

**CITY OF NEWARK
DELAWARE
PLANNING COMMISSION
MEETING**

December 4, 2012

7:00 p.m.

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

Chairman: James Bowman

Commissioners Present: Patricia Brill
Peggy Brown
Bob Cronin
Angela Dressel
Andy Hegedus
Edgar Johnson

Commissioners Absent:

Staff Present: Maureen Feeney Roser, Planning and Development Director
Mike Fortner, Development Supervisor

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m.

1. THE MINUTES OF THE NOVEMBER 7, 2012 PLANNING COMMISSION MEETING.

MOTION BY BRILL, SECONDED BY JOHNSON, THE MINUTES OF THE NOVEMBER 7, 2012 PLANNING COMMISSION MEETING WERE APPROVED UNANIMOUSLY.

2. REVIEW AND CONSIDERATION OF A REZONING OF 7.75 ACRES FROM AC (ADULT COMMUNITY) TO RM (GARDEN APARTMENTS) AND MAJOR RESUBDIVISION FOR THE VILLAGE OF TWIN LAKES.

Ms. Feeney Roser summarized her report for the Planning Commission which reads as follows:

“On August 16, 2012, the Planning and Development Department received applications for the redesign of the Village of Twin Lakes community on the east side of Elkton Road between the Newark Interchange Business Park, Otts Chapel Road, and the Northeast Corridor Railroad right-of-way. The applicants, Iron Hill Properties, LLC are requesting rezoning of 7.65 acres of the site from AC (adult community) to RM (garden apartments) zoning and, in addition, a resubdivision in order to change the site design for the project by substituting 12 units in semi-detached format for the approved 12 units in two rows of six townhouses each.

The original Village of Twin Lakes development was approved by City Council on October 4, 2006. The approval included annexation of 18.37 acres, zoning to AC (adult community) and OFD (Open Floodway District) and major subdivision to build 88 condominium unit garden apartments. In May 2010, City Council approved the rezoning of 8.08 acres of the site from AC (adult community) to RR (row or townhouses), and resubdivision to replace an unbuilt approved set of seven two-story condominium buildings with 60 RR zoned townhouses, and further, in the remaining AC zoned section, to replace an unbuilt approved pair of two story condominium buildings designed to

contain eight adult community apartments each, with two sets of six adult community townhouses. In other words, the AC zoned section was resubdivided to include two two-story condominium buildings of eight units each and 12 townhomes. At the time of this application, the 60 RR-zoned townhomes have been built and are nearly all sold and occupied; the two AC zoned condominium buildings designed to contain eight adult community apartments each have been built and are partially occupied; and the two sets of AC zoned six adult community townhouses (12 units) remain unbuilt.

Please see the attached Landmark Engineering rezoning, resubdivision and landscape plans, supporting letter, other submittal documents, and proposed building elevation drawings.

The Planning and Development Department’s report on the Village of Twin Lakes rezoning and redesign proposal follows:

Property Description and Related Data

1. Location:

East side of Elkton Road between Newark Interstate Business Park, Otts Chapel Road and the Northeast Corridor Railroad right-of-way; south of the West Branch of the Christina Creek.

2. Size:

AC zoned property:	7.65 acres
RR zoned property:	8.18 acres
OFD zoned property:	<u>2.54 acres</u>
Total:	18.37 acres

3. Existing Land Use:

The Village of Twin Lakes currently consists of 16 condominium apartments in two buildings near Elkton Road, associated parking and a stormwater management area. The site also contains a portion of a small farm pond, shared with Newark Interstate Business Park, and 60 RR zoned non-age restricted fee simple townhouse lots to the east. Also, approved but yet unbuilt, are two sets of six adult community townhouses. The balance of the property is wooded floodplain adjoining the West Branch of the Christina Creek.

4. Physical Condition of the Site:

The Village of Twin Lakes property slopes, in general, from high points at the south and southwest to the north and northeast toward a steeply banked demarcation of the floodplain portion of the site. The floodplain lands are relatively level with a slight slope to the bank of the West Branch of the Christina Creek. As noted above, the floodplain lands are wooded. A small pond extends into the western portion of the property, with the recently constructed stormwater management facility in the central portion of the site. The completed section of Twin Lakes contains 60 townhouses, two apartment buildings, parking areas and an access roadway and a clubhouse.

In terms of soils, according to the United States Department of Agriculture’s Natural Resources Conservation Service, the site contains the soils listed below. Soil suitability ratings for the development proposed are also shown.

<u>Soil Type</u>	<u>Location</u>	<u>Limitations</u>
Chester Loam [ChB2]	West End	Slight

Matapeake Silt Loam [MeB2]	East End	Slight
Elioak Silt Loam [EaB2]	West	Slight
Glenville Silt Loam [GnA]	South Central	Moderate
Glenelg and Manor Loams [GmE]	Open Space	Severe
Sassafras & Matapeake [SmE]	Open Space	Severe
Mixed Alluvial Land [Mu]	Open Area (OFD)	Severe

The “severe” rated soil is located in the portion of the property along the floodplain within which no development is proposed. Regarding wetlands, the applicant previously submitted the required Wetlands Report to the Public Works Department.

5. Planning and Zoning:

The existing AC (adult community) zoning permits the following:

- A. Adult community garden apartments, with special requirements.
- B. Nursing homes and related uses with special requirements.
- C. Hospitals
- D. Accessory uses
- E. Municipal utilities
- F. Parks, playgrounds, and community centers operated on a noncommercial basis.
- G. Street rights-of-ways.
- H. Utility transmission and distribution lines.
- I. Public Transportation, bus and transit stops.
- J. Physicians and dentists offices with special requirements.

AC zoning also permits, with a Council granted Special Use Permit, the following:

- A. Adult community high rise apartment dwellings (above three stories and not to exceed seven stories), with special requirements.
- B. Electric and gas substations.
- C. Police, fire stations, libraries, museums and art galleries.
- D. Public transportation, bus or transit shelters and off-street parking facilities.

Please note regarding the Zoning Code’s requirements for an adult community, the Code limits the type of housing, subject to all applicable state and federal regulations, to occupancy by persons 55 years of age or older with the following exceptions:

- “A. A spouse under 55 years of age married to one over that age.
- B. Up to two children over 18 years of age residing with at least one parent over 55 years of age whose presence is required to care for that parent.
- C. A spouse under 55 years of age who is the surviving member of the household, if the over 55 years of age occupant dies.
- D. An employed member of the apartment staff and his/her family; not to exceed one unit per 100 dwelling units, or portion thereof in the project.
- E. A live-in nurse or similar caretaker whose presence is required for a 55 years of age occupant(s).”

The requested RM zoning permits the following:

- A. Garden apartments, subject to special requirements.
- B. One family, semidetached dwelling.
- C. Boarding house, rooming house, lodging house, but excluding all forms of fraternities and/or sororities, provided that: The minimum lot area for each eight, or remainder over the multiple of eight residents, shall be the same as the minimum lot area requirements for each dwelling unit in this district.
- D. Nursing home, rest home or home for the aged; subject to special requirements.
- E. Accessory uses and accessory buildings customarily incidental to the uses permitted in this section and located on the same lot, including a private garage, excluding semi-trailers and similar vehicles for storage of property.
- F. Cluster or neo-traditional types of developments, included uses that many not be permitted in this district, as provided in Article XXVII, Site Plan Approval.
- G. One-family detached dwelling.
- H. The taking of nontransient boarders or roomers in a one-family dwelling by a family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than three boarders or roomers in any one-family dwelling.
- I. Church or other place of worship, seminary or convent, parish house, or Sunday school building, and provided, however, that no lot less than 12,500 square feet shall be used for such purposes.
- J. Public and private elementary, junior, and senior high schools.
- K. Municipal park, playground, athletic field, recreation building, and community center operated on a noncommercial basis for recreation purposes.
- L. Municipal utilities, street rights of way. treatment plant.
- M. Temporary building, temporary real estate or construction office.
- N. Utility transmission and distribution lines.
- O. Public transportation bus or transit stops for the loading and unloading of passengers.
- P. One-family town or rowhouse subject to the requirements of Sections 32-13()(1) and 32-13(c)(1).
- Q. Student Homes, with special requirements

RM zoning also permits with a Council granted Special Use Permit the following:

- A. Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the neighborhood, subject to special requirements.
- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

Please note that the apartment uses in RM district require lots of a minimum of one acre in size; the area proposed for RM is 7.65 acres.

Regarding comprehensive planning, Newark Comprehensive Development Plan IV calls for “single family residential (medium density)” land uses at the Village of Twin Lakes. The Plan defines “single family residential (medium density),” as, “areas designed for dwellings occupied by one family, either detached, semi-detached, or townhomes, with overall densities of four to ten dwelling units per acre.” Please note that the RM zoned portion of the site, if approved, would have a density of 3.66 dwelling units per acre.

In terms of zoning and the land uses of nearby properties, the land immediately to the south of the Village of Twin Lakes property is zoned MI (general industrial) and contains the Interstate Business Park. Lands further to the south on Elkton Road contain a large Cecil County, Maryland, apartment complex. The “I” industrial zoned Northeast Corridor Railroad right-of-way is located immediately east of the site. The “I” County zoned Leon’s Garden World and Ewing Auto Repair/Towing Service site, containing a garden center, gift and machine shop, and auto repair and towing and parking area, is located just north of the site at the Elkton Road/Otts Chapel intersection. BC (general commercial) City zoned property lies west of the portion of the property fronting on Elkton Road and contains, among other things, a Dunkin Donuts coffee shop. “NC21” County zoned property is located across Elkton Road from the site. “NC21” is a “neighborhood conservation” district intended to preserve the, “residential character of existing properties.” In this case, the site contains a residential structure and the West Branch of the Christina Creek floodplain.

Regarding RM zoning area requirements, the revised RM zoned portion of the site meets or can meet all the applicable RM zoning specifications.

Status of the Site Design

Please note that at this stage of the Newark subdivision review process applicants need only show the general site design and architectural character of the project. Specific building locations and site design details, taking into account topography and other natural features must be included in the staff reviewed and approved construction improvement plan. For architectural character, the applicants must submit at the subdivision plan stage of the process color scale elevations of all proposed buildings, showing the kind, color and texture of materials to be used, proposed signs, lighting, related exterior features, and existing utility lines. If the construction improvement plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site and architectural plan, the construction improvement plan is referred back to City Council for its further review and reapproval. That is, initial Council subdivision plan approval means that the general site concept and more specific architectural design has received City endorsements, with the developer left with some limited flexibility in working out the details of the plan – within Code determined and approved subdivision set parameters – to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

Be that as it may, as the Commission can see from the subdivision plan and building elevations, the applicant proposes to construct six (two unit) duplexes resulting in 12 total residential units, instead of the approved two six-unit townhouse buildings, resulting in the same yield. The existing stormwater management basin separates currently zoned AC 16 units in two condominium buildings and 12 proposed twins in the Village of Twin Lakes from the RR zoned portion of the site containing 60 fee simple townhouses in the Greene at Twin Lakes. Access to this site continues to be through the existing 50 ft. right-of-way to McIntire Drive in the adjoining Newark Interstate Business Park. The resubdivision plan also calls for a public to be dedicated to the City roadway at the RR zoned portion of the site (S. Twin Lakes Blvd.) and the proposed RM zoned portion (N. Twin Lakes Blvd.).

The landscape plan shows a mixture of deciduous plantings spread throughout the site. The plan also includes a pedestrian walkway linking the RM and RR zoned portions of

the property. A solid six ft. wooden fence will be installed separating the east side of the site from the Northeast Corridor Railroad right-of-way.

The Planning Commission should consult the applicant's site plans, building elevation drawings, and supporting materials for additional site design details.

Subdivision Advisory Committee

The City's Subdivision Advisory Committee – consisting of the City's Management, Planning and Operating Departments – has reviewed the revised Village of Twin Lakes plan and has the comments below. If necessary, the subdivision plan should be revised prior to its review by City Council. Subdivision Advisory Committee comments are as follows:

A. Electric Department

1. The existing underground facilities installed in front of the proposed homes will need to be abandoned.
2. The developer must pay \$3,200 towards the cost of meters, high voltage and low voltage cables, transformer base, pedestals and conduit.

B. Planning and Development

1. In previously approved rezonings from Adult Community (AC) to other residential zonings, for example Phillips Mill, the Greene at Twin Lakes and the Wilson Farm, none of the units rezoned were occupied. In this case, several of the units in the Adult Community Garden Apartments buildings proposed to be rezoned have been sold as AC units, and are now owned by at least a few people who have expressed opposition to the rezoning at recent Council meetings. Therefore, if the Planning Commission receives objections to the rezoning from owners of existing AC zoned units at Twin Lakes as part of its review, the Commission may want to consider recommending limiting the rezoning to RM to only units which are yet to be built. In other words, retain the AC zoning for the 16 units in the two condominium buildings, and rezone only the 12 duplex units proposed, but not yet built. The suggestion may be complicated based on the condominium status of the entire site; but, the Commission may want the applicant to address this recommendation at the meeting.
2. In order to ensure that the proposed RM zoned portion of the site remains owner occupied, insofar as possible, the Planning and Development Department suggests that the Planning Commission recommend that the units be deed restricted so that as rentals, they are limited to an occupancy by one family or no more than two unrelated individuals. This stipulation has been used in other townhouse developments in the City, and as a result, has limited their sale primarily to owner occupants.
3. The Planning and Development Department notes that the subdivision plan and the subdivision agreement for this site should continue to specify that the architectural design of all proposed buildings should be carried out throughout all portions of the facilities visible from public right-of-ways as well as the other relevant deed restrictions previously imposed for aesthetic purposes.
4. The Planning and Development Department suggests that appropriate noise attenuation measures should be included in the proposed buildings adjacent to the Newark Interstate Business Park.
5. The Planning and Development Department also notes that the lands within the Open Floodway District (OFD) should be designated "conveyed to the City," as shown on the original Village of Twin Lakes subdivision plan.

C. Police

1. The plan notes indicate that there will be no on-street parking permitted; therefore, the Police Department recommends that the developer establish a guest parking area similar to S. Twin Lakes Blvd. In addition, the Department notes that a recent drive through S. Twin Lakes Blvd. found many cars parked in the road and very few in the driveways. As parking restrictions have not yet been established and will require education, the developer should notify all future residents that no parking will be allowed on the street once the development is completed.

D. Water and Wastewater

1. The Department indicates that there are no water or sewer issues for the project.

Recommendation

Because the proposed Village of Twin Lakes rezoning and resubdivision plan, with the Subdivision Advisory Committee recommended conditions, will not have a negative impact on nearby and adjacent properties, because the project with the recommended conditions, conforms to the land use guidelines in Comprehensive Development Plan IV, because the proposal can meet all the applicable Code requirements, and because the proposed use does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that **the Planning Commission take the following actions:**

- A. Recommend that City Council approve the rezoning of the 7.65 (or as otherwise recommended by the Commission) acre portion of the Village of Twin Lakes from AC (adult community) to RM (garden apartments), as shown on the attached Planning and Development Department Exhibit A, dated August 16, 2012 with revisions through September 11, 2012; and,**
- B. Recommend that City Council approve the Village of Twin Lakes major subdivision plan, as shown on the Landmark Engineering, Inc., dated August 16, 2012 with the Subdivision Advisory Committee conditions.”**

[Secretary's Note: The applicant, Commissioners and public referred to visuals brought by the applicant for their presentation to the Planning Commission].

Ms. Feeney Roser: The report does not note, but should have noted that the lands south of McIntire Drive were recently rezoned from MI to RH and were proposed to contain the new Newark Charter High School.

The applicant is here. I will be happy to answer any questions you might have.

Mr. Bowman: Before we open up to questions from the member of the Commission, I would like to just comment. For those of you who may not have ever attended a Planning Commission meeting such of this, the primary function of this group – the Planning Commission – is to review land use issues for compliance with the zoning and Codes and the planning process that has been laid out by the City of Newark by your elected officials. This is a volunteer body. It is a body that has recommendation powers. If you notice that Maureen read, that they suggest that we recommend to Council. Now, we can recommend a lot of things, but the Council does not have to follow those recommendations. One of the things that we try to do is stick to the specifics of dealing with these applications and to follow the rules that the City has laid out for planning and zoning. We try not to get too deep into financial issues and those types of things because, quite frankly, they should not have a lot of bearing on what we do. Although, certainly, those issues will come up from time-to-time. We will give folks in the audience an opportunity to speak as we go. If there are any questions about the process, Maureen and I will be happy to answer those questions. Right?

Ms. Feeney Roser: Right.

Mr. Bowman: Back to the table. Are there any questions for Maureen from members of the Commission.

Ms. Angela Dressel: I have actually asked this question before, but I want to confirm, when this land was originally zoned AC were there any extenuating circumstances that resulted in it having to be zoned that way?

Ms. Feeney Roser: No, there was a Comp Plan amendment that needed to be made, and the previous Planning and Development Director had to meet with the State land use folks to discuss that amendment because it was an annexation, but there was nothing in the discussion that required AC zoning. That discussion was about the change from industrial to residential.

Mr. Bob Cronin: Maureen, did you say the N. Twin Lakes Blvd. would be City maintained as far as paving and everything goes, not just plowing but everything?

Ms. Feeney Roser: Yes.

Mr. Jeff Lang: 13 Spring Water Way. I am a member of Iron Hill Properties, the owner of the remaining portion of the project. Here tonight is Joe Charma who has been our engineer throughout the length of this project back from 2006. Also, Chris Locke is here, who has worked with us throughout the entire length of the project. All of the owners are here of the existing age restricted owned units and Bob Edwards. He and his brother were the original property owners. We worked with him on the acquisition and Bob has stayed on with us through the six fun years of owning this property. Along with Bob, myself and three other individuals, we make up the ownership of Iron Hill Properties.

Maureen, obviously, did a great job detailing the history and the present situation. I might want to take a few minutes to go over a little bit detail. I was able to find some of the boards from the original proposed project back in 2006 and, as you can tell, this was the entire project – 11 8-unit buildings around two lakes. The intent, obviously, was to construct the entire project within a one, two or three year build out period. We started construction in 2007, built these two buildings and then, subsequently built the club house, and then in 2008 ran into some market conditions which curtailed the ability to continue to build and sell the project. As we moved through the project, we had the intent of, obviously, completing the project and in 2010 after two long years of carrying the project, a suggestion came up as to how do we attempt to mitigate some of the extenuating circumstances mostly lead not only by ourselves but by our bank. And, we came up with a project where we divided into pieces – 60 townhouse units and the continuation of the loop here with the two buildings. We took the two big house units and turned them into two groups of six townhouses. We worked with Cornell builders. They took down these lots over a period of time and built out this entire side and are finishing the last group of townhouses here, have sold all of these units and are presently in the completion mode with the thought process of moving on to another project in town. It happens to be up the street – Casho Mill Road – another project we worked on, and we are moving forward on that. We have 11 sales at that project already. So, it shows that there is a market for the lower introductory townhome and/or single family home in our community right now, which is a plus. The average sales in this side of the project are in the \$250 to \$260 range over the history of the 18 months of sales here.

These are the two existing building. We have eight sold. Unfortunately, have been unable to sell any additional units there at a price point that would be realistic for the maintenance of the existing values. The concern that we have and our homeowners have is how do you retain value in your existing real estate without devaluing it to the point where you can never sell it. As we started to think about our options and the success of this project, we met with the homeowners over here a number of different times and through the meetings, we actually came up with a revised plan which does show the redesign of the six two-unit buildings. That was a direct result of meetings with our homeowners in an attempt to create a better environment than a townhome environment. They felt that six two-unit buildings townhomes (duplexes) would be an

enhancement to the potential value. So, if these were selling at an average of \$250 or \$260, these, hopefully, could sell at an average of \$280 or \$290, and obviously, allow a rise in the resale value of some of the units. There are two units available for resale and neither, to my knowledge, have received anywhere near an adequate offer. So, as we are trying to assist, not only ourselves in completing the project but our existing homeowners, we feel the logical scenario is to complete the project with a rezoning of this portion to allow for the construction and sale of these units and the sale of these units to allow a vibrant, completed project, which, really, we think is the only solution. Chris has done a tremendous amount of work on looking at comps and numbers. Obviously, we don't need to go into great detail on what resale prices could be at an age restricted number or a non-age restricted number. This is really proof that there is a market for this type of product – a non-age restricted townhome, duplex or single family. Obviously, you would want to go single family here, but duplexes are better than a group of six townhomes and it would blend nicely from a transitional perspective. From townhomes to duplexes to the big house.

We are here. We would like to discuss any concerns you have. Our intent is to come up with a solution for a difficult situation. Obviously, the market has not allowed this project to flourish and be completed in the form that we all hoped originally. Through the success here, we, obviously, see that there could be success to complete the project on the other side. What we want to do is to complete the project for the benefit of not only the existing residents, the future residents and the City. So, we are here for any questions.

Mr. Bowman: Are there any questions for the applicant from the Commission?

Mr. Hegedus: In Maureen's presentation, it talked about rezoning with an option to keep the existing big houses as AC units and not the other ones. Can you elaborate from your perspective on what you think some of the pros and cons are of that option?

Mr. Lang: From a landowner's perspective, it would allow the sale and completion of the balance of the loop. However, what it does is it doesn't allow the existing homeowners the ability to take advantage of the market enhancement by lifting the restriction. It really doesn't give them any opportunity to resell it. It actually probably depresses their product point even more because now you have residents across the street which is going to drive your prices up but these are age restricted residents which have a different price point and resale point. So, we don't necessarily think it is the best solution. I think it is a discussed solution, but I think it would potentially harm the homeowners more than benefit them, is our opinion. Obviously, with the rezoning across the street, there is going to be some potential interest in these units, not only here for resale, and potential sale here from younger families that might have school age children in the future. It allows the opening up of a market place and more opportunity.

Mr. Hegedus: How about the other suggestion around the deed restriction for the new buildings to be either a single family or to . . .

Mr. Lang: The deed restriction for two unrelated individuals being allowed to reside has always been understood, and that would continue to be a part of the project as far as rentals. That applies to the entire project. It applies here and continues to apply here as it presently does. There would not be any lifting of that restriction or variation from that restriction.

Mr. Hegedus: I missed the part that it already applied.

Mr. Lang: It applied to the original project, it applied to the rezoning of this project, and never really changed here.

Mr. Hegedus: What about the Police suggestion about eight guest parking places? I saw on the side that there were eight guest parking but I didn't see a spot on the plan for them.

Mr. Joe Charma: Landmark Science and Engineering. The eight guest spaces are four and four right near the existing big houses.

Mr. Hegedus: Behind the buildings.

Mr. Charma: They are right on the right-of-way right here. They are on the sides of the buildings.

Ms. Peggy Brown: Would it be feasible to limit the percentage of rentals in these units? For instance, in some condominiums – maybe not around here but other places - where say 10% of all the units in the group can be rentals. No more than that.

Mr. Lang: Actually, the Washington House has that. From our purposes it is not a problem at all. That is really a question more the present homeowners because it impacts their ability to rent their unit if, in fact, they ever decide to rent it. From our perspective, it is a reasonable way to manage rentals. It is harder to enforce because you have a condominium association trying to enforce a restriction that is mandated by a government agency. And, who is going to enforce it. The condominium association has to come to the city. The city then has to do the research to determine if it is enforceable, unless the condominium association is strong enough to enforce it. So, you really have to get back to who is going to run the condominium association which ultimately becomes the homeowners. But, we as owner of the project would not be adverse to a limitation. We would just have to make sure that the condominium owners knew that that was something they needed to deal with.

Ms. Brown: So, the townhouses are not limited percentage wise.

Mr. Lang: These are fee simple owners. They are not part of a condominium association. This is a homeowners association. All these homeowners contribute money monthly to some of the common maintenance in the entire project. This group pays condominiums fees. So, it is a little bit different. Similar but different.

Ms. Feeney Roser: The rental restriction is really handled by limiting each unit to no more than two unrelated individuals residing within it. That has been very successful in other developments in limiting rentals, without actually saying you are limiting rentals.

Mr. Hegedus: Back when the project was originally proposed, building the big houses, there were, I'm sure, some assurances given to homeowners about other amenities – a clubhouse and maybe other things. Has all the other things been put in place or will be by the end of the project?

Mr. Lang: This is the original project design. As you can tell, the amenities are a walking trail, which has not been yet built; a pool that was designed behind a club house; and the clubhouse. I don't think there is any specific mandate in the world, but once you have built 75% of the units, you usually have to install the amenities. We actually went a little bit overboard and built the clubhouse at the beginning of the project because we thought it would aid in the sales of the balance of the project because people would come in and see this beautiful clubhouse and see that they can use the clubhouse and the fitness center. There is a clubhouse with a fitness center with a kitchen and a common room for the benefit of two buildings, which we should have built nine buildings and then put the clubhouse, the pool and the walking trail in because the condominium association has to support the maintenance and the oversight of that. The problem is when you only have 8 or 16 residents, who pays for all the fees associated with maintaining those buildings. That is typically why you don't put them in until 75% of the homeowners are there so you have support for that type of amenity. So, the answer is no, they are not completed.

Mr. Hegedus: But, they are on the plans to be completed so a pool will still be installed and, I saw a trail in there somewhere that connects things.

Mr. Lang: The new plan has a continuation of the trail. It doesn't have a pool on the plan, but there has been discussion amongst the condominium owners about the installation of the pool, the maintenance of the pool and the long-term viability of the maintenance of a pool.

Mr. Hegedus: So, it is your understanding that it is with agreement from the homeowners that no pool be built.

Mr. Lang: Chris has dealt more within the specific pool issue than I have.

Mr. Chris Locke: Iron Hill Properties. Land Development Group. We have eight homeowners, as Jeff said, four want a pool, and four do not want a pool. That is where we are at this point in time. There is an agreement between Iron Hill Properties and four homeowners that was signed in December 2010 to provide a pool by June of 2013. That is with four homeowners.

Mr. Cronin: Jeff, in your cover letter to the Commissioners and Council and so forth, you mentioned the lack of real estate market for the condominium complex saying most real estate experts believe it will take seven to ten additional years for any sort of recovery if at all. I'm curious as to who your experts are. What sort of information are you looking at?

Mr. Lang: We basically read all the national publications that everyone else reads. So, it's like talking about a lot of things. You can point to whatever expert you want to point to. But, I think it has been a proven historical trend over the recent years that the condominium market has not been as successful as we all hoped it would be. Is it going to take three years, seven years, 15 years. So, what expert can you point to? If you have a different expert . . .

Mr. Cronin: I'm not saying I have different experts, I was just wondering if you had specific experts in mind. I'm always interested in expertise.

Mr. Locke: That statement is specifically aimed at age restricted communities, not the general real estate market. You look at the national journals and look at real estate experts, people we know in the industry. That is what they are saying. The demographics show that the next group that turns into this market – the people that were born between 1956 and 1966 – we are not really looking into moving into AC communities. We would like a more diverse residential neighborhoods where there are kids around. We are not looking for that isolated community of people of a specific age group. You see that in a lot of the failures in the age restricted developments. The problem we are dealing with in Newark is national. It is not something just for Newark, Delaware. You see that also in the golf communities where golf courses were tied into communities. You see a lot of abandonment of those communities as well. I will be more than happy to give you a bunch of literature on that after the meeting.

Mr. Cronin: I will be happy to receive it. What is the data with regard to the condominium association and the governing of their responsible areas and any collection of fees that might be escrowed? What is the likely impact if this recommendation goes through tonight and then Council? What is likely to happen to the whole interface between a condominium association for how this could play out? I'm very curious about that.

Mr. Locke: The condo association right now based on the rezoning that happened when this development was rezoned to fee simple, it still we remain the same with 28 units. These duplexes that are being proposed would still be part of the condo association so the 28 units would still remain. Currently, each homeowner. . .

Mr. Cronin: It wouldn't be condo ownership.

Mr. Locke: Yes, they would.

Mr. Cronin: They would?

Mr. Locke: They would be. Each condo owner right now is paying \$180 a month condo fees. That has not changed in six years. We as Iron Hill Properties have also paid for the twenty units that are vacant right now as per the Delaware Condo Act, and that is \$180 a month. I do want to make a point. Jeff was talking about the club house. The club house

is shared by both the condo association and the homeowners association. The homeowners association pays \$50 a month per house and they pay two thirds of the cost of the club house and the condo association pays one third. That is how we came up with that.

Mr. Johnson: Jeff, could you tell us how other new adult communities have fared relative to sales and so forth.

Mr. Lang: Actually, Chris has some more particular information and Chris will get up and share a little more information. In general, as we know within the City of Newark, Fountainview is one of our competing adult communities and unfortunately, it went through a bankruptcy. It is presently in the process of selling units but at a much depressed price from what the original prices were. Obviously, when a project goes through bankruptcy, it gets bought back at a lower price point and there is motivation to sell at a lower price point. That is really where the market forces come in and would require a unit that used to get sold for \$240 to be sold for \$140. So, there is some movement in that market but it is at a much depressed price. That is typical of a lot of age restricted communities that we did some research on.

Mr. Locke: Mr. Johnson, we looked into that because there really is only two 55+ communities. A lot of people think Washington House is, but it isn't. It is open to anyone in the general public. Fountainview has had the same issues that we have had. They did go through bankruptcy. You have Jack Corrozi as part of that project and Charles Wilkinson as part of the project. Charles Wilkinson is only really taking care of the townhomes that are there. They currently have them on the market. If you go to their website and they are listed at \$199,900.

In the sense of their sales history, they have almost mirrored us exactly in activity, but they are a much bigger development. In 2007, they had a total of 41 sales. In 2008 they had a total of 46 sales. In 2009, they had 5 sales. In 2010, they had 3 sales. In 2011, they had 4 sales. In 2012, they have had 2 sales. Their prices for a three bedroom started at \$236,000 in 2007 and they went up to a high in 2008 of \$261,000. Those units right now are selling for \$200,000. They have two different types of two bedrooms. A small two bedroom of 825 sq. ft. and another two bedroom of 1,075 sq. ft. The smaller one had a high price in 2008 of \$163,000 but there are currently two on the market for \$132,000. Their larger two bedroom had a top price in 2008 of \$201,000 and they currently have 5 on the market with an average price of \$151,000.

Mr. Bowman: If there is anyone from the public that would like to come up and address the Commission, please come up and step to the microphone and state your name and address.

Mr. John Murphy: 307 N. Twin Lakes Blvd. I am here to represent a majority of the residents of the 55+ condo of Twin Lakes. Will the owners please stand up. We own four units. We are here to strongly oppose a rezoning of our properties. We contracted with Iron Hill Properties to be a 55+ environment lifestyle. Frankly, we moved here to enjoy that type of lifestyle and paid for that type of lifestyle. Rezoning would rob us of all those benefits. They would be gone. I have heard some new things here tonight, by-the-way, that maybe half the community would be rezoned and that has never been mentioned before. That is a new item so I did not address it in my presentation, but it was something that I think we should have been alerted to.

In December 2010 acting in good faith, we signed an agreement with Iron Hill Properties to cooperate with the rezoning over half the property with the understanding that funds produced by the building and sale of homes by Cornell Homes would be reinvested to finish the 50+ side of the community. No such reinvestment has occurred. It was also agreed that Cornell would advertise and market the condominiums along with the townhouses. It has not been done to date. Our club house has been used as Cornell's sales office to the exclusion of condo sales and is currently being used to sell Cornell Homes at the Wilson Farm property. If you walk into our club house and talk to any of the people from Cornell and ask about our properties, they know nothing and they refuse to comment on it. We have had potential buyers for some of the units that are on sale

turned away by the Cornell people because they won't offer any information. We believe we were pressured into signing this agreement because of the threats of bankruptcy or insolvency if Cornell could not become involved. So, we acted in good faith. We thought we were helping the situation. There has been absolutely no follow through on our agreement, no marketing of the condos has taken place and no investment has been made to finish the existing buildings or to construct the remaining buildings.

In a separate agreement dated December 22, 2010, Iron Hill Properties agreed to provide a pool by June 30, 2013 yet there is no mention of a diagram of a pool in the plans submitted to you that you have been looking at. We believe this fact reveals that Iron Hill Properties intention to breach our agreement with regard to the pool. I have a copy of the agreement with me that shows that that pool was to be considered in the development.

We believe the rezoning would leave Land Development or Iron Hill Properties, actually, open to pursue the type of business format they do best and that is renting. We do not want to be owners of a rental development especially a non 55+ community.

Lastly, we were contacted by Lang Development and pressured to sign off on the rezoning strategy. We will not sign any such agreement and ask that the Planning Commission as well as City Council honor our right to receive the type of housing environment and lifestyle that we paid for. We ask you to address our concerns and value the integrity of our contracts and legal rights to a Twin Lakes condo community that remains 55+. Thank you.

Ms. Feeney Roser: Mr. Murphy, I just wanted to point out, when you began your remarks, you mentioned the possibility of partially rezoning the property. That is not something that the applicant suggested. It is something that the Planning and Development Department suggested that the Commission could consider. The suggestion to consider partial rezoning was contained in my report to the Planning Commission and the applicant didn't know about it any sooner than the Commission did. So, I apologize for any confusion regarding the suggestion.

Ms. Brown: You say you signed this agreement in 2010. Have you sought legal counsel and have you brought suit for action?

Mr. Murphy: We have sought advice. I have not really contracted with a lawyer yet, but he has advised us to go to the meeting tonight and fact find.

Mr. Hegedus: The crux of the argument put forth by Iron Hill Properties, is that with the depressed property values that it is beneficial to you, the homeowners as well, because the property values will go up with this other development. It sounds, from your remarks, that your primary concern is the 55+ lifestyle that is there and, of course, you would like property values to return to where they were, but you don't see the proposed solution as outweighing your lifestyle concerns. Is that correct?

Mr. Murphy: That is correct. I believe we have lost value in the property already and I think the type of development that is being considered, if it is non 55+, is going to further devalue the property. There is a market starting to return for 55+ communities and we have had people come into our neighborhood trying to find out what is going on, and there is no information available to them. We have had people specifically stop at my door and ask about 55+ communities there, not knowing what we were because there is no marketing and no advertising. So, we have tried to give them information and they go down to the club house and talk to Cornell; and Cornell says they don't know anything. Then the realtors in the area, because there is no information available, say you better be careful. So, the potential new homeowners are being warned off of the property. If there were marketing, I think they would start to sell a few more of the units.

Mr. Hegedus: There was one more suggestion put forth that with the townhomes on half and Newark Charter High School being built, the proximity of those two things would significantly affect the 55 and over community and so, therefore, no one would want to

come. Do you see any impact on your perception of a 55 and over community with those two things?

Mr. Murphy: The entrance to the Charter School, I don't think is going to make that much difference to it. It creates a little more traffic but our buildings are off-set. And, people looking for 55+ a little bit upscale community will still look at our properties. I understand that we have lost some value and there is some decrease in value because of the market, but they are still viable properties. We feel we have been left out to dry.

Ms. Linda Magnum: 503 S. Twin Lakes Blvd., the townhome community. I feel bad. I understand the situation that they are in, but when I originally purchased my townhouse I bought my townhouse with the idea that there was going to be a finished adult community and, of course, finished townhomes, and that all the properties would be homeownership, not rental. And, that is the part that I am just not very happy about is having rental properties, because in addition to them already having decreased values in their homes, then I am going to wonder what those rental properties are going to do to the townhouse and my value that I have currently in my own home. So, that is, basically, my only concern. I would like to see their property finished because I also had the idea that I might live in my townhouse for ten years (because I was not 55 when I bought my townhouse) and I am now with the idea that in 10 or 15 years I might sell my townhouse and move over to, maybe, the adult community, which is ideal for me. That is how I was thinking. I could not afford to purchase the price that they were in so I could only afford to buy the townhouse that was there, so that is why I am there vs. in the adult community. That is how I was thinking. Maybe I am the only one in my townhouse community that is thinking that same way. Like I said, I would like to see them all be homeownership vs. rentals.

Ms. Feeney Roser: I just wanted clarify for you, there really is no change in whether or not a property can be rented or not. It has always been that it is deed restricted to the number of unrelated individuals that can reside in any part of this development.

Ms. Magnum: I didn't really understand that, so I assumed that it was all homeowners.

Ms. Jean Williams: 203 N. Twin Lakes Blvd. I am here to speak on the zoning request and I support changing to mixed ages. I bought my property in the fall of 2006 and I moved into my house in the fall 2008. Due to my personal situation at that time, I needed a place with three bedrooms on one floor, a front door, I wanted my grass cut and my snow removed and that is what I got. I wasn't looking for a 55 and over community. I really just needed those other amenities. So, what I wanted to speak about is the future of communities with age restricted zoning, specifically 55+ zoning.

As some of you know, I worked in the field of aging as the director of the Newark Senior Center when Fountainview was being planned I talked to them about what they were doing. Since I left the Center in 2006, I have been delivering workshops focusing on the boomer generation and how they differ from the generation that came before them. I am interested in all aspects of boomer lifestyle, post fulltime work. I try to stay current on what is being written about this time in these people's lives. I am interested in how they make their choices, how they like to be treated, what they like to do, including where they like to live. The reading I have done leads me to believe that this new generation of 55+ people will not want to live in single age communities and they will be looking for different amenities than the generation before them. I think you mentioned about golf courses and I was just at planning conference that the University of Delaware held and our keynote speaker spoke to the fact that as they look at what people are asking for in communities, golf courses are not something people are looking for. To reinforce this idea, I would like to read from an article that is a blog that is written by Phillip Langdon of New Urban Network, and I have some information on him is anyone is interested. Mr. Langdon has written several books on Americana and articles on suburban life. He has been an editor of several publications including Progressive Architecture, American Enterprise and currently The New Urban News.

Mr. Bowman: Ms. Williams, I hate to interrupt you but we are sort of drifting outside the purview here.

Ms. Williams: What I wanted to show you was actually what we have been talking about, and my point is you are the Planning Commission and you should be looking at the future of Newark, and what is the future of Newark and this space. I believe the future is mixed age because I believe that is the future of the planning and single aged communities in 10 to 20 years are going to be what people are looking for. People are going to be looking to stay in their homes. They can't sell their homes because the market is depressed.

My final comment is that if one's idea of a 55+ community is safety and quiet solitude then having a high school as a neighbor diminishes that. I believe that we are going to be effected by high school students – 350, 500 whatever – coming and going during the day and evening. So, I think that makes marketing our community as a 55+ community very difficult.

Ms. Kay Lutz: 306 N. Twin Lakes and I think I was the third person that moved in there when it first came to be. I have been quite content because it meant no more grass cutting and you don't have to worry about snow and things like that. As far as the pool, and I have mentioned this before but met with some very unpleasant responses. People, apparently, don't appreciate what goes on at the Newark Senior Center which has a very nice swimming pool at a reasonable cost. Also, in the summer, the University pool is wonderful. Also, the City has a trail and the Senior Center has a group of people who meet and go on the trails together. So, the opportunities are there and ultimately I don't think that people are realizing how much the recession affected everything. Maybe you are not into IRAs but I know of a number of people who when they get their statement, they don't even want to open it for awhile because of the direction it is going. There are so many things that you can't forecast have come about. I am strongly, strongly saying open it to any age group. We don't have to have a 55+ community.

Ms. Virginia Locke: As a disclaimer, I am Christopher Locke's proud mother.

Mr. Bowman: Ma'am, you have to state your name and address.

Ms. Locke: 201 Twin Lakes blvd. He is a wonderful son, husband, father of six, but would this have been enough to make me invest in the Village of Twin Lakes? Absolutely not. Knowing Jeff Lang to be a descent man, good husband, father would still not have motivated my husband and I to buy there.

Mr. Bowman: Ms. Locke, we will attest to the character of your son and Mr. Lang. Are you in support of the rezoning or not?

Ms. Locke: I would like to continue and finish. It will only take about two minutes. I may be a little biased, but I always speak my own mind; in some cases much, to his consternation. We believed in the Village of Twin Lakes. We had lots of plans (my husband and I) and looked forward to all the amenities we would enjoy. Unfortunately, the best laid plans often go south as did the economic situation of our country shortly after we bought. Jeff and Chris had a beautiful community planned. It can still be a beautiful community, just different. We should not be here to cast blame over this situation. We should be here to find a solution to make the future better for all the residents of Twin Lakes. For those of you who are so unhappy living at Twin Lakes, ask yourselves what you can do to change things. Do you want to sell? Then you must open the up the field of buyers. Our potential buyers are a small group being made smaller by our competitors of over 55 developments offering a lot of amenities Lang Development Company can no longer afford. More importantly, our small community could not afford the expense of maintaining them, if we had them. I live in an 140 house community in Rehoboth Beach right now and I can tell you we have a pool and what it costs to maintain that pool. Give us a fair playing field with buyers of all ages. Let's change our status. The new townhouses in our area sold very well open to all ages. Our condos are lovely. Our site is lovely. Our over 55 designation no longer is. For the past two years, my husband has been dealing with deteriorating health. I need to know that, if faced with having to sell, it will be easier than it is now due to our age restriction regulation. I, myself, thirteen months ago went from the picture of health one day to suffering a stroke the next day. None of us has a guarantee on tomorrow. If any of you plan on leaving your condo to your heirs, don't make it difficult for them when they would like to sell it

and find very few age appropriate buyers. No one likes change but this would be a liberating change for all – a new beginning. Weigh the expectations of Twin Lakes years ago against the reality of Twin Lakes today. Let's make the best of it. Life is too short to stay in the negative.

Mr. Russ Crook: 202 N. Twin Lakes Blvd. Right up front, I am in favor of this rezoning, but of the entire side, not that split idea that was mentioned at the beginning.

My situation is a little different. My wife (Donna) and I are UD grads. Donna is a Newark native. Our primary residence is in New Jersey at this time. I have a business up there. This is our vacation condo, believe it or not. There are people in central New Jersey that think I am nuts, but we love what is happening on Main Street. We love the new Pomeroy and Newark Trail. Those are great trails. Whatever little trail that is going to be around Twin Lakes is meaningless. I think we have an opportunity, on southern South Main Street, to have a decent community down there, if we get this thing changed. There is a high quality high school, from everything I understand. The property has already been divided where half of it is not age restricted. It makes no sense at all to put a pool in there for the little half of the community we have now. I am, frankly, very concerned about the condo fees going forward not just for the pool but considering we have to insure those buildings. They are very expensive major structures we have there. The main structure is insured by the Association. I'm not sure \$180 is enough. I know it is not enough when we include the water that is included in our condo fees. So, I don't mean to get into numbers like this, but I am strongly in favor of this changing. We do hope to make this our primary residence. We are here a lot. We love everything about UD – the sports, the athletics, the arts, the theater. We love this place and we really want to see this completed. So, please do support the change.

Ms. Susan Mayhew: 303 N. Twin Lakes Blvd. I wanted to make a couple of points. One being, it is my understanding that there are 16 units at Fountainview that have sold just this year. They may have only sold two last year, but my understanding is they built and sold eight and they are now building another 8 that are sold. So, someone is interested in 55+. That leads me to ask the question, where else in Newark is there 55+? You don't have a great deal of over 55 zoning or housing available in Newark. The other point is, this agreement that was to provide the pool by June. The reason we signed the previous agreement was to do several things; 1) to get the money from this part to finish. We were assured that that money would transfer once Iron Hill Properties was able to sell that then they would have funds and they would finish. We haven't seen any funds yet. Another reason we agreed to the rezoning was that we would have the amenities that were originally part of the sales pitch, and that we very simply the fountain in the lake and the walking trails that are insignificant, that is true, but if they were there we could use them and they were part of the deal, and the pool, which was also part of the deal. So, when we signed that agreement, we did so with the understanding that we were going to get something back. We didn't just throw this away because we felt it did change our community significantly. Also, most of the people who want to change the zoning are people who want to sell and leave. I do not want to change the zoning because that is where I want to live and I greatly enjoy my neighbors and I enjoy the quiet, and I like the 55+ zoning, and how many times has this zoning changed in the last five years? Three times. I thought when you went to buy a property you checked the zoning and you could rely on it. I did not realize it was such a transitory thing, as it has turned out to be here in Newark. I am a little taken back by that and kind of upended.

Mr. Locke: I wanted to comment on a couple of things Mr. Murphy had said. He said he represents the majority of homeowners. He represents four units. There are a total of 28 units. That means he represents 14% of the unit owners. Second, he made a comment that Cornell Homes does not market the 55+. I have in my hands here all the people who came in 2010, 2011 and 2012 that were exclusively looking for 55+. I have another stack back in the office that was looking for 55+ or non 55. The majority of these buyers have been decimated by the economic situation. They just cannot sell their home to be able to buy in another community. Just so you know what happens, Cornell calls each buyer that comes in, gets all the information and really tries to see what level of interest they have. They get feedback, and time and time again when we see the comments there are items such as economic situation, I can't sell my house for what I thought it was, maybe 5 years

from now, maybe 2 years from now. This shows, based on the success of this and based on the nonsuccess of this that the 55+ community in all honesty has probably seen its best days.

Mr. Bowman: I'm going to bring it back to the table for any further discussion.

Ms. Brown: How many current owners are there in those two buildings?

Ms. Feeney Roser: Eight.

Mr. Lang: Each building has 8 units. Of the 16 units that have been built, 8 of them have been sold. There are 12 other units that are unsold which we retain ownership of and have to maintain and pay a condo fee for – meaning Iron Hill Properties. So, Iron Hill Properties pays 20 of the 28 condo fees every month. If you think of the financial burden of carrying unbuilt units, let alone built units, it is a tremendous economic burden for any entity going forward. We have been doing this for six years. There are 28 actual owners because there are 28 condominiums. Some of them aren't built yet. We own 20. There are 4 homeowners that support and 4 homeowners that don't support. Technically, 85% of the homeowners support the rezoning.

Ms. Dressel: There are eight units in each building. How many units are occupied in each building?

Mr. Lang: There are 8 units occupied by homeowners. Three are rented to qualified renters, two are models and three are unfinished.

Ms. Feeney Roser: How many vacancies do you have in each building?

Mr. Lang: There are three unfinished units and two models of the 16. So, there are 5 unoccupied units.

Ms. Pat Brill: Have you considered buying out the dissatisfied owners since they think, perhaps, there is a breach of contract?

Mr. Lang: Over a period of a number of meetings, we talked about some different options. The question is, what do you buy them out for if there was an opportunity to do that? The only realistic option is appraised value which we discussed. They should get their units appraised and we could have a logical discussion on that point. We did reach out to the group a number of times to sit down. I did individually over the last month to come and explain the economic dynamics of the project. I am more than happy to continue those discussions with the homeowners, but you would have to appraise the units and then we could have a level of discussion. Their discussion point is buy us out for what we paid for them. It is nice to buy someone out for \$100,000 more than what it is worth, but if I tried to do that, I would have to go to my bank and borrow the money to buy them out. It is just like you buying a house for \$300,000 appraised for \$200,000. Your bank is going to lend you based on the appraised value only. So, where do you come up with the money to buy them out?

Ms. Brill: There might also be value to having the good faith, so you might, I'm thinking, have to pay over market value.

Mr. Lang: If we had the money, we would be more than happy to, but the entity doesn't have money. I think we elaborated more than we typically do in the detailed letter we gave you but the entity doesn't have the financial stability to do that. It is actually amazing the entity can continue to support the condominium fees as well as the remaining debt on the property. So, it is an unfortunate economic reality of real estate development. Some projects work and some projects don't. We are lucky that we are in Newark, Delaware because if you were in other parts of the country, it happens widespread in other markets. We have actually had meetings that the Attorney General attended because they asked the Attorney General to come and talk to the group. The Attorney General actually stood up and said that this developer has done by far more than any developer that I have attended any of these meetings. He is actually at the meeting,

he is giving you full disclosure of every information you need. Jerry Clifton, one of your Councilmen, attended and he said he can't even get a meeting with Corrozi. Corrozi won't even have a meeting with him. They won't even disclose any information to them. We actually exposed ourselves to the group and have given them every piece of information we can.

Mr. Bowman: Folks, I want to bring it back to the issue before us. The issue before us is the rezoning and a major resubdivision. We have heard a lot of support information here tonight. We have a recommendation from the Planning and Development Department. Let's bring it back to the table for any further discussion or questions.

Mr. Cronin: If there was this agreement in place when you built the townhomes to use resources and funds from that effort to build out the remainder of the condominiums, what happened to that?

Mr. Lang: There was not an agreement to use the resources. There was an agreement to ultimately, hopefully build this side of the project out. You can't commit dollars that aren't available here to build over there. When we proposed the rezoning, we had no idea what the lots would be sold for. We didn't have an agreement with Cornell. We didn't have an understanding of what our bank was or was not going to allow us to do. Obviously, the banking industry has changed dramatically over the last two or three years also. So, what banks were willing to do when we started this project and what banks are willing to do today is a completely different story. So, what would you do, basically? Would you build more unbuilt units because we have eight unsold units here. So, the discussion was that if we sold these units, the bank allowed us to build these units. The bank is not going to allow you to build units for sale on speculation. It is basically spec houses. What is a builder allowed to do with a spec house now? You can barely even get a spec house in a project. They used to build five. So, now if you can get a spec house in a project, it is a miracle. They are building the Wilson Farm down the street with no spec house. So, they are going to try to use a model in the second or third group of townhomes once they get six or eight of them sold. Basically, you have to sell these before you can build them. So, you can't go to the bank and borrow the money. The bank is not even going to lend you all the money anyway. They are going to make you put in 20% or 30% of the equity associated with it because that is the banking world now. We have to remember that we are not only going through a tremendous economic depression or recession in values we also went through a tremendous banking change over the recent three or four years. The way banks lent money and the way they assess projects and the way they review a project is totally different.

Ms. Brown: I have been to these condos and, quite frankly, I don't think there is enough guest parking. So, I would propose that if this does get passed in light of the police suggestion that no on-street parking be allowed, that additional guest spaces be built. I don't know where you are going to do it, but I don't think there is enough parking because every time I've been there people have had to park on the street because there is not enough guest parking.

Mr. Charma: With all due respect, the plan does meet the Code. It is over parked by Code. In the proposed duplex units, they have very long driveways. We had this discussion with the Planning and Development Department about guest parking. They have long driveways. They are much longer than most residential driveways. The only other place we could create parking is on the inside of the horseshoe. In all honesty, I think it would detract from the aesthetics that we tried to create when we did the original land plan irrespective of whether it was age restricted or fee simple units. It would also interrupt around that inner horseshoe. You can see on your plan that there is a darker hatched area. That is a filter strip for stormwater management for water quality. It would also interrupt that function around this inner horseshoe. So, again, I would defer to Planning and Development for recommendations, perhaps, if that becomes a condition of the Commission's recommendation.

Ms. Brown: I'm just saying from experience, there is not enough parking; that when we have been there for meetings people have had to park on the street so that opens people up to getting tickets.

Mr. Hegedus: The exact police recommendation is to build guest parking similar to what is on S. Twin Lakes. What is on S. Twin Lakes?

Mr. Locke: This S. Twin Lakes.

Mr. Hegedus: Right. So, what is available there for parking?

Ms. Feeney Roser: For your extra parking, where is it on S. Twin Lakes.

Mr. Lang: It is down here. So, you have parking down here, probably 12 spaces for 60 units.

Mr. Hegedus: It is just a little extension of the road, right?

Mr. Lang: Right.

Mr. Charma: The general rule of thumb for a multi-type family development is one guest space for every four units. That sounds low, but that is the general planning recommendation.

Mr. Lang: Also, I think one of the things we are missing. These eight spaces are used presently by residents because residents don't feel the requirement to park in their garages because there are not a lot of other people demanding parking. But, if the residents in their condo association meeting said let's free those spaces up because they can do that, you have eight spaces for 28 units, you have 12 spaces for 60 units. Actually, your ratio is higher here than it is here and that is what the Police Department was requesting.

MOTION BY DRESSEL, SECONDED BY BRILL THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. RECOMMEND THAT CITY COUNCIL APPROVE THE REZONING OF THE 7.65 ACRE PORTION OF THE VILLAGE OF TWIN LAKES FROM AC (ADULT COMMUNITY) TO RM (GARDEN APARTMENTS), AS SHOWN ON THE ATTACHED PLANNING AND DEVELOPMENT DEPARTMENT EXHIBIT A, DATED SEPTEMBER 20, 2012; AND,
- B. RECOMMEND THAT CITY COUNCIL APPROVE THE VILLAGE OF TWIN LAKES MAJOR SUBDIVISION PLAN, AS SHOWN ON THE LANDMARK ENGINEERING, INC., PLAN DATED AUGUST 16, 2012 WITH REVISIONS THROUGH SEPTEMBER 9, 2012 AND WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS.

Mr. Bowman: Is there any further discussion for clarification of the motion only?

Ms. Feeney Roser: In the Planning and Development Department Report in the Subdivision Advisory Committee, there was a suggestion about splitting that zoning, and I think we heard tonight that there isn't anybody in favor of that. You might have to take that out of the motion.

Mr. Bowman: For clarification delete the reference to splitting the zoning.

VOTE: 5-2

AYE: BOWMAN, BRILL, BROWN, DRESSEL, HEGEDUS

NAY: CRONIN, JOHNSON

MOTION PASSED

3. DISCUSSION ON THE CITY'S "PLAN FOR PLANNING" REGARDING THE UPDATE OF THE COMPREHENSIVE DEVELOPMENT PLAN.

[Secretary's Note: Mr. Fortner and the Commissioners referred to a PowerPoint Presentation Mr. Fortner brought for his update for the Planning Commission].

Mr. Mike Fortner: I am here to give you a progress report on the Comprehensive Development Plan. Last Tuesday, November 27th, we had another drop-in open house for transit planning. There is a committee called the Newark Transit Subcommittee and they helped host this meeting. It was for the Comp Plan and also their Work Plan. We had 22 stakeholders participate. 18 were first time participants. We had live Tweeting (2). We have had 130 individuals sign up for our e-newsletter.

This time we did a self-identification. When people signed in we asked them to identify themselves. 13 people were residents, 6 said they were with an advocacy group, 4 were students, and 4 were with some sort of governmental agency – WILMAPCO, DART or the CITY.

Again, we did a SWOT analysis (strengths, weaknesses, opportunities, threats). We did this in the context of transit. What are the good points about transit in Newark, what are the weaknesses, what are the opportunities, and what are the threats? What you have is the raw data that people wrote on those boards. I divided them into two general themes for my reading of what people thought were transit strengths. The two things that they cited and categorized. First of all, we have a variety of services. We have trains – Septa, Amtrak. We have four bus lines – DART, Unicity, Greyhound, and the UD Bus Service. We have a lot of different varieties of transit services. The people cited that as a strength in our community. The second element that they thought was a strength was that we have elements of a transit oriented development. We have the centralized Transit Hub, we have a walkable community, and in many areas we have a density that makes it somewhat transit friendly.

Weakness, it might not be surprising but there was a more complex set of weaknesses. The general categories were cited as a lack of frequency and reliability of the transit services. The buses are not dependable, they are not frequent enough to make them useful was number one. Also notes was a lack of coordination and connectivity with the bus routes and the train lines and the airports. There is not, for example, a great way to get to the airport using transit. Connectivity with one bus meeting another one or getting to the train lines or getting to points outside the City. The airport was the number one thing, but there were other things.

The third thing was, there is a lack of good Newark specific information on transit services. People didn't know the Unicity routes; the bus routes are confusing. There is a place on the DART website that you could use, but there is not a lot of good information on how to use transit in Newark.

Finally, we had a lacking of transit amenities like bicycle racks at bus stops and a park n ride on Rt. 896 that would be helpful.

Transit opportunities – they wanted to coordinate or combine resources from DART, the University and Unicity to improve the frequencies and connections. They thought that was an opportunity. We have three big bus lines and if we somehow coordinated them and combined resources we could have an improved bus system.

Rail expansion and connection with Septa and MARC – they see that as a great opportunity for transit in Newark as well.

Finally, they see economic development to downtown as an opportunity for transit to bring people that are outside the City into downtown.

Transit threats are lack revenue and funding to improve transit. The second threat was problems with frequency, connectivity and reliability discouraging people from even riding or exploring the opportunity because they just give up on it.

At the session we also had a dot exercise where we asked people what are the three most important benefits of public transportation in Newark. Number one was to decrease traffic congestion, number two was decrease dependency on single occupancy vehicles, number three was provide safe reliable circulation links to points outside of Newark, and protect the environment, reduce pollution and increase energy efficiency. Some others were economic development, provide safe reliable circulation links in points within Newark. Under Other, someone wrote down, transportation for those who desire and/or need to use public transportation and promote the public health. The things that were listed but did not get votes were increased housing options. It can be an important goal of public transit that allows someone such as the elderly who can't drive, if they live in a place that is transit oriented, they could still live there and not be dependent on a single family car. It would increase housing options for those folks. The other one was enhance aesthetic quality of the roadways. Transit oriented development tends to focus on making communities walkable and encourages a certain density and if you had a nice streetscape it would encourage transit use. This gives us an idea of why people think transit could be important in Newark. The group was, obviously, people that are more transit focused and are working on it. It is not a broad enough sample. I would like to test this exhibit more in more different places and see what kind of responses I get.

The next upcoming meeting is on Thursday, December 6, 2012. It is another drop-in meeting. You can come in for 5 or 10 minutes and participate between 4-7 p.m. It is in the Newark Council Chamber. It is sponsored by City of Newark Bicycle Committee and WILMAPCO. We are working together on this workshop to support the Newark Bicycle Plan but also the bicycle transportation element of our Comprehensive Plan. In January, we have scheduled three meetings. There is a neighborhood meeting on the north side A, B and K Sections scheduled for January 17, 2013 at the Wilson Center. We will do outreach in that community specific to planning concerns in that community and can be an outreach citywide as well. We will have maps of those areas and the land use there. They can see what is around in their neighborhoods and what the Comprehensive Plan says for their areas.

The south neighborhood meeting will be held at the Newark Senior Center and that will be on January 22, 2013 and the following day we will do the central region and that will be held at the Newark Free Library. All workshops are from 4 – 7 p.m. and they are all drop-ins.

I also wanted to inform you that the website has been up and this is the home page. When you click on the city website, this is a little banner ad. It changes, but the first thing that comes up is the Comprehensive Development Plan. You click on that and you will come to the Comprehensive Development Plan update page and you can read a copy of the current Comprehensive Plan and find out when new meetings are coming up. This PowerPoint will be up by tomorrow. All the exhibits and results from the exhibits are tabulated out and put online. If you go to public participation, you will find all the information that we collected from that meeting so it is up there for people to look at and read.

I have met with the Conservation Advisory Committee and Design Committee today and we have done a lot of outreach and we will be continuing that.

Ms. Brown: I have a couple of comments. The first one is, having used Septa as much as I can, it would be really nice if we did increase transportation of Septa. Often times you cannot find a place to park in the parking lot near the old Chrysler Plant. There are a couple of problems. There are only two or three trains in the evening and two or three trains in the morning and there is nothing on the weekend. So, often we have had to drive to Claymont or Wilmington. I have even taken the train to go to airports so, I think if we could increase that. There is a whole ripple effect from that. If you get good public transportation, especially for trains because buses get caught in traffic jams, then people will buy houses or want to live there because they can get to where they want to get from their jobs. The other thing is, having just been in Amsterdam, it is amazing. Everybody rides bicycles. One of the reasons that people ride bicycles is because it costs 4 Euros an hour to park your car in city center and they have a sidewalk, then a bicycle path and then the roadway everywhere. I don't know if there is something we could do because I don't

feel particularly comfortable riding my bicycle on the City streets. When we used to live in Europe, I used to ride my bicycle everyday to the grocery, the meat market, I went everywhere. Since I came back here, I don't do it.

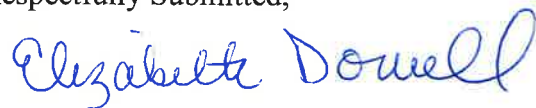
Mr. Fortner: There is an opportunity with the MARC and the Septa and the STAR Campus development that there could be more frequent service there. So, there are a lot of opportunities for that. In terms of the bicycle, I would encourage you to come on Thursday and you can share that. We are looking for places, for example, where we think there are dangerous areas in the City to ride.

Ms. Brown: Main Street.

Mr. Fortner: We have plans for Main Street. There are limited opportunities on Main Street in terms of bicycles, but one of them that we are looking at is Sharrow, which might not be satisfying for someone like a B or C cyclist, but for people who are commuters or A level cyclists, it is a designation on the road that tells motorists that it is a shared lane for bicyclists and cars and gives them a designation where it keeps them away from the car doors opening up. It is something that is becoming more common in urban areas that they use where there is parking on both sides of the streets and you can't put a bike lane in there. So, that is an option for Main Street that we are encouraged by. There are other problem hot spots in the area but, hopefully, we want to make Newark a better place to ride bicycles.

There being no further business, the Planning Commission adjourned at 8:37 p.m.

Respectfully Submitted,



Elizabeth Dowell
Planning Commission Secretary