. McIntosh: Thank you.

Mr. Silverman: You will be attending Monday?

Mr. Firestone: I believe so. I intend to. It's on my schedule.

Mr. Silverman: Because if you don't, I've got a lot of work to do.

Mr. Firestone: It is 9:42 p.m. We stand adjourned.

[Secretary's note: The Planning Commission meeting adjourned prior to discussion of agenda items 8 and 9, listed below.]

8. NEW BUSINESS.

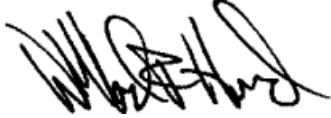
9. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. TUCK UNDER HOUSING AND CREATING VALUE AND A SENSE OF PLACE ON SMALL SITES

The Planning Commission meeting adjourned at 9:42 p.m.

Respectfully submitted,



Willard F. Hurd

Planning Commission Secretary

As transcribed by Michelle Vispi

Planning and Development Department Secretary

Attachments

Exhibit A: [DeIDOT handout \(DeIDOT Informational Session\)](#)

Exhibit B: [DeIDOT presentation \(DeIDOT Informational Session\)](#)

Exhibit C: [Planning Department memorandum \(Amendment to Annexation Maps\)](#)

Exhibit D: [Planning Department memorandum \(Patio Ordinance\)](#)

Exhibit E: [Planning Department handout \(Patio Ordinance\)](#)

Exhibit F: [Parking Subcommittee report \(Parking Subcommittee Recommendation\)](#)

Exhibit G: [Parking Subcommittee presentation \(Parking Subcommittee Recommendation\)](#)